

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

1 April 2009

Report of the Chief Executive

Part 1- Public

Executive Non Key Decisions

1 RECOMMENDATION FROM SCRUTINY COMMITTEE – COUNCILLOR CALL FOR ACTION

To endorse recommendations from the Scrutiny Committee

1.1 Background

- 1.1.1 The Scrutiny Committee gave consideration to the proposal contained in the Local Government and Public Involvement in Health Bill regarding the introduction of a 'Councillor Call for Action' (CCfA). It was noted that further guidance would be issued on this power prior to its anticipated introduction in April of this year.
- 1.1.2 The report noted that, in most cases, issues of concern raised by ward members were usually able to be resolved via informal channels and that the need for a more formal stage whereby matters could be referred to the Scrutiny Committee for consideration were likely to be rare.
- 1.1.3 The only one matter highlighted which required an amendment to existing Scrutiny Committee rules was that, once the CCfA power was introduced, any member of the Council could refer a matter to Scrutiny. The Council's Constitution currently limits this to members of the Scrutiny Committee only. In addition, in seeking to make that referral, the Scrutiny Committee report noted that additional information would be required to set out the issue under referral, what informal attempts had been made to resolve it and what should be the focus of concern when this was considered formally by Scrutiny Committee.
- 1.1.4 The one potential issue which would need to be clarified when formal guidance is issued relates to the potential to use CCfA in two tier areas, where the matter of concern at the borough level relates to a function of the County Council.
- 1.1.5 Accordingly, the Scrutiny Committee recommended:
- (a) that Cabinet **BE RECOMMENDED** to adopt the process to deliver the Councillor Call for Action based on the suggestions contained in the Scrutiny Committee report [as described above];

(b) That a further report on CCfA **BE MADE** on publication of more detailed operational guidance by Government.

1.2 Legal Implications

1.2.1 Any changes that might be required to the Council's Constitution would need to be the subject of a separate report from the Monitoring Officer and approved by Council. The appropriate time to consider this matter formally would be after the final guidance for CCfA is issued.

1.3 Financial and Value for Money Considerations

1.3.1 None

1.4 Risk Assessment

1.4.1 None

1.5 Recommendations

1.5.1 That a further report on the CCfA process **BE MADE** on publication of further guidance and any constitutional amendments that may be required **BE REFERRED** to Council after prior consideration by the Monitoring Officer.

Background papers:

contact: Mark Raymond

Nil

David Hughes
Chief Executive