

A Guide to Overview and Scrutiny

2024





Northumberland
County Council

A GUIDE TO OVERVIEW AND SCRUTINY

2024

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1. What is Overview and Scrutiny

- 1.1 Overview and Scrutiny is a central part of the Government's drive to modernise local government to ensure that we provide better public services.
- 1.2 The council's decision-making arrangements are split into two elements – the executive and the non-executive – as established by the Local Government Act 2000. Section 21 of the Act covering overview and scrutiny is attached as Appendix 1.
- 1.3 The executive role, through the Cabinet, includes responsibility for all the Council's functions, which are not within the specific remit of any other part of the Council.
- 1.4 Executive councillors propose and implement policies, non-executive councillors review policy and scrutinise decisions. The aim of overview and scrutiny is to make the decision-making process more transparent, accountable and inclusive and improving services for people by being responsive to their needs.
- 1.5 For scrutiny to be effective, the process must be open, fair, constructive and positive. The aim is to challenge so improvements can be made, not apportion blame when things go wrong. The scrutiny process should be inclusive and aim to give all those who wish to contribute, whether as Councillors, Officers, Co-optees, experts or members of the public giving evidence, to feel valued and to be able to speak freely and openly.
- 1.6 The four principles of good scrutiny - Centre for Public Scrutiny:
 - provides "critical friend" challenge to executive policymakers and decision-makers;
 - enables the voice and concerns of the public;
 - is carried out by "independent minded governors" who lead and own the scrutiny role; and
 - drives improvement in public services.

2. Overview and Scrutiny in Northumberland

- 2.1 Article 7 of the Council's Constitution sets out the role of the Overview and Scrutiny Committees (OSCs) as follows:

7.1 Terms of Reference - The Council will appoint one or more Overview and Scrutiny Committees to discharge the functions conferred by the Local Government Act 2000 NB Full Terms of Reference for each Overview and Scrutiny Committee are set out in Part 6 of this Constitution In considering membership of such committees, due regard should be paid to the potential contribution of community stakeholders outside the Council. The Committees

shall be entitled to co-opt non-members as non-voting co-optees as necessary for a particular matter that is subject to scrutiny.

7.2 **General** - Within their terms of reference, the Overview and Scrutiny Committees, and their subcommittees, will:

7.2.1 Review and/or scrutinise decisions made (and proposed), or actions taken in connection with the discharge of any of the Council's functions;

7.2.2 Make reports and/or recommendations to the full Council and/or the Cabinet and/or any policy, joint or Local Area Committee in connection with the discharge of any functions;

7.2.3 Consider any matter affecting the area or its inhabitants; and

7.2.4 Exercise the right to call-in, for reconsideration, (through the Chairs' Group) decisions made but not yet implemented by the Cabinet and/or any policy or Local Area Committee.

7.3 **Specific functions** - Within their terms of reference, Overview and Scrutiny Committees, and their subcommittees, may:

7.3.1 Assist the Council and the Cabinet in the development of the Council's Budget and Policy Framework.

7.3.2 Review and scrutinise the decisions made by and performance of the Cabinet and/or Local Area Committee and Council officers both in relation to individual decisions and over time.

7.3.3 Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas.

7.3.4 Question Members of the Cabinet and/or committees and chief officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives, or projects.

7.3.5 Make recommendations to the Cabinet and/or appropriate committee and/or Council arising from the outcome of the scrutiny process.

7.3.6 Review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the overview and scrutiny committee and local people about their activities and performance.

7.3.7 Report and make recommendations to the Council or Cabinet on matters which affect the Council's area or the inhabitants of the area, and

7.3.8 Question and gather evidence from any person (with their consent).

- 7.4 **Overview and Scrutiny Budget** - Overview and Scrutiny Committees have overall responsibility for spending the budget made available to them.
- 7.5 **Annual Report** - Overview and Scrutiny Committees must report annually to the Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.
- 7.6 **Proceedings** - Overview and Scrutiny Committees will conduct their proceedings in accordance with the Overview and Scrutiny Rules as set out in Part 13 of this Constitution.

