

## BATH AND NORTH EAST SOMERSET

### MINUTES OF COMMUNITIES, TRANSPORT AND ENVIRONMENT POLICY DEVELOPMENT AND SCRUTINY PANEL MEETING

Monday, 13th November, 2017

Present:- **Councillors** John Bull, Brian Simmons, Neil Butters, Alan Hale, Peter Turner, Patrick Anketell-Jones, Ian Gilchrist, Michael Evans and Dine Romero (in place of Richard Samuel)

#### 37 WELCOME AND INTRODUCTIONS

The Chairman welcomed everyone to the meeting and made the following statement,

‘The purpose of this meeting is for this panel to decide whether Cabinet should be requested to reconsider its decisions of 11<sup>th</sup> October 2017 with regard to ‘Modern Libraries Bath’ (E2999) and ‘Modern Libraries – Community Library Approach’ (E3000).

As such, today’s meeting will be limited to considering those Cabinet decisions and the reasons for them; plus the issues set out in the 3 Call in requests. These are contained in appendices to the report. Speakers and participants must confine their remarks to those issues and I will not allow the introduction of new issues.

This panel has three options available to it:

- The first option is that we could dismiss the Call in. This would mean that Cabinet’s decision would take effect immediately.
- The second option is that we could uphold all or part of the Call in. This would mean that Cabinet would have to re-consider its decision in light of our comments.
- The third option is that we could decide that the Call in request should be considered by the full Council instead of by this panel, who would be fulfilling the role of the Scrutiny Panel in upholding or dismissing the Call in. If Council upheld all or part of the Call in, this would also mean that Cabinet would have to reconsider its decision in the light of this.

Whatever the outcome of today’s meeting (or the Council undertaking this role), it is important to remember that **the final decisions will rest with the Council’s Cabinet.**

The Modern Libraries decisions are high profile issues upon which many members of the Council have expressed opinions, including myself; and I have also put my name to the Call in notice.

However, we are not here to decide upon the merits of the Modern Libraries proposals. Our job is to decide if Cabinet should re-consider its decision. Therefore, I wish to make it clear that I am entirely open minded about the outcome of this Call in application and I will be basing my decision upon the evidence and representations before me.

If any member of the panel feels that they are unable to make a decision on the Call in with an open mind, please would they say so now.

Members of the panel should also be aware that, under the Council's constitution, members have a duty to declare that they are subject to a party whip and the nature of it. I can confirm that I am not subject to a party whip in this meeting. If any members of the panel are subject to a party whip, please would they declare it now. Finally, can I make it clear that nobody can pass notes to members of the panel during the meeting.

Thank you'

No such declarations regarding a party whip were made.

### **38 EMERGENCY EVACUATION PROCEDURE**

The Chairman drew attention to the emergency evacuation procedure.

### **39 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Councillor Richard Samuel sent his apologies as a member of the Panel and was substituted by Councillor Dine Romero.

(note: Councillor Samuel was present at the meeting as lead Call in member)

### **40 DECLARATIONS OF INTEREST**

There were none.

### **41 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN**

There was none.

### **42 ITEMS FROM THE PUBLIC OR COUNCILLORS - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS RELATING TO THE BUSINESS OF THIS MEETING**

The following people made statements to the Panel regarding Bath Library:

1. Caroline Ambrose made a statement supporting the call in (*a copy of the statement is attached to these minutes*)

In response to a question from Councillor Romero, Caroline Ambrose stated that she did not believe the proposed project was deliverable and that there was not enough space – a large number of private conversations take place in the One Stop Shop.

2. Dionne Pemberton made a statement supporting the call in. She stated that she felt the Council approach is flawed.

In response to a question from Councillor Butters, Dionne Pemberton stated that the needs of users must be assessed and that this has not been done.

3. Andy Halliday made a statement supporting the call in (*a copy of the statement is attached to these minutes*)
4. William Heath made a statement supporting the call in. He stated that community funding could be explored. He added that the Library and One Stop Shop are both distinct and valuable services and queried what other options have been considered.

Councillor Bull asked why users of the library and OSS should not be mixed. William Heath stated that the different needs must be assessed and that highly trained staff are needed for the triage process of assessing user needs.

5. Councillor Joe Rayment made a statement supporting the call in. He stated that he supports integration which has worked in Keynsham but that this should be done to improve both services. He added that he feels the One Stop Shop users will suffer as it is currently located near the bus and train station and in a discreet area and to move to the Waitrose site would mean a busy area which is difficult for the private conversations that are needed. He stated that the Keynsham service was purpose built and not crow barring one service into another which may diminish both.

