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Councillor Sachin Shah
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CMS 284161/DC
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Dear Councillor Shah

Local inquiry into library provision in Harrow

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

Before taking that decision, however, the Secretary of State wishes to invite further representations as to his proposed decision from the Council, library users 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.gov.uk by **5.00pm on Friday 1 July 2016** and titled "**Harrow Library Services – Minded to Representations**". The Secretary of State will then consider the representations made.

The Secretary of State would be grateful for any further representations on any matter relevant to his decision, and would particularly welcome any responses bringing the evidence before him up to date.

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

Background

Following the decision by Harrow Council (HC) Cabinet on 19 March 2015 to revise its statutory library service, including the closure of four static libraries, a representation was received from Mr Bob Blackman MP (Harrow East) raising concerns about the proposed changes to the library service provided by HC. He asked that the Secretary of State review the proposed changes to ensure that the Authority is meeting its statutory duty under the 1964 Act.



Section 10(1) of the Public Libraries and Museums Act 1964 (“the 1964 Act”) 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 Department is treating the correspondence from Mr Blackman MP as a complaint under section 10(1)(a) of the 1964 Act. The Secretary of State has therefore assessed whether it is necessary to order a local inquiry into the provision of library services in Harrow in light of Mr Blackman’s representations and the factors set out below.

I wrote to Councillor David Perry, the then Leader of Harrow Council, to notify him that the Department was dealing with a complaint under the 1964 Act and invited HC to provide any additional information to assist the Department’s consideration of the complaint. Further detail was provided by HC which principally consisted of an explanation of its proposals with reference to the documentation published on its website. This information has been considered by the Department.

Principles

The Secretary of State has considered the general duty of a local authority to provide a comprehensive and efficient service under section 7 of the 1964 Act. What constitutes a comprehensive and efficient service is a question involving a significant element of judgement.

This judgement is, in the first instance, for the local authority 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 ordinarily be taken by democratically-elected local representatives accountable to local voters.

The Secretary of State notes the views of Mr Justice Collins in the High Court case - *Draper v Lincolnshire County Council* [2014] EWHC 2388 (Admin): “I should consider what is required to provide a comprehensive and efficient service within the meaning of s 7 of the 1964 Act. I can, I think, do no better than cite the following observations of Ouseley J in *Bailey v London Borough of Brent* [2011] EWHC 2572 (Admin):

“A comprehensive service cannot mean that every resident lives close to a library. This has never been the case. Comprehensive has therefore been taken to mean delivering a service that is accessible to all residents using reasonable means, including digital technologies. An efficient service must make the best use of the assets available in order to meet its core objectives and vision, recognising the constraints on council resources. Decisions about the Service must be embedded within a clear strategic framework which draws upon evidence about needs and aspirations across the diverse communities of the borough.”

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 duty of the Secretary of State is one of superintendence of the duty placed on local authorities. A wide range of approaches are open to a local authority when deciding how to provide a comprehensive and efficient library service. It is not the function of the Secretary of State to substitute his opinion for that of the democratically accountable local authority in how they discharge that primary duty. The question which the Secretary of State must consider is whether the HC library service, as revised by the changes agreed by its Cabinet on 19 March 2015, is comprehensive and efficient.

The Secretary of State seeks to promote and secure the proper discharge of the statutory duties on local authorities and has power to direct a local inquiry. That local inquiry can be commenced either on receipt of a complaint or of the Secretary of State’s own motion. His approach in deciding whether he is minded to intervene to direct an inquiry has been to ask himself whether, having regard to the duties on him and the local authority, there is good reason in all the circumstances for him to direct an inquiry at the present time.

In reaching his current view, 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 HC is (or may cease to be) complying with its legal obligation to provide a comprehensive and efficient library service.
- Whether HC appears to be acting in a careless or unreasonable way.
- Whether the decision is or may be outside the proper bounds of HC’s discretion, such as a capricious decision to stop serving a particularly vulnerable group in the local community.
- Whether HC appears to have failed to consult affected individuals or to carry out significant research into the effects of its proposals.
- Whether the HC 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.

Criticisms of the proposed changes to the library service in Harrow

The specific criticisms made by Mr Bob Blackman MP relate to:

- a suggestion by HC in the consultation document that Harrow library users could use libraries in alternative local authorities (Brent and Barnet) and a failure to mention that the alternative library in Barnet was also under threat of closure;
- alleged misleading and inaccurate detail in the consultation regarding the proposal for a new town centre library which Mr Blackman MP suggests was in fact a replacement for / alteration to an already established library; and
- the rejection by HC of a community management proposal to keep the Bob Lawrence library operational, with little explanation provided.

The Secretary of State is grateful to Mr Blackman MP for highlighting his specific concerns and will seek to address these below, however the question for the Secretary of State is to consider whether HC's library service provision, as agreed by the HC Cabinet on 19 March 2015, remains comprehensive and efficient.

