

**Special Meeting of the Select Committee on Regeneration,
Culture & Adult Education - 24th & 25th October 2007**

Report of the Acting Lead Officer

**Call-in Decision re Providing a Modern Library Service in
Dudley MBC – Modernisation Programme**

Purpose of Report

1. To consider a decision of Cabinet on 12th September 2007 to approve the plans for modernising the library service and the proposed implementation plan. This decision has been called in at the request of five Elected Members (from two political parties) of this Select Committee in accordance with the rules in the Constitution.

Background

2. At its meeting on 12th September 2007 Cabinet approved the plans for modernising the library service and the proposed implementation plan contained in a report of the Director of Adult, Community & Housing Services. A copy of this report is attached as appendix 1.
3. The Cabinet report contained proposals for a modernised and more flexible library service for the borough, aimed at meeting local aspirations and national library standards.

4. In coming to its decision the Cabinet, considered a resolution by the Central Dudley Area Committee, from its meeting held on 11th September, 2007, requesting the Cabinet suspend decision making in relation to the proposed closure of a number of estate offices and libraries, until such time as a proper programme of public consultation had been undertaken, involving the direct engagement of the affected service users. Also considered was a letter from the Head Teacher of Brook Primary School advocating the retention of the public library recently installed at the school and a petition from traders in High Street, Quarry Bank requesting the retention of the library and estate office situated at that location.

In supporting the resolution of the Central Dudley Area Committee, the Shadow Leader questioned some of the calculations referred to in the report. The Shadow Leader and other opposition spokespersons also advocated the retention of certain libraries recommended for closure.

5. Cabinet resolved that:
 - (1) That the plans for modernising the Dudley Library Service as set out in the report submitted to the meeting, be approved and that the implementation of the plans be supported.
 - (2) That the Council be recommended:
 - (a) That the disposal of the Council's assets identified in paragraph 20 of the report submitted to the meeting be approved, and that the capital receipts from such disposals be used to contribute towards financing the library modernisation programme;
and

- (b) That the additional expenditure for the library modernisation programme be approved, and the Capital Programme be amended according, as set out in paragraph 13 of the report submitted to the meeting.

6. Questions and requests for information have been developed by members of the Committee and these were provided to the Director of Adult, Community and Housing Services and the Cabinet Member for Housing. A response by the Director of Adult, Community and Housing Services is currently being prepared and will be sent to members separately on Wednesday 17th October 2007. With the exception of the information requested about anticipated disposal values all of the meeting will be open to the public but due to the commercially sensitive nature of this information these details will be considered in private session.
7. The Cabinet Member for Housing and the Director of Adult, Community and Housing Services will be attending the special meeting of the Select Committee in order to provide any clarification on the answers they have provided. Councillor Charles Fraser MacNamara, Deputy Leader of the Council has also been invited as he was the Chairman of the Cabinet on 12th September 2007. The Director may invite other Officers to the meeting to assist her in responding to any details. All of the invitees will be present from the start of the meeting.

- 8.** Due to the extensive questions submitted to the Director & Cabinet Member, the public forum agenda item will be limited to 30 minutes with a five minute limit on any one person. Where the answer to a question has been covered in one of the written responses the Director will respond by informing the questioner of this. Any questions raised which are not covered in the written responses will receive a written response from the Director following the committee. Copies of the written responses with the exception of the exempt likely disposal values will be made available in the committee room at the meeting for members of the public. Also will be available on Thursday 18th October on the Dudley website at <http://CMIS.dudley.gov.uk/CMISwebpublic/CommitteeSelecti on.aspx> (move down the page to Select Committee on Regeneration, Culture & Adult Education, click on that and then click on the 24/10/07 meeting date). Brierley Hill Area Committee received two petitions on 4th October 2007 objecting to the proposed closures of Amblecote and Wall Heath libraries. Also a petition has been received regarding the proposed closure of Woodside Library. These have been forwarded to the Director of Adult, Community and Housing Services to respond to and will be referred to in her written answers to the Committee. Individual letters received have also been forwarded to the Director of Adult, Community and Housing Services for a response.
- 9.** The scrutiny protocol for Select Committees in the Constitution sets out the following principles:

- Members of Select Committees should take care that the scrutiny process is seen to be a genuine attempt to understand the circumstances in which a decision has been reached and the reasons for that decision. The process should never be used to intimidate or put unnecessary personal pressure on those members, officers or other persons who are invited to appear before the Select Committee. Respect and courtesy should be shown at all times.
- The Select Committee is not a court of law and those invited to attend before the Committee should not be treated as though they are parties to, or witnesses in, legal proceedings. The Select Committee should conduct its proceedings in an open and transparent manner designed to gain the cooperation of all concerned, rather than create a polarisation of views of entrenched positions.
- Select Committees should seek to use scrutiny to support and develop the priorities set out in the Council Plan. Scrutiny should never be used for party political purposes and should always be in the public or the Council's interest.

10. The procedure to be followed for the meeting will be:

- The Cabinet Member or Director will be asked by the Chairman to make an introductory statement to provide an overview of the decision under scrutiny and then will be asked to read out their written responses to the questions and deal with any supplementary questions posed by any member of the Committee.
- As the last question concerns anticipated capital receipts for individual sites, the answers will contain some commercially sensitive information. Therefore the public will be excluded at this stage. Once any follow up questions on this area of interest have been dealt with, the public will be able to re-enter the committee room.

- When the invitees have answered all questions the Chairman will ask them whether they wish to make a final statement to the Committee. Such statement should not exceed five minutes. After this the invitees will be asked to leave whilst the Committee deliberates.
 - The Committee should then carefully review all of the facts, opinions and comments submitted to members. Any matter that has not been raised or dealt with at the meeting should not be allowed to influence the decision of the Committee.
 - The Chairman will ask all members of the Committee to express a view.
11. If having considered the decision the Select Committee is concerned about, it then it may refer it back to the decision maker for reconsideration, setting out the nature of its concerns. The decision maker for this decision was the Cabinet. If the Select Committee does not refer the matter back, the decision shall take effect on the date of the Select Committee meeting.

Finance

12. The financial implications in relation to the proposed decision are as contained in the 12th September 2007 Cabinet report of the Director of Adult, Community and Housing services on providing a Modern Library Service in Dudley MBC – Modernisation programme.

Law

13. The provisions regarding call-in are contained in Section 15 of the Council's Select Committee Procedure Rules. These are contained in the Council's constitution, which was adopted by the Council on 29th April 2002. The legislative provisions regarding the Constitution of the Council are contained in the Local Government Act, 2000.

14. The legal implications regarding the proposed decision are as indicated in the 12th September 2007 Cabinet report of the Director of Adult, Community and Housing services on providing a Modern Library Service in Dudley MBC – Modernisation programme.

Equality Impact

15. The proposals in this report comply with the policies of the Council regarding equality and diversity. Questions concerning equality issues have been submitted to the Director of Adult, Community and Housing Services for a written response as part of the call in process.

Recommendation

16. It is recommended that the Select Committee scrutinise the decision to provide a modern library service in Dudley MBC.



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Supporting Documents

Appendix 1