The following people made statements to the Panel regarding Community Library Approach:

1. Caroline Ambrose made a statement supporting the call in (*a copy of the statement is attached to these minutes*)

When asked about examples of other areas, Caroline Ambrose gave the examples of Chester and Worcestershire (the Hive). In response to a question from Councillor Anketell Jones, she replied that it is possible for the library to generate income, for example from renting out the 75 seat event room.

2. Duncan Hounsell made a statement supporting the call in (*a copy of the statement is attached to these minutes*)

Councillor Romero asked if, to his knowledge, any consultation had taken place with Saltford Library users to assess the capacity of the local volunteering community. Duncan Hounsell stated that he had an email from

the Saturday morning volunteers and they have not been consulted, also the Friends of Saltford Library have not been consulted.

3. Alison Hall made a statement supporting the call in. She stated that the consultation so far has been poor and that a vast pool of volunteers would be needed to cover the hours, these volunteers would need training and managing and would have no contract. She explained that Paulton Library has volunteer helpers but they cannot view personal data. She stated that there is likely to be a reduction in the valuable library service, a reduction of opening hours or potential closure.

Councillor Romero asked if there is large pool of volunteers in Paulton, Alison Hall stated that she did not know, she stated that she felt that community libraries can work but maybe only in more affluent areas.

4. Kathleen Still (volunteer at Paulton Library) made a statement supporting the call in. She stated that places like Paulton will have to pick up the tab and this will affect the levy. She explained that the hub is open 6 days a week and volunteers have already gone the extra mile and have more than earned the right to support from the Council.

Councillor Hale asked if she felt that a volunteer library can work. Kathleen Still stated that currently the library service gives a lot of support including the helpline, training and IT support. Without this it may become a second class service.

5. Victoria Langan made a statement supporting the call in. She explained that she is a teacher at the junior school in Paulton and she values reading as a life skill and sees the children using the library regularly for things such as the Summer Reading Challenge, the planters and remembrance ceremonies.

Councillor Bull asked that if the library was entirely run by volunteers, would children have a different experience. Victoria Langan stated that the volunteers are fantastic but there would be funding issues.

6. Mary Tidbury made a statement supporting the call in. She explained that libraries make a big difference to children's lives.

When asked if the Cabinet decision would threaten the library service, Mary Tidbury stated that yes it would and it was not a good decision.

7. Councillor Hardman made a statement supporting the call in. She stated that there had been no open public consultation. She reported that there are 1000 active followers of Paulton library and 64% of books are borrowed by children. She stated that the running cost is £23, 700 for 2017-18 (not including staffing) and a one off set up fund would not be enough.

Councillor Hardman presented a petition to the Cabinet Member Councillor Karen Warrington from Paulton residents.

Councillor Gilchrist asked how others would be affected by the decision. Councillor Hardman stated that all branch libraries would be affected and she did not know what the effect would be on the libraries in Bath with no parish. Councillor Romero asked if there are other services that volunteers provide, Councillor Hardman explained that volunteers would have to run the youth service as well.

8. Councillor Player made a statement supporting the call in. She explained that Moorland Road is a shopping district and any reduction in service (or closure) would reduce the diversity of available services for the many groups that are catered for. Councillor Player added that while she understood the finances that literacy should be for everyone. She added that Twerton is a deprived area and people are more dependent on libraries as they cannot always afford to buy new books and also may not have home internet.

Councillor Anketell Jones asked if there was another community space in that area of Bath, Councillor Player stated that there was not.

Councillor Romero asked if there was likely to be a sufficient pool of volunteers in the area, Councillor Player stated that there was a transitory population so there would not be the consistency and continuity of volunteers.

9. Councillor Jackson made a statement supporting the call in. She stated that she had concerns about the process, the consultation and she doubted that there would be the width of pool of volunteers for branch libraries. She stated that there was ambiguity in the report around finance. Councillor Jackson concluded that common sense and hard facts should prevail and asked the Panel to uphold the call in.

## **43 MODERN LIBRARIES BATH - CONSULTATION OUTCOMES AND PROPOSALS**

The Chair invited the Lead Call in Member Councillor Richard Samuel to make a statement. Councillor Samuel stated that actions should be clear and supported by facts and that scrutiny is necessary where decisions appear irrational. He highlighted the four main issues in the call in notice which were: the need for scrutiny on the expenditure on the project to date; the lack of consultation on co-location; lack of evidence of the practicality of co-locating both services and issues around the deliverability of the project (*Councillor Samuel gave Panel members some information on the lease documentation which is attached to these minutes*). He concluded by saying that if the Panel has any doubts, the decision must be sent back to the Cabinet to fill in the gaps.

The Panel made the following points and asked the following questions:

Councillor Bull asked Councillor Samuel to explain the point about the space, Councillor Samuel stated that when a public body plans spending such as this, there should be early work to assess if the proposals are possible. He stated that it would

give people more confidence if they could see plans of how the One Stop Shop (OSS) could be transferred into the library space.

