

## Scrutiny Committee

Meeting to be held on Thursday, 22 September 2016

Electoral Division affected: None;
---------------------------------------

### Request to consider a Call In – The Property Strategy – Responses to Consultation

Annex A refers

Contact for further information:

Josh Mynott, Tel: (01772) 534580, Democratic Services Manager,  
josh.mynott@lancashire.gov.uk

#### Executive Summary

On 8 September 2016, the Cabinet received a report on the Property Strategy – Responses to Consultation. The Cabinet resolved to

1. Note the outcomes of the consultation as set out in the report.
2. Approve the Planning and Needs Assessment for the Library Service set out at Appendix "I" as the basis of determining the level of provision for the Council's statutory library service.
3. Approve the Library Strategy at Appendix "H".
4. Approve the proposed investment in the Mobile Library Service set out in the report.
5. Endorse the proposed model for an "Independent Community Library Offer" as set out in the report on the basis that these community libraries are **in addition to** the provision made by the Council to satisfy section 7 of the Public Libraries and Museums Act 1964.
6. Agree to continue to explore the development of alternative options for the future delivery of library services, including, but not limited to, the extended use of volunteers and the development of a potential model which would allow the Library Service to be run independently of the Council as described in the report.
7. Agree to the revised proposals for the implementation of the Property Strategy set out at Appendix "B".
8. Subject to approval of recommendation 7, to agree to consult on the proposal to discontinue use of Upholland Children's Centre, St Thomas the Martyr CE Primary School, on the basis set out in the report.

9. Agree that the buildings identified in Appendix "B" as not to be retained for future use are declared surplus to requirements and that the services delivered from them will be discontinued on the basis of the timeline set out at Appendix "P".
10. Instruct officers to consider the viability of the expressions of interest received in relation to the transfer of Council premises as set out in Appendix "B" and to bring back a further report to the next meeting of Cabinet for consideration.
11. Note the request from the Schools Forum for transition funding for schools with attached children's centres and that this will be the subject of future discussions between officers and the Schools Forum.

Following requests from seven County Councillors in accordance with the "Call In" procedures, the Chair has called a meeting to consider calling in the decision.

### **Recommendation**

In accordance with the Call In procedures contained in Procedural Standing Orders (Standing Order 23 and Appendix 3) the Committee is asked to consider:

1. Whether or not to request the Cabinet reconsider the decision made on 8 September 2016 in relation to the Property Strategy – responses to Consultation
2. If so, to determine the grounds on which the request is to be based.

### **Background and Advice**

On 8 September 2016, the Cabinet received a report on the Property Strategy – Responses to Consultation. Cabinet resolved to:

1. Note the outcomes of the consultation as set out in the report.
2. Approve the Planning and Needs Assessment for the Library Service set out at Appendix "I" as the basis of determining the level of provision for the Council's statutory library service.
3. Approve the Library Strategy at Appendix "H".
4. Approve the proposed investment in the Mobile Library Service set out in the report.
5. Endorse the proposed model for an "Independent Community Library Offer" as set out in the report on the basis that these community libraries are **in addition to** the provision made by the Council to satisfy section 7 of the Public Libraries and Museums Act 1964.

6. Agree to continue to explore the development of alternative options for the future delivery of library services, including, but not limited to, the extended use of volunteers and the development of a potential model which would allow the Library Service to be run independently of the Council as described in the report.
7. Agree to the revised proposals for the implementation of the Property Strategy set out at Appendix "B".
8. Subject to approval of recommendation 7, to agree to consult on the proposal to discontinue use of Upholland Children's Centre, St Thomas the Martyr CE Primary School, on the basis set out in the report.
9. Agree that the buildings identified in Appendix "B" as not to be retained for future use are declared surplus to requirements and that the services delivered from them will be discontinued on the basis of the timeline set out at Appendix "P".
10. Instruct officers to consider the viability of the expressions of interest received in relation to the transfer of Council premises as set out in Appendix "B" and to bring back a further report to the next meeting of Cabinet for consideration.
11. Note the request from the Schools Forum for transition funding for schools with attached children's centres and that this will be the subject of future discussions between officers and the Schools Forum.

