

APPENDIX 5 - TERMS OF REFERENCE

Call-in of the Cabinet decision: E2999

Introduction

Cabinet at its meeting on the 11th October agreed to:-

1. Note the outcome of the consultation.
2. Approve the Podium as the chosen site for the central Bath integrated Library & One Stop Shop.
3. Fully approve capital spending of £330K for the next phase of the project.
4. Agree that the next phase will involve appointment of architects and a positive programme of user and partner engagement to enable detailed designs and costings, as set out in appendix B of the report.
5. Note that once detailed costings have been produced, and final designs established, the total requirement for capital funding will be confirmed and relevant approvals obtained.

On the 17th November a call-in notice was received, signed by 12 Councillors, objecting to this decision. A copy of the call-in request is attached at Appendix 3 of the formal agenda papers. The call-in petitioners are concerned on the following grounds:

This request is made in the public interest of full disclosure of the facts underpinning the decision to move the One Stop Shop to The Podium and for the following specific reasons:

1. The need for public scrutiny of the Council's expenditure on this project to date – no breakdown of the expenditure costs has been published – and of the proposed savings related to the investment.
2. No open, public consultation has taken place on the issue of whether co-location of Bath Library and the One Stop Shop is desirable or accepted by service users.
3. No evidence has been presented about the practicality of co-locating services at The Podium, nor whether this would benefit or disadvantage service users. No assessment has been made of the potential impact on both services. No assessment has been made of the needs of users for either the One Stop Shop or Bath Central Library. No benchmark example of comparable conversions of a small main city library into a co-located library and One Stop Shop has been given.
4. It is unclear whether the project is deliverable or sustainable given the issues around The Podium lease arrangements, and the Police/Shopmobility lease arrangements at Lewis House, which have not been resolved.

Relevant PDS Panel

The 'call-in' request has been referred to Bath & North East Somerset Council's Communities, Transport & Environment Policy Development & Scrutiny Panel to review the decision.

Call-in Meeting

At the Panel meeting on 13th November the Panel will investigate and determine the matter. They will assess in detail the reasons for the Cabinet decision and consider the objections stated in the call-in notice via a range of information from Councillors, Officers and members of the public (further details below).

Objective

The objective of the Call-in review is to determine whether or not the resolution made by the Cabinet Members should:-

- Be referred back to the Cabinet for reconsideration [**'Uphold' the call-in**]
- Proceed as agreed by the Cabinet [**'Dismiss' the call-in**], or
- Be referred to Full Council to undertake the role of the Panel [*the ultimate decision would still remain with the Cabinet*].

Method

To achieve its objective, the Panel will investigate the original decision and the objections stated in the call-in notice. The Panel will hear statements from members of the public who have registered to speak about both the substance and processes behind the decision.

Public statements will be limited to 3 minutes per speaker. It will also require attendance and/or written submissions from:-

- Representative Councillor(s) for the call-in request – Cllr Richard Samuel
- Lead Cabinet Member – Cllr Warrington (Cabinet Member for Transformation and customer Services), and key service officers

Outputs

The Panel's view and supporting findings will be made publicly and will include:

- Minutes & papers from public Panel call-in meetings.
- A summary note will be provided, setting out the result of the call-in meeting

Constraints

The Panel will only address questions from the points received within the call-in notice.

- **Timescales.** The Panel must hold its initial meeting within 14 working days of the call-in being verified to consider the call-in request. The Panel has a total of 21 working days to reach its decision.
 - Initial Public Meeting must be held by 15th November [14 working days from receipt of validated call-in request]
 - If meeting adjourned, second public meeting must be held 24th November [21 working days from receipt of validated call-in request]
 - If referred directly to the Cabinet, a response must be received by 29th November [10 working days from date of 1st meeting]
 - If adjourned and then referred to the Cabinet, a response must be received by 8th December [10 working days from date of 2nd meeting]
- **Resources.** The call-in process must be managed within the budget and resources available to the Panel.
- **Council Constitution.** Part 4E, Rule 13 requires that “*Where an Overview and Scrutiny Panel makes a recommendation that would involve the Council incurring additional expenditure (or reducing income) the Panel has a responsibility to consider and / or advise on how the Council should fund that item from within its existing resources*”. Section 3.1 of the cover report (formal agenda papers) provides further explanation.