

<b>Meeting:</b>	<b>Cabinet</b>
<b>Meeting date:</b>	<b>13 October 2016</b>
<b>Title of report:</b>	<b>Customer services and libraries</b>
<b>Report by:</b>	<b>Cabinet member contracts and assets; cabinet member economy and corporate services</b>

## **Classification**

Open

## **Key decision**

This is a key decision because it is likely to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function to which the decision relates and 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**

Countywide

## **Purpose**

To agree the model for future operation of customer services and libraries across the county.

## **Recommendations**

**THAT:**

- a) **option three as detailed in the report and appendix 1 be approved providing:**
- **retained library service in Hereford city and the five market towns;**
  - **realign customer services in the five market towns to form a centralised face to face service in Hereford city, supported by improved online access using the 'Better Off' service;**
  - **transfer of delivery of library services at Belmont library to a community group;**
  - **operational delivery of Bromyard library to be provided by HALO under a service level agreement;**

- **subject to council approval of the capital programme, £133,000 investment in equipment and remodelling of existing premises to provide more efficient utilisation of space and increased access to online payment facilities;**
  - **remodel the operation of the county library service, retaining delivered library and schools library services with a view to achieving more integrated and efficient delivery; and**
  - **a review of the charging model and income generation potential;**
- b) **with a view to development of a longer term enhanced service model providing prevention and early help to children, families and vulnerable adults an option appraisal on the potential use of children centre buildings and libraries be undertaken along with the opportunity of creating a network of well-being hubs;**
- c) **soft market testing of future delivery of the remodelled library service be undertaken during 2017; and**
- d) **the assistant director communities be authorised to take all operational decisions necessary to implement recommendations a) and b) and c) above within the agreed budget envelope.**

## **Alternative options**

- 1 The alternative options are listed in appendix 1 “Profile of service and options”. These are based on:
- 2 Savings programme – retaining the current network of libraries and customer service centres with a range of savings. However, this does not meet the budget saving requirement of the medium term financial strategy (MTFS).
- 3 Centralised model – focus service delivery on Hereford through retaining the customer services centre and library in the city. There would be a withdrawal of funding from libraries in the market towns, with the option of becoming community libraries (e.g. self-financed locally with an element of support from the county library service). Although this is the only option which delivers in full the savings proposed in the MTFS it is not recommended because of the negative impact on communities in market towns reflected in the findings of the needs and impact assessment. This is combined with the risk of legal challenge associated with closure.
- 4 Enhanced service – to provide additional service from the library sites based on additional early help, well-being, provision for children, and advice that would support wider priorities of the council and activities outlined in the corporate plan. This to be part of the recommendations developing a cross directorate approach to maximise the use of the retained libraries.

## **Reasons for recommendations**

- 5 The recommendations are reflective of the public consultation and the mitigation outlined in the needs and impact assessment. The recommendations meet a high proportion of the budget savings whilst retaining the library presence in the market towns, support for community libraries, retaining the schools and delivered library service and customer services in Hereford where the bulk of the queries are dealt with.

- 6 Over the next year the council will continue to review its support for signposting, advice and early help, along with the operation of children's centre services and creation of well-being hubs outlined in the corporate plan. These decisions are to be made mindful of the roles customer services and libraries can make in being existing public access sites.

## Key considerations

- 7 There is considerable pressure on the council's budget due to a reduction in Central Government grant and the need to ensure the safeguarding of children and adults. The MTFS saving target for customer services and libraries is £760k, split evenly over the financial years of 2017/18 and 2018/19.
- 8 Savings plans have been in place (and met) by the services as outlined to cabinet of September 2013 and January 2014 – with a total saving of £849k relating to those cabinet decisions. There has been a combined approach in service transformation (outlined in more detail in appendix 1) based on reducing the need for people to contact the council, efficiency savings, remodelling how the services are operated, promotion of self-service and reduction of staffing.
- 9 The table below shows the customer service and library use across the sites and change in overall demand from 2012.