2.2 Part 6 of the Council's Constitution further sets out the role of the Overview and Scrutiny Committees (OSCs). Key sections are set out below:

Section 1

1. Introduction

This Part sets out the role and functions of the Council's overview and scrutiny committees. These committees have a responsibility for holding the Cabinet to account for its decisions. They also have a responsibility to look at matters of importance to the area and the area's inhabitants. The Council's scrutiny committees can require the attendance of Cabinet members and certain senior Council officers – they can also require the attendance of certain NHS staff. They can also require that certain information held by the Council is provided to them. Finally, scrutiny committees can require a response from the Cabinet and certain NHS bodies to the recommendations that it makes. The agendas of scrutiny committees are developed entirely independently of the Council's Cabinet, and are based on a transparent process of prioritisation which is set out in this Part in more detail, and separately in the Executive-Scrutiny Protocol. At Northumberland, scrutiny committees have a range of core tasks. These include:

- 1.1 To contribute to policy development on critical matters;
- 1.2 To investigate matters of interest and concern to the wider community – particularly if they relate to complex, cross-cutting and high profile challenges;
- 1.3 To keep under review the performance and financial position of the authority, and the authority's performance in engaging with partners, especially with regard to its commercial activity.

In carrying out these tasks, scrutiny also looks at how the Council works with its external partners. Some scrutiny business is carried out in formal committees, but committees can also set up informal "task and finish" groups to investigate certain issues in more detail. The meetings of scrutiny committees are held in public – the detailed rules for how these meetings are run are set out in Part 9, Section 5.

There are two Protocols which set out more detail on scrutiny's roles:

- 1.4 The Executive-Scrutiny Protocol, which provides more detail around how the scrutiny function will work with Cabinet in such a way that its independence is maintained;
- 1.5 A Protocol on Financial Oversight, Financial Management and Scrutiny. There are duties for scrutiny committees, the Audit Committee, and other parts of the Council in ensuring that financial matters are subject to rigorous and consistent oversight. This Protocol provides detail on how that works in practice – in particular, ensuring that the duties of various councillor bodies with regard to this issue do not overlap. There are also a set of Financial Procedure Rules relevant to this issue.

Section 2

2. The Role of Overview and Scrutiny at Northumberland

Northumberland has adopted a set of core tasks for its scrutiny function which reflect both the statutory powers set out above and the specific needs of the Council's governance framework. These core tasks are:

- (a) To contribute to policy development on critical matters;
- (b) To investigate matters of interest and concern to the wider community – particularly if they relate to complex, cross-cutting and high profile challenges;
- (c) To keep under review the performance and financial position of the authority, and the authority's performance in engaging with partners, especially with regard to its commercial activity.

2.2 To contribute to policy development on critical matters

This means that scrutiny committees will identify, through the work programming process described below, critical priorities for the Council and the area that it serves, and seek to undertake work to inform future decision-making on that topic.

2.3 To investigate matters of interest and concern to the wider community

Councillors will use their unique insight as elected representatives, supported by officer advice and information, as well (where necessary) as direct input from the public, to identify those issues which may be of significant interest and concern to a large number of people across the area, or a small proportion of people who have particular vulnerabilities and/or possess protected characteristics under the Equality Act. Matters of interest and concern to those living within a small geographical area will usually be considered by Local Area

Councils, unless the relevant scrutiny and the relevant LAC agree that those matters highlight a wider systemic issue that requires a corporate response.

2.4 To keep under review the performance and financial position of the authority

Scrutiny committees will have a shared responsibility with Cabinet, Council and the Audit and Accounts Committee for review and monitoring of the Council's financial position, particular with regard to how financial performance has an impact on service performance. Scrutiny committees will, in selecting items for consideration on agendas, have regard to financial and performance information in line with Section 8 below. More information can be found in the Protocol on Financial Oversight, Financial Management and Scrutiny.

2.5 The powers held by overview and scrutiny committees

In order to carry out its role and “core tasks”, scrutiny has various powers, provided by legislation. Sections 9F (and the following sections) of the Local Government Act 2000 require that councils operating “executive arrangements” have at least one overview and scrutiny committee. Northumberland has chosen to appoint 4 overview and scrutiny committees, whose structure is set out in section 5 below. Scrutiny has the power to make reports or recommendations on matters which affect the area or the inhabitants of the area. In fulfilling this broad function – which is clarified in the section below on scrutiny's role – scrutiny has various powers in relation to the Council and Cabinet, and in relation to other partner organisations.