Councillor Romero stated that there had been a lesser response from OSS users and asked if it was fair to assume that they might need private areas to discuss sensitive issues. She also asked about the risks regarding deliverability. Councillor Samuel stated that, with his experience of being a trustee of CAB (Citizens Advice Bureau) he did think that OSS users would need to use private interview spaces.

There was some discussion around the paper on the lease handed out by Councillor Samuel (*attached to these minutes*). Councillor Anketell Jones asked if the situation referred to in paragraph 7 is likely (a lease termination), Councillor Samuel stated that clarity was needed on this.

Councillor Butters asked if the Guildhall had been considered as a venue for the Library, to which Councillor Samuel explained that it was, but it was one of the three locations that were discounted. Councillor Samuel stated that he was told at Cabinet that £25k had been spent so far but that the members briefing paper provided (*attached to these minutes*) quoted £108k professional fees.

The Chair invited the Cabinet member for Transformation and Customer Services, Councillor Karen Warrington to make a statement. Councillor Warrington stated that there are examples where integration (Library and OSS) has worked well and she felt that the blend of the two services will make both sustainable, and benefit users. She explained that the next stage in the process was about engagement with stakeholders and design. She explained that the costs had been included in previous papers but had been circulated again for clarity. She explained that the consultation survey was available online and in hard copy and the results were on the website along with the needs assessment and Equality Impact Assessment. She further explained that there will be an ergonomic design for the project.

The Panel made the following points and asked the following questions:  
Following a query from Councillor Hale, Councillor Warrington asked the Legal adviser Shaine Lewis to respond with information regarding the lease. The officer explained that Councillor Samuel had provided a summary of the lease and paragraphs 7-10 should give the Council comfort as it explained that if that landlord did terminate the lease, they would have to provide compensation and an alternative site.

Councillor Butters asked if there was a new build option, to which Councillor Warrington responded that office space in Bath is very expensive and a large capital sum would have to be invested to buy a building or land.

Councillor Romero asked if it would be in the next phase that different user needs would be identified. Councillor Warrington explained that £330k (Capital budget) had been requested for the next stage and there will be an engagement process and independent architects appointed. Plans will be laid out and staff, users, partners and interest groups will be engaged with this phase.

Councillor Bull asked if the Cabinet member was confident that there would be enough space in the Podium for the needs of the Library and OSS users. The Cabinet Member replied that there was enough space and that OSS use had dropped recently anyway due to the Universal Credit system. There will be ergonomic design to make good use of the space.

Councillor Romero asked for confirmation that the public had not been consulted regarding co-location. The Cabinet Member explained that the public consultation contained a free text box and only 7.35% commented about their opposition to co-location.

#### Closing statement from the Cabinet Member – Councillor Karen Warrington

Councillor Warrington made reference to the financial challenge facing the Council at this time with 80% of revenue being spent on adult and social care which reflected the national picture. She explained that co-location is an opportunity to invest money and improve services. Stakeholders will be engaged in the next phase, independent architects used and there will be a design with a good use of space and private areas. She further explained that the provisional capital budget is £2.8million and the call in is about a decision regarding the approval of a capital budget of £330k. She asked that, if the Panel uphold the call in, they identify another way to find revenue savings.

#### Closing statement from Lead Call in Member – Councillor Richard Samuel

Councillor Samuel stated that, regarding the lease, notice from the landlord had to be triggered by 10<sup>th</sup> January 2018, but the design would not be complete until February 2018; this was the wrong way around putting the Council's money at risk. He stated that the uncertainty around such issues was his central point and that the Council should make the right decision with the right information in place.

#### Panel discussion

Councillor Romero put forward a motion to uphold the call-in which was lost.

Councillor Evans stated that he did not support this motion as he was satisfied that financial information had been supplied; that co-location would be an improvement; that there will be consultation on the design and he was satisfied with the legal explanations around the lease.

Councillor Anketell-Jones stated that he did not feel the call in added up to an argument against the weight of the information on the savings that have to be made. He explained that he is a library user (3-5 hours a week) and feels the space is big enough to accommodate two services.

Councillor Romero stated that she was disappointed but not surprised at the above comments and she remained concerned that open public consultation had not taken place and there was still uncertainty over the practicalities and deliverability of the project.

#### Panel decision

On a motion from Councillor Hale, seconded by Councillor Evans, it was:

**RESOLVED** that the Call in of Decision E2999 'Modern Libraries Bath – Consultation Outcomes and Proposals' be dismissed (5 members voted for the motion, 4 members voted against the motion, there were no abstentions).