Customer service centres and libraries	Library visits	Customer services face to face enquiries	Customer services e-mail enquiries	Customer services telephone enquiries	Customer services payments
Hereford library*	96,692				
Belmont library	34,697	n/a	n/a	n/a	n/a
Hereford customer service	n/a	40,057	10,238	142,598	22,843
Leominster	102,211	6,764	1	3	4,721
Ross-on-Wye	103,683	5,529	7	14	2,378
Ledbury	110,450	2,422	12	15	2,683
Kington	20,769	478	1	1	1,823
Bromyard	12,448	1,588	2	26	1,609
Community libraries and delivered service	19,895				
Totals	500,845	56,838	10,261	142,657	36,057
2012/13	652,530	96,748	7,896	174,485	-

\*2014/5 figures – 184,434

- 10 23% of the population are regular library users (definition by CIPFA - Chartered Institute of Public Finance and Accounting) and in 2015 18% of the population had at least one item out on loan. Hereford library has been closed during the year due to the finding of asbestos in the planning of improvement works with temporary arrangements in place. Ledbury library at the Masters House was opened in 2015 and as a result has seen a doubling of visits (visits are measured by using the library space rather than the whole building).

11 Visitor numbers (outlined in appendix 1) show a mixed picture of use during the comparative years. Leominster and Ross are very consistent whilst both Kington and Bromyard have seen a decrease in use. In Kington there has been investment in a wellbeing centre with funding from public health due to come to an end on April 2017.

12 Changes within customer service and libraries are reflective of national trends. Nationally there have been a number of library closures and alternative models for delivery generally based on shared services and sites. This is a familiar approach in Herefordshire with combined libraries and customer services in place for many years which has helped to sustain and even develop the services over the last few years with no closures. The high numbers of users and the long established community spaces make the sites ideal for single access for the customer - this is the rationale for WISH (Wellbeing Information and Signposting for Herefordshire) being located at Hereford library.

13 However, the consultation results show that the highest use of a library and customer service centre is still to borrow, renew or return a book or other item (88%).

#### 14 Objectives

15 Based on a combination of factors including national policy, user trends, consultation and the council's corporate plan, a set of objectives for the services are based on the following:

- Provide and enable a free core library service across Herefordshire, supporting social interaction and reduce isolation.
- For centres to provide shared spaces as part of the community life of an area, fostering local regeneration and local identity.
- Promote reading for all ages and access to books in supporting learning and discovery.
- Enable self-service and reduce the need for customers to contact the council, including opportunity to transact on-line and support access to the internet use.
- Work with the community to provide the level of library and customer service they want through support of community run libraries, local contributions and volunteering.
- Follow a case based approach for customer service in addressing the combined needs of an individual to provide early help whilst addressing the needs of the most vulnerable in the community through advice, help and guidance.

#### 16 Financing the service

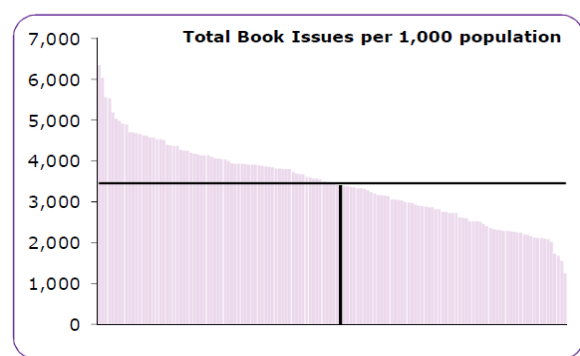
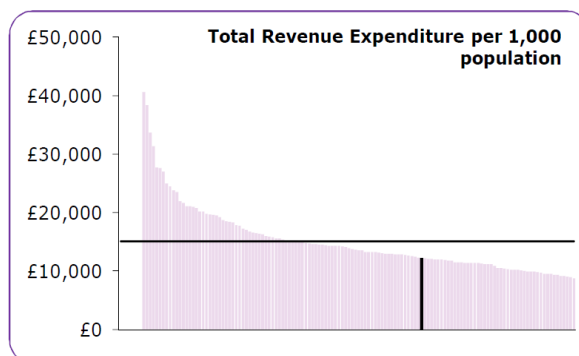
17 Customer services and libraries is a largely shared service – with staff in the market towns fulfilling both functions of libraries and customer services. The following is a summary of costs per centre and service:

