
Report to: Overview and Scrutiny Committee **Date of Meeting:** 1 November 2012
(Regeneration & Environmental Services)

Subject: Item Called In – Review of Library Service and Options for Consideration

Relevant Cabinet Members:

Councillor Peter Dowd (Leader of the Council)

Councillor Ian Moncur (Children, Schools, Families and Leisure)

Report of: Director of Corporate Commissioning

Wards Affected: All

Is this a Key Decision? Yes

Is it included in the Forward Plan? Yes

Exempt/Confidential

No

1.0 Purpose/Summary

1.1 To advise the Overview and Scrutiny Committee of the relevant aspects of the Constitution and the reason for the call in of the decision of the Cabinet on the above item as set out in paragraph 3.3 to the report.

1.2 To seek the views of the Overview and Scrutiny Committee.

1.3 In the event of the Committee being concerned about the decision, the Overview and Scrutiny Committee must decide which of the following course of action is to be taken in relation to this matter:

a referral of the matter to the Cabinet for re-consideration, setting out the nature of the Overview and Scrutiny Committee's concerns; or

b referral of the matter to Council for the Council to decide whether it wishes to object to the decision (subject to the guidance set out in paragraph 3.5).

1.4 In the event of the Committee being satisfied with the decision, the decision can proceed for implementation immediately following the meeting.

2.0 Recommendation(s)

2.1 That the Committee considers the reasons set out in the extract of the Constitution (paragraph 3.5) and the requisition for call in and determines its jurisdiction accordingly.

2.2 That the Committee determines whether it is concerned about the decision;

2.2 If the Committee is concerned about the decision, that the Committee indicates which of the options set out in paragraph 1 above it wishes to

pursue.

How does the decision contribute to the Council’s Corporate Objectives?

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Jobs and Prosperity		√	
3	Environmental Sustainability		√	
4	Health and Well-Being		√	
5	Children and Young People		√	
6	Creating Safe Communities			√
7	Creating Inclusive Communities	√		
8	Improving the Quality of Council Services and Strengthening Local Democracy	√		

Reasons for the Recommendation:

The decision of the Cabinet has been called in. The Overview and Scrutiny Committee is required to consider the concerns raised by Councillors

What will it cost and how will it be financed? N / A

Implications: N/A

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Legal: There are no legal implications arising from the contents of this report	
Human Resources	
Equality	
1. No Equality Implication	<input checked="" type="checkbox"/>
2. Equality Implications identified and mitigated	<input type="checkbox"/>
3. Equality Implication identified and risk remains	<input type="checkbox"/>

Impact on Service Delivery: N/A

What consultations have taken place on the proposals and when?

The Head of Corporate Finance and ICT has no comments on this report because the contents of the report have no financial implications (FD:1880 /12)

The Head of Corporate Legal Services has no comments on this report because the contents of the report have no legal implications (LD: 1198 /12).

Are there any other options available for consideration? Options are set out in the report

Implementation Date for the Decision will be determined by the decision of the Overview and Scrutiny Committee.

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Background Papers:

None

3.0 Details Relating to the Call In

3.1 The report and appendices A to J attached as an appendix to this report were considered and agreed by the Cabinet on 11th October 2012.

3.2 The decision of the Cabinet is set out as follows:

Decisions Made:

- (1) the petition be noted;
- (2) the outcome of the local needs analysis, including the results from the public engagement exercise, resulting in options for a new model of delivery for a modern, sustainable, comprehensive and efficient Sefton Library Service be noted;
- (3) it be noted that all figures in the report are working assumptions in relation to the options to be considered and the figures should not be seen as predetermining any decisions;
- (4) it be agreed that the review process described in the report has been a robust process;
- (5) the general definition of a “*comprehensive and efficient*” library service for Sefton described in paragraph 2.3 of the report be approved;
- (6) the risks identified within the report be noted;
- (7) the option appraisal criteria set out in the report be approved and it be noted that they are influenced by previous Secretary of State/Judicial Review considerations and intervention;
- (8) Option B set out in the report be approved as the basis for consultation and engagement with the community, staff, partners, including

businesses, voluntary, community and faith sectors, to transform the way Sefton delivers its library service;

- (9) it be noted that the equality implications would be thoroughly assessed in line with the Council's Equality Impact Assessment process, should Members agree that the proposed option be taken forward at a later date; and
- (10) the potential mitigating actions identified to date be noted and that further work on Sefton's Library Service offer, including the possible mitigating actions, be developed.

Reasons for Decisions:

The report provided an update on the Library Service Review and sought approval to commence consultation on options. Early consideration of potential budget options continued to be essential as this would lead to informed decision making, including the consideration of the outcome of any consultations undertaken, the impact of any decisions to be made and any steps that can be taken to mitigate the impact of a decision.

Alternative Options Considered and Rejected:

In developing options, Officers had considered the approach other library authorities were taking across the country as they too were impacted by reductions in resources. Some Public Library Authorities were proposing new models which included:

- the part or whole replacement of staff by volunteers;
- closure of libraries with buildings being handed over to community groups;
- reducing the number of service points, reconfiguring the network and developing alternative service models;
- cutting opening hours across all libraries;
- replacing static buildings with additional mobile services;
- out-sourcing support and infrastructure services to commercial companies;
- commissioning services from other agencies, including other public library authorities;
- "friends of" groups raising funds external to council revenue.

The report identified elements of the above within the options for consideration. The options from the above list that related to alternative methods of governance were complex. They would need time to evaluate and implement and most would need a lot of specialist legal support. Exploratory discussions had taken place which had indicated that the level of external support (e.g. volunteers) for taking over the full operation of individual libraries was very limited. Therefore, such proposals were not recommended to move forward at this stage. However, any partnership methods of service

delivery would be investigated further. More detailed information about this was contained in Annex J of the report.

- 3.3 The following Members of the Council (who are not Members of the Cabinet) signed the requisition for call in, in accordance with the provisions of the Overview and Scrutiny Committee Procedure Rules, Part 4 of the Councils Constitution.

Councillor Dodd
Councillor Preece
Councillor Shaw

- 3.4 In the requisition for call in the following reason was given:

“The decision on the Review of Library Service made by Cabinet at the meeting on 11th October 2012 is unsound. When deciding to approve Option B for consultation, Cabinet did not weigh the relative merits of each option. Specifically, Cabinet failed to give proper consideration to Option C, in particular by failing to take into account the issue of accessibility. Cabinet also did not take into account whether any of the various measures set out in Annex J of the report could contribute towards providing a comprehensive and efficient library service”.

- 3.5 The constitution sets out the following requirements with respect to Call In:

“All requisitions for call-in shall refer to a specific decision and provide a reason. A decision may only be the subject of one call-in. A decision may only be called-in for the following purposes:

- a) to seek more understanding of the decision and its implications;
- b) to question the soundness of the decision based on facts taken or not taken into account;
- c) to identify the need for Council policies to guide decisions;
- d) to make recommendations to the Cabinet and/or Council;
- e) to question whether the decision conforms with agreed policies.”

Members are asked to consider the requisition cited above (paragraph 3.4) and determine which ground or grounds apply to the requisition, if any. If the Committee determines that the requisition falls within one of the grounds, then it can proceed to consider whether it is concerned with the decision.

- 3.6 The Secretary of State in his guidance recommends that the Overview and Scrutiny Committees should only use the power to refer matters to the full Council if they consider that the decision is contrary to the policy framework or contrary or not wholly in accordance with the budget.