

DECISION MAKER:	Cabinet
DECISION DATE:	3 December 2015
TITLE OF REPORT:	Hereford Library and Museum
REPORT BY:	Assistant director, communities; director of resources

Classification

Open

Key Decision

This is a key decision because it is likely to be significant in terms of its effect on communities living or working in an area comprising one or more wards in the county.

Notice has been served in accordance with Part 3, Section 9 (Publicity in Connection with Key Decisions) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Wards Affected

County-wide (Central ward location)

Purpose

To consider implications and choices regarding Hereford library and museum in light of its current temporary closure and impacts on overall library, museums and customer services provision.

Recommendations

THAT,

- (a) **subject to Council approval of the capital programme in December 2015; the Hereford Library Users Group (working with other relevant stakeholders) be invited to confirm by the end of February 2016, whether or not they wish to work with the council to explore options for future service delivery of a library in Hereford;**
- (b) **subject to Council approval of the capital programme, works be undertaken at the earliest opportunity to remove asbestos from the Broad Street building at a cost of £86k; and**
- (c) **a further report be brought forward following consultation with stakeholders to determine a preferred option.**

Alternative options

- 1 That the current site is made good for the services to return to the venue to resume status quo; this is not currently recommended as there has been insufficient time to establish the degree of community interest in developing different service delivery models and does not address the longer term maintenance needs of the building or the fact that the building is not sufficiently flexible to meet the demands of a modern library service.

- 2 The authority seeks alternative sites; this is not recommended as the council does not have sufficient funds of its own to enable such a move, and regardless of its future use work is required to remove the asbestos.
- 3 The current site is enhanced beyond repair and maintenance; this is not currently recommended as the council does not have sufficient funds to support this.
- 4 The services are withdrawn to meet the authority's required budget savings; this is not recommended as it is unlikely to enable the council to fulfil its statutory duties or its wish to secure the future of library services in the county in a way which is sustainable.

Reasons for recommendations

- 5 To determine if there is sufficient support to collaborate on an ambitious plan to create an improved library facility in Hereford before investing in the current site to 'make good'. The recommendations are concerned with progressing options – in the first instance exploring if there is sufficient interest to explore whether a community fundraising scheme has viability to achieve the shared ambition of a sustainable and improved facility either at the current site or an alternative location.
- 6 To progress work to remove asbestos, that work being necessary whatever option is finally selected.

Key considerations

- 7 Hereford library and museum is situated at Broad Street in Hereford within a listed building. The services provided from the site have developed over time as the requirements for a library service have changed. As well as the loan of stock (books, talking books, DVDs, games), the centre also houses public access computers, free wifi, a reference library and holds special events (e.g. summer reading challenge). As part of the changing nature of libraries it is seen as a place of community interaction, a resource for health and well-being and a venue for education / learning. Libraries across the country are facing a challenge in their funding, combined with a step-change in their nature as they became a focus for a range of public services and community functions. The current layout and design of the Broad Street building means that the changing requirements of the service cannot be fully addressed.
- 8 The museum on the first floor is the main county museum and covers the history of the county. The arts gallery, which is also on the first floor, is the main publicly run gallery in Herefordshire, showing the work of the collection, visiting exhibitions and individual artists / artist collections. The Woolhope Club, a membership society interested in the natural history, geology, archaeology, and history of Herefordshire, has a room in the building for its collection.
- 9 The Wellbeing Information and Signposting Service (WISH) was due to locate to the library to provide a complimentary role. WISH will provide information for both adults, children and young people to support the council's preventative role and aspects within the Care Act and Children and Families Act. Whilst preparing for building work to accommodate WISH pre-demolition surveys and inspections uncovered traces of asbestos in the library and basement areas. An executive report of the findings is in appendix 1.
- 10 Whilst the asbestos can be safely removed further work to reinstate the building will be required to make the building usable and return it to the status quo before the asbestos traces were found. Also long standing repair work required over the next five years on the historic building takes the expenditure to an estimated £1m - see

financial breakdown:

Works required	Cost per £'000
Asbestos removal works	86
Re-instatement works	219
Improvements required over next five years	543
WISH	152
Total	1,000

