

Bath Central Library – Cabinet Meeting 1 February 2017

Questions to Cabinet – Daniel Carey

1. Meaningful consultation: the Cabinet will be aware of its duties under the Libraries and Museums Act and its equality duties under Equality Act 2010. The jury is out as to whether these are being complied with in relation to the decision to close the central library. But my question is about one of the overarching legal duties the Council is required to observe in all its decisions to alter services: the “Best Value” duty under section 3 Local Government Act 1999. This is the duty to consider overall value, including economic, environmental and social value, when planning changes to service provision. Most importantly, section 3 of the Act imposes a mandatory duty on councils to consult with service users on its proposed changes. The courts are very clear what that consultation duty consists of: the Council must provide sufficient detail to enable meaningful responses; it must consult when proposals are at a formative stage; and it must provide consultees sufficient time to respond. In this case there can be no doubt that there has been no consultation on the decision to close and relocate the library. The “Modern Library Design Feedback” consultation started today does not even pretend to do so. Still less has there been sufficient detail provided on the plans – even after today’s consultation, the public are still in the dark as to the justifications for this change save unjustified costs figures. None of this information has been provided at a formative stage, as required.

My question therefore is this: will the Cabinet agree that it cannot go ahead with these proposals until it has consulted properly on them in compliance with its best value duty? And if not, can it explain how it has complied with its consultation duty in this case or why it is willing to act unlawfully to push them through?

2. Fait accompli: what steps have already been taken towards implementing the proposed changes to library provision? In particular, has the Council given notice under its lease of the Podium property and if so when was this done? What will replace the library in the Podium and what stage has this reached? Where is the decision recorded if it was done under delegated powers?