2.6 Powers in respect of the Council

Overview and scrutiny committees have the power to scrutinise decisions made by the Council or Cabinet. In Northumberland, they will carry out this function in accordance with the role set out in the next section. In carrying out its role and functions, scrutiny committees may:

- 2.6.1 Require the attendance of members and officers to attend. In Northumberland, this means that, where notice is given, the Leader, members of Cabinet, and members of the Council's Senior Leadership Team will attend meetings of overview and scrutiny committees where this is required.
- 2.6.2 Require the provision of information held by the authority. In Northumberland, this means that:
- 2.6.3 officers will draft reports for submission to scrutiny committee meetings which meet requirements set out by the Chair of the relevant committee;
- 2.6.4 officers will provide information to individual members of scrutiny committees which reflects the rights laid out in the Member Access to Information Protocol.

2.6.5 Require a response from Cabinet to recommendations. Where a committee makes recommendations the Cabinet is under an obligation to respond within eight weeks. The response will be made at a meeting of Cabinet and will take the form specified by the scrutiny committee itself. An overview and scrutiny committee has the right to scrutinise decisions which have been made, but not implemented. This power is called “call-in”. It is described in more detail in Part 9.

2.7 Powers in respect of other partners

The Council works with a range of other local and national organisations. More information on these partners can be found in Part 8 of the constitution. Scrutiny has powers and obligations in relation to some of these partners. They include:

2.7.1 The power to carry out review and scrutiny of the health service in the local area, as set out in Chapter 3 of the National Health Service Act 2006 and relevant Regulations and guidance. The officers of certain health and care bodies are obliged to attend before an overview and scrutiny committee to answer questions;

2.7.2 The obligation to carry out scrutiny of the county’s Community Safety Partnership, which is carried out by the Communities and Place Overview and Scrutiny Committee, as set out in sections 19 and 20 of the Police and Justice Act 2006, and statutory guidance;

2.7.3 The power to undertake review of flood risk management, which includes the power to make requests for information from risk management authorities. These powers are set out in s9FH of the Local Government Act 2000. Scrutiny may invite any person to give evidence but other than those specified above, invitees are not obliged to attend.

3. Overview and Scrutiny Committees

The Council appoints the Overview and Scrutiny Committees (OSCs) at its Annual meeting. In May 2024, four such OSCs were reappointed:

3.1 Communities and Place

- (a) To maintain an overview of the Management Agreements in place between the County Council and Active Northumberland, Woodhorn Museum Charitable Trust and Northumberland Tourism.
- (b) To monitor, review and make recommendations about:
 - Development Planning
 - Neighbourhood Planning
 - Conservation
 - Housing

- Climate Change
- Countryside, Biodiversity and Landscape Quality
- Waste Management and Energy Use
- Public and Community Transport Network and Travel to School
- Highway Maintenance, Streetscape, and the Local Environment
- Local and Neighbourhood Services
- Crime, Community Safety, and fear of crime, including CONTEST, Prevent and Channel (NB see note below)
- Antisocial Behaviour and Domestic Violence
- Fire and Rescue
- Emergency Services and Emergency Planning
- Customer Services
- Provision of Cultural and Leisure Facilities
- Improving Quality of Life through access to Culture and Leisure
- Supporting Economic Growth in the Arts, Culture, and Leisure Sectors

NB CONTEST refers to the National Counter Terrorism Strategy which is split into four workstreams known as the 4Ps. This includes "Prevent" which is intended to stop individuals being drawn into, or supporting, terrorism and includes countering terrorist ideology and challenging those who promote it. A key element is "Channel" which is intended to protect the vulnerable being drawn into terrorism. The Council has the statutory responsibility to lead the Channel Panel, a multi-agency approach to protecting the vulnerable, by identifying those at risk, assessing the nature and extent of the risk and developing support plans for individuals. The Committee will also be responsible for scrutinising any similar policy initiatives.

