



Department for Culture Media & Sport

Minister for Culture, Communications
and Creative Industries
4th Floor
100 Parliament Street
London SW1A 2BQ

T: 020 7211 6000
F: 020 7211 6309
enquiries@culture.gsi.gov.uk

www.gov.uk/dcms

Councillor Cliff Morris
Leader of Bolton Council
Care of Members' Secretariat
Town Hall
Bolton
BL1 1RU

Our Ref: CMS 231060/DC

31 May 2013

Dear Councillor Morris

Local inquiry into library provision in the Metropolitan Borough of Bolton

On 3 September 2012, the Secretary of State decided that he was not minded to intervene by directing a local inquiry under the Public Libraries and Museums Act 1964 into the changes in the library provision in Bolton.

However, before taking a final decision, the Secretary of State indicated that he wished to receive and consider further representations from library users, Bolton Council and other interested persons. When inviting representations, the Secretary of State indicated that he was particularly interested in receiving information about the effect of the library closures that have occurred to date, including current usage figures, the operation and use of the community collection scheme, as well as on any other relevant matter.

Representations have now been received from Bolton Council, the Bolton & District Civic Trust and the Save Bolton Libraries Campaign. The Secretary of State has now considered the matter in light of the representations received, and has decided not to direct a local inquiry, for the reasons set out below.

Principles

The starting point is the 1964 Act. The Secretary of State has considered the duty of a local authority to provide a comprehensive and efficient service under section 7 of the Act.



What constitutes a comprehensive and efficient service is a question involving a significant element of judgement. Those judgements are, in the first instance, for the local Council to make. It has intimate knowledge of local conditions and needs and has direct democratic accountability to the local population. This is a significant factor.

The Secretary of State's view continues to be that decisions about local issues should be taken by democratically elected local representatives accountable to local voters. A wide range of approaches were open to the Council when deciding how to provide a comprehensive and efficient library service. The Secretary of State also notes that the local authority is entitled to take account of resources in deciding whether a proposal is efficient.

The Secretary of State's duty is of superintendence. She seeks to promote and secure the proper discharge of the statutory duties on local authorities. She has power to direct a local inquiry. Her approach in deciding whether she is minded to intervene to direct an inquiry is to ask herself whether, having regard to the duties on her and the local Council, there is good reason in all the circumstances for her to exercise her discretion to direct an inquiry.

In taking that decision, the Secretary of State has given consideration to a number of factors. They include:

- Whether there is any serious doubt or uncertainty as to whether the Council is (or may cease to be) complying with its legal obligation to provide a comprehensive and efficient library service.
- Whether the Council appears to be acting in a careless or unreasonable way.
- Whether the decision is or may be outside the proper bounds of the Council's discretion, such as a capricious decision to stop serving a particularly vulnerable group in the local community.
- Whether the Council has failed to explain, analyse or properly justify its proposals.
- Whether the local proposals are likely to lead to a breach of national library policy.
- Whether substantial further investigation is needed. A local inquiry would be more likely to be appropriate in a case where there are substantial uncertainties as to compliance with the statutory duty, little substantive engagement with the local authority and inadequate public consultation and discussion of proposals. The converse is also true.
- The advantages of local decision making by expert and democratically accountable local representatives.
- Whether there is any further good reason why a local inquiry would be appropriate or inappropriate.

The Secretary of State has also borne in mind that too ready an intervention would risk preventing prompt and efficient reforms of library services. Equally, failing to intervene in an appropriate case would risk the delivery of an efficient and comprehensive service.

Library changes in Bolton

Bolton Council has closed 5 of the 15 libraries in the council area. 10 Council run libraries remain open, spread across the area. There has been a modest increase in the opening hours of the Central Library (from 60 to 65 hours per week), which is by far the most heavily used library. Other libraries have had opening hours maintained or subject to modest reductions.

The effect of the library closures has been mitigated by a number of local neighbourhood 'collection sites' co-located with other community facilities. At these collection sites, a more limited range of books can be borrowed and a full range of library stock can be ordered. There also remains a home library service for the disabled.

Despite requests, no imminently workable community bids were made to run the closed libraries.

