

OVERVIEW AND SCRUTINY BOARD

4 SEPTEMBER 2018

**COUNCILLOR CALL FOR ACTION  
THE SOUTHLANDS CENTRE**

**PURPOSE OF THE REPORT**

1. In accordance with Middlesbrough Council's Councillor Call for Action (CCfA) Procedure (appendix 1), Members of the Overview and Scrutiny Board (OSB) are required to consider submissions for Councillor Calls for Action.

**RECOMMENDATION**

2. That OSB considers the content of the CCfA and if valid determines whether it:
  - Requires no further action.
  - Whether it should be investigated by the Ad Hoc Scrutiny Panel

**BACKGROUND**

3. "Councillor Call for Action" (CCfA) was introduced under section 119 of the Local Government and Public Involvement in Health Act 2007 (amended under the Local Government Act 2011). The Police and Criminal Justice Act 2006 has also made provisions for a "Call for Action" regarding crime and disorder and community safety issues. The provisions in these Acts enable any member of the Council to refer to Overview and Scrutiny Board any local government matter relating to any function of the Authority or matters affecting a Councillor's ward and constituents. The Council is required to have an agreed Councillor Call for Action procedure (appendix 1).
4. Below is a brief summary of the Councillor Call for Action guidance/procedure:

A Councillor Call for Action;

- puts ward Councillors at the centre of the process for resolving issues **of local concern**;
- focuses **on neighbourhood and locality issues**, specifically the quality of public service provision at a local level;
- should represent **genuine local community concern** (based on a Councillor's judgement);

- should only be referred to Scrutiny as a **last resort** when the ward Councillor has been unable to resolve the issue.
5. Councillor Calls for Action are NOT appropriate for dealing with:
    - Councillors' day-to-day casework;
    - individual complaints;
    - matters that relate to individual 'quasi judicial' decisions (e.g. planning or licensing) or to Council Tax and National Non Domestic Rates as these are subject to their own statutory appeals procedures.
    - Matters subject to Call-In.
  6. Before a CCfA can be sent to Scrutiny for consideration, all actions in the Procedures / guidance have been taken, or at least considered and contact should be made with the Scrutiny Officer (Members' and Statutory Services Manager).
  7. Whilst a Councillor may refer the matter for consideration to scrutiny, it will be the decision of the Overview and Scrutiny Board (OSB) to determine if the issue is to be addressed.
  8. If the Scrutiny Committee decides not to exercise any of its powers in relation to the matter, it must notify the Member who proposed the CCfA of:
    - (a) its decision, and
    - (b) the reasons for it.
  9. If a Councillor Call for Action is to be considered by Scrutiny, whether by a Scrutiny Panel or OSB, their only power is to refer the matter, if appropriate, to the Executive for its consideration.

When considering the CCfA, OSB may wish to consider:

- Whether all the agreed Council criteria / processes have been followed?
- has OSB considered a similar issue recently and, if so, whether the circumstances or evidence changed;
- representations from the councillor as to why OSB should take the matter up;
- anything that the councillor has done in relation to resolving the issue;
- whether a relevant service or partner agency has been made fully aware of the issue and given sufficient time to resolve the matter and the responses of the service or partner agency to the councillor;
- whether this is an issue being examined by another forum.

## **COUNCILLOR CALL FOR ACTION - APPLICATION**

10. A notification that a CCfA, was to be submitted was received on 29 June 2018 from Councillor Brian Hubbard, the submission and supporting documents, were submitted on the 4 July 2018, entitled "Southlands Centre" (**Appendix 2**).
11. The submission states that 'this CCfA is to address concerns in the community about the lack of playing fields & football pitches, this a ward

already blighted by high rates of crime & disorder, antisocial behaviour. The loss of the play fields and football pitches will contribute to the already high rates of obesity and the associated health problems/risks associated with such'.

12. This CCfA is also supported by Councillors, McCabe, Mohan, Rathmell and Saunders
13. The Councillor requested the following resolution in relation to the closure of the Southlands Centre:-
  - a) The Officers & Executive Members of the authority take the process back to stage 1, which has never been complied with as supported by audit.
  - b) Officers engage with those who have an interest in the land;
  - c) Officers report on the impact of the loss of the football pitches and playfields sufficiently;
  - d) Officers ensure that appraisals are accurate regarding the status of the Southlands, covenants etc.
  - e) Officers report upon the impact to public health and antisocial behaviour following any proposed closure of the Southlands Centre.
  - f) The requested resolution also stated the above list should be seen as a minimum and not exhaustive.
14. The Members' and Statutory Services Manager was contacted regarding the intention to submit a CCfA, however the submission is entirely that of Councillor Hubbard.
15. The submission consisted of responses to each of the points contained within the Councils Procedures and Guidance for Councillors and are therefore whilst it is not clear that all actions have been taken they are deemed to have been considered.
16. OSB are therefore asked to consider the attached CCfA submission.

**Contact Officer:**

Sylvia Reynolds  
Members & Statutory Services Manager  
Legal & Democratic Services  
Tel: 01642 729697 (direct line)  
E-mail: sylvia\_reynolds@middlesbrough.gov.uk