

**Report to:** Cabinet

**Date of meeting:** 18<sup>th</sup> July 2013

**Subject:** Library Review – Assessment of Alternative Community Proposals

**Report of:** Director of Older People

**Wards Affected:** All

**Is this a Key Decision?** No

**Is it included in the Forward Plan?** No

**Exempt/Confidential** No

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### **Report Summary**

On 23<sup>rd</sup> May 2013, Cabinet agreed to the Strategic and Implementation Plan for the library review, and requested that a report be brought back to this meeting for consideration on the Alternative Community proposals for libraries.

This report provides Officers' assessment of the Community proposals received to date for Cabinet to consider.

The report is arranged in a number of sections and annexes as indicated below:

	<b>Section</b>	<b>Annex</b>
Background	1	
Assessment Criteria	2	
The Assessment Gateway	3	A
Assessment of Community proposals	4	
Consultation with the Trade Unions	5	
Update on other Library Review issues	6	

### **Recommendations**

That :

- 1) The Officers' assessment of the Community proposals at the first gateway be approved, and the proposals submitted by the ABC group and Birkdale Library Action group (paragraph 4) be rejected;
- 2) The Sefton CVS and Aintree Library Action Group proposals pass the first gateway and Officers be authorised to carry out an in depth assessment of those proposals;
- 3) Any future decisions relating to the Sefton CVS and Aintree Library Action Group proposals be delegated to the Cabinet Member - Children's, Schools, Families and Leisure;
- 4) The consideration of any new proposals that may come forward be delegated to the Cabinet Member - Children's, Schools, Families and Leisure provided that such new proposals come forward at least two months before the proposed date of closure of the library in question;
- 5) The receipt of a nomination under the Community Right to Bid provisions of the Localism Act 2011 in respect of Carnegie Library in Crosby be noted; and

- 6) Community groups/organisations be thanked for their efforts in submitting community proposals for the libraries and that the hard work and commitment made by them is recognised.

**How does the decision contribute to the Council’s Corporate Objectives?**

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Jobs and Prosperity		√	
3	Environmental Sustainability		√	
4	Health and Well-Being		√	
5	Children and Young People		√	
6	Creating Safe Communities		√	
7	Creating Inclusive Communities		√	
8	Improving the Quality of Council Services and Strengthening Local Democracy		√	

**What will it cost and how will it be financed?**

**(A) Revenue Costs.**

This report provides an assessment of proposals for the operation of community run libraries; as such, there are no financial implications of this report. The criteria as set out in the report, assumes that there will not be any additional ongoing revenue support to any community run library.

**(B) Capital Costs.**

**Implications:**

None as a result of this report

**Legal -**

Under Section 7 of the Public Libraries and Museums Act 1964, Library authorities [i.e. local authorities who exercise Library functions] have a statutory duty to provide a “*comprehensive and efficient*” Library service for all persons desiring to make use thereof. Under Section 1 of that Act, the Secretary of State has a duty to secure the proper discharge by local authorities of their functions in relation to libraries. In addition, the provisions of the Equality Act 2010 must be taken into consideration in relation to the way in which an authority plans and delivers Library services. In particular, an authority must comply with the Public Sector Equality Duty to eliminate discrimination and advance equality of opportunity in accordance with Section 149 of the Equality Act 2010, the full text of which can be found at:

<http://www.legislation.gov.uk/ukpga/2010/15/section/149>.

Cabinet has agreed the definition for a comprehensive and efficient library service in relation to Sefton which is set out in Cabinet reports of 11<sup>th</sup> October 2012 and 14<sup>th</sup> February 2013.

If the Council decides to allow the Community to operate Community run libraries, these will not form part of the Council's statutory library function, and as such will sit outside of the statutory framework.

**Human Resources –**

There are no HR issues arising directly from this report

**Equality –**

The framework of the remaining library provision meets the Equality Act 2010 requirements. Any additional library facilities will be a welcomed addition.

**Impact on Service Delivery:**

This report deals with the Community proposals to run alternative library services and the assessment of these proposals. There is no further impact on the Council's service delivery, as these were assessed as part of the Equalities Analysis Report contained in the report to Cabinet 14<sup>th</sup> February 2013.

**Reasons for the Recommendations**

The Council will need to make a decision on whether to accept the Community proposals for the provision of alternative library services.

**What consultations have taken place on the proposals and when?**

Consultation has taken place across Departments to enable the assessment of the Community proposals. A number of discussions, meetings, email correspondence and support have been given to the Community groups, since the original decision was made by budget Council on 28<sup>th</sup> February 2013.

As part of the Council's internal consultation process the views of the recognised Trade Unions have been sought on the proposals put forward by the Community groups.

The Head of Corporate Finance & ICT (FD 2376) and Head of Corporate Legal Services (LD1691) have been consulted and any comments have been incorporated into the report.

**Are there any other options available for consideration?**

The Council at its meeting on 28<sup>th</sup> February 2013 stated that it would consider proposals from Community groups/organisations to run alternative library services. This report sets out the community proposals received to date, and Officers' assessment of their viability.

