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**Report to:** Overview and Scrutiny Committee **Date of Meeting:** 17 December 2013  
(Regeneration & Environmental Services)

**Subject:** Item Called-In – Library Review – Alternative Library Proposals  
2<sup>nd</sup> Gateway Assessments

**Relevant Cabinet Members:**

Councillor Peter Dowd (Leader of the Council)

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

**Report of:** Director of Corporate Services

**Wards Affected:** All

**Is this a Key Decision?** No **Is it included in the Forward Plan?** No

**Exempt/Confidential** No

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**Purpose/Summary**

- (1) To advise the Overview and Scrutiny Committee of the relevant aspects of the Constitution and the reasons for the call-in of the decision of the Cabinet on the above item as set out in paragraph 2.2 to this report.
- (2) To seek the views of the Overview and Scrutiny Committee.
- (3) In the event of the Committee being concerned about the decision, the Overview and Scrutiny Committee must decide which of the following courses 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 2.5).
- (4) In the event of the Committee being satisfied with the decision, the decision can proceed for implementation immediately following the meeting.

**Recommendations:**

- (1) That the Committee considers the reasons set out in the extract of the Constitution (see paragraph 2.3) and the requisition for call-in (see paragraph 2.2) and determines its jurisdiction accordingly.
- (2) That the Committee determines whether it is concerned about the Cabinet decision.

- (3) If the Committee is concerned about the decision, that the Committee indicates which of the two options set out in paragraph (3) of the summary set out 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 Recommendations:**

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:**

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

<b>Legal:</b> Please see details set out in the Appendix to this report.	
<b>Human Resources:</b> None	
<b>Equality</b>	
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:** Please see details set out in the Appendix to this report.

**What consultations have taken place on the proposals and when?**

The Head of Corporate Finance and ICT (FD2707) and the Head of Corporate Legal Services (LD: 2012) have been consulted and their comments are incorporated in the Appendix to this report.

**Are there any other options available for consideration?**

No – the available options are set out in the Constitution.

**Implementation Date for the Decision**

To be determined by the decision of the Overview and Scrutiny Committee.

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**Background Papers:**

None.

## **1. Cabinet Decision**

1.1 The report attached as an **Appendix** to this report was considered by the Cabinet on 5 December 2013.

1.2 The decision of the Cabinet is set out below:

### **MINUTE 71 - LIBRARY REVIEW - ALTERNATIVE LIBRARY PROPOSALS: SECOND GATEWAY ASSESSMENTS**

Further to the representations made under Minute No. 70 above and Minute No. 22 of the meeting held on 18 July 2013, the Cabinet considered the report of the Director of Older People which provided details of the second gateway assessments undertaken by Officers on the Community Library proposals submitted by the Aintree Library Action Group (ALAG), Bridge Inn Community Farm and the Friends of Carnegie Library (FOCAL). The report identified the process of assessment together with the advantages and disadvantages associated with each proposal for consideration by the Cabinet.

The report also indicated that the proposal submitted by the Consortium led by Sefton Council for Voluntary Service in respect of Birkdale Library had been withdrawn by the Consortium as they were considering a number of alternatives; and that no other interested parties had come forward in the timescale set by the Council for the receipt of Community Library proposals.

The Chair referred to the advice previously given to community groups who wish to run library services in locations where closure had previously been agreed by the Council, that the proposals had to be feasible and sustainable, meaning that the proposals would not have recourse to funds from the Council in the medium and long term.

The Head of Health and Wellbeing advised that officers had applied the approved assessment criteria to the proposals submitted by the three community groups and the assessments set out in the report were based on all the information supplied by the groups. He indicated that there was a typographical in the table in paragraph 3.4 of the report and that the total score for FOCAL should read '360' and not '365'. He also indicated that an expression of interest had been received since the publication of the report from the Friends of Birkdale Library but the expiry date for the submission of proposals had expired.

The Head of Health and Wellbeing referred to the basis of each proposal and the advantages and disadvantages of each proposal, set out in the report. He indicated that one of the key concerns with the proposals submitted by ALAG and FOCAL was the financial sustainability of the proposals over the long term. In particular the reliance upon an annual revenue grant from Aintree Parish Council that could not be guaranteed as an on-going commitment for the ALAG proposal. He went on to state that the proposal from FOCAL could not demonstrate financial sustainability, and in order to succeed both proposals required capital investment from the Council. He also indicated that during the period from 13 March to 26 November 2013, officers

had held 20 meetings with various community groups, dealt with a large volume of email correspondence and telephone calls. He also indicated that numerous meetings had taken place with trade union representatives and staff on the community library proposals, and the whole process of acting upon the Councils budget decision to close 7 of its libraries, which demonstrated that officers had been actively engaged with the whole the process.

The Chair commented that the various officers on the assessment panel had acted in a professional manner during the process and they had examined each proposal in an objective manner. This had been the first time that the Council had actively sought community proposals for the operation of services following a decision taken by the full Council to close the operation of part of a service.

Members of the Cabinet raised questions on the following issues referred to in the report and officers responded to the Issues as indicated below:

Councillor Moncur enquired about the assessment challenge undertaken by the Chief Executive.