- 11 Therefore, there are three key options:
- a. Conduct the work to resume services at the Broad Street site. That is, remove the asbestos, undertake reinstatement works and future proof the condition of the building.
 - b. Conduct community fundraising campaign to undertake work on the current site to bring it up to standard and further enhance it to become a library and museum fit for purpose.
 - c. Conduct community fundraising campaign to secure an alternative venue for the services and find an alternative use for the current building.
- 12 **Conduct the works to resume services at the Broad Street site.** Though this is the quickest and less involved option the site in its current form does not meet the needs of a modern library service and not ideal in having the museum and art gallery situated on the first floor.
- 13 **Undertake work on the current site.** This would involve enhancement of the current site including essential works and improvement to the format and layout that would meet the potential of a contemporary library. The scale of the scheme would determine the level of cost.
- 14 **Find an alternative venue for the service.** An alternative venue could take the form of co-locating with another venue, finding different Herefordshire Council or commercial premises, or a new build. The costs and timescales for delivery of this option could vary considerably.
- 15 Hereford (LUG) has been campaigning for a new or improved library for many years. Though there may be a number of other groups and individuals interested in Hereford library, it is suggested working through the LUG as the official membership body linked to the library. It is expected there would be involvement from the Woolhope Club, Hereford Museum Support Group and potentially the Friends of Herefordshire Museums and Arts.
- 16 Recommendation A, if accepted, would provide time within which discussions could be held with the LUG and interested stakeholders to establish the community appetite to pursue an alternative model of delivery (whether at the Broad Street site or an alternative). Terms of reference to include:
- The authority could not allocate more than £900k
 - Agree timescale on next stages, including producing outline proposals and business case

- That a scheme would need to enable earned income to offset revenue costs for running the Hereford library
 - The operation of the service and the ownership of the building can form part of the discussion
 - The LUG (possibly with a combination of other stakeholders) would run any fundraising campaign
 - The options for the museum service will be subject to a separate report, but could be included in a scheme.
- 17 It is recommended the LUG is given until the end of February 2016 to consider and consult members and stakeholders on the level of their commitment to lead a community scheme. In this time the draft terms of reference on a partnership between the local authority can be developed and the time scale for further stages.
- 18 If the decision is made to run the fundraising campaign the provision of a library, museum and art gallery could be delayed for some considerable time. Temporary arrangements are currently in place for the library service, and the museum service continues to operate from the Old House in the city centre and the Resource Centre at Friar Street. Options for the future provision of a museum service in the county are currently under review and will be the subject of a separate report. Consideration would also need to be given for access to the Woolhope Club collection by its members and the future siting of WISH.

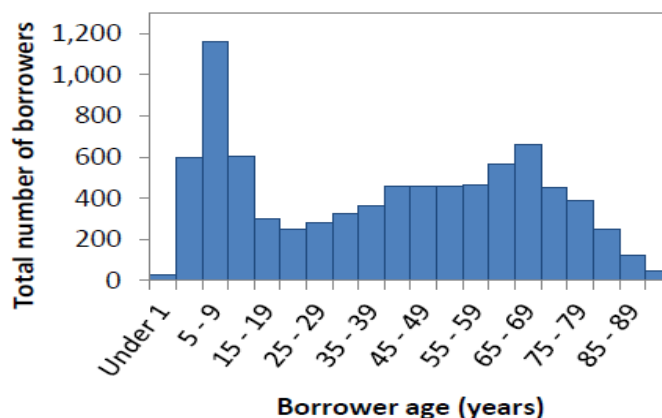
Community impact

- 19 There were 184,434 visits to Hereford library between April 2014 and March 2015 with 175,638 issues of stock (more information on the use of the library service can be found at Herefordshire Council library website: www.herefordshire.gov.uk/libraries).
- 20 There were 14,000 visits to the museum and art gallery between April 2014 and March 2015.
- 21 The recent budget consultation (published on the council website) shows considerable support for retaining a library service and demonstrates the potential to support a fundraising campaign.
- 22 Correspondence as part of the budget consultation, previous consultations and national research demonstrate the well-being, health and educational benefits of a library service. The museum and art gallery function has a link to tourism as an economic benefit to the wider county.
- 23 There may be concerns over the health risks of asbestos traces found at the Broad Street site.

Equality and human rights

- 24 The Equality Act 2010 – sets out the public sector equality duty regarding protected characteristics. The equality impact assessment relating to the options for Hereford Library are set out in Appendix 2.
- 25 In summary the impact is on age. Significant high active borrowers are children and people over 65 years – therefore change of service will have an impact on these groups.