3.2 Corporate Services and Economic Growth

- (a) To maintain an overview of the Council's Annual Budget and Budgetary Management via the Medium Term Financial Plan.
- (b) To review the state of Northumberland and the County Council's activity in delivering its Corporate Plan.
- (c) To maintain an overview of the Council's performance management arrangements, highlighting areas of poor performance and monitoring recovery delivery plans.
- (d) To maintain an overview of the Management Agreements in place between the Council and Advance Northumberland.
- (e) To monitor, review and make recommendations about:
 - Corporate Services: Organisational Development, Health and Safety, ICT Strategy, Corporate Governance, Financial Services, Procurement Strategy, Risk Strategy, Shared and Traded Services
 - Partnership development co-ordination with local organisations
 - Relationships with External Bodies
 - Regeneration and Economic Development
 - Strategic Transport Network and Infrastructure
 - Employability, Skills, and Removing Barriers to Work
 - Capital Programme and Asset Management

- Support to VCS organisations and the Council's Relationship with Town and Parish Councils

3.3 Family and Children's Services

- (a) To monitor, review and make recommendations about:
- Early Years
 - Education and Schools
 - Special education needs and disability
 - Adult and Community Education
 - Training and Vocational Education
 - Lifelong Learning
 - Youth Offending
 - Social Services for Children and Young People
 - Children's Health
 - Teenage Sexual Health
 - Looked After Children
 - Safeguarding – Children
 - Youth Services
 - Family Services
 - Children's Centres
- (b) To oversee and monitor school improvement, as follows:
- (i) To receive feedback on the Ofsted inspection of schools.
- (ii) To support the work of the County Council and the progress of schools on the School Intervention and Support Programme in specified categories.
- (iii) To receive an annual report about the number of schools that have been on the School Intervention and Support Programme, the reason(s) for their inclusion, the support given by the Council and the success of this support.
- (iv) To receive an annual report on the performance of schools.

3.4 Health and Wellbeing

- (a) To promote well-being and reduce health inequality, particularly in supporting those people who feel more vulnerable or are at risk.
- (b) To discharge the functions conferred by the Local Government Act 2000 of reviewing and scrutinising matters relating to the planning, provision and operation of health services in Northumberland.
- (c) To take a holistic view of health in promoting the social, environmental and economic well-being of local people.
- (d) To act as a consultee as required by the relevant regulations in respect of those matters on which local NHS bodies must consult the Committee.

- (e) To monitor, review and make recommendations about:
- Adult Care and Social Services
 - Adults Safeguarding
 - Welfare of Vulnerable People
 - Independent Living and Supported Housing
 - Carers Well Being
 - Mental Health and Emotional Well Being
 - Financial Inclusion and Fuel Poverty
 - Adult Health Services
 - Healthy Eating and Physical Activity
 - Smoking Cessation
 - Alcohol and Drugs Misuse
 - Community Engagement and Empowerment
 - Social Inclusion
 - Equalities, Diversity and Community Cohesion.

3.5 Chairs' Group

In addition to the four OSCs, the Chairs' Group, comprising the Council Chair and the Chairs and Vice-Chairs of the OSCs meet to confirm the OSC work programmes and to:

- (a) co-ordinate the overview and scrutiny function of the Council;
- (b) meet after the Cabinet meeting and consider referral of any Cabinet report to an overview and scrutiny committee as appropriate;
- (c) determine which matters fall within the remit of each overview and scrutiny committee;
- (d) scrutinise exceptional issues falling outside the remit of the overview and scrutiny committees;
- (e) supervise Call-in, and
- (f) refer "Councillor Calls for Action" not resolved at area level.

3.6 Membership of Overview and Scrutiny Committees

All councillors except members of the Cabinet may be members of an Overview and Scrutiny Committee. However, no member may be involved in scrutinising a decision which he/she has been directly involved.

3.7 Education Representatives

Each relevant Overview and Scrutiny Committee/sub-committee dealing with education matters shall include in its membership the following voting

representatives:

- (a) one Church of England diocese representative;
- (b) one Roman Catholic diocese representative;
- (c) two parent governor representatives; and
- (d) one representative of other faiths or denominations.

If the Overview and Scrutiny Committee/sub-committee deals with other matters, these representatives shall not vote on those other matters, though they may stay in the meeting and speak.

In addition, four teacher trade union representatives sit as non-voting members on the Overview and Scrutiny Committee/sub-committee dealing with education matters.