Sites and Services	Rent	Rates	Utilities	Revenue (sites)	Income	Staffing	County Book Fund	Total
Hereford Library	0	30,805	17,790	1,835	-26,981	151,859	62,416	237,725
Ross	-19,300	24,404	13,006	580	-14,068	151,667	29,459	185,748
Leominster	200	25,636	7,858	1,302	-16,499	163,382	37,858	219,737
Ledbury	0	0	556	5,164	-14,730	51,690	15,440	58,120
Belmont	5,960	0	0	0	-1,658	14,269	10,688	29,259

Further information on the subject of this report is available from Natalia Silver, assistant director communities on Tel (01432) 260732

Sites and Services	Rent	Rates	Utilities	Revenue (sites)	Income	Staffing	County Book Fund	Total
Kington	0	7,080	3,732	110	-1,500	0	9,147	18,569
Bromyard	9,065	0	0	0	-1,530	31,867	7,182	46,584
Delivered Library Services	0	0	0	9,175	-92	94,717	12,769	116,569
Schools Library Service	0	0	0	18,430	-66,000	40,121	13,000	5,551
Community libraries	1,030	4,620	6,170	0	-13,597	36,577	20,556	55,355
Courier Service	0	0	0	25,500	0	0	0	25,500
Franklin House	40,000	24,998	27,430	26,112	-40,978	479,508	0	557,070
County Library Team	0	0	0	10,135	0	198,033	17,485	225,653
IT Costs	0	0	0	103,300	0	0	0	103,300
<b>Grand Total</b>	<b>36,955</b>	<b>117,543</b>	<b>76,542</b>	<b>201,643</b>	<b>-197,633</b>	<b>1,413,690</b>	<b>236,000</b>	<b>1,884,740</b>

- 18 The book fund is held centrally, a proportion of the fund has been allocated to each site / service to understand the full costs, based on the proportion of stock held at each location from the 2016 annual stock count. If stock is purchased out of the regional consortium an additional 40% would be required. Cost of supervisor cover is attributed to sites (hence higher staffing levels at Leominster) and element staffing costs from the county library team attributed to their work to support the community libraries.
- 19 Benchmarking as part of the CIPFA analysis of libraries across the country shows that whilst revenue expenditure on libraries in the county is below the national average (black horizontal line marks the average) the issue of book stock (a measure of use) is at national average (see tables).



**20 Recommended service change**

- 21 The recommendation is based on pursuing option three (see appendix 1) having regard to the needs and impact assessment and consultation balanced with meeting the requirements of the MTFs. This would mean the following delivery models for the service:
- 22 Hereford customer service centre – the service relocation with Department for Work and Pensions (DWP) in 2017 as a shared site for face to face and phone contact. Consider the rebranding of “customer services” to be reflective on the changing