Response:

The Chief Executive indicated that she was conscious that the assessment scores for the proposals submitted by ALAG and FOCAL were close to the required benchmark to progress beyond the second gateway and she had had challenged the scores and rationale applied by the Officer Assessment Panel over a half day meeting and she was comfortable and satisfied with the scope of the assessments and that they had been assessed in an objective manner.

The Chair (Councillor P. Dowd) referred to the capital investment required from the Council for the ALAG and FOCAL proposals and whether this would be feasible.

Response:

The Head of Corporate Commissioning and Neighbourhood Coordination advised that she held open discussions with representatives of the two community groups on the possibility of financial support being awarded to them from the Community Support Fund (CSF), in advance of the conclusion of the officer assessment of their proposals and that no guarantee had been given of any funding from the CSF. No decision could be made on any possible funding from the CSF until the proposals had passed the second gateway.

Councillor Cummins expressed his disappointment that the proposals submitted by ALAG and FOCAL had not passed the officer second gateway assessment and commented that the Cabinet had to make a decision based on the validity and sustainability of the bids. The CSF had been established by the Council to support community initiatives which could be delivered over the long term.

Councillor Hardy referred to the comments made by the Lead Petitioners under Minute No. 70 above, that the assessment process was not clear and had not been explained to them. She sought an assurance that that it had been a clear and robust process.

**Response:**

The Head of Health and Wellbeing indicated that there had been a delay in the adoption of the assessment criteria but once it had been approved by the Cabinet Member – Children, Schools, Families and Leisure; the details had been published on the Council website and submitted to interested parties. The criteria had been discussed with all of the community groups who had submitted proposals and they had been advised that they must be feasible and sustainable.

Councillor Moncur commented that he was fully aware of the time and effort put into the submission of the proposals by ALAG and FOCAL and it was evident from the comments made by the Lead Petitioners that they were frustrated and disappointed at the outcome of the officer assessments. He indicated that he had personally met representatives from FOCAL on 7 October 2013 and they had not indicated any concerns about the assessment process or any lack of understanding of the process. He referred to the officer comments in the report about the reliance of ALAG on an annual revenue grant from Aintree Village Parish Council which would be subject to annual review and indicated that the same Parish Council had passed a resolution in April 2011 that it would not fund any initiatives involving Sefton Council or other public bodies, which illustrated the point that funding bodies can change decisions at a later date and there is no guarantee that ALAG can support their proposal in the long term, as indicated in the report.

The Chair in his summary of the discussions, referred once again to the need for the proposals to be feasible and sustainable over the medium to long term, the support and guidance given by officers to community groups during 20 meetings, to the professional and objective assessment of the proposals by officers and the assessment challenge by the Chief Executive.

**Decision Made:**

That:

- (1) it be noted, that following the scoring assessment undertaken by officers based on the approved assessment criteria, the proposals from Aintree Library Action Group and Friends of Carnegie Library had failed the second gateway and the proposal from Bridge Inn Community Farm had passed the required standard;
- (2) it be noted that officers have sought additional information and clarification from the two Groups where the assessment was below the required score and this had not resulted in any change to the assessment;
- (3) following the consideration of the officer assessment, it be accepted that the proposals submitted by the Aintree Library Action Group and Friends of Carnegie Library had failed the second gateway and are therefore not approved; and that the proposal submitted by the Bridge Inn Community Farm had passed the second gateway and officers be authorised to enter into formal contractual discussions; and

- (4) the Community Groups be thanked for all of their efforts in putting together the Community Library proposals, and for making themselves available to meet with Officers of the Council.

**Reasons for Decision:**

Following the consideration of the officer assessment, the Cabinet had determined that two proposals had failed the second gateway and one had passed the second gateway.

**Alternative Options Considered and Rejected:**

The Council had previously approved the library closure implementation plan and this was ongoing. The only options to be considered were whether or not the proposals submitted met the approved criteria.

**2. Details of the Call-In of the Cabinet Decision**

- 2.1 The following Members of the Council (who are not Members of the Cabinet) signed the requisition, in accordance with the provisions of the Overview and Scrutiny Committee Procedure Rules in Chapter 6 of the Council's Constitution.

Councillor Papworth  
Councillor Dorgan  
Councillor Dutton

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

“We wish to call in the decision made by the Cabinet on 5<sup>th</sup> December 2013 in respect of Libraries (Minute No. 71), in accordance with the terms of paragraph 40 (b) of Chapter 6 in the Constitution, in that the decision was based on facts not taken into account, and is therefore unsound.”

- 2.3 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.”

- 2.4 Members are asked to consider the requisition cited above (paragraph 2.2) and determine which ground or grounds apply to the requisition, if any. If the Committee determines that the requisition fall within one of the grounds, then it can proceed to consider whether it is concerned with the decision.
- 2.5 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.
- 2.6 The call in requisition set out in paragraph 2.2 above was received immediately following the publication of the minutes of the Cabinet meeting held on 5 December 2013 and arrangements were made for the call in request to be considered as soon as possible in view of the forthcoming Christmas holiday period.
- 2.7 The deadline for call in is Friday 13 December 2013. Any subsequent call in requisitions received by the Director of Corporate Services will be circulated to all relevant Members and Officers and will be considered at the Committee Meeting to be held on 17 December 2013.