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| <b>Report to:</b>                      | Environment and Neighbourhoods   | <b>Date</b>  | 17 September 2015 |
| <b>Report title:</b>                   | The future of Sutton's library service: options for savings and permission to consult                                    |              |                   |
| <b>Report from:</b>                    | Tolis Vouyioukas, Strategic Director People Directorate  |              |                   |
| <b>Ward/Areas affected:</b>            | Borough Wide   |              |                   |
| <b>Chair of Committee/Lead Member:</b> | Councillor Jill Whitehead  |              |                   |
| <b>Author(s)/Contact Number(s):</b>    | Madeline Barratt, Head of Libraries, Heritage and Arts<br>020 8770 4755  |              |                   |
| <b>Corporate Plan Priorities:</b>      | <ul style="list-style-type: none"> <li>• An Open Council</li> <li>• A Fair Council</li> <li>• A Smart Council</li> </ul> |              |                   |
| <b>Open/Exempt:</b>                    | Open   |              |                   |
| <b>Signed</b>                          | Tolis Vouyioukas   | <b>Date:</b> | 7 September 2015  |

## 1. Summary

- 1.1 Under the **1964 Public Libraries and Museums Act** the council as a Public Library Authority (PLA) is obliged to provide a "comprehensive and efficient service" for all individuals who live, work or study within the Borough and who are 'desirous' of using the service. The Act also charges the Secretary of State with superintending the improvement of the public library service in England and Wales and has the power to challenge a Public Library Authority's provision.
- 1.2 In Sutton, the challenge is to continue to achieve this while making substantial savings to meet the Council's funding gap of £40m, by 2019.
- 1.3 The purpose of this report is to outline the options for achieving the savings target of c £1m from the library service by 2018/19 from an annual budget of £4.4m. Later savings will also be required while remaining within the Act, delivering excellent services and developing a financially sustainable network which is also compliant with the Council's public sector equality duty.
- 1.4 In order to deliver excellent services to local residents within a financially sustainable framework the service needs to refocus and fundamentally review the core offer to local communities and how this is delivered. While the service has traditionally been regarded as being at the forefront of library services in London, development and innovation has been static for some years now. The service needs to modernise to regain its position at the cutting edge and in order to ensure that the priorities set out in the Library Strategy, already agreed by Members, are achieved.
- 1.5 The difficulty facing Public Library Authorities in delivering services in a period of austerity was acknowledged in the McKenna judgement in the Judicial Review taken against Gloucester and Somerset County Councils of November 2011:  
**"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.”***

- 1.6 The Council adopted a Library Strategy for Sutton’s library service in January 2015, which sets the strategic and operational direction for the service to 2019. There are four key aims:
- Literacy: growing the readers of the future
  - Meeting the needs of an ageing population
  - Narrowing the digital divide
  - Creating a viable, sustainable and quality service within available budgets
- 1.7 This report presents options for the achievement of budget savings, whilst continuing to maintain and in some areas of the library service, potentially enhance provision. A comprehensive review of business processes and budget spend will take place in parallel, to ensure internal efficiencies are taken first, protecting public service as far as is possible.
- 1.8 A comprehensive programme of consultation has been developed to involve staff, customers, internal stakeholders such as Friends’ groups and external stakeholders, notably the Department of Culture, Media and Sport (DCMS) and Arts Council England (ACE), on a new service model for Sutton’s libraries. A comprehensive programme of consultation is proposed, to run for a 12 week period from 23<sup>rd</sup> September to 16<sup>th</sup> December 2015. Community profiles will be available on the Council’s website.
- 1.9 In preparation for the consultation, comprehensive community profiles and assessment of needs have been undertaken and the methodology for this is detailed in appendices to this report.
- 1.10 Throughout we will be mindful of the lessons from the Secretary of State’s intervention in the Wirral in 2009 and other more recent challenges, such as Judicial Reviews in Lincolnshire and Somerset and Gloucester, and ‘not minded to intervene letters’ from the Secretary of State for Culture, Media and Sport in the cases of Bolton and Sheffield.
- 1.11 In the current financial climate, the library sector faces difficult decisions about how to manage and plan its services within the context of a need to reduce operating costs to meet its savings target over the next four years. The scale of the efficiency savings required necessitates a more fundamental assessment of existing models of library service delivery. These are examined in the options contained within the report.