Prior to the closures, the Council carried out a consultation process. 3,824 responses were received during the initial consultation period in early 2011, and a second period of consultation, involving random sampling methods aimed at achieving feedback based on a fully representative sample of Bolton residents took place later in 2011. The consultations indicated that there was little local appetite for a volunteer run service, which was also opposed by local union representatives. An equality impact assessment was prepared.

Representations

Three sets of representations were received: from the Council, the Civic Trust and the Save Bolton Libraries Campaign.

The Council's representations raised the following key points, and enclosed a review of the new library arrangements:

- The library closures took place between January and April 2012.
- Library usage figures from April-September 2012 were provided. Those figures provided initial information about the effect of the library closures:
 - Total number of opening hours reduced by 26% overall, across the library network.
 - Total number of items loaned reduced by 19% overall (with a 3% reduction in the remaining 10 libraries).

- Total number of visitors reduced by 14% overall (with a 1% reduction in the remaining 10 libraries).
- Updated figures for the period April 2012 – March 2013 were also provided by the Council. Those figures indicate that in terms of the 10 Council run libraries:
 - Total number of items loaned reduced by 1.9%
 - Total number of visitors reduced by 0.6%.
- The Central Library was now open on Sundays and most Bank Holidays. This has been a success. 10,045 visitors have attended on Sundays from April – September 2012 (average 402 visitors per Sunday) and there have been 3,199 Bank Holidays visitors over the same period (average 640 per Bank Holiday).
- The Library Link home library service continues to operate, with deliveries every 2 weeks. There has only been a small increase in usage following the library closures.
- The 'collection sites' have each been stocked with 1,000-2,000 books each. Three of the collection sites have been particularly successful with book loans between April – September 2012 ranging from 1,832 (Halliwell) to 5,264 (Heaton). Two of the collection sites have proven less popular.

The Bolton Civic Trust made the following key points:

- A local inquiry ought to take place, given the scale and nature of the impact of the library closures.
- It was imperative that consideration be given to walking distances when considering the distribution and number of branch libraries.
- The calculation of distances made by Bolton may be incorrect. The differences between straight line distances and distances to be travelled were identified.
- The 'minded-to' decision fails to consider the effect on primary education of the library closures.
- Libraries are important amenities for local communities.

The Save Bolton Libraries Campaign provided a very lengthy submission. The central points made appear to be as follows:

- There is a "resource-based policy of non-intervention".
- The Secretary of State is adopting an incorrect threshold for intervention by directing a local inquiry.

- The right to education under the European Convention on Human Rights (ECHR) ought to be taken into account.
- The powers under section 10 of the 1964 Act are properly to be regarded as duties.
- The promotion of literacy is a significant public policy goal, and the closure of libraries does not assist this objective.
- The availability of IT facilities is a relevant matter under the 1964 Act. Internet access has numerous social benefits and is an integral part of a lawful service under section 7 of the 1964 Act. There has been a drop in IT facilities.
- Libraries are particularly important in deprived areas.
- Libraries ought to work in conjunction with local schools to assist in education, including being co-located where possible.
- There were other library closures in Bolton in 1997. The more recent closures have exacerbated the problems caused by those closures.
- There ought to be more locally located branch libraries.
- The impact of the implementation of the closures has been significant, indeed "dire". There has also been a reduction in staffing.
- There is anecdotal evidence which requires testing at a local inquiry that claims for an enhanced service at the Central Library are incorrect.
- The mitigation measures taken are minor and insubstantial.
- The collection centres ought not be taken into account when considering whether to direct a local inquiry, but in any event the evidence is mixed and the service is inadequate.
- The consultation and impact assessment carried out by the Council was insufficient and inadequate.
- The Council ought to consider sharing services regionally.
- The Council's corporate charges as a proportion of the library budget are too high.
- The Council should have considered greater use of volunteers (albeit the Campaign does not support volunteer-run libraries).

Decision

The Secretary of State has now considered the matter in light of the representations received. She has decided not to direct a local inquiry, for the reasons set out below.

The Council continues to offer a comprehensive and efficient library service. There remain a substantial number of council run libraries across the Bolton area. Opening hours have been maintained or improved in many cases, and reductions in other cases have only been modest. Careful thought has been given to ensure that library services continue to be available to residents on an efficient and accessible basis. The changes were made following a public consultation. There appear to be no breaches of national library policy and no other good reason why an inquiry ought to be commenced.