#### **44 MODERN LIBRARIES - COMMUNITY LIBRARY APPROACH**

The Chair invited the Lead Call in Member Councillor Joe Rayment to make a statement (Call in 1).

Councillor Rayment read a statement on behalf of Councillors Bevan and Walker which supported and endorsed the call in and noted their particular concerns over the effect of a possible cut of the mobile library service on vulnerable groups.

Councillor Rayment made his statement as lead call in Councillor (Call in 1). He explained that he did not think the Cabinet report had been put together well and that a 'click and collect' book service did not constitute a library, as a library is a safe space, not just a book delivery system. He explained that he thought the outcome of the proposals would be that people in affluent areas would get a good library service but maybe not so in other areas. He queried the statement in the report that states that the proposals will help communities to become more resilient. Councillor Rayment listed some questions he had over the practicalities of the proposals including: who would pay utility bills on the building; what evidence was there that groups would volunteer; how would they raise money and what would happen if a Parish Council could not do this, or if there was no Parish Council. He further stated that he thought users should be consulted; that assurances should be given that the mobile library service would not be cut and that the EIA (Equality Impact Assessment) had been available to Cabinet and the public before the decision was made.

The Chair invited the Lead Call in Member Councillor Richard Samuel to make a statement (Call in 2).

Councillor Samuel stated that a case had not been made for this initiative. He stated that mobile libraries are crucial to the community and that there had been no meaningful consultation or discussion with local users. He gave an example of a similar proposal in Kent which was eventually reined back. He stated that the issue over property ownership needed clarity. He added that there must be clarity over the plans for the mobile library; the vehicle is old and usage falls when it is unreliable. He concluded that the report was very thin and the implications for each library and the mobile library must be clearly set out.

The Panel made the following points and asked the following questions:

Councillor Romero asked if the lead call in Councillors thought that there was an untapped pool of volunteers ready to help and also if they thought that rural



communities would end up with a click and collect book service; and if so, whether the closures of local pubs and shops may cause a problem. Councillor Rayment stated that he was not aware of any hidden groups of volunteers. Councillor Samuel stated that he had heard about the volunteering service in Paulton and explained that he had experience of CAB (Citizens Advice Bureau) and has had experience of some potential problems with relying on volunteers such as that they may not always be able to make it. He also pointed out that organisations can have difficulties in recruiting volunteers. He concluded by saying that to rely on volunteers for a major public service was very risky.

The Chair invited the Cabinet member for Transformation and Customer Services, Councillor Karen Warrington to make a statement

Councillor Warrington stated that the key point was to engage with each local community to scope out their requirements. She explained that some groups may opt to share space or move and that solutions would be tailored to fit each community. She further explained that the Council will provide access to books and advice. She explained that community libraries have been developed nationally and examples can be given. She clarified that the EIA was available as a link and that the Cabinet had had sight of it; the financial summary has been provided for Panel members. She added that it is possible that other agencies may be involved such as Age Concern. She explained that she could not discuss staffing structures at this stage and did not want to speculate on what would happen if community groups did not come forward. She concluded by stating that she knew how important libraries were and believes these models would work. She asked that the Panel be mindful of their decision, as a delay may mean opportunities are lost to engage in the next round of forums.

The Panel made the following points and asked the following questions:

Councillor Bull asked which other groups the Cabinet Member had spoken to in Paulton (other than the Parish Council, who had to keep this confidential). The Cabinet Member confirmed that it was only the Parish Council.

Councillor Bull asked if the EIA had been available to the Cabinet, which was confirmed by the Cabinet Member. In response to a query from Councillor Bull, she explained that in deprived areas, there would be help to get more people into the libraries. She stated that, at the moment, there was no proposal to close any of the libraries.

Councillor Hale asked for reassurance that the finances will be re-examined so that in the first 1, 2 or 3 years, groups will have help with their rent while they are fundraising. The Cabinet Member confirmed that groups will be helped with funding.

Councillor Butters acknowledged the assurance that there is no proposal to close branch libraries and asked for clarity on the future of the mobile library. The Cabinet Member stated that she does not envisage a mobile library run by volunteers and that this service will be maintained. In response to a further request for confirmation, she stated that she is not going to close the mobile library and this pledge is in the group manifesto.

Councillor Romero stated that the consultation in the report did not reflect her experience at the Bath Area Forum and asked if any groups had come forward. The Cabinet Member explained that an individual had come forward and Bath University and Bath Spa had expressed interest – discussions cannot be progressed at this stage as there is no model to be discussed yet.

Councillor Romero asked what would happen if there were not enough volunteers. The Cabinet Member explained that branch libraries are already established and there are possible different models involving schools; book rotation and click and collect – there are lots of different grades.