## **2. Recommendations**

The Environment and Neighbourhoods committee is recommended to:

- 2.1 Agree to a programme of consultation with staff, customers, stakeholders and partners on the future provision of the library service in Sutton in line with the council’s statutory responsibility under the ***Public Libraries and Museums Act 1964***;
- 2.2 Approve the consultation methodology, and programme attached at **Appendix A**

### 3. Background

- 3.1 Under the **1964 Public Libraries and Museums Act** ( Section 7) the council is obliged to provide a “comprehensive and efficient service” for all individuals who live, work or study within the borough and who are ‘desirous’ of using the service. Sutton Council currently delivers this duty through 9 public library service points across the borough, plus a mobile library service and a special ‘at home’ service to those people who are unable to travel to libraries due to age, ill health or disability.
- 3.2 The statutory instruction says:  
***“In fulfilling its duty...a library authority shall in particular have regard to the desirability: of securing....that facilities are available for the borrowing of or reference to, books and other printed matter, and pictures, gramophone records, films and other materials sufficient in number, range and quality to meet the general requirements and any special requirements both of adults and children”***
- 3.3 It will be apparent from the reference to “gramophone records and film” that the Act has been overtaken by the Information revolution and the rise in use of electronic and social media, which have altered how people read, create, share and find information. This change formed the basis for Sutton’s Library Strategy, adopted by the council in January 2015.
- 3.4 The Council is charged with “providing”, not necessarily delivering library services and this flexibility has given rise to an increasing number of alternative models.
- 3.5 The Act gives no direction as to numbers of libraries to be provided, geographical spread or distance to travel.
- 3.6 There has never been an accepted definition of the phrase “comprehensive and efficient” as noted by the judge in the Judicial Review taken against Gloucestershire and Somerset CC in 2011.
- 3.7 Nor does the Act define a ‘library service’: library facilities are referred to but not defined but they are clearly not the same as library premises which are defined in Section 8(7) of the Act.
- 3.8 The funding for libraries is not ring-fenced; Local Authorities are responsible for deciding how to allocate core funding to public libraries in the light of their statutory duties under the 1964 Act and local priorities. It is the responsibility of library authorities to determine how they deliver public services in the context of local need - specifically, the needs of those who live, work and study in the local area. This was reinforced in the Secretary of State for Culture, Media and Sport’s recent letter to the City of Sheffield:

**“what constitutes a comprehensive and efficient service is a question involving a significant element of judgement [which is], in the first instance, for the local authority to make. It has in-depth knowledge of local conditions and needs and has direct democratic accountability to the local population... 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.”**

- 3.9 Currently, there are no English Public Library Standards such as those that have been adopted in Wales. Between 2001 and 2008 public library authorities had to report against 26 performance measures. These covered (amongst others) opening hours, proportions of households living a specified distance from a static library, access to internet and speed to fulfil requested items. The standards were abolished in March 2008 when the government brought in the National Indicator set, only one of which referred to libraries. These national indicators were in turn abolished in 2010. Other than CIPFA benchmarking there is therefore, no quality measurement of library provision.