Not every reduction in library provision will justify a local inquiry. In the present case, the Secretary of State's view is that an inquiry is not appropriate. A local decision was fairly taken following a detailed consultation and impact assessment process. Good quality library services remain available and accessible to the local community, and there is no real doubt that Bolton continues to operate a comprehensive library service, more efficiently provided than before.

Bolton is a metropolitan area, with good public transport. It now has 10 public libraries, including a large central library that is heavily used (now with enhanced opening hours), plus 9 branch libraries. The Council believes that 96% of the local population still live within 2 miles of a library, and that almost the entire borough is within 20 minutes journey to a library, plus walking time to the nearest bus stop. Car ownership is high in Bolton and transport services are provided for the elderly and disabled. There is also a mobile book delivery service for disabled persons who cannot visit fixed libraries. The Secretary of State views this as plainly sufficient to provide a comprehensive and efficient service.

The Secretary of State has not taken into account the local collection services that have opened in 5 locations. However, at least 3 of these services are enjoying substantial usage and are proving popular with local residents.

Against this, the Secretary of State has noted that there were significant reductions in library usage figures in the six months following the closures. Some of this change appears to be due to the usage of local collection services instead. There has been a 26% overall drop in opening hours (ignoring collection sites), leading to a 19% drop in issues and 14% drop in visits. The drop in issues and visits has been substantially less than the reduction in opening hours, and markedly less so in the remaining council run libraries (namely a 3% drop in the number of issues and a 1% drop in the number of visits) indicating that the closed libraries were less used and/or migration in usage. This indicates that the efficiency improvements were successfully targeted. The Secretary of State's experience is that such figures tend to improve over time, once residents adjust to library changes. This is borne out by the updated figures for the first 11 months following the closures which indicate that in terms of the 10 council run libraries there was a drop of 1.9% in issues and 0.6% drop in visits compared to the corresponding period for the previous financial year. Accordingly, the Secretary of State does not consider there is any real doubt that Bolton continues to offer a comprehensive library service.

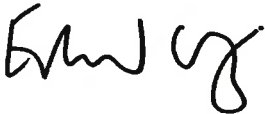
Turning to the main issues raised by the Civic Trust and the Campaign:

- Walking distances are a relevant factor, but do not justify an inquiry. It is not reasonable to expect every person to be within walking distance of a library. Public transport is available to secure access to community facilities. Disabled people who cannot use public transport have access to a delivery service.
- It is not appropriate or necessary to hold an inquiry into the calculation of precise distances to a library. The important issue is whether good quality library facilities remain reasonably accessible to the local population.
- Substantial support has been provided for local schools. All of the primary schools in Bolton are members of the Schools Libraries and Museums Service. The Service provides advice and assistance to schools and provides project loans (collections of 25 different books on themed topics – 3042 loans in 2011/2012), loans of 20 copies of books for classes to read together (487 loans in 2011/2012) and added 4,757 books to its stock in 2011/2012. Further, several of the collection sites are co-located with facilities that are for (or heavily used by) children and young people.
- There is no “resource-based policy of non-intervention”. The Secretary of State’s policy and approach is set out above and is lawful and proper.
- The right to education under the ECHR does not alter the proper approach to whether to order a local inquiry under the 1964 Act. The Convention does not require a specific level of library provision, or alter the approach to be taken under the 1964 Act to the question of whether to order a local inquiry.
- The availability of IT facilities is not a relevant matter under the 1964 Act. However, the Secretary of State agrees that Internet access and IT provision and support has numerous benefits. IT support and usage has remained approximately steady despite the library closures.
- Anecdotal evidence about the Central Library is not a basis on which the Secretary of State thinks it appropriate to order an inquiry. Such substantial evidence as exists tends to indicate that the Central Library is flourishing.
- It is not appropriate to order an inquiry to consider regional sharing of services. It is Bolton’s obligation as library authority under the Act that is under consideration. This is a matter for the Council to pursue with neighbouring local authorities, if it considers it can improve services and efficiency by so doing.

- The Council's corporate charges are a budget matter for the Council. There is no evidence that they are excessive or are preventing the delivery of a comprehensive library service.

Publication

A copy of this letter will be published on the GOV.UK website.

A handwritten signature in black ink, appearing to read 'Ed Vaizey'.

Ed Vaizey MP
Minister for Culture, Communications and Creative Industries