Library Changes in Harrow

Prior to the changes to the library service provision in Harrow the statutory service consisted of 10 core static libraries, a home delivery service (known as the housebound library service) and the schools' library service. The statutory library service was managed by Carillion Integrated Services, as part of a joint contract with Ealing Council. HC provided an agreed annual fee to Carillion to deliver, on its behalf, library staffing, stock control and purchase, facilities management, ICT and a programme of cultural events and activities. Furthermore Carillion also manage the book fund on behalf of the Council but this is outside of the annual fee.

HC decided that the library service should contribute immediate savings of £0.5 million in 2015-16 towards the total savings required across all its services and confirmed this level of saving in the consultation. HC undertook an eight week public consultation from 24 November 2014 to 19 January 2015 to seek views on its proposed changes to the library service. HC indicated that this consultation was informed by previous consultations and engagements with library users and non-users, including its Libraries Transformation Project Consultation in May 2012 and its Take Part budget consultation held between September and November 2014.

HC consulted residents and library users on the following principal options:

- Reduction of library staffed opening hours to 22.5 hours at all libraries, except Gayton library;
- Implementation of community libraries and co-location of library services. HC sought views on this proposal during consultation, but explained that the option of community managed libraries could be considered to help achieve additional savings in future years, however it would not achieve the immediate savings required for 2015-16;
- Closure of four libraries – this was HC's preferred option as it was anticipated it would deliver £0.48 million in savings, whilst maintaining a comprehensive library service.

HC Cabinet agreed at its meeting on 19 March 2015 a revised statutory library service comprising:

- 6 core static libraries - Gayton, Pinner, Wealdstone, Stanmore, Roxeth and Kenton. Gayton library is open 7 days a week for a total of 62 hours and all other libraries open 40.5 hours per week, but are closed on Wednesdays, Friday afternoons and Sundays. The libraries offer a range of services, such as free books, newspapers and magazines on loan for all ages and abilities; free Wi-Fi for library members; online services offered 24/7 including online ordering and renewal of books; employment support including support for local small businesses and community information, council and enquiry service including advice on authors and new books
- Housebound library service – to be extended as required to ensure the vulnerable, isolated and older library users who find it difficult to visit a library in person are still able to access library services.
- Schools' library service – HC intend increasing the number of schools subscribing to the service both within Harrow and from other neighbouring Authorities.

The revised library service continues to be managed by Carillion. HC consider that this library service model delivers the agreed savings and meets local need in a way that is comprehensive and efficient. It is this service on which a decision whether or not to order an inquiry must be based.

Proposed decision

The Secretary of State is minded not to intervene by ordering a local inquiry. The criticisms made by Mr Blackman MP have been carefully considered having regard to all of the factors listed on page 3 and the Secretary of State's present view is that there is nothing in HC's decision which would justify intervention. The Secretary of State has found the three factors explored below to be of particular relevance to this matter:

Whether HC appears to have failed to consult affected individuals or to carry out significant research into the effects of its proposals:

The Secretary of State notes the HC Cabinet decision of March 2015 was informed by the public consultation undertaken between 24 November 2014 and 19 January 2015. He further notes that the decision took account of feedback received to this consultation as well as responses to previous consultations and engagements with library users and non-users, including its Libraries Transformation Project Consultation in May 2012 and its Take Part budget consultation held between September and November 2014.

The consultation not only sought views on particular options, but also invited residents' views on how the library service could make savings. The consultation made clear that to deliver the required savings of £0.5 million from the library service in 2015/16 would involve the closure of four libraries. The consultation also indicated that community managed libraries had also been considered as an option but was explicit that while this option could help achieve savings in future years, it would not on its own achieve the identified savings needed in 2015/16.

The consultation document itself was available both on-line and in hard copy at various locations across the borough and the consultation process involved a mix of activities including consultation sessions at a number of locations, including libraries, around the borough in order to reach and obtain the views of Harrow residents. Taken together, the Secretary of State considers that these consultations and engagements appear to adequately seek to engage with and secure the views of Harrow residents.

The Secretary of State considers it to be unfortunate that the consultation did not explicitly state that the proposal by HC for a new library in Harrow town centre library was to replace Gayton library, the current town centre library. While he considers that HC should have explained in the consultation document the intention to build a new town centre library, he is of the view that HC's Library strategy and the Cabinet paper of March 2015 were clear that the new library is to replace Gayton library and that it would be located more centrally to the main shopping and transport hubs. Furthermore, the consultation document indicated that the proposed revised library service was to include a total of six Council run static libraries, with one of these being in the town centre. He therefore does not consider this to be evidence that HC failed to consult affected individuals or to explain, analyse or properly justify its proposals.

As Mr Blackman MP also points out, the Secretary of State recognises that the consultation included details of libraries from neighbouring authorities which may have caused some confusion. However he considers the consultation clearly set out the proposals for delivering a comprehensive and efficient library service in Harrow and explained what the statutory service in Harrow would entail. The consultation provided Harrow residents and library users with an opportunity to express their views on the proposals and put forward suggestions as to how the Harrow library service could make savings.

Whilst the possible use of libraries outside of Harrow is not relevant to the Secretary of State's consideration of whether HC's library service remains comprehensive and efficient; he notes that HC confirmed that Harrow residents who previously used Bob Lawrence library as their local library can become members of libraries in the neighbouring authorities of Barnet and Brent, such as Burnt Oak or Kingsbury.