#### **Judicial challenge and intervention**

- 3.10 The last time the Secretary of State for Culture, Media and Sport intervened under the government’s powers to supervise the service was in the Wirral in 2009. The primary reason for the breach was that the Council **failed to make an assessment of local needs** (or alternatively to evidence knowledge of verifiable local needs) in respect of its Library Services. In the absence of such an assessment it was concluded that the Council therefore could not have reasonably met such needs in the context of its statutory duties and available resources, nor identify a reasonable option for meeting such needs both comprehensively and efficiently.
- 3.11 As a result, Public Library Authorities seeking to make changes to their networks have undertaken community profiling and needs analyses, based on census data. Sutton has conducted a comprehensive needs analysis initially based on the Bolton assessment method, which has been a successful model. Between January and April 2015, the needs assessments have been amended and refined to reflect DCMS recommendations to other Councils, i.e. Sheffield and Lincolnshire, to ensure we are following best practice recommendations and guidelines for informing assessments. An explanation of the methodology and tables is attached at **Appendix B**.
- 3.12 Judicial reviews against changes to library provision are or have been taken against Brent, Doncaster, the Isle of Wight, Somerset and Gloucester, Shropshire and Lincolnshire among others. The Lincolnshire judgement is significant in defining the Council’s approach to consultation and the formulation of options in that it was claimed:
- consultation that preceded the decision was unlawful in that decisions had already been taken before the consultation began;
  - the Council failed to take due regard of its obligations under the Public Sector Equality Duty as required by the **Equality Act 2010**. The Council had already identified that disabled people, older people, young people and women (particularly mothers of young children), were going to be adversely affected but failed to ensure that this adverse impact was prevented.
  - the Council failed to properly consider the proposal by Greenwich Leisure, a charitable social enterprise, to take over the whole Library Service whilst largely maintaining the library network.
  - if the cuts went ahead, the library service would no longer be a comprehensive and efficient library service, as required by the **Public Libraries and Museums Act 1964**.



- 3.13 The finding against Somerset and Gloucester was based on the councils' failure to meet their obligations under the public sector equality duty:
- 3.14 ***“the decisions under challenge failed to give effect to the public sector equality duties and were not merely unlawful decisions but amounted to bad government. It is important to the rule of law to give due respect to these issues of equality. The breach of the equality duties is a substantive and not merely a technical or procedural defect.”***
- 3.15 Thus it is that considerations of adverse impact, the Council's acknowledgement of that, and proposals to mitigate impact, are more significant than any challenge under the Act itself and any definition or interpretation of “comprehensive and efficient”.
- 3.16 Intervention: under the 1964 Act the Secretary of State may intervene if he is of the opinion that a local authority is failing to carry out its duty under the Act to deliver a “comprehensive and efficient” library service for library users by making a remedial order following a local inquiry, which can commence either on receipt of a complaint or of the Secretary of State's own motion.
- 3.17 In determining whether to order such an inquiry, the Secretary of State gives consideration to a number of factors, including failure to consult properly, assessment of the impact any decision to stop serving a particularly vulnerable group in the local community may have, whether the council has carried out ‘significant’ research and, importantly, whether the council has failed to explain, analyse or properly justify its proposals.
- 3.18 This report and its appendices seek to fully explain all the potential options for change for both Members and the residents of the London Borough of Sutton in requesting permission to consult.

#### 4. Context for Sutton

- 4.1 The Library Service in Sutton is provided through a network of 9 libraries located across the borough and one mobile vehicle delivering to a timetable of stops. There is a full time equivalent staff of **64.3** which works flexibly across the network.
- 4.2 Sutton Central Library is by far the largest and operates over four floors. It has the largest book stock and acts as a resource and support for all other libraries. The most recent MORI poll (2013) shows a satisfaction rate for Libraries of 89%.
- 4.3 The branch library network is divided into two distinct groups: those libraries which are in stand-alone buildings and those in multi-centres.

| Library in Civic premises | Libraries in Stand-alone Buildings | Libraries in Multi- Centres |
|---------------------------|------------------------------------|-----------------------------|
| Sutton Library            | Wallington Library                 | Phoenix Library             |
|                           | Worcester Park Library             | Westcroft Library           |
|                           | Cheam Library                      | Sutton Life Centre Library  |



|  |                    |  |
|--|--------------------|--|
|  | Circle Library     |  |
|  | Beddington Library |  |

