



Department for Culture Media & Sport

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Councillor Nick Forbes
Leader of Newcastle City Council
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5 February 2014

Dear Councillor Forbes

Local inquiry into library provision in Newcastle

The Secretary of State has considered whether to intervene by ordering an inquiry under the Public Libraries and Museums Act 1964 into the changes in library provision in Newcastle. For the reasons set out below, she is not currently minded to order such an inquiry.

Before taking that decision, however, the Secretary of State wishes to invite representations as to her proposed decision from library users, the Council, or other interested persons. Any such representations should be sent to the Ministerial Support Team, Department for Culture, Media and Sport, 100 Parliament Street, London, SW1A 2BQ or by email to enquiries@culture.gsi.gov.uk by 5.00pm on Friday 21 February 2014. The Secretary of State will then consider the representations made.

The Secretary of State would particularly welcome any representations bringing the evidence before her up to date, for instance if there is useful evidence about the effect of the implementation of the Council's reforms so far. However, responses are welcomed on any matter relevant to the Secretary of State's decision.

A copy of this letter will be published on the DCMS website:

<https://www.gov.uk/government/organisations/department-for-culture-media-sport>



Background

The Department received a number of letters in 2013 concerning the proposed library changes in Newcastle, including a detailed report from Mr Darren Murphy dated 5 May 2013. Mr Murphy's report was expressed to be "*the basis of a reasoned complaint under section 10(1) of the PLMA 1964 to the appropriate departments of government*".

Section 10(1) provides:

"If –

(a) *A complaint is made to the Secretary of State that any library authority has failed to carry out duties relating to the public library service imposed on it by or under this Act; or*

(b) *The Secretary of State is of opinion that an investigation should be made as to whether any such failure by a library authority has occurred,*

and, after causing a local enquiry to be held into the matter, the Secretary of State is satisfied that there has been such a failure by the library authority, he may make an order declaring it to be in default and directing it for the purpose of removing the default to carry out such of its duties, in such manner and within such time, as may be specified in the order."

The Secretary of State has therefore assessed whether it is necessary to order a local inquiry into the provision of library services in Newcastle in light of Mr Murphy's complaint or otherwise.

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 is that decisions about local issues should be taken by democratically-elected local representatives accountable to local voters.

A wide range of approaches are open to the Council when deciding how to provide a comprehensive and efficient library service. The Secretary of State also notes that, as confirmed by the High Court in *R (Green) v Gloucestershire City Council* [2011] EWHC 2687 (Admin), "*the availability of resources is highly material to the question of what constitutes a comprehensive and efficient library service. The section 7 duty cannot be exempt or divorced from resource issues and cannot in law escape the reductions which have been rendered inevitable in the light of the financial crisis engulfing the country.*"

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. Under s.10, she has the power to make a remedial order against a library authority following a local enquiry. That local enquiry can be commenced either on a receipt of a complaint or of the Secretary of State's own motion. All such enquiries are subject to the procedural rules set out in the Public Libraries (Inquiries Procedure) Rules 1992.

In determining whether to order such an enquiry, 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 appears to have failed to consult affected individuals or to carry out significant research into the effects of its proposals.
- 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.
- The advantages of local decision making by expert and democratically accountable local representatives.
- Whether there is any other good reason why an inquiry should be ordered.

Proposed decision

The Secretary of State is minded not to intervene by ordering a local inquiry. Her present view is that there is nothing in those proposals which would justify intervention having regard to the factors identified above.

In autumn 2012, Newcastle City Council was faced with making total budget savings of around £90m by 2016. It therefore consulted the community from 28 November 2012 to 1 February 2013 on draft budget proposals that included changes to the library service.

Before the reforms, Newcastle City Council operated 17 community libraries, Newcastle City Library, and a home delivery service. The proposed changes on which the Council consulted included the closure of 7 libraries in June 2013 and a further 3 in March 2015, leaving 8 libraries in total.

Those proposals were modified following consultation, increasing the funds committed and allowing for the 8 statutory libraries operated by the Council to be supplemented by 'partnership-funded' libraries (i.e. libraries run by third parties but with some support from the Council) and 'community-run' libraries (i.e. libraries continuing in operation independently of the Council). The revised budget proposals were approved by the Council on 6 March 2013.

In the event, the Council has confirmed that four of the libraries which had been threatened with closure (Fenham, Cruddas Park, High Heaton and Denton Burn) are to remain open as 'partnership-funded' libraries (apart from temporary closures for remodelling or refurbishment), and two others (Dinnington and Jesmond) are now open as 'community-run' libraries.

The proposals have clearly been designed with regard to the needs of the community. The Council has confirmed that, after the proposed reforms, 96% of residents within its library area will live within 1.5 miles of a library, and that the 8 libraries which will remain under Council management are well-connected to the city's travel networks (many of them having been established within the last 15 years with that aim in mind). Those 8 libraries already account for 85.3% of library visits in Newcastle (on 2012/13 figures). Six of them are in modern buildings, and of the other two, one (Walker) is relocating into a refurbished building, and there are plans to refurbish the other (Newburn). The Council will also continue to provide a Home Delivery Service for those users who cannot access a library.

The main points made by Mr Murphy concern the adequacy of the Council's assessment of local needs, the clarity of its strategic vision, and the robustness of its figures both in relation to finances and projected demand on the remaining libraries.

Having regard to the matters set out above, the Secretary of State's view is that there is no reason to believe that there are any defects in the Council's assessment of local needs or its strategic vision which would require her intervention.

In relation to financial figures, the budget for library services was increased following the consultation exercise, from £8,870,000 to £9,952,000. The Council's position is that that was the result of an express decision to increase funding for library services from the previously budgeted amount. The Secretary of State does not consider that that change is indicative of any weakness in the figures. As for projected demand, the Council in its October 2013 impact assessment concluded that staffing levels are likely to be sufficient, but confirmed that it will offer staff the necessary training and support and will monitor the situation as the reforms are implemented. An inquiry under section 10 would not take the matter any further at this stage.

Mr Murphy also criticised the consultation process adopted by the Council. That process consisted of five public meetings, as well as the receipt and consideration of 981 responses from the public and a revision of the proposals in light of those responses. In the Secretary of State's view there is no reason to believe that process was defective, or in any event so defective that compliance with the s.7 duty may have been jeopardised.

Finally, Mr Murphy also expressed concern that the Home Delivery Service would charge for book requests. The Council has confirmed that there will be no charges for any part of the Home Delivery Service.

In those circumstances, the Secretary of State's present position is that a local inquiry is not necessary to resolve any real doubt or uncertainty about whether NCC is complying with its statutory duty, either in response to Mr Murphy's complaint or otherwise.

The Secretary of State recognises, however, that the s.7 duty is a continuing duty, and even if she decides not to order a local inquiry at this stage will continue to monitor the Council's compliance with that duty in the same way as with any other library authority.

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

Ed Vaizey MP

Minister for Culture, Communications and Creative Industries