Attached at Annex A is the covering report to Cabinet, plus Appendices A, B, H and I. The full set of appendices are available via the Cabinet agenda pages on the internet, via the following link.

<http://council.lancashire.gov.uk/ieListDocuments.aspx?CId=122&MId=5414&Ver=4>

The Chief Executive has received requests from seven County Councillors, for the Scrutiny Committee to consider whether that decision should be the subject of a Call In.

The requests were received, in accordance with procedural Standing Orders, from County Councillors Albert Atkinson, Susie Charles, Gina Dowding, Geoff Driver CBE, Michael Green, Bev Murray and Kim Snape. The decision cannot now be implemented until the call-in procedure is completed.

The reasons for the requests received from the above Members are:

'We request a call-in to be considered of the decision taken by Cabinet on 8th September 2016 regarding The Property Strategy. This would be considered by the main Scrutiny Committee. The reason is that the decision taken by the Cabinet to close a number of facilities needs to be reconsidered, as both the consultation and the Cabinet decision were based on incorrect financial information and the decision

does not meet the Council's own priorities to support the needs of the residents of Lancashire, particularly the more deprived communities.'

and

"We don't believe the criteria was properly applied in respect of Adlington Library. I have asked a variety of questions and received no reply so we are left with no alternative but to call the decision in to get answers in regard to the above for the 10,000 or so residents who reside in the catchment area of Adlington Library."

To assist the Committee, the Call In procedures contained in procedural Standing Orders (Standing Order 23 and Appendix 3) are summarised below:

- On receipt of a request from five county councillors within three days of an executive decision being published, a special meeting of the relevant O&S committee will be convened to consider that decision. Where that decision has been considered by the ESC and no changes recommended, and has been confirmed by the Decision Maker with no changes, those councillors must be from more than one political group on the council.
- That executive decision shall not be implemented until the Call In procedure is completed.
- An O&S Committee may request that an executive decision made but not yet implemented be reconsidered by the Decision Maker, or, in certain circumstances, request that the Full Council decide whether to ask the Decision Maker to reconsider.
- The Committee must decide at the meeting whether or not to exercise its Call In powers.
- Any such request for reconsideration made by the committee shall include the grounds upon which the request is based.
- Once the Committee has determined to make such a request, the request and the grounds upon which it is based must be registered with the Chief Executive in writing within three clear working days of the O&S Committee meeting.
- If a request is made the Decision Maker must then reconsider the decision having regard to the grounds upon which it is based. The Decision Maker can affirm, amend or rescind their decision.
- The Decision Maker shall publish their response to a request for reconsideration and the reasons for their decision by writing as soon as is reasonably practicable to the Chair of the relevant Overview and Scrutiny Committee.

- The Decision Maker can only be required to reconsider the same decision once.
- An Overview and Scrutiny Committee shall not exercise its functions;
  - (1) where the decision has been designated by the Decision Maker as being urgent in that any delay in its implementation could adversely affect the efficient execution of the County Council's responsibilities; or
  - (2) in respect of day-to-day management and operational decisions taken by officers.

Of particular relevance in the above provisions are the requirements that the Committee must determine at the meeting whether or not to request that the decision be reconsidered, and if so to determine the grounds upon which the request is based.

The Committee is required to meet within 7 working days of the request to consider the call in being received, and a meeting has therefore been scheduled for 3pm on Thursday 22 September.

### **Consultations**

N/A

### **Implications:**

There are no significant risk management implications in this report. For the risk management implications of the original decision, please see the Annex and Appendices.

### **Risk management**

N/A

### **Local Government (Access to Information) Act 1985 List of Background Papers**

Paper	Date	Contact/Tel
-------	------	-------------

N/A

Reason for inclusion in Part II, if appropriate

N/A