- 4.4 Libraries in multi-centres are staffed by library staff but the buildings are managed by another operator. Generally the libraries in multi-centres are smaller in floor space, open longer hours and share overheads.
- 4.5 The library service is extensively used across the Borough. There were almost 1.5 million visits to libraries during 2013/14. Sutton Library attracts users from across the Borough and from neighbouring authorities. It is open 7 days a week for 60 hours. Key performance statistics for the network are attached at **Appendix C**.
- 4.6 **Wallington Library** is the second largest library and is a well established resource in the town centre. The other stand-alone branch libraries at **Cheam, Worcester Park and Circle**, attract a local population (typically around a 2 mile radius) and are open for a minimum of 35 hours per week. **Beddington** is a small part time library with a low and diminishing usage and a smaller catchment area.
- 4.7 The branch library network is supported by a **Mobile Library** and a **Housebound Library Service**. It is difficult to see why an urban borough, with good transport links, should continue to operate a mobile library service: only 4 of the 33 London boroughs continue to provide a mobile and one of those (Enfield) is under review.
- 4.8 The Housebound Service delivers to 100 residents who are unable to travel from their home to a local library due to ill health, infirmity or disability. This service has been redesigned to operate on the Meals on Wheels model, with volunteers. This will allow expansion, in mitigation for any users who are unable to use a static library, should the mobile be withdrawn. The new delivery model for the service launched in September 2015.
- 4.9 The 2015 Library Strategy provides a framework to enable the service to focus on the core offer, however some buildings are now outdated and the ten year old IT system is no longer fit for purpose. Staff skills require updating to deliver agile services in line with customer and Council expectations. Members have recognised some of this need and capital investment has been provided to enable Sutton to join the London Libraries Consortium as a first step in the modernisation programme. The consortium comprises 17 London boroughs, effectively providing residents with one library ticket for London, five million items of stock and opportunities for the service to achieve economies of scale not just on the Library Management System but associated contracts. Consortium working offers staff the potential to work collaboratively in Pan London groups, broadening their outlook and their horizons and gaining new skills to benefit Sutton communities. New self service equipment will replace ten year old legacy equipment and bring the service firmly into the channel shift agenda enabling customers to fully self serve, and pay with cash or via chip and pin devices.
- 4.10 Further capital investment in key libraries would enable the service to redesign and reinvigorate library spaces to meet customer expectation for flexible spaces for recreation, study and leisure. Equipping staff with mobile working devices would free them from counters

to floor walk and engage more fully with customers and enable them to take the Library and Council services and information out to local communities to deliver a library service truly without walls.

## 5. Options for Consultation

### 5.1 Overview

5.1.1 As part of the programme to deliver £40m of savings across the council the Library, Heritage and Arts Service has undertaken to review all areas of activity, including procurement, staffing and the library network, the latter using objective criteria, which aims to save around £750,000 in the financial year 16/17. This is in addition to the £227,000 savings target included in the budget for 15/16. .

5.1.2 The council's options for consultation are:

- Closure of Beddington library
- Discontinuation of the Mobile Library service
- Rationalisation of library opening hours
- Consideration of a community library model with the bulk of the workforce comprising volunteers who would work alongside some paid staff
- Shared services with a neighbouring authority
- Commissioning service from an external provider, such as those currently providing services in Croydon and Wandsworth.

5.1.3 Each of these options is examined below.

5.1.4 A separate community profile has been produced for each library service point. Profiles identify catchment areas for each library on the basis of Lower Super Output Areas (LSOA) where 5% or more of the population are known to be active borrowers of the library, with the exception of Beddington, where there were no LSOAs where that was the case. The catchment area for Beddington Library is therefore taken to be the two LSOAs which contain the highest numbers of active library members. All community profiles are available on the Council's website and in libraries during the consultation period. The profile for Beddington is attached at **Appendix D**.

5.1.5 In preparation for the consultation, an **assessment of need** has been carried out across the borough, and a full mapping, using data from the library management system, of current usage, including visits, issues, IT usage as well as socio-demographic data on age, disability, income, access to transport and availability of other libraries is included in the rankings. The methodology for deriving these is explained at **Appendix B**. Each library has been ranked from 1-9 on a range of indicators. **A high rank indicates a lower level of viability for a library on a particular indicator.**

5.1.6 All ranks have been combined into a total to give an overall indicator of level of viability. The total has been weighted in favour of indicators for accessibility by car/public transport and the propensity of members to use other libraries. This methodology was devised by the Joint Strategic Needs Analysis team at Bolton Council and its validity has been checked against

Judicial Review decisions and the recent City of Sheffield letter from the Department of Culture, Media and Sport, cited above, which was critical of that city council's needs analysis methodology. In addition, the percentage of catchment population defined as 'hard pressed' has been included in the indicator list.