- nature of the service. Increased capacity for public access PCs and increase the range of advice and support that can be offered based on early help via an appointment system. Responsibility for council tax calls to be transferred to the back office to enable direct response to those queries and maximise flexibility in that team; combined with greater responsibility for the face to face team to deal with council tax queries at point of contact and follow a “case-based” approach to support with wider issues e.g. debt advice. Non-replacement of another two members of staff compensated by increased access to services on-line.
- 23 Hereford library – reopening of the library at Broad Street with WISH within a reconfigured space to support self-serve.
  - 24 Belmont – to become a community library operated by local community group, with staffing support provided by the local authority as a high use site. For capital investment to be made to enable the space to be more flexible and used for other activities to recoup any lost rental income.
  - 25 Ross – retain the library function, withdrawal of the face to face customer service element mitigated by self-serve and support for people who need it.
  - 26 Leominster - retain the library function, withdrawal of the face to face customer service element mitigated by self-serve and support for people who need it.
  - 27 Ledbury – retain library function, withdrawal of the face to face customer service element mitigated by self-serve and support for people who need it.
  - 28 Bromyard – to become a community library operated by Halo at the current centre. For library duties to be conducted by Halo staff under a service level agreement.
  - 29 Kington – retain as a library by reinvesting staff from the Leominster team. Hire / full cost recovery of the facilities to local groups and organisations who wish to continue to use the centre for health and well-being promotion to offset costs.
  - 30 County library service – renegotiated book fund and staff savings based on non-replacement of posts.
  - 31 Delivered library service – retained service to support people who are housebound, with charging for residential homes with potential additional services e.g. reading sessions. Review connection with other services in reaching people who need additional support.
  - 32 Schools library service – create an integrated service with delivered library service resulting in efficiencies, multi-skilling of staff and maximising capacity. Also, increased offer of shared library system and sharing of stock purchasing including with schools and higher education establishments. To conduct consultation with schools / colleges on future options.
  - 33 Charging, donations and top-up services – to instigate reasonable and comparable charging (based on consultation respondents increased charging would be acceptable in some areas). Also donations will be encouraged to support specific elements of the library service (via friends groups, fundraising and individuals); and local councils if inclined to contribute to increase staffing (for additional library hours or a customer service presence) or other provisions e.g. newspapers and magazines.
  - 34 Remodelled centres – to reconfigure spaces within the libraries to recognise changing

service and create spaces for different uses / hire (54% respondents to the consultation would welcome more courses and classes; 33% to IT courses). This includes reducing counter size for staff to operate on the “shop floor” to support with self-service and digital interaction. To also create spaces emphasising resources available to support health and well-being.

- 35 In relation to option four (appendix 1) there is an opportunity to further diversify the market town libraries with a broader community remit. This builds on the positive aspects of the well-being hub based at Kington in providing advice, signposting and activities (42% of respondents to the consultation would welcome more information, advice and signposting). The libraries with re-modelled space to provide aspects of children’s centre activities as high loans (c30%) are by children.
- 36 A proposal has also been made to relocate Leominster library to an extended Leisure Centre. This would be subject to a business plan and financial assessment to be brought to cabinet for a decision along with other proposals to relocate the library.
- 37 Across the country, councils are considering the operation of their libraries in light of decreasing use (the proportion of adults who use a public library service has decreased year on year from 2005/06 at 48.2% to 33.4% in 2015/16 - Taking Part 2015/16 Quarter 4 Statistical Release, July 2016, DCMS). Different models are emerging including health organisations taking a role in operating libraries, social enterprise, leisure providers and community libraries. However, it is worth noting that the council will still need to retain its statutory responsibility. It is suggested that in 2017 a library and customer services plan based on agreed objectives (as above) and a soft market test takes place for part or all of the operation of the library service.
- 38 An option appraisal on the potential future use of children’s centres may highlight further opportunities for premises efficiencies and contribute to the MTFS savings target. The recommendations from this option appraisal would be the subject of a future Cabinet report. Indicatively this report would be presented in spring 2017, with a view to implementing recommendations in September 2017. The opportunity to achieve savings through a review of the children’s centre premises costs would avoid the need for further reductions in the provision of libraries and customer services, over and above the recommendations of this current report.

## Community impact

- 39 The needs and impact assessment (appendix 2) goes into detail of the impact of service change on customers based on the Government’s definition of protected characteristics.
- 40 In terms of community impact the recommended option is based on retaining the libraries network but the withdrawal of face to face customer services in market towns. The following analysis shows the areas of highest use are benefits advice and payments – in addition 9% of people said in the consultation that “I need help to complete forms” was important.