## **Implementation Date for the Decision**

Immediately, following the call-in period, following the publication of the minutes

### **Contact Officers:**

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### **Relevant reports**

Overview and Scrutiny (Regeneration and Environmental Services) Report 13<sup>th</sup> April 2010:

<http://modgov.sefton.gov.uk/moderngov/documents/s9204/Libraries%20Final%20Report.pdf>

Cabinet Report 16<sup>th</sup> February 2012:

<http://modgov.sefton.gov.uk/moderngov/documents/s37234/Transformation%20Programme%202011%202014.pdf>

Cabinet Report 11<sup>th</sup> October 2012:

<http://modgov.sefton.gov.uk/moderngov/documents/s42139/Review%20of%20Library%20Services%20Final%20Report.pdf>

Overview and Scrutiny (Regeneration and Environmental Services) 1<sup>st</sup> November 2012:

<http://modgov.sefton.gov.uk/moderngov/documents/s44512/Overview%20and%20Scrutiny%20Committee%20Regeneration%20and%20Environmental%20Services%201%20November%202012.pdf>

Cabinet Report 14<sup>th</sup> February 2013:

<http://modgov.sefton.gov.uk/moderngov/documents/s44513/Transformation%20Programme%20Revenue%20Budget.pdf>

<http://modgov.sefton.gov.uk/moderngov/documents/s44529/Review%20of%20Library%20Services%20v1%200%20Final.pdf>

Cabinet Report and Council report 28<sup>th</sup> February 2013:

<http://modgov.sefton.gov.uk/moderngov/documents/s44841/Two%20Year%20Financial%20Plan%20Revenue%20Budget%2013-14.pdf>

Cabinet Report 23<sup>rd</sup> May 2013

<http://modgov.sefton.gov.uk/moderngov/documents/s46541/Libraries%20Report.pdf>

Cabinet Member (Children's, Schools, Families and Leisure) Report 25<sup>th</sup> June 2013

<http://modgov.sefton.gov.uk/moderngov/documents/s47327/Alternative%20Library%20Proposals%20Assessment%20Criteria%20-June%202013.pdf>

## **Background Documents**

### ABC Library Group proposals

ABC Business Plan 090513

ABC LG Appendix A SMBC Libraries May 2013

### Aintree Library Action Group proposals

Aintree Expression of Interest June 2013

Aintree Library Indicative Costs

Aintree Maintenance Management Report

### Birkdale Library Action Group proposals

BLAG Business Plan 2013-15

BLAG Business Plan Costs

### Sefton CVS proposals

CVS – Birkdale Library Proposal Costings Version 18042013

CVS – Birkdale Library supporting information 300513

CVS Birkdale Appendix One

These background documents can be accessed via the Council's website at:

<http://modgov.sefton.gov.uk/moderngov/ecCatDisplay.aspx?sch=doc&cat=13457&path=0>

## **1. Background**

- 1.1 On 23<sup>rd</sup> May 2013 a report was considered and approved by Cabinet on the implementation plan for library closures. This report also identified that a number of community groups had submitted alternative proposals to run library services in locations where closure has been agreed. The Leader of the Council referred to the alternative proposals, which had been submitted, and indicated that they would need to be assessed by Officers to ensure they were sustainable and feasible, and that the details would be considered at the meeting of the Cabinet to be held 18<sup>th</sup> July 2013.
- 1.2 A report detailing the assessment criteria for evaluating Community proposals was considered and approved by the Cabinet Member (Children's, Schools, Families and Leisure) on 24<sup>th</sup> June 2013. Officers were authorised to assess the Community proposals received to date using the approved criteria, and to report the outcome to Cabinet on 18<sup>th</sup> July 2013 for consideration.
- 1.3 This report sets out the assessment of Community proposals for Cabinet to consider.

## **2 Approved Assessment Criteria for the Community Proposals**

- 2.1 The Cabinet Member in approving the assessment criteria agreed to adopt a "gateway process" to make a first assessment of the Community proposals which would be based on 3 themes (Financial Support, Asset Management and Governance) with a pass or a fail mark required; there was to be no scoring or matrix involved at this stage.
- 2.2 This allowed a proposal to be assessed against a basic set of criteria before requiring a more detailed evaluation. If a proposal passes through the first gate a more in depth evaluation will be undertaken that would provide a qualitative assessment.
- 2.3 If a proposal were to fail at the first gate, the Community group would be advised as to why it failed. It would be for them to decide whether or not to submit a new proposal for consideration, which must be received by the Council at least two months before the proposed date of closure of the library in question. This is because plans to de-commission the building will be well advanced, including notice on contracts. Any new proposal would be assessed using the same methodology, provided that the Council had not formally engaged with another organisation regarding the use of that particular library building. Any new proposals should be for a wholly run community run facility without Council staffing.
- 2.4 Should a proposal pass the first gate there is no guarantee that the on-going negotiations with the community group will reach a successful conclusion. The Council will need to be satisfied that the all of the legal, property, governance and financial requirements can be met by the community group and that any risks and liabilities for the Council are mitigated.

### 3. The Assessment Gateway

3.1 The Assessment Gateway comprises two Gateway assessments and details of these are contained at **Annex A** of the report.