- 5.1.7 As part of the review the Council will look at opportunities to mitigate any cuts to the network e.g. restoring opening hours at the central library to reopen the upper floors for public use on a Monday, opening earlier and offering free reservations for books and other items loaned between libraries in Sutton.

## **5.2 Proposed changes to the library network**

### **5.2.1 Library service closures**

- 5.2.2 On a range of usage figures Beddington Library is in decline: issues are down 78% over seven years, and there are only 474 active users (defined by having borrowed an item with the last year). The library is only 30 square metres in size, severely restricting the service we are able to offer particularly in regard to delivering against the Library Strategy and making further development in service is difficult. A table of usage figures and a community profile are attached at Appendix D.

- 5.2.3 Beddington also scores badly on the basis of needs analysis, and in cost and efficiency. Within the catchment area, there were 1,135 households identified in the Census 2011 (around 1% of the total of 78,174 in the London Borough of Sutton as a whole). Home ownership is:
- 85% owned
  - 5% social rented
  - 9% privately rented.
  - The level of home ownership is significantly higher than the borough average of 68% and the national average of 64%.
  - Only 2.35% of the catchment population was in receipt of out of work benefit.

- 5.2.4 The Indices of Deprivation 2010 provides a relative ranking of areas across England & Wales according to their level of deprivation. It includes the Index of Multiple Deprivation which brings together 37 different indicators covering specific aspects or dimensions of deprivation including income, employment, health and disability, education, skills and training, barriers to housing and services, living environment and crime.

- 5.2.5 The Beddington Library catchment area contains no LSOAs in the lowest 30% most deprived areas.

- 5.2.6 The area is also well served by public transport, and 4 borough libraries can be reached in 20 minutes by bus: Sutton Central, Wallington, Phoenix and Westcroft. A map showing public transport routes is at Appendix E. Access to a car/van is 83.7%, the second highest in the borough.

- 5.2.7 The Council acknowledges that closure may cause some detriment but the results of the first user consultation conducted between December 2014 and February 2015 show that the

Central Library is the best used in the borough and 47.5% of Beddington's active library members use other libraries within Sutton.

- 5.2.8 The Mobile Library stops at 43 locations within the borough during the week and carries a stock of around 2,500 items. Sutton is one of the few remaining London boroughs to continue to run a mobile library service. 37% of its users visit other Sutton libraries as well as using the vehicle. This willingness to use other libraries is shown at Appendix F.
- 5.2.9 Given the need to make savings, high transactional costs and declining usage (32% over the last 5 years) and in a compact urban borough with good transport links, the recommendation is to discontinue the mobile service.
- 5.2.10 The Council recognises that there are customers who have limited ability to travel to other service points and to mitigate any adverse impact on such users the existing housebound service will be improved and expanded. The service currently delivers to 100 residents who are unable to travel from their home to a local library due to ill health or disability.
- 5.2.11 The Housebound service has been redesigned and is being offered in partnership with the Meals on Wheels service (MOW) and Sutton Old Peoples' Welfare Committee via volunteers. Deliveries will take place three times a week to clients in their own homes. This will allow expansion to accommodate those vulnerable readers who are affected by the withdrawal of the mobile. The new service launched in September 2015.
- 5.2.12 In addition, deposit collections will be left at care homes currently being visited by the existing service.
- 5.3 Alter opening hours**
- 5.3.1 The library service has taken cuts to opening hours in previous years (2011-2013) to achieve budget savings. This involved opening all libraries at 9.30 a.m. instead of at 9 and each branch library lost one hour's late opening. As well as only having the ground floor open on a Monday, the central library reduced its hours two days a week in the evenings, offering service on the ground floor only. Given the popularity and importance of the central library and no access to stock, ICT or study facilities on the upper floors, to further reduce opening hours in this way is neither cost effective nor is it good public service.
- 5.3.2 In order to achieve savings of c £400k there would have to be a reduction in the region of at least **50%** across the network which would have a significant impact on library visits and issues. In order to protect opening hours at Sutton Central as our flagship library, other libraries would face an even higher cut. This would see, for example, Wallington's hours reduced from 40.5 to 24 per week and the removal of all libraries Sunday opening, apart from at central. Arguably this is neither "comprehensive" nor "efficient" as resources are left fallow in closed buildings and it is more difficult to achieve staff and building savings, compared to outright closure. It is a very visible cut, poor customer service and will undoubtedly lead to falls in usage as libraries are closed when people want to use them. Current and modelled reduced opening hours are at **Appendix G**.