Site	Total face to face	Payments no.	Payments %	Housing benefits queries no.	Housing benefits queries %.
Ledbury	5,105	2,683	53%	816	16%
Leominster	11,485	4,721	41%	3,330	29%

Further information on the subject of this report is available from Natalia Silver, assistant director communities on Tel (01432) 260732

Site	Total face to face	Payments no.	Payments %	Housing benefits queries no.	Housing benefits queries %.
Ross	7,907	2,378	30%	2,293	29%
Bromyard	3,197	1,609	50%	351	11%
Kington	2,301	1,823	79%	184	8%

- 41 As regards payment mitigation to include:
- Ability to pay at the post office including cash payments
  - Payments via phone contact
  - Instigation of self-service including on-line payments including via computer and mobile device at centres.
- 42 Benefits advice facilitated by customer services will vary in its nature and for different age groups. With a changing service model in the market towns that can be mitigated by the following:
- Instigate appointment from November 2016 to track level of need for benefit queries and the nature of the support needed
  - Delay staffing reductions until year 2 of the savings to enable transition to on-line and other mitigations to be embedded
  - Continuation of phone support
  - Face to face appointments in Hereford to be based on a case-based approach to address a number of issues faced by the customer
  - Vulnerable clients able to access welfare service with a home visit if needed
  - WISH presence continues with market town surgeries and a permanent base at Hereford Library
  - Promotion of the “Better off model” as a single point of online support and advice regarding benefits and employment, making sure people are aware of what benefits they are entitled to and aid people through any application and appeals process ([decision notice](#)).
- 43 The recommendations of this report support delivery of the councils corporate plan priority to “Secure better services, quality of life and value for money”. Related actions are as follows:
- Work in partnership to make better use of resources, including sharing premise costs through co-location of services and local solutions for community use facilities such as libraries
  - Design services and policies that support positive engagement and interaction with residents, including use of information technology to improve customer experience and ability to access a range of services on-line
  - Combine the use of facilities to create a network of Health and Wellbeing hubs, shaped by serving local communities
  - Improve the provision of good information and signposting to enable people to support themselves and each other, getting the right help at the right time as needs change
  - Reconfigure £3.5m to deliver early years services including children’s centres, health visiting and school nursing to improve the health, well-being, developmental and educational outcomes of children aged 0-5 years



- Promote and enable access to universal opportunities and services for children with disabilities and their families and ensure a range of provisions to meet identified need
  - Have vibrant town centres with shops, restaurants and leisure facilities that keep people spending locally
  - Secure the highest possible level of efficiency savings and value for money to maximise investment in front-line services and minimise council tax increases.
- 44 In terms of national reports the recently published consultation by the [Leadership for Libraries Taskforce](#) (Libraries Deliver: Ambition for Public Libraries in England 2016-2020) outlines 7 priorities:
- Reading and literacy
  - Digital literacy
  - Health and wellbeing
  - Economic growth
  - Culture and creativity
  - Communities
  - Learning
- 45 [Independent Library Report for England](#) by William Sieghart & Panel (2014) included three key recommendations:
- The provision of a national digital resource for libraries, to be delivered in partnership with local authorities
  - The setting up of a task and finish force, led by local government, in partnership with other bodies involved in the library sector, to provide a strategic framework for England, and to help in implementing the following
  - The task force, to work with local authorities, to help them improve, revitalise and if necessary, change their local library service, while encouraging, appropriate to each library, increased community involvement
- 46 The Arts Council England (ACE) report [Envisioning the Library of the Future](#) highlighted three essential ‘ingredients’ which define a public library:
- A safe, free, creative community space that is enjoyable and easy to use, both physically and virtually
  - An excellent range of quality books, digital resources and other content
  - Well-trained, friendly people to help users to find what they want either independently or with support.

