

## APPENDIX 5 - TERMS OF REFERENCE

### Call-in of the Cabinet decision: E3000

#### Introduction

Cabinet at its meeting on the 11<sup>th</sup> October resolved to:-

1. Adopt the new approach to delivering Community Run Library services in Bath and North East Somerset as set out in Appendix B as part of the overall Modern Libraries programme.
2. Approve the release of Capital in the sum of £275,000 to invest in and support our new approach to Community Run Libraries.

On the 13<sup>th</sup> October a call-in notice was received, signed by 11 Councillors, objecting to this decision. A second call-in notice was also received on the 17<sup>th</sup> October, signed by 13 Councillors. A copy of the below amalgamated reasons for the call in and also the original call in notices are attached at Appendix 3, (1 & 2) of the formal agenda papers.

- (1) This decision relates to the agreed approach to delivering modern Libraries and should be reconsidered for the following reasons:-
  - a) The call-in is requested on the basis that the wrong decision was reached at the Cabinet meeting and for the following specific reasons:
  - b) The report fails to identify the impact on current mobile library users once this service ceases.
  - c) Inadequate consideration has been given to how sustainable it is to expect local groups to take on the running of libraries and how this would be funded.
  - d) The consultation on this approach has been limited and the results of this consultation have not been published (to be considered with 2i).
  - e) The Equalities Impact Assessment referred to as a background paper does not appear to have been published.
- (2) The call-in request is made in the public interest of full disclosure of the facts underpinning the decision and for the following specific reasons:
  - i. The decision has been taken without any open, public consultation having been carried out.
  - ii. No financial breakdown has been provided to decision-makers regarding the proposed savings and no detail is offered of how the community model may work.
  - iii. Information about the ownership of branch library buildings is not included in the report.

## 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 13<sup>th</sup> 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 or any variation proposed by the Chair. It will also require attendance and/or written submissions from:-

- Representative Councillor(s) : call-in request (1) – Cllr Joe Rayment & call-in request (2) - 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 15<sup>th</sup> November [14 working days from receipt of validated call-in request]
  - If meeting adjourned, second public meeting must be held 24<sup>th</sup> November [21 working days from receipt of validated call-in request]
  - If referred directly to the Cabinet, a response must be received by 29<sup>th</sup> November [10 working days from date of 1<sup>st</sup> meeting]
  - If adjourned and then referred to the Cabinet, a response must be received by 8<sup>th</sup> December [10 working days from date of 2<sup>nd</sup> 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.