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11 April 2017

*Dear Jennifer,*

**Local inquiry into library provision in Lancashire**

As you are aware, the Secretary of State has received correspondence complaining about the changes to the library service provision agreed at the Lancashire County Council (LCC) Cabinet meeting of 8 September 2016.

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 Lancashire. For the reasons set out below, she is currently minded to order such an inquiry to help determine whether the agreed changes will offer a comprehensive and efficient library service.

However, before taking that decision the Secretary of State requests further information from the Council as set out below and invites further representations as to her proposed decision from 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](mailto:enquiries@culture.gov.uk) by 5.00pm on Friday 9 June 2017 and titled "**Lancashire Library Services - Minded to Representations**".



## Background

LCC undertook a four week consultation in January 2016 and a further twelve week consultation that finished in August 2016 on proposed changes to its statutory library service. Prior to these consultations the LCC statutory service consisted of:

- 73 static libraries
- a mobile library service consisting of six vehicles
- a home library service
- schools and prisons library service

Following the Cabinet decision of 8 September 2016, LCC agreed a revised statutory library service consisting of:

- 44 static library sites (39 fixed library sites and 5 satellite sites)
- 6 mobile library units
- home library service
- virtual library service, consisting of e-books, e-audiobooks and online reference service
- provision of a schools and prisons library service to continue across the county

Following this decision representations were received from Ben Wallace MP and a local resident, Frances Hendrix, complaining that implementation of these proposals will mean that LCC will be failing to carry out duties imposed on it by the 1964 Act to provide a comprehensive and efficient library service.

As you know, the Department is treating the above correspondence as a complaint under section 10(1)(a) of 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 Secretary of State is therefore considering whether it is necessary to order a local inquiry into the provision of library services in Lancashire.

## Principles

Section 1(1) of the 1964 Act places a duty on the Secretary of State to superintend, and promote the improvement of, the public library service provided by local authorities in England and to secure the proper discharge by local authorities of the functions in relation to libraries conferred on them as library authorities by or under this Act.

In carrying out this duty she considers the general duty of a local authority to provide a comprehensive and efficient library service under section 7 of the 1964 Act. What constitutes a comprehensive and efficient service is a question involving a significant element of judgement.

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. The question for the Secretary of State in exercise of her duty is whether the revised statutory library service, agreed by LCC at its meeting on 8 September 2016, is comprehensive and efficient. A local inquiry can be commenced either on receipt of a complaint or of the Secretary of State's own motion. In determining whether to order such an inquiry, the Secretary of State gives 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

## Criticisms of the changes to the library service in Lancashire

The main criticisms made by Ben Wallace MP and Frances Hendrix and the other representations made to the Secretary of State are summarised below. These complaints are grouped under the factors which the Secretary of State considers to be of particular relevance to this matter.

- Whether LCC has failed to explain, analyse or properly justify its proposals

The criticisms suggest that the consultations in January and May 2016 were undertaken without any serious intention to take into account representations that put forward alternatives to the LCC's proposals to close libraries and the decision was predetermined. The criticisms also suggest that LCC did not fully consider the wide range of alternative models of delivery or consult with other local authorities facing similar challenges to determine how they had addressed similar issues. It is further suggested no detailed report on alternative options was produced or debated. The criticisms further suggest that the consultation was flawed as the final consultation analysis was incomplete as it did not reflect or consider all residents' feedback, such as the consultation feedback or petition in respect of Whalley library. Furthermore the criticisms comment that LCC did not communicate clearly to residents that particular libraries might close. The criticisms also suggest that the consultation was difficult to respond to and did not enable comprehensive feedback to be submitted from all sections of the community. The complainants are of the view that LCC's proposals will mean that the library service is no longer comprehensive and efficient.

- Whether LCC appears to be acting in a careless or unreasonable way; and
- Whether the decision is or may be outside the proper bounds of LCC's discretion, such as a capricious decision to stop serving a particularly vulnerable group in the local community.

The criticisms suggest that the closure of particular libraries e.g. Ansdell will create hardship for many library users, particularly the elderly, who will now be required to use public transport to access an alternative statutory static library. The criticisms also suggest that the closure of some libraries and the distance to travel to an alternative static library will place a financial burden on upon young adults and children who wish to access library services. The criticisms further comment that the closure of certain libraries, such as Thornton library and Cleveley library will be adversely impacted by the withdrawal of LCC's bus subsidies, resulting in vastly reduced services and potentially vulnerable and elderly residents no longer having access to local library services. The criticisms further suggest that LCC's approach to the location of libraries in certain geographical areas, such as Ansdell and Lytham St Annes is ignoring or is inconsistent with its "Older People Strategy" that includes a measure of having a library within 2 or 2.5 miles of a resident's home.