There was some discussion around smaller villages helping towards the funding of their closest branch library. The Cabinet Member stated that she had no issue with going to local parishes and asking what could be done to help the closest library (maybe in an adjoining ward/parish).

Councillor Butters asked when the current mobile library van would be replaced; the Cabinet Member responded that there were no plans to replace it in the next couple of years. She was looking at working with partners but the service would not be diminished.

Councillor Romero asked how large areas would be consulted (for example the users of Moorland Road Library). She also asked if the data in the papers had been independently verified. The Cabinet Member explained that she had been asked to meet with volunteers for Moorland Road library and that the data from the consultation process had been independently verified.

Councillor Evans quoted the decision which reads ‘... to adopt a new approach..’ and stated that this was vague. He asked if there was a lot of flexibility apart from the finance; the Cabinet Member confirmed this.

Councillor Bull asked if community engagement in Paulton would begin if the decision goes ahead, to which the Cabinet Member responded that Paulton Parish Council were consulting and this was being raised at forums so other groups may come forward. Councillor Bull stated that this was raised at the forum 2 years ago, and in non-specific way; there had been no community engagement and now the Parish Council had to take on the task.

Councillor Romero stated that in the current financial climate, everyone was under pressure – schools for example. The Cabinet Member stated that she recognised that charities were competing. In response to a query regarding staffing, she explained that she could not engage in discussions around staffing issues at this time and work had to be done to assess how many support staff would be needed.

Councillor Evans asked the Cabinet Member if she was satisfied that the required amount of public consultation had taken place, to which she responded that engagement had been opened up through the Area Forums and the next stage was to explore individual group aspirations.

### Closing statement from the Cabinet Member – Councillor Karen Warrington

The Cabinet member stated that no closures were proposed at this moment in time and there would be consultation with community groups and branch libraries. It was recognised that each community will have different aspirations. Support will be provided with income generation and fund raising. Some Parish Councils and community groups have already made an approach. She stated that she will look at the process of maintenance and rents. She asked that, if the Panel uphold the call in, they identify another way to find revenue savings and stated that talking to Area Forums was the next step.

### Closing statement from Lead Call in Member – Councillor Richard Samuel

Councillor Samuel stated that BANES has legal responsibility for the Library service and this report is not about the transfer of ownership, but of management; if problems occur the Authority will be responsible and there is no clarity on what would happen should a service fail. He explained that the 'approach' in the report does not reference the legal responsibility issue. Regarding mobile libraries – information has been vague. He concluded that there were still many questions.

### Closing statement from Lead Call in Member – Councillor Joe Rayment

Councillor Rayment acknowledged that there was a lack of detail as it is still an 'approach', but stated that there had been practically no consultation. There seemed to be no scope for tapering the rent (full saving in 2019/20) and rent was not the only budget line. He stated that if the Cabinet Member does not intend to cut the mobile library then it should be in the report; a manifesto was not legally binding. He added that he was concerned about staffing as, when the budget was agreed, there was a guarantee of no compulsory redundancies. He concluded that deprived areas may not be served by this approach and asked the Panel to send this back to the Cabinet and ask for more information.

### Panel discussion

Councillor Anketell Jones stated that he thought that bringing the community into the equation was right but he had reservations in this case in that there was no detailed information to reassure the community that there was enough financial strength to support building costs, building maintenance and taxes. There was not enough detail on how the financial support could be structured.

Councillor Evans stated that he was not certain that there had been enough consultation for the Cabinet approach to be adopted.

### Panel decision

On a motion from Councillor Romero, seconded by Councillor Butters, it was:

**RESOLVED** that the Call in of Decision E3000 Modern Libraries – Community Library Approach be upheld (*5 members voted for the motion (this includes the Chairman's second vote), 4 members voted against the motion, 1 member*

*abstained*). The Panel asked that the Cabinet consider the following recommendations:

- That the Cabinet do more work around public consultation and assessing whether local groups can pick up the pieces;
- More work be done to find out the appetite for this approach;
- The certainty over the future of the Mobile Library be put in writing.

The meeting ended at 8.45 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

I'm Caroline Ambrose, resident and founder of the Bath Novel Award.

Cabinet is looking at Bath Central Library all wrong. The days of doom and gloom have been and gone. Library services have moved onwards and upwards. Bath needs to get up to speed with this.

In 2016 the government's Libraries Taskforce launched its Libraries Ambition framework. Across the land councils who embraced it are rolling out better services, sharing new national funding and getting on with the modern council's job of bringing income in.

Bath really needs to get with the programme.

When cabinet withdrew the decision to close the Podium site, I stepped forward to help council get to grips with Libraries Ambition. Here was a way for Bath to have more for less not less for more.

