

Cabinet

Wednesday 19 December 2018

**10.00 am Library Meeting Room, Taunton
Library**



To: The Members of the Cabinet

Cllr M Chilcott (Vice-Chair), Cllr D Fothergill (Chairman), Cllr D Hall, Cllr D Huxtable, Cllr C Lawrence, Cllr F Nicholson, Cllr F Purbrick and Cllr J Woodman

All Somerset County Council Members are invited to attend meetings of the Cabinet and Scrutiny Committees.

Issued By Scott Wooldridge, Strategic Manager - Governance and Risk and Monitoring Officer
- 11 December 2018

For further information about the meeting, please contact Michael Bryant or Scott Wooldridge
or 01823 357628 democraticservices@somerset.gov.uk

Guidance about procedures at the meeting follows the printed agenda.

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AGENDA

Item Cabinet - 10.00 am Wednesday 19 December 2018

1 **Minutes from the meetings held on 5th November 2018 and 19th November 2018** (Pages 3 - 10)

- 5th November 2018 (to follow)
- 19th November 2018 (attached)

legal requirements, funding and the public's wishes expressed through the consultation exercise. Cllr Hall further thanked the library interest groups who had taken considerable time responding to the consultation, and paid tribute to the Library Service workforce for their professional approach.

The Strategic Manager – Community and Traded Services, Oliver Woodhams added to the points raised by Cllr Hall, noting: the statutory and legal context; the statutory duty to provide a library service, but how this could be provided in different ways; the importance of access; that the library service vision was set out in Autumn 2017; and the inclusion of outreach and digital library services as part of the proposed statutory service. The Strategic Manager further highlighted the complex and wide ranging set of recommendations including the requirement for a later decision regarding the location of the Shepton Mallet library; reducing the net operating costs of some libraries; the potential for Community Library Partnerships and the support proposed for these; and the proposal for additional outreach services in areas of Taunton, Yeovil, Bridgwater and Frome. The Strategic Manager noted the high level of feedback to the public consultation including opposition to the proposed changes and the preference for Community Library Partnerships; and highlighted the importance of ensuring the library service meets local need, the associated needs assessment and consideration of the local population, likely population growth and social need.

The Committee were further informed of the importance of ensuring reasonable access, including that: the proposed network would allow over 50% of residents to walk to a library; the majority of Somerset residents will live within a 20 minute drive of a library; the importance of considering the more significant impacts on certain groups of people; the importance of rigorously considering equalities impacts; and the financial implications of the proposed changes, including the one off cost of £445,000 to deliver the programme.

The Leader of the Council, Cllr David Fothergill highlighted the work completed and the well-analysed case.

At the Leader's invitation the Chair of the Scrutiny for Policies and Place Committee, Cllr Anna Groskop addressed the Cabinet noting: her thanks to the Libraries project team; how the team had listened patiently to local communities; and that the committee had accepted the proposals and added three additional recommendations as detailed in their report.

The Leader of the Council thanked Cllr Groskop and the Scrutiny for Policies and Place Committee for their work.

The Strategic Manager – Community and Traded Services, Oliver Woodhams responded to the points raised noting: the Cabinet report had been updated to include changes to risk presentation; and that officers were happy to attend the Committee meeting on 11th December and present the information regarding Community Library Partnerships as requested.

The Cabinet heard from Peter Murphy, who spoke on behalf of the Friends of Somerset Libraries (FOSL) Group and raised a number of points

including: FOSL was formed following the previous review of Somerset's library service; the previous judicial review judgement; acting as a critical friend; opposition to the replacement of professional staff with volunteers; the importance of funding Community Library Partnerships; discretionary rate relief for Community Library Partnerships; the recent Northamptonshire County Council Libraries judgement; and the importance of flexibility and equitable funding.

The Leader of the Council, Cllr David Fothergill invited the Strategic Manager – Community and Traded Services, Oliver Woodhams to respond. The Strategic Manger thanked FOSL for their input and noted: the consideration of FOSL submissions regarding Community Library Partnerships; that business rate relief would need to be agreed by the District Councils; the Northamptonshire judgement was based on the particular facts of that case; the proposals provide a library network which provided reasonable access; the wishes of local communities; the legal advice taken by the Council; the extensive consultation; the amendments to the proposals following feedback; and that the Council would work hard to support communities and be flexible wherever possible.

The Cabinet heard from John Irven, who spoke on behalf of Watchet Library Friends and raised a number of points including: the Watchet Library Friends was established in 2011 and successfully challenged the proposed closure of the Watchet library; increasing Council Tax precepts; the establishment of Community Library Partnerships; the full repairing lease of Watchet Library; and the importance of equalities for Community Library Partnerships.