Hereford Library age profile of active borrowers 2014/15



Financial implications

- 26 £1m provision for Hereford library is to be included in the capital programme proposals for cabinet consideration in early December before making a recommendation to Council. If the recommendations of this report are approved £86k would be used for immediate removal of asbestos, leaving the remaining £914k available for potential investment in a new provision.
- 27 The cost of leaving the current building unoccupied while feasibility options are considered and provided temporary facilities can be contained within the current library revenue budget.
- 28 Costs of alternative sites and options would form part of the work with the community and form part of the decision making.
- 29 Opportunities for additional contributions beyond the council allocation include national lottery, charities, sponsorship, donations and local fundraising.
- 30 The draft medium term financial strategy for the council, 2016/17 – 2019/20 to be approved in February 2016 includes reducing the subsidy for libraries and museums from 2017/18. The alternative sites and options developed need to take this into consideration.

Legal implications

- 31 Section 7 of the Public Libraries and Museums Act 1964 (PLMA 1964) states that ‘it shall be the duty of every library authority to provide a comprehensive and efficient library service for all persons desiring to make use thereof.’ When fulfilling its duty under section 7, a local authority must have regard to the desirability:
 - ‘Of securing that facilities are available for the borrowing of or reference to books and other printed matter, pictures, gramophone records, films and other materials’.
 - That these facilities are sufficient in number, range and quality to meet the general and special requirements of adults and children.
 - Of encouraging children and adults to make full use of the library service.
- 32 If the Secretary of State is concerned that a library authority is in breach of this duty s/he may order a Public Inquiry. The remodelling of library services across the country has generated several legal challenges in recent years.

- 33 These legal challenges have tended to focus on whether the authority has complied with its obligations under the Equalities Act 2010 - the public sector equality duty (PSED). This duty imposes a positive obligation on local authorities to promote equality and to reduce discrimination in relation to any of the nine 'protected characteristics' (age; disability; gender reassignment; pregnancy and maternity; marriage and civil partnership; race; religion or belief; sex; and sexual orientation). In particular, the council must have 'due regard' to the PSED when taking any decisions on service changes. However, the courts also recognise that local authorities have a legal duty to set a balanced budget and that council resources are being reduced by central government.
- 34 Where a decision is likely to result in detrimental impact on any group with a protected characteristic it must be justified objectively. This means that attempts to mitigate the harm need to be explored. If the harm cannot be avoided, the decision maker must balance this detrimental impact against the strength of legitimate public need to pursue the service remodelling to deliver savings. The more serious the residual detrimental impact, the greater the financial savings must be to justify the decision. The harm can only be justified if it is proportionate to the financial benefit and if there have been reasonable efforts to mitigate the harm.
- 35 The library at Broad Street is subject to restrictive covenants on the title restricting its use is such that it cannot be used 'for any purpose whatsoever other than for the purpose of a free library'.
- 36 The community group will need to exist as a legal entity before any funding or property transaction can take place. Depending on the lack covenant strength of that entity personal guarantees or other security will be required. The business case of the entity will need to be carefully examined.
- 37 If the group is to be required to provide a library service this will fall within the public procurement legal regime requiring process in accordance with the Public Contracts Regulations 2015 to be followed. This service is within the remit of the light touch regime but as a minimum advertising of the proposed award will be required allowing bids.
- 38 Consideration will then need to be given as to the type of disposition to be effected to the group(s). In order for the council to retain control a lease is recommended of an initial short duration.

Risk management

Health risks – the traces of asbestos found in the building could raise concerns of a health risk to staff and visitors who have visited the library.

Mitigation – A public health advice note will be produced as guidance for people who are concerned.

Fundraising – if sums cannot be raised to enhance the service offer, then any new development will not take place.

Mitigation – a time limit given on fundraising and if unsuccessful resume status quo services at the Broad Street site.

Property – if a suitable and existing alternative venue cannot be identified the costs of a new build would significantly increase the additional funding required.

Mitigation – Scoped the cost of a new build if part of the proposals.

Broad Street Site – if it is decided to relocate services from the Broad Street site then consideration will need to be given to the future use of the building in the context of the restrictive covenants.

Mitigation – any consideration of the options will need to include the implications for the Broad Street site and costs.

Community resources – If there is insufficiently resourced to manage the requirements of a community led project, then the fundraising scheme might not meet its potential.

Mitigation – Review what support can be allocated from the authority to aid a community led scheme and the involvement of a range of stakeholders.

Consultees

Initial discussion with Hereford Library Users Group representatives has been held and they have confirmed their willingness to explore the proposals further.

Appendices

1. Hereford Library Asbestos Executive Summary
2. Equality Impact Assessment

Background papers

None identified.