## Equality duty

- 47 The equality duty is in section 149 of the Equality Act 2010. It ensures that public bodies consider the needs of all individuals in shaping policy, in delivering services, and in relation to employees. The duty requires that when exercising public functions, public service providers must have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited by the Act
  - Advance equality of opportunity between people who share a protected characteristic and people who do not share it
  - Foster good relations between people who share a protected characteristic and people who do not share it.
- 48 The duty relates to different groups who share any of the “protected characteristics” of age, sex, pregnancy and maternity, disability, race, marriage and civil partnership,

religion or belief, sexual orientation. A needs and impact assessment is one tool that may assist decision makers to comply with the public sector equality duty.

- 49 A detailed needs and impact assessment has been completed to accompany this report (appendix two). As part of the assessment geography and poverty were considered alongside the Government's protected characteristics due to the rural nature of the county and the low income levels. The needs and impact assessment has been strongly informed by the consultation research (that included users and no-uses responses).
- 50 The assessment has a number of considerations in terms of service changes next to the profile of Herefordshire with the biggest impact on people with a combination of characteristics, specifically linked to low income, aspects of age, rural isolation and aspects of disability. In relation to the recommendations of this report the following mitigation is relevant:
- Retain the network of libraries across the county reflective of the high importance people place on the service – specifically young children and older people's access to reading material, talking books and reference material.
  - Considering that 67% of the population live outside of Hereford City, that 25.6% of households have no car or van (2011 census) and 48% of people who completed the consultation walked to their customer service centre and library, retaining the market town and community libraries is important in terms of being able to reach services.
  - Libraries have a role in supporting the breaking down of barriers of digital exclusion, including providing free public access PCs, free wifi and IT awareness and training.
  - For the library delivered service to continue to be a lifeline for people who are isolated and housebound with the potential of linking to other services that these users of the service would benefit from.
  - Though the number of people who access benefit advice from the market towns is relatively low, the impact could be high. A range of mitigation can be put in place such as supporting the navigation of on-line services, use of the "better off model", home visits if needed, and appointments in Hereford. In addition the impact of these changes are monitored to ensure people are not adversely affected or demand pushed to other services.
  - For appointments for benefits and council tax support be in place for at least 12 months to allow for transition of the service model in market towns.
  - For Hereford Customer Services to have a "case based" approach to support a range of needs to provide early help.

## Financial implications

- 51 Option three based on service redesign as outlined above creates a saving of £510k over two years. This is short of the savings target of £760k which will need to be addressed through further innovations in the delivery of libraries, customer services and potentially early years and public health services.
- 52 The schedule of savings are outlined below as a "by to" date which means that actions will be implemented over the next two years as part of the delivery plan with potential movement between budget heads as the delivery plan is implemented.

Item and delivery plan	2017/18 £'000	2018/19 £'000
Book Fund re-negotiations	30	
County library service staff and efficiency savings	80	
Changes to delivered and schools library service	50	
Belmont and Bromyard community library	27	
Reduction of staff at Hereford Customer Services	53	
Council Tax transfer (transfer to take place from November 2016, with budget withdrawn in second year of saving to allow for transformation of service)		50
Charging and income	10	10
Kington re-investment to ensure the library service continues	-30	
Relocation of Hereford Customer Services (based on July 2016 relocation)	60	30
Withdrawal of customer services from market towns in second year of savings to support transition of service model		140
Totals	280	230
Savings target	380	380
Shortfall against savings target	100	150