5.3.3 As part of the library review, opening hours will be re-examined across the network to ensure a consistent pattern, and as far as possible given financial constraints, in line with customer expectations.

#### **5.4 Adopt a volunteer supported model**

5.4.1 Sutton Library service has always used volunteers, but to deliver 'added value', not as a substitute for duties currently done by paid staff. The scale of financial reductions across local authorities has prompted many councils to look at volunteers actually delivering services. More than one in three Public Library Authorities have at least one community operated library within their area, representing 5% of English library provision (2013 figures). If a decision were taken to close other library buildings within Sutton then there are different approaches to volunteer run or supported libraries:

- Independent community library, either asset or non-asset owning, with no public sector involvement;
- Co-produced library: partnerships between councils and community groups;
- Community managed with some form of ongoing council support and still part of the network;
- Community supported, council-led with paid staff but with significant support from volunteers;
- 'Commissioned community', fully funded by a council but delivered by a not for profit or social enterprise company, or mutual, either existing or purposely created.

5.4.2 The Council has yet to explore the potential for any of these models but maintaining quality of service and customer standards, access to professional staff and the importance of ensuring the Council's adherence to delivering an equal service, are all important considerations.

5.4.3 Indications are if we take all library assistant roles out and replace their work with volunteers we could save c £400k, but it's difficult to see how such extensive job substitution guarantees quality or sustainability. We would still have a paid staff member at each library to manage the volunteers who would be recruited to a series of job descriptions, and performance managed and these libraries would remain within the statutory service.

5.4.4 Independent '**community-led**' models. This has been done in Lewisham, North Yorkshire and Bradford but if the Council abrogates responsibility and does not provide funding, staffing or media fund support then such libraries should sit outside the statutory provision. This may well be a model the Council would wish to explore if the decision were made to close other libraries within the network, based on the needs analysis table and as in the model above consideration needs to be given to quality and sustainability of service.

#### **5.5 Shared services**

5.5.1 Sharing services is increasingly being adopted across a range of council activities throughout the country and across a wide range of services. LBS already has shared service

arrangements for legal services, IT and HR. In London, Bromley and Bexley share library services, with one management team and head of service.

- 5.5.2 The potential to share library and heritage services with Kingston and Richmond was subject to a Smarter Sutton review in July 2011, refreshed in 2013, with the aim of exploring cost savings without sacrificing quality and achieving economies of scale in specialist and managerial roles. Richmond's decision to establish a Trust reduced the tri-borough proposal (similar to that adopted in Westminster, Hammersmith and Fulham and Kensington and Chelsea) to a two borough proposal. There would also be implementation costs which impacted on what was already a two way split due to redundancies and other staff compensation payments.
- 5.5.3 Given that all the services have taken further cuts to their budgets in the last 4 years, and in Sutton's case, reduced senior management roles in the financial year 15/16, then achievable savings, calculated at 2.8% of total service budgets (2011 projections) would not be great enough to compensate for the upheaval and workloads involved in harmonising services across two boroughs.
- 5.5.4 Nonetheless this remains an option to revisit in order to achieve savings should that become necessary if savings are not taken under other options.