The cabinet didn't answer my emails. I tried the leader. He said try the director for services. So in early March I had coffee with Ian Savigar. We talked about opportunities to innovate and draw up a range of alternatives for Bath Central Library. I invited him to join me, library users and librarians for a workshop to collectively draft a Libraries Ambition for Bath. He said yes. I was excited.

Then the cabinet and leader said no and Ian ran away. They said stuff your Libraries Ambition, innovation and income generation. Stuff library staff opinions too because they're gagged. They said our job is to cut and we're going to keep cutting whether residents like it or not. It might be bad for Bath but Bristol's worse.

My jaw's dropped quite a lot this year but I've cracked on after work with a Library Ambition for Bath. I've come to meetings monthly to highlight success stories, alternatives, and income opportunities. No cabinet member has ever followed up. After ten months of tumbleweed, my tally of completely do-able Bath Central Library income is now well past the million pound mark.

We needn't be in this room looking at a colocation bodge or closing libraries down. We could be sitting here getting all excited about Bath's Library Ambition and the list of brilliant things library staff are going to do with that no brainer million quid still going begging.

Instead, we're scrutinising whether cabinet was right to vote to borrow £3million savings my Freedom of Information requests show do not exist. Cabinet has to stop wasting our money like this.

Even if the £400k library savings did still exist, council is yet to grapple with how it's going to integrate in a site that isn't big enough. Integrating in small high footfall libraries have been a success exactly nowhere ever, despite Cllr Warrington's shocking misdirection of cabinet about that at the vote. A comparable integration this summer in Berkshire has been in the press for month and their council is now having to build an additional One Stop suite to put it right. Trust me, if you think people are cheesed off now you need to hear what happened there.

This panel has a chance to ask cabinet to stop that happening here. Please do Bath proud.

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## Statement from Andy Halliday – Bath Central Library

After Introductions--I am very concerned that the 6 Cabinet members meeting on 11th October made re co -location decision without being in possession of all the relevant information.

The absence of evidence about the practicality of services being together in the Podium alarms me,especially when no apparent assessment of the potential impact on both services exists.Having had no open public consulting on the desirability of a co-location proposal,and no published assessment of the actual needs of both service users I am convinced that a flawed decision was previously made

In previous panel meetings I was impressed to hear Councillors of all parties extolling the services provided by the One Stop Shop partners at what the Councillors deemed best location of Lewis House---Importantly their remarks were missing any reference at all to co-location,.

These remarks are I feel pertinent to the needs for original decision to be re - visited,especially being mindful of the serious impact the prospect of co-location will have on so many people for many years to come,inclusive of providers and users of the very extensive Library Services currently in the busy Podium Library,and the One Stop Shop services

.I hope the panel approves a re-examination by The Cabinet or Council once all the key factors are submitted to enable a more informed decision to be made , Thank You,  
Andy Halliday

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## **Statement to Scrutiny Panel about Community Libraries 13/11/17**

I'm Caroline Ambrose, resident and founder of the Bath Novel Award.

I hardly know where to start with the communities decision. The cabinet papers for Bath Central Library are shoddy but this decision paper reads like it was thrown together at short notice. It's pretty shocking.

The description of consultation in the cabinet papers for the vote is particularly woeful. A bit of waffle about "some consultation through generic Area Forum meetings" is deeply inadequate.

The cabinet papers are riddled with ambiguous language, particularly in the decision as to whether cabinet has in fact decided to shut these libraries if community support isn't viable.

It includes the line "we are not planning on closing or diminishing the library service in any way". I trust panel will press Cllr Warrington on this in some detail.

The plan would leave council provided services extremely thin. It's not clear whether Cllr Warrington has discussed a wide range of alternative options with the DCMS. It's not clear whether the DCMS are satisfied such widespread closures will meet council's legal obligations to provide a comprehensive library service. It certainly hasn't passed the whiff test with the lawyer who prepared the pre-litigation notice for Judicial Review for The Podium closure.

Cabinet has taken the laziest, least innovative and most damaging path possible. If cabinet embraced Library Ambition and the income available at Bath Central Library we could be looking at an innovative and ambitious library programme with the city library as the engine.

Volunteer libraries are not the answer any more than a few bookshelves in the Chew Stoke Inn is the Libraries Ambition I described in my first statement.

The last drop of public trust in council is going to be lost when people realise their hard earned council taxes have paid the cabinet's spin doctor to dress up closing down all but two branch libraries across B&NES "as an exciting new investment"

I'm not sure if arrogance or incompetence is behind the thinking communities should take on libraries for a one off £5k that won't go nearly far enough. New Oriel Hall in Larkhall has space for a library and is always open to the public which makes it very accessible but how other communities have the same?