The Leader of the Council, Cllr David Fothergill invited the Strategic Manager – Community and Traded Services, Oliver Woodhams to respond. The Strategic Manger responded to the statement, noting: the work of Watchet Town Council and the Friends of Watchet Library to support the library; the proposal was not intended to pass costs down to parish or town councils and that there was no expectation that local councils support Community Library Partnerships; the balance between paid staff and and more affordable volunteer models; support for transferring Watchet Library to Watchet Town Council; and that the Council will try to help with set-up costs for Community Library Partnerships where possible, but that funding was limited.

The Cabinet heard from Nigel Behan, Unite Branch Secretary who raised a number of points including: consideration of the full Unite and Unison consultation response; the report of the Scrutiny for Policies and Place Committee including the concerns raised; the legal advice obtained and the law firms used; and taking into account changes to public transport provision.

The Leader of the Council, Cllr David Fothergill Fothergill invited the Strategic Manager – Community and Traded Services, Oliver Woodhams to respond. The Strategic Manger responded to the points raised, noting: the careful consideration of the full joint Unite and Unison response; legal advice was obtained both internally and from a barrister at 11KBW chambers; there was not expected to be any immediate release from the pressure placed on

local government finances; and the sustainability of public transport provision had been taken into account.

At this point the Cabinet proceeded to debate the proposals, points raised in debate included: the relatively small financial savings resulting from the proposals; the impact of closing the Priorswood library; deprivation in Priorswood; use of the Priorswood library by pupils from Selworthy School; CLP funding and the sustainability of the Council's contribution; the level of participation by disabled, minority and ethnic groups in the consultation; the importance of considering the equalities impact assessment; the accessibility of public computers; home schooling library use; continuing engagement with schools; the existing community library in Porlock, and the importance of local involvement; the potential to make further financial savings in future years; potential legal challenge; the availability of large print books; mapping alternative public computer access; monitoring impact assessments; managing privacy and the Council's role as a data holder; potential failure of community partnerships; employment liability; secure bike storage; consideration of the 2021 census and how this may shape future services; lone working implications; the availability of hearing loops on mobile library services; consideration of the proximity of libraries in neighbouring counties; travel from Street to Glastonbury to access library provision; future arrangements for Porlock library; the impact of the population profile of Bruton given the three large boarding schools in the town; and the allegation made in consultation responses of flaws in the consultation process regarding Shepton Mallet library.

The Strategic Manager – Community and Traded Services, Oliver Woodhams responded to the points raised, noting: the proposed changes were not driven by financial savings; the importance of modernising the library network; that there had been a good level of response to the consultation from minority and ethnic groups; engagement with schools would be continued through, for example, the use of the mobile library service; confidence that any legal challenge could be successfully defended; the potential role of Family Hubs in supporting library outreach services; large print books could be ordered when requested; contracts between the Council and any communities bodies would include monitoring requirements; that if any community partnerships failed the alternative library services agreed today would be available; employment liability would remain with the Council in most cases; it was not anticipated that there would be any lone working requirement for volunteers; that hearing loops would be available; that neighbouring counties' libraries had not been considered, as any change to this provision may then require further changes in Somerset; that following the consultation Community Library Partnership funding was now available for provision in Priorswood; the availability of buses from Glastonbury to Street; that the community library partnership in Porlock would transition from a pilot to a more formal arrangements; that it was not believed pupils at the boarding schools in Bruton accessed the local library; and that all information requested regarding Shepton Mallet library had been provided and there were no flaws in the consultation process.

The Leader of the Council, Cllr David Fothergill highlighted the impact assessments, consultation report and needs assessment, and questioned if any Cabinet Members needed any clarification regarding these documents.

At this point the Leader of the Council opened the debate to all other Members present, points raised included: the potential requirement for parish council funding for Community Library Partnerships; repairing leases and potential impacts on Community Library Partnerships; mapping alternative computer provision; budgeting for additional public access computers where required; the potential for mobile library vehicles to be hybrid / electric powered; the legal advice obtained by the Council; the requirement for volunteers to complete a DBS check; timescales for Community Library Partnerships implementation, and the potential for tapered support to mitigate large additional Town or Parish Council library funding precepts; and the cost of mobile library services if Community Library Partnerships cannot be put in place.

The Strategic Manager – Community and Traded Services, Oliver Woodhams responded to the points raised, noting: the alternative service delivery models if the Community Library Partnership model cannot be achieved; that further decisions regarding Community Library Partnerships would be taken when required

The Senior Solicitor – Corporate and Commercial, Thomas Woodhams noted that the Council's Legal Department had both offered internal advice and had instructed an external QC, but their advice was legally privileged. The Senior Solicitor further noted that the external legal advice could be shared with other Members of the Council provided a Non-Disclosure Agreement was in place.