### 4 Officers' Assessment of Community Proposals using the Approved Criteria – "First Gateway"

4.1 Four proposals have been received to date from Community Groups to provide alternative library services, these include:-

- a) Aintree Library Action Group
- b) ABC Library Group (Ainsdale, Birkdale and Churchtown)
- c) Birkdale Library Action Group
- d) Sefton CVS (Birkdale)

Details of these proposals are contained as Background Documents to this report for Members' information.

4.2 An assessment of the proposals submitted by the groups above has been undertaken using the "first gateway" method by an internal group of officers taken from Legal, Finance, Property Management, Neighbourhoods and Library Services.

4.3 The outcome of the assessments is:-

Community Group	First Gateway Assessment	Comments
Aintree Library Action Group		
1. The proposal does not require on-going financial support from the Council?	Pass	Meets financial requirements, there is no on-going financial support required
2. Does the Proposal provide a credible plan to maintain the Asset during the life of the proposed Agreement?	Pass	Meets asset management requirements. The proposal identifies how the asset will be maintained.
3. Does the Proposal demonstrate and evidence that there are or will be the necessary Governance structures in place to allow the Council to formally undertake contractual negotiations?	Pass	Proposal demonstrates and evidences the proposed governance structures
4. Recommendation	Pass to 2 <sup>nd</sup>	

	gateway	
<p>ABC Library Group</p> <p>1 The proposal does not require on-going financial support from the Council?</p> <p>2. Does the Proposal provide a credible plan to maintain the Asset during the life of the proposed Agreement?</p> <p>3. Does the Proposal demonstrate and evidence that there are or will be the necessary Governance structures in place to allow the Council to formally undertake contractual negotiations?</p>	<p>Fail</p> <p>Fail</p> <p>Fail</p>	<p>There is an on-going revenue cost to the Council, as required to employ the staff and pick up liabilities for increases in pension and NI costs.</p> <p>No Asset plan, proposal is reliant upon the Council to maintain the buildings.</p> <p>No Governance structure or evidence of one.</p>
4. Recommendation	Fails 1 <sup>st</sup> gateway	
<p>Birkdale Library Action Group</p> <p>1. The proposal does not require on-going financial support from the Council?</p> <p>2. Does the Proposal provide a credible plan to maintain the Asset during the life of the proposed Agreement?</p> <p>3. Does the Proposal demonstrate and evidence that there are or will be the necessary Governance structures in place to allow the Council to formally undertake contractual negotiations?</p>	<p>Fail</p> <p>Fail</p> <p>Fail</p>	<p>There is an on-going revenue cost to the Council, as required to employ the staff and pick up liabilities for increases in pension and NI costs.</p> <p>No Asset plan, proposal is reliant upon the Council to maintain the buildings.</p> <p>No Governance structure or evidence of one.</p>
4. Recommendation	Fails 1 <sup>st</sup> gateway	
<p>Sefton CVS</p> <p>1. The proposal does not require on-going financial support</p>	<p>Pass</p>	<p>Meets financial requirements, there is no on-going financial support</p>



from the Council?		required
2. Does the Proposal provide a credible plan to maintain the Asset during the life of the proposed Agreement?	Pass	Meets asset management requirements. The proposal identifies how the asset will be maintained.
3. Does the Proposal demonstrate and evidence that there are or will be the necessary Governance structures in place to allow the Council to formally undertake contractual negotiations?	Pass	Already a Company limited by guarantee, with agreed and tested Governance arrangements already in place.
4. Recommendation	Pass to 2 <sup>nd</sup> gateway	

4.4 Three of the groups have made a proposal in respect of Birkdale Library, and it is the view of Officers that the bid from Sefton CVS should be progressed to the next stage, together with the proposal from Aintree Library Action Group.

4.5 The proposals have been assessed on the information that has been made available. Cabinet are asked to note that Officers sought further clarification on a number of issues from the 3 proposers for Birkdale library on 29<sup>th</sup> May 2013. Only one response was received from Sefton CVS, and to date no response has been received from either the ABC group or the Birkdale Library Action Group.

## 5. Consultation with Trade Unions

5.1 As part of the Council's internal consultation process a copy of each of the Community proposals was provided to the recognised Trade Unions for comment. Two Trade Unions responded to the consultation and the collective view is that they "do not support the Community Proposals as submitted"

## 6. Update on other Library Review issues

6.1 The Council has received a nomination under the Community Right to Bid provisions of the Localism Act 2011 in respect of Carnegie Library. The nomination has been made by an agent acting on behalf of FOCAL (the Friends of Carnegie Library). Officers are currently assessing whether or not the nomination is valid under the relevant Regulations, but if so the Council has 8 weeks from receipt of a valid nomination to decide whether or not to list the library as an Asset of Community Value. If the asset is so listed, there is likely to be a moratorium period in any disposal process if the Council eventually chooses to dispose of it on the open market. The purpose of the moratorium is to afford the community, in all likelihood FOCAL, an opportunity to bid for the asset. Members are asked to note receipt of that Community Right to Bid and that it does not compel the Council to sell the asset. Officers will bring a further report to the Cabinet Member or Cabinet as appropriate.