The mobile library service has been a joke for years, out of service as much as it is on the road. Residents have been left standing around on a street waiting for a vehicle that doesn't show up. It used to be weekly and then fortnightly, people found it hard to remember when it due. The number of stops reduced so much that many people actually needed to drive to the library.

A mobile library service only works if you make it reliable and you promote it. B&NES does neither of these things so people whose lives would be improved by having access to a library.

As with Bath Central library, cabinet has made a damaging decision without consultation, engagement or consideration of alternatives which would deliver better services. It fails to support council strategy for economic growth, prevention, putting residents first and business sense and wasting public funds. The decision should be referred back to cabinet.

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I am Duncan Hounsell, Liberal Democrat branch chair and Saltford resident. At the cabinet meeting that agreed the “modern libraries programme-community library approach”, Cllr Warren stated his personal desire to enhance the mobile library service in the future. Cllr Warrington, cabinet member, is quoted in the Midsomer Norton and Radstock Journal as saying “We have been clear that we are committed to maintaining mobile library provision, so to claim otherwise is scaremongering.” However, an article in the November edition of the Chew Valley Gazette states “Before the council’s green light for community libraries was officially announced parish councils in the Chew Valley had been made aware that their current library provision – a mobile library service –would not be replaced or repaired if it were to break down. News of the mobile library’s inevitable demise came in April.” If this is indeed the case, and it would not be surprising given the mobile library is 13 years old and frequently garaged for repair, why was this not brought to light in the cabinet debate? This alone is reason to refer the decision back to cabinet.

There are some communities where volunteers do see the opportunity for a volunteer run library in a local hub as a potential improvement on existing provision. However, I am very concerned at the dependence on a voluntary model for the library service in the B&NES area in the long term. A volunteer model is often not sustainable for any number of reasons. If a volunteer club goes into decline it is not critical but for the library service it is. When Cllr Warrington was asked at the cabinet meeting what would happen if the community led approach broke down in any location, she replied “We will look into that”. That is not good enough as a policy. This alone is reason to refer the decision back to cabinet.

Cabinet papers reference 8.3, said that the Council had been in communication with the Department for Culture, Media and Sport to assist the Libraries Minister in carrying out the statutory duty of ensuring the council fulfils its legal responsibility. Well, what is the response? Legal or not? If no view has yet been provided by the minister, why was there not a statement about the level of risk of non-compliance in the cabinet papers? This alone is a reason to refer the decision back to cabinet.

Finally, my library, Saltford Library, a valued village asset, is under threat yet Saltford council tax-payers pay almost £4 million pounds a year in Council Tax. Volunteers have already restored the Saturday morning library session which had been cut. They should not be asked to do more. The lack of formal and meaningful public consultation in Saltford and everywhere else is surely the most compelling reason to refer this flawed decision back to cabinet.

END



The following is a summary of the provisions in the Lease documentation ('The Lease') relating to the Landlord's ability to end it upon its proposed redevelopment of the Shopping centre or the Podium;