The Leader of the Council, Cllr David Fothergill sought clarification regarding the criteria used to establish the eight libraries that could receive Community Library Partnership funding.

The Strategic Manager – Community and Traded Services, Oliver Woodhams responded noting the consideration of needs and access issues and value for money, alongside the cost of providing alternative provision.

The Leader of the Council, Cllr David Fothergill summarised the points raised noting: the thorough and complex report; the robust consultation; the large number of questions considered at today's meeting; consideration of access requirements and needs assessment; consideration of the impact assessments, consideration of the consultation feedback; and consideration of the report from the Scrutiny for Policies and Place Committee. In summary the Leader of the Council highlighted that: it was the County Council's responsibility to provide a library service; that Community Library Partnerships could not be relied on as an alternative model of provision; consideration of due regard; the importance of considering the impact assessments; and the importance of meeting local need.

Following consideration of the public and elected member representations, the officer report and appendices, equalities impact assessments, and discussion the Cabinet proceeded to vote on recommendations 1 and 2, and resolved:

1. To adopt the Library Service Delivery Plan set out in Appendix 1 to the officer report as the basis for the delivery of the statutory 'comprehensive and efficient' library service in Somerset from April 2019. Consideration will have taken into account the Needs Assessment set out in Appendix 2, feedback from the public consultation exercise set out in Appendix 3, and the Equalities Impact Assessment set out in Appendix 4. A summary of the recommendations that will be implemented as a result of adopting the Library Service Delivery Plan is set out in section 2 of the officer report.
2. To authorise the Director of Economic and Community Infrastructure Commissioning to implement, subject to further consultation where appropriate, the further savings proposals for the library service set out in section 5 of the officer report.

The Leader of the Council, Cllr David Fothergill noted the comments made today regarding the importance of funding for Community Library Partnerships, and proposed to amend financial support offered to the levels detailed in recommendation 3 below. The Cabinet Member for Economic Development, Planning and Community Infrastructure seconded the proposed amendment.

Following consideration of the public and elected member representations, the officer report and appendices, equalities impact assessments, and discussion the Cabinet proceeded to vote on recommendations 3 to 7 as amended, and resolved:

3. To amend the proposed direct financial contributions to Community Library Partnerships to include (in addition to those detailed in the officer report) the following libraries: Bishops Lydeard; Bruton; Highbridge; Milbourne Port; Nether Stowey; North Petherton; South Petherton; Sunningdale, and to increase / include funding for other Community Library Partnerships to the following levels:

Community	Basic Contribution funding (£)	Match-funding for staff	Total funding recommended (£)
Bishops Lydeard	1,000	1,000	2,000
Bruton	1,000	1,000	2,000
Castle Cary	5,000	3,000	8,000
Highbridge	1,000	1,000	2,000
Milborne Port	1,000	1,000	2,000
Nether Stowey	5,000	1,000	6,000
North Petherton	1,000	1,000	2,000
Porlock	5,000	1,000	6,000
Priorswood	6,000	3,000	9,000
Somerton	5,000	3,000	8,000
South Petherton	1,000	1,000	2,000
Street	8,000	7,000	15,000

Sunningdale	1,000	1,000	2,000
Watchet	5,000	3,000	8,000
Wiveliscombe	6,000	3,000	9,000

And to commit to on-going funding at this level for a period of 7 years (2019/20 – 2026/2027 financial years), where Community Library Partnerships are agreed for this timeframe.

4. To reduce the library service budget for 2019/20 as set out in section 6 of the officer report and as amended at the meeting, delivering an ongoing saving of approximately £323,000 per annum to be factored into the Medium Term Financial Plan 2019/20+.
5. To authorise the Director of Economic and Community Infrastructure Commissioning to take the actions set out in section 3 and Appendix 5 of the officer report (as amended at the meeting) to provide support to Community Library Partnerships, where such partnerships are established. Support will include the agreement of the headline terms of potential property transfers or leasing arrangements as set out in section 4 of Appendix 5 to this report, and the amended direct financial contributions set out under outcome 3 above.
6. To note the process for taking forward Community Library Partnership discussions (summarised in Appendix 5), determined through an earlier decision by the Director for Economic and Community Infrastructure Commissioning, in consultation with the Cabinet Member for Economic Development and Community Infrastructure. To also delegate authority for negotiating and agreeing arrangements for the delivery of Community Library Partnerships to the Director for Economic and Community Infrastructure Commissioning, within the framework set out in Appendix 5 (as amended at the meeting).
7. To endorse the development of an approach and a policy on donations and philanthropic giving for the library service, delegating the approval of the policy to the Cabinet Member for Economic Development and Community Infrastructure.

ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report

REASON FOR DECISION: As set out in the officer report

138 **Any other urgent items of business** – agenda item 12

There was no other business.

(The meeting ended at 13.14pm)

CHAIR