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

The criticisms suggest that the needs assessment LCC used to inform its proposals did not fully take into account older people and the needs of residents on low incomes. In addition, the criticisms suggest that the needs assessment is based primarily on indices of multiple deprivation (IMD) and prioritised library closures on this basis. The criticisms also indicated that this approach meant the Council had not properly identified the pockets of deprivation that exist in geographical areas where the overall deprivation indices are less pronounced.

The criticisms also suggest that LCC's proposals do not take account of planned increases in population for certain communities in the county, i.e. Adlington or Whalley and the criticisms suggest that this would mean that the demand for library services in these areas is likely to rise and therefore justify a greater need for a council static library in these areas.

### **Proposed decision**

The Secretary of State has considered whether to intervene by ordering an inquiry under the 1964 Act into the changes to LCC's library service provision and for the reasons set out below, she is currently minded to order an inquiry.

The Secretary of State has carefully considered the criticisms raised and the evidence provided in light of the factors set out above. Whilst LCC have provided the Secretary of State with a significant amount of information regarding the changes to its library service, at this stage she considers that the criticisms raise a question as to whether LCC is failing to provide a comprehensive and efficient library service.

Section 1(2) of the 1964 Act requires the library authority to furnish such information as the Secretary of State requires for carrying out her duty of superintendence. The Secretary of State considers that further information is needed to inform her final decision.

The specific information that is required and which is considered to be relevant to the factors above is as follows:

#### *Consultation and decision making process*

1. further explanation of the consultation process, including how LCC sought to engage with residents to secure feedback and ensure input could easily be provided by all sections of the community.
2. what methods of feedback / opportunities were available to residents to respond to the consultations?
3. how was the response from the public to the consultations used to inform the proposals and what specific key changes were made to the original library proposals following the public consultations?
4. were agreed changes communicated to residents, and if so, how?
5. LCC has indicated that the revised level of library service is "well beyond any reasonable view of what a minimum statutory service must be". Why is LCC of this view and what information supports that view?

#### *Consideration of alternative models and options*

6. what discussions did the LCC have, including with other local authorities facing similar challenges, about alternative models of delivery for the library service?
7. what alternative delivery models were considered by LCC for their library service and what detailed assessment was carried out or debated as to their appropriateness / suitability?

8. what options or alternative models for delivery for the library service were received by LCC from residents or borough / district councils, what assessment was undertaken and what was the outcome of those assessments?
9. LCC recognised that a Mutual was a potential option for future service delivery and should be actively explored. Why was this option not considered viable / appropriate at this time?
10. what further work has been undertaken to explore the Mutual option, including the anticipated remit of the mutual i.e. to cover the statutory service only or also to include the independent community libraries?

*Impact of proposed changes on affected groups*


11. what areas of the County were considered most likely to be affected by the projected increase in population and how was this data used to inform decisions regarding needs and requirements of specific geographical areas in the county?
12. how did this assessment compare with the proposed provision of staffed static libraries in areas that were assessed as greatest need / deprivation?
13. Did LCC consider the identification of deprivation within individual geographical areas in the county, particularly those geographical areas where the overall deprivation indices are less pronounced, and if not, why not?
14. how did the Council determine what was an acceptable distance that residents live from a statutory static library and what was the rationale for this approach?
15. how does the service reach of the configuration of static libraries i.e. residents living within a prescribed mileage of a statutory static library, compare with that set out in other LCC strategies, such as its Older People Strategy?
16. what comparison was made with other similar local authorities regarding the distance that residents live from a statutory static library?
17. library users highlighted cost / distance and difficult longer journeys as barriers to access to static libraries, including issues with bus timetables / routes. What mitigation has LCC put in place to ensure that these groups are not adversely disadvantaged and that there is appropriate public transport to enable residents particularly older residents to easily access an alternative statutory static library?
18. what assessment has LCC made of the reduction in the number of statutory static libraries for those area with a higher than average number of elderly persons and what mitigation has been put in place?
19. how is the Home Library service to be delivered? Are residents able to register their eligibility and is there an assessment of need / application process?

The Secretary of State will consider further the representations to these specific concerns before making a determination as to whether to proceed to a local inquiry.

The additional information requested above 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](mailto:enquiries@culture.gov.uk) by 5.00pm on Friday 9 June 2017 and titled "**Lancashire Library Services - Minded to Representations**".

The Secretary of State would also be grateful for any further representations on any matter relevant to her decision, as well as any responses bringing the evidence before her up to date.

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

Yours sincerely  


**ROB WILSON**  
Minister for Civil Society