1. The Landlord (currently Waitrose Limited) has the right to end the Lease on the 10<sup>th</sup> January 2021 or on each subsequent tenth anniversary if it intends to redevelop the Shopping Centre or the Podium. To do this it must give not more than eighteen months nor less than seven months' notice in writing so therefore to end on the 2021 date it would have to give notice between 10 July 2019 and 10 June 2020.
2. If the Landlord ends the Lease the Tenant is entitled to compensation (or at the Tenant's option) alternative accommodation within the Shopping Centre or the Podium however the Tenant is not able to resist the termination of the Lease provided the notice procedures are correctly followed etc.
3. Before giving notice as above the Landlord must 18 months earlier give an interim notice of its intention to serve a final notice as above giving details of the proposed development and the proposed alternative accommodation (therefore January 2018 at the earliest or December 2018 at the latest for a 2021 termination).
4. If within 6 months of this interim notice the Landlord and Tenant have not agreed the basis of compensation or the terms as to the provision of alternative accommodation then the matter would be determined by a Chartered Surveyor (as an arbitrator under the Arbitration Acts 1950 to 1979) to be nominated on the application of the Landlord or Tenant by the President for the Royal Institution of Chartered Surveyors. The determination would not decide whether compensation or alternative accommodation is the most appropriate option (that is the Tenant's choice) it is concerned with determining the amount of compensation or the terms of the alternative accommodation.
5. Within 4 months of agreement/ determination of compensation the Tenant shall notify the Landlord in writing as to whether it elects to accept the payment of compensation or the provision of alternative accommodation.
6. The Landlord must provide the Tenant with a copy of the detailed planning permission for the proposed redevelopment at least 1 month prior to serving the final notice referred to in 1 above.
7. Within 18 months of the date of the interim notice in 3 above the Landlord must either (a) serve the final notice referred to in 1 above on the Tenant giving effect to the Tenant's choice of compensation or suitable alternative accommodation or (b) give notice to the Tenant in writing that it does not intend to proceed with the redevelopment proposal in which case the interim notice in 3 above is rescinded.
8. The Landlord indemnifies the Tenant for all reasonable and proper costs in connection with the process (including the costs of seeking alternative accommodation outside of the Shopping Centre or the Podium).
9. If the Tenant decides to accept compensation the amount paid shall be a sum that represents the open market value of the property plus 10% of the difference between the open market value and the value to the Landlord as special purchaser ( due to its unique ability to use the Property as part of redevelopment).
10. If the Tenant decides to accept alternative accommodation it will be leased on similar terms to the original Lease and the sum of £667,250 (index linked since June 1986) shall be paid to represent initial finishes in the original library works specification incurred at the outset of the original lease and professional costs attributable to such works. Also if the open market value of the alternative accommodation is lower than the current property the Landlord will pay additional compensation to the Tenant. The Tenant may be able to protect further capital expenditure in the event that items giving rise to that expenditure are not capable of being removed to the alternative accommodation provided it gives notice after 11<sup>th</sup> January 2016 prior to making that expenditure in which case the Landlord will reimburse that expenditure on expiry of the notice in 1 above if not written off. This takes effect provided the interim notice in 3 above is not served within 12 months of the Tenant's notice in this respect and there is no current notice in 1 and 3 above on the date of expenditure.
11. The provision of alternative accommodation shall be entirely free of acquisition and removal costs and other reasonable costs. It shall afford no less useable floor area at least as appropriate for the current uses on no more than two floors at Northgate Street level and above and substantially no more expensive to operate in such location with equivalent rights of access and parking etc. The term shall be for the residue of the current Lease at a peppercorn rent and otherwise on the same terms as the current Lease.
12. If required by the Tenant the Landlord will provide temporary alternative accommodation at its own cost during the carrying out of the development proposal free of charge having substantially no less useable floor area suitable for use as temporary accommodation either within the Podium or the Shopping Centre or within Bath City Centre.

In summary the Landlord has the ability to end the lease if it wishes to redevelop and provided the procedures are followed the Tenant is not able to prevent that termination. As the lease falls within the provisions of the Landlord and Tenant Act 1954 the Landlord would in conjunction with the procedures above have to go through a statutory procedure of serving notice etc. but provided the Landlord is able to show a genuine intention to redevelop the Tenant is not able to prevent termination.

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## **All Members Briefing on Financial Costs relating to Call In for Community Libraries and Bath Library.**

The majority of Costs and Benefits to this programme are linked and the details are set out below in relation to both Call-ins

### **The costs:**

The amount of money spent on this project to date was stated in **the October Cabinet paper** in section 3.6 - £322k of capital had been spent on this part of the Modern Libraries programme, this is made up of:-

#### **Programme management of £37k**

**Archive and stock relocation of £177k** relates to release of space in the Podium for the Local History move to the Guildhall.

**Professional fees of £108k** include spatial surveys and financial validation work, quantity surveyor costs for Lewis House and The Podium, legal fees and site valuations.

We were asked to confirm the TOTAL spent on the development of the proposals – this answer was already in the public domain and the £25k spent on public consultation, was given in response to the Member's question. The £25k includes the disabled access report, consultation materials and promotion, specific legal advice and additional surveys to support the consultation material.

These costs exclude officer time which is not accounted for in this way and which is funded by existing resources and within existing staff time. For such a significant change programme the level of external support and input has been kept to a minimum and this will continue.

### **The Savings:**

The net savings for the entire Libraries programme, identified at £800k, are reliant on the delivery of the whole programme and not just one element due to the interdependencies between each element. Again these were presented in July in the financial summary attached as appendix B to the Business Case.

	<b>2017/18 £'000</b>	<b>2018/19 £'000</b>	<b>2019/20 £'000</b>	<b>2020/21 £'000</b>	<b>2020/21 £'000</b>
Staff costs	66	202	654	654	654
Building costs	-	5	57	57	57
Central Management costs	34	34	224	224	224
<b>Total (gross)</b>	<b>100</b>	<b>241</b>	<b>935</b>	<b>935</b>	<b>935</b>

The summary table on the first page of the financial summary in the **business case** provided details of the 'Bath only' contribution to the savings and the business case described how these were going to be delivered.

Due to the nature of the majority of the savings (natural staff turnover) and the ongoing development of the new operating model, a detailed new department-wide structure cannot and should not be developed or published at this stage. This would prejudice legal HR procedures, consultation and staff engagement. The savings have been estimated based on anticipated staffing levels and known rates of attrition (around 10+ a year out of a total staff of almost 200 staff).

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