The Secretary of State does not consider the reference to alternative libraries in neighbouring authorities to be evidence that the consultation process was obviously inadequate or flawed.

Whether HC has failed to explain, analyse or properly justify its proposals:

Mr Blackman MP raised a concern that little explanation was provided to the community group whose proposal to run the Bob Lawrence library was rejected. The Secretary of State accepts the submission from HC that it actively engaged with the Bob Lawrence community group, discussed the proposals at Council meetings and provided detailed reasoning for its decision to the Friends of Bob Lawrence Library not to support the proposal for the community management of Bob Lawrence library.

In any event, the Secretary of State is of the view that the assessment of, and decisions relating to, business cases put forward for possible community management of libraries which HC have determined should fall outside of its statutory provision is a matter for HC to determine and not relevant to his consideration of whether or not the remaining statutory service is comprehensive and efficient. Furthermore, it is a matter for HC to ensure that they comply with any relevant provisions of the Localism Act 2011.

The Secretary of State notes that the HC Cabinet decision of March 2015 was based on responses to the public consultation, an assessment of need and equality impact analysis. He also notes the criteria used to form the basis on which decisions were taken to identify the core static libraries to be retained within the statutory service, included numbers of visits and stock issues, as well as costs per visit and location. The Secretary of State considers therefore that HC has explained, analysed and properly justified its proposals.

Whether there is any serious doubt or uncertainty as to whether HC is (or may cease to be) complying with its legal obligation to provide a comprehensive and efficient library service:

The Secretary of State notes that HC needs to make savings of around £83 million across all its services over a four year period and decided that the library service should contribute £0.5 million immediate savings in 2015/16 to this amount. He further notes that Harrow's library service has undertaken a process of improvement in recent years including the introduction of Wi-Fi to all its static libraries. HC have also undergone a previous efficiency programme through the implementation of self-service technology and more significantly, the commissioning of library management services jointly with Ealing Council. These improvements resulting in efficiency savings of approximately £1.4 million in the cost of delivering its library services.

In delivering a library service with reduced resources, the Secretary of State is satisfied that HC has taken into account its duty to provide a comprehensive and efficient library service. HC consider that its proposals make the library service more efficient in delivery, while remaining comprehensive and extending the range of services on offer to reach more customers. The HC Library Strategy aims to ensure that library service is sustainable in the future, with reduced financial resources being targeted to best meet the needs of residents.

The Secretary of State notes that HC made clear in its public consultation that the changes to its static library service were required in response to both a reduction in the library service budget and the changing trends in library use in Harrow, including a decrease in book issues, visits to libraries and the number of library members actively borrowing library stock over the last five years. HC's Library Strategy 2015-18 identified a number of factors, societal and specific to Harrow that they considered attributed to the decline in visits and book issues. These included the lack of updated technology and late adoption of new technologies in its libraries, as well as the availability of cheap books and information from other sources. HC assessed the future library service needs of the borough considering the above factors to help determine delivery of a comprehensive and efficient service. The Secretary of State observes that detail contained in HC's consultation document indicates that over the period 2009-10 to 2013-14 the number of visits and stock issues in Harrow have declined by 25% and 33% respectively, which compares to a reduction, in England, of 14% and 21%.

The Secretary of State is also aware that opening times for the six statutory static libraries were reviewed in light of consultation feedback, to ensure they are open at periods of peak demand. Furthermore he observes that HC has introduced Open+ technology at Wealdstone library, resulting in an increase in its opening hours and that HC intend introducing Open+ at all its other statutory static libraries in due course. In addition, the Secretary of State notes HC has completed the refurbishment of Stanmore library which reopened in April 2016.

The Secretary of State recognises that a reduction in the number of core static libraries means a number of residents may have to travel further to access a public library. However, HC consider that there is a level of cross usage between libraries and its research suggests that library users are willing to travel across the borough to access library services. Indeed the Secretary of State notes that research undertaken by HC indicates that 67.5% of library users travelled more than 1 kilometre to use a library during the period June to December 2014. He further notes that the four libraries that have closed are all approximately within a 35 minute or less bus journey to Gayton library the current town centre library and that the new town centre library will be more centrally located to the main shopping and transport hubs. Nonetheless, the Secretary of State noted the retention of the Housebound library service and HC's intention to extend the service ensuring that vulnerable and isolated users who may find it difficult to visit a library in person are still able to access library services.

The Secretary of State's current view is that HC's revised library provision offers a comprehensive and efficient service. HC has considered the location of the core libraries and that they remain available to residents on an efficient and accessible basis. This is supplemented by the targeted provision by the Housebound library service for older residents and those with a disability who are unable to visit a library.

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 HC is complying with its statutory duty. The Secretary of State considers that the Council has consulted with the local community and has reasonably explained, analysed and properly justified its proposals. The Secretary of State considers that there is no other good reason why an inquiry should be ordered.

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

The Secretary of State looks forward to receiving any further representations in respect of his proposed decision by **5.00pm on Friday 1 July 2016**.



Ed Vaizey

Minister of State for Culture and the Digital Economy