

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 11th 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 Salford 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 Salford 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 they run the youth service as well.

8. Councillor Player made a statement supporting the call in. She explained that Moreland 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 10th 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