- 53 The delivery time scale also gives communities (via groups, town councils or parish councils) opportunity to consider re-funding element of service if they wish.
- 54 It should be noted that the £90k savings in respect of Hereford Customer Services are largely savings in centralised premises budgets, and will not directly impact upon the libraries and customer services budgets. The approved MTFs includes separate savings targets for accommodation budgets, and applying the saving to the libraries and customer services target means it cannot also be applied to the accommodation savings target. The accommodation savings target is still considered to be achievable in full.
- 55 Planned investment is in place to upgrade the public access PCs in libraries. One-off investment of £133,000 would support the remodelling service and implementation of the recommendations of the impact and needs assessment – the decision on this allocation will be part of the capital programme:

Item	Cost £'000
Payment kiosk in Hereford	11
Works at Ross, Leominster and Belmont	55
Dedicated PC in Leominster and Ross for payments	14
Additional self-service machines at Ross, Hereford Library, Leominster and Ledbury	28
Upgrade of IT for staff to work flexibly	25
Total	133

- 56 The costs do not include redundancy requirements if that becomes a requirement.

## Legal implications

- 57 Under the [1964 Public Libraries and Museums Act](#) (PLMA 1964), local authorities in England have a statutory duty to provide a comprehensive and efficient library service “for all persons desiring to make use thereof”.

- 58 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, 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.
- 59 It is the statutory duty of the Secretary of State for Culture, Media and Sport to:
- Superintend, and promote the improvement of, the public library service provided by local authorities in England (section 1(1))
  - Secure the proper discharge by local authorities of the functions in relation to libraries conferred on them as library authorities.
- 60 The Secretary of State has the power to make a remedial order against a library authority following a local inquiry. Such an inquiry can be commenced either on receipt of a complaint that a local library authority is failing to carry out its statutory duties or of the Secretary of State's own motion.
- 61 Before deciding whether to order an inquiry the Secretary of State will carefully consider a local authority's compliance with the duties of the 1964 Act. However, the Secretary of State will use the power where, having regard to their duties and the local authority, there is good reason in all the circumstances to direct an inquiry at the present time.
- 62 In determining whether to order an inquiry, the Secretary of State gives consideration to a number of factors, including:
- Whether there is any serious doubt or uncertainty as to whether the local authority is (or may cease to be) complying with its legal obligation to provide a comprehensive and efficient library service
  - Whether the local authority appears to be acting in a careless or unreasonable way
  - Whether the decision is or may be outside the proper bounds of the local authority's discretion, such as a capricious decision to stop serving a particularly vulnerable group in the local community
  - Whether the local authority appears to have failed to consult affected individuals or to carry out significant research into the effects of its proposals
  - Whether the local authority has failed to explain, analyse or properly justify its proposals
  - Whether the local proposals are likely to lead to a breach of national library policy
  - The advantages of local decision making by expert and democratically accountable local representatives
  - Whether there is any further good reason why a local inquiry should be ordered.
- 63 These factors are set out in decision letters in relation to complaints made to the Secretary of State that a local library authority is failing to carry out its statutory duties. The power to order a local inquiry has been utilised on only one occasion since 1964, with a public inquiry in Wirral in 2009.
- 64 In October 2014, the Secretary of State, following receipt of a complaint in regards to Sheffield Library Service, issued a 'minded to' letter, and in March 2015 issued a final decision letter. Quoted in that correspondence was a response relating to the case of *Bailey v London Borough of Brent* [2011] EWHC 2572 (Admin) "A comprehensive service cannot mean that every resident lives close to a library. This has never been

the case. Comprehensive has therefore been taken to mean delivering a service that is accessible to all residents using reasonable means, including digital technologies. An efficient service must make the best use of the assets available in order to meet its core objectives and vision, recognising the constraints on council resources. Decisions about the Service must be embedded within a clear strategic framework which draws upon evidence about needs and aspirations across the diverse communities of the borough”.

- 65 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 (see above). This duty imposes an obligation on local authorities to promote equality and to reduce discrimination in relation to any of the nine protected characteristics. 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.
- 66 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.
- 67 The recommendations in this report do not propose the closure of libraries, however if an alternative option of centralised model was to be accepted there would likely be a judicial challenge