4. Overview and Scrutiny Work Programmes

4.1 Scrutiny committees will individually agree a rolling work programme, which will be aligned across the whole scrutiny function through liaison between committee chairs. Scrutiny committees will agree a common set of criteria that will be used to determine where an issue should be placed on a future agenda with reference to available evidence on the matter in question. Overall, the work programme for committees individually and collectively will focus on:

- Forthcoming policy development, with such matters usually being identified well ahead of time;
- Review of performance, and finance, issues in-year, with particular matters of concern being escalated to committee by exception.
- Reviews of previous decisions of the Cabinet - oversee the implementation of OSC recommendations.
- Overseeing the implementation of policy/strategy areas within their remit.

Scrutiny committees will not usually carry out “pre-decision” scrutiny of decisions shortly before they are submitted to Cabinet. There is an exception where the matter in question is sufficiently contentious and high profile that an enhanced form of scrutiny is demanded, but this will be the exception rather than the rule. More information is set out in the Executive-Scrutiny Protocol.

4.2 Mechanism for adding to the work programme

- The Overview and Scrutiny Committee Chair and Vice-Chair have regular

briefings from Directors and Service Heads on current and potential issues which may impact on the respective committee's future workload. These meetings are crucial in managing the work programmes, to ensure that particularly significant issues are given priority.

- Members are invited to identify any potential issues at the end of meetings or to contact the Chair/Scrutiny Co-ordinator as matters arise.
- Issues can emerge at Chair's Group, but in any event all requests for reports/reviews must be agreed by Chair's Group or if not possible, by the Business Chair.

4.3 Task and Finish Groups

Task and finish groups may be established to investigate and explore future policy options for a topic or issue for which the council has whole or partial responsibility. When agreed as part of the scrutiny function's work programming arrangements, and when the allotted time for the establishment of the task and finish group arrives, the procedure should be as follows:

4.3.1 The agreement by the committee of the scope of the review and the membership of the group. The scope will set out the question or questions to be answered, the way in which evidence will be gathered to reach that outcome (and from whom), the councillors nominated to form part of the group, the names of any co-optees and officer support arrangements;

4.3.2 Evidence-gathering, through a number of methods such as desktop research; officer reports; officer or executive member attendance at meetings; public meetings and site visits.

4.3.3 The preparation of a report, and recommendations, for submission to the commissioning committee. Reports will be short and contain a limited number of recommendations. The report submitted by the task group to the committee will be the one agreed to by the majority of members of that group;

4.3.4 Consideration of the report by the commissioning committee and submission of the report and recommendations to the relevant recipients. The committee should not normally make any amendment to the report submitted to them.

The membership of task and finish groups can include any member of the Council not currently a Cabinet member, or a Cabinet Assistant. Groups will usually number no more than six councillors, as far as possible politically balanced. The committee commissioning the review will determine if non-councillors should be invited to participate as co-optees. This may be relevant if certain individuals can bring recognised expertise to the work of a task and finish group. Co-optees may be individuals who have publicly campaigned on a given issue, but in their role on a task and finish group they will be expected to act with an open mind, and to conform to behavioural expectations similar to those put to members. Arrangements for the scoping and membership of task and finish groups will in all cases be determined by the committee which commissions them.

4.4 Monitoring Reports - to be maintained after each meeting of the OSC. They are used to track issues dealt with by the Committees and to ensure that any further need for updates are kept on the work programmes.

5. Call-in

5.1 Call-in should only be used in exceptional circumstances. These are where members of the appropriate Overview and Scrutiny Committee have evidence which suggests that the decision-making person or body did not take the decision in accordance with the principles set out in Article 13 (Decision Making).

5.2 When a decision is made by the Cabinet, an individual member of the Cabinet or a committee of the Cabinet, or a key decision is made by an officer with delegated authority from the Cabinet, or a Local Area Committee, or under joint arrangements, the decision notice shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 2 working days of being made. All Members will be sent a copy of the notice within the same timescale, by the person responsible for publishing the decision.

5.3 That notice will bear the date on which it is published and will specify that the decision will come into force, and may be implemented, unless the powers of call-in have been exercised or a period of five days from the date of the notice have elapsed whichever is the sooner.

5.4 If during that period, the Scrutiny Officer receives a valid call-in notice, he/she, in consultation with the Monitoring Officer, shall call a meeting of the committee on such date as he/she may determine, where possible after consultation with the chair of the committee, and in any case within 5 days of the decision to call-in. A copy of the Call-in notice form is attached as Appendix 2.