## **5.6 Commissioned or outsourced library services**

- 5.6.1 Sutton's strategic objective is to be "a commissioning council". Although the option to outsource or commission services is widely adopted across a range of other council services, for libraries and heritage this is still an under-developed market. The current picture is:
- 5.6.2 Carillion run Hounslow, Ealing, Harrow and Croydon
- 5.6.3 GLL run Wandsworth, Greenwich and have indicated an interest in Lincolnshire
- 5.6.4 Bromley and Bexley, who already run a shared service, is currently conducting a soft market test
- 5.6.5 Lincolnshire CC is going out to tender for provision of services
- 5.6.6 Essex Council is coming to the end of a 5 year contract to run Slough, through a trading arm.
- 5.6.7 There is a potential for LBS to also 'soft test' the market, either singly or with a partner, as part of the options appraisal for savings. This would allow the Council to assess the capacity of and likely interest in and viability of an outsourced option in order to support the decision making process.
- 5.6.8 The Council would invite responses from the private sector and charitable and voluntary and not for profit organisations, either singly or in a consortium.
- 5.6.9 Library Trusts: the Council has previously commissioned studies looking at leisure and library Trusts. A trust still offers NNDR, VAT and other savings but many existing flagship cultural



trusts which run libraries are running into difficulties given that income and savings targets are provided by their sponsoring councils and they typically have no financial safety net. In addition, they are tied into Service Level Agreements which makes taking savings more difficult. Passing libraries over to a Trust can lead to a loss of decision making ability over key community assets.

- 5.6.10 Given that the Council has entered into Trust arrangements for the provision of leisure services, this remains an option to be considered.

## 6. Impacts and Implications

### Financial

- 6.1 There are currently savings of £368k still to be identified in 2015/16 for the Libraries and Heritage services. This includes a savings target of £227k for 2015/16.
- 6.2 The service is forecasting an overspend of £239k, as at month 4 (July 2015) due to the predicted underachievement of these savings. This will need to be addressed, along with the 2016/17 savings target of £734k, as part of the review of the Libraries service.

### Legal

- 6.3 The Council believes that it has taken due consideration of the **Public Libraries and Museums Act 1964** duties in still providing a “comprehensive and efficient” service, specifically in the withdrawal of the mobile library service and branch library closures. In addition, due note has been taken of the recent letter of the DCMS to the City of Sheffield emphasising that the provision of a comprehensive and efficient service is a question involving a significant element of judgement which is, in the first instance, for the local authority to make.
- 6.4 Recent judicial reviews taken against Public library Authorities over closures and a shift to community-led (volunteer) models have centred on a council's responsibility under the **Equalities Act 2010** to have due regard to statutory equality needs. In developing detailed community profiles and a needs analysis tool based on census data the Council believes it has conducted a ‘sufficiently thorough information gathering exercise and then properly analysed that information’ [R(Green) v Gloucestershire and Somerset County Council(s), 16 November 2011].
- 6.5 In addition, proposed mitigation in improving the Housebound service to those users who would be adversely affected by the withdrawal of service both on the Mobile and at Beddington Library, and the restoration of opening hours in the most heavily used library (central at Sutton) will, combined with improved access to stock in other libraries, will counter adverse impact.

### Property

- 6.6 Beddington Library is leased and 6 months notice is required. In addition the Council has responsibility for dilapidations. The mobile library lease agreement is due to expire in May 2016 and consideration will have to be given early in 2016 as to whether a new vehicle is to be leased.



## 7. Appendices and Background Documents

| Appendix Letter | Title   |
|-----------------|---|
| A               | Consultation methodology                        |
| B               | Needs analysis and community profiling          |
| C               | Key performance statistics for Sutton Libraries |
| D               | Beddington Library community profile            |
| E               | Public transport routes for LBS                 |
| F               | Usage of other Sutton libraries                 |
| G               | Modelling of opening hour reductions            |

### Background Documents

None.

### Audit Trail

|         |       |                        |
|---------|-------|------------------------|
| Version | Final | Date: 7 September 2015 |
|---------|-------|------------------------|

### Consultation with other officers

| Officer          | Comments Sought | Comments checked by |
|------------------|-----------------|---------------------|
| Finance          | Yes             | Phil Butlin         |
| Legal            | Yes             | Tracy Swan          |
| Asset management | Yes             | Alison Boote        |
| IIA/EIA          | Yes             |                     |

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