

Allerdale Borough Council

Overview and Scrutiny Committee – 26 July 2019

Councillor Call for Action – Flimby Cemetery

The Reason for the Decision	The Council has received a Councillor Call for Action. The Constitution requires unresolved issues to be submitted to the Overview and Scrutiny Committee for consideration.
Summary of options considered	<p>Options considered include:</p> <p>The Committee determines that the decisions and actions implemented to date are appropriate and no further action is required;</p> <p>The Committee decides the issue requires further investigation and orders an investigation to be carried out.</p>
Recommendations	<ol style="list-style-type: none">1. The Committee will consider the Councillor Call for Action submitted by Councillor Peter Kendall;2. The Committee will determine if attempts to resolve the issue have been satisfactorily carried out, or whether further action is required.3. The Committee will determine if an investigation is required.
Financial / Resource Implications	The Task and Finish Group will require officer support and resources.
Legal / Governance Implications	The Task and Finish Group will be required to report its work, findings and recommendations to the Overview and Scrutiny Committee.
Community Safety Implications	There are no direct implications from this report.
Health and Safety and Risk Management Implications	There are no direct implications from this report.
Equality Duty considered / Impact Assessment completed	There are no direct implications from this report.
Wards Affected	Flimby

Portfolio Holder	Councillor George Kemp
Lead Scrutiny Member	Councillor Alan Pitcher and Councillor Iain Greaney – co-chairs
Lead Officer	Ian Hinde Policy Officer (Scrutiny and Partnerships) 01900 702544 ian.hinde@allerdale.gov.uk

Report Implications (Please delete where applicable).

Community Safety	N	Employment (external to the Council)	N
Financial	Y	Employment (internal)	N
Legal	Y	Partnership	N
Social Inclusion	Y	Asset Management	Y
Equality Duty	Y	Health and Safety	Y

1.0 Introduction

- 1.1 The Councillor Call for Action is essentially about empowering the ward councillor to resolve local issues. However, for the issue to come before an Overview and Scrutiny committee, it is expected that all other avenues of resolution are exhausted first.

2.0 Details of the scheme extracted from the Constitution

- 2.1 Under Section 119 of the Local Government and Public Involvement in Health Act 2007, members now have the ability to call for debate and discussion at an Overview and Scrutiny committee about a local ward issue. These powers are known as the Councillor Call for Action (CCfA).
- 2.2 The Member(s) submitting the Call for Action may be asked to evidence attempts to resolve the issue as part of the consideration of the CCfA request. Some options for resolution are listed below:
- (a) Discuss the issue with the relevant senior manager, service manager or another agency, for example Cumbria Police;
 - (b) Discuss the issue with the relevant Executive Portfolio Holder;
 - (c) Questions raised at Executive or Council.
- 2.3 CCfA cannot consider the following items:
- Individual complaints. If the issue is a complaint about Council services then refer to the Council's Official Complaints Procedure on the

Council's website. However, if a series of local constituents' complaints demonstrate a systemic failure in a particular service area in a single ward, then this may be an appropriate issue for a CCfA;

- Individual 'quasi-judicial' decisions (e.g. planning and licensing decisions) or to Council Tax or non-domestic rates. These kinds of concerns are subject to their own statutory appeals process;
- Matters which are 'vexatious, discriminatory or not reasonable'. Under the Freedom of Information Act 2000 the key question around vexatious is 'whether the request is likely to cause distress, disruption, or irritation without any proper or justified cause'.

3.0 Considering a Councillor Call for Action request

- 3.1 At the initial meeting to consider the request for a CCfA, the Member making the request must attend the meeting to make their case. If the Member is unable to attend, the request may not be considered and be deferred to a future meeting.
- 3.2 The relevant senior manager and the Executive Portfolio Holder may also be in attendance to give their perspective on the request.
- 3.3 The Overview and Scrutiny Committee will consider the request and decide if it is a valid use of the CCfA scheme. If members conclude that the request is a valid use of the CCfA scheme, an investigation will be carried out into the issue.
- 3.4 If members conclude that the request is not a valid use of the CCfA scheme, the reasons will be recorded in the minutes.

4.0 Next steps

- 4.1 If the request for a CCfA is considered valid and the Committee is satisfied that attempts to resolve the issue have been carried out, the Committee will need to determine if further action is required.
- 4.2 If the request for a CCfA is considered valid and an investigation is required, this will be carried out by officers and a report submitted to the Overview and Scrutiny Committee.
- 4.3 At the discretion of the Chair, members of the public attending that meeting may be permitted to address the Committee. All rules within the Overview and Scrutiny Public Participation Protocol will apply when members of the public are addressing the Committee, with the exception of the requirement to register in advance.

5.0 Recommendations

5.1 It is recommended that:

5.1.1 the Committee will consider the Councillor Call for Action submitted by Councillor Peter Kendall;

5.1.2 the Committee will determine if attempts to resolve the issue have been satisfactorily carried out, or whether further action is required.

5.1.3 the Committee will determine if an investigation is required.

Ian Hinde
Policy Officer (Scrutiny and Partnerships)