5.5 The call in notice must be signed by either:

- the Chair or Vice-Chair of the relevant scrutiny committee or
- five signatories (comprising non-executive members or, in the case of education matters, any non-Council members with voting rights in respect of the matter in question).

5.6 A clear reason for the call-in must be stated on the notice, with due regard to the principles of decision making contained in Article 13.02 and the completed form must be forwarded to the Scrutiny Officer by noon on the fifth day following the publication of the relevant decision notice.

5.7 If, having considered the decision, the Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the decision-making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. If referred to the decision maker they shall then reconsider within a further five working days, amending the decision or not, before adopting a final decision.

- 5.8 If following an objection to the decision, the Overview and Scrutiny Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the overview and scrutiny meeting, or the expiry of the period, in which the Overview and Scrutiny Committee should have been held whichever is the earlier.
- 5.9 If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary, and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no locus to make decisions in respect of an executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision-making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet as a whole or a committee of it, a meeting will be convened to reconsider within five working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 5 working days of the Council request.
- 5.10 If the Council does not meet, or if it does but does not refer the decision back to the decision-making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.
- 5.11 Where an executive decision has been taken by a Local Area Council, then the right of call-in shall extend to any other Local Area Council which resolves to refer a decision which has been made but not implemented to a relevant Overview and Scrutiny Committee for consideration in accordance with these provisions. A Local Area Council may only request the Scrutiny Officer to call-in the decision if it is of the opinion that the decision will have an adverse effect on the area to which it relates. All other provisions relating to call in shall apply as if the call in had been exercised by members of a relevant Overview and Scrutiny Committee.

Exceptions

- 5.12 In order to ensure that call-in is not abused, nor causes unreasonable delay, the Council may resolve to place limits on the number or categories of matters which may be the subject of call in.

Call-In and Urgency

- 5.13 The call-in procedure set out above shall not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in. The Business Chair of the council must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chair, the Deputy Chair consent shall be required. In the absence of both, the head of paid service or his/her nominee's consent shall be required. Decisions taken as

a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

- 5.14 The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

6. Councillor Call for Action

- 6.1 Councillor Call for Action (“CCfA”) has been introduced as part of changes made to the Local Government Act 2000. It is mandatory for Executive Councils and is intended to provide a mechanism and a focus for Councillors to enable them to solve issues of local concern in their Electoral Divisions. It does this through empowering Councillors to choose issues that they wish to champion or raise, enabling them to approach Council departments or partner organisations in an attempt to resolve the problem and finally by allowing individual Councillors to require the Overview and Scrutiny Committee to place the item on their Agenda.
- 6.2 In practice, a large part of the existing role of a Councillor is to listen to issues of concern raised by local people and to try to resolve those issues. CCfA will not change that role but will enhance it.

What types of matters can you choose to be a CCfA

- 6.3 The Act and Regulations made under it make it clear that whilst you may be faced with all manner of different issues by the public, the only ones that can be dealt with through the formal CCfA process are issues defined as “local government matters”. These are matters which relate to the discharge of any function of the Council and which affect all or part of the electoral area that you represent or affects a person who lives or works in that area. There are some statutory exceptions including issues relating to local crime and disorder, which will eventually be subject to separate provisions. The other exceptions are:
- (a) any matter relating to a planning decision;
 - (b) any matter relating to a licensing decision;
 - (c) any matter relating in respect of which the individual or body has a right or recourse to a review or right of appeal, and
 - (d) any matter which is vexatious, discriminatory, or not reasonable to be included in the agenda for the Overview and Scrutiny Committee.
- 6.4 The intention of the Government is to ensure that the Overview and Scrutiny Committee considers issues under CCfA where they add value rather than merely duplicating existing mechanisms for recourse. This is why items (a), (b) and (c) are excluded. In relation to (d), it will sometimes be difficult to decide if an issue should be excluded under this ground. Examples of such matters might be issues relating to minor matters affecting only one individual, or issues which might affect community cohesion. Matters which are currently proceeding through the Council’s complaints process might also be excluded under this heading.

- 6.5 The purpose behind the new changes is to ensure that only matters of genuine local concern are dealt with under this procedure. It is important to note that even if the matter is not a CCfA, the Councillor can still assist the member of the public by listening to them and by signposting them to the correct department or organisation who will be able to assist them. Subject to the above, it is a matter for the Member to decide which issues to champion and as the local elected representative, the Member is accountable to the local community for these decisions. In reaching a decision as to whether to Champion a particular issue as a CCfA, the Council should consider how that issue might help contribute to one or more of the themes in the adopted Sustainable Community Strategy.

What is the Procedure?

- 6.6 There are effectively two stages if the matter is accepted as a CCfA:

(a) Informal Action

The first stage is to try to resolve the issue informally. This can be done with assistance from officers if appropriate, individually or with assistance from other Councillors in that area. Assistance could take the form of arranging a meeting with the relevant department.

(b) Referring CCfAs to Overview and Scrutiny

If informal action does not resolve an issue and the problem persists, the Councillor can request that the matter be placed on an agenda of the Overview and Scrutiny Committee following consideration by the Chairs' Group. It is anticipated that only the more difficult or persistent problems will be put on the Agenda, and before considering such matters, the Chairs' Group will need to see evidence and be assured that the Councillor has done everything possible to resolve the issue.

- 6.7 A form for completion by the Councillor is attached as Appendix 3. This form requests that the matter be put before the Overview and Scrutiny Committee and also gives details of action so far taken to resolve the issue. The form should be sent to the Democratic Services Manager.

Action at Overview and Scrutiny

- 6.8 Chairs' Group will consider the matter initially to decide whether they require particular people to attend before the relevant Overview and Scrutiny Committee, and what further evidence or information they require. Officers will then endeavour to obtain that information or send out the necessary invitations.
- 6.9 At the Overview and Scrutiny meeting which considers the issue, members can make a recommendation or report to the Full Council if the issue relates to something over which the Council has direct control, or to another body. The Overview and Scrutiny Committee can request a response from the recipient. The Overview and Scrutiny Committee can also involve itself following the issue of the report in monitoring the implementation of any solution.

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May 2024

Call-In Form

Decision to be called in:

Give a brief description of the decision to be called in. If it was a Cabinet decision refer to the title of the report. For an officer decision quote the subject listed on the schedule of delegated decisions. It is important to be accurate and clear to ensure there is no confusion about which decision you wish to call-in.

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Decision made by (ie Cabinet)/when:

Date

Relevant Overview and Scrutiny Committee:

Communities and Place	
Corporate Services and Economic Growth	
Family and Children’s Services	
Health and Well-being	

Reasons for call-in:

(For the call-in to be valid you must state a reason why it is being made, having regard to the decision making principles set out in the Constitution: (Article 13 Principles of decision making))

(a)	Proportionality (ie the action must be proportionate to the desired outcome)	
(b)	Due and appropriate consultation and the taking of professional advice from officers	
(c)	Respect for Human Rights	
(d)	A presumption in favour of openness	
(e)	Clarity of aims and desired outcomes	

Please give details

Signatures:

Once you have filled in the form you must canvass the necessary support from other members. You either need to get the support of:

**The Chair or Vice-Chair of relevant scrutiny committee or
Five signatories comprising non-executive members or, in the case of
education matters, may include any non-Council members with voting rights
in respect of the matter in question.**

This can be demonstrated by having the members sign the form and forward the completed form to Stephen.Gerrard.northumberland.gov.uk, Director of Law and Governance (and Monitoring Officer) expressing their support for the call-in.

This must be done before the end of the Call-in period. (ie by noon on the fifth day following the publication of the relevant decision notice.

	Name	Signature
Chair		
Vice-Chair or		
Five Members		

Date.....

Contact Details of Scrutiny Team:

Sean Nicholson – sean.nicholson@northumberland.gov.uk
Chris Angus – chris.angus@northumberland.gov.uk

**REQUEST FOR COUNCILLOR CALL FOR ACTION TO BE CONSIDERED
BY OVERVIEW AND SCRUTINY**

From:
Title:
Give Details of the issue:
Which people, areas or community are affected:
How have you, or anyone else, already tried to resolve the issue:
What organisations or parties do you feel should be heard by the Committee (give contact details):
Are there any deadlines associated with this issue:
Signed:
Dated:

Please complete and return to Sean Nicholson, Scrutiny Co-ordinator, Democratic Services, County Hall, Morpeth, NE61 2EF: sean.nicholson@northumberland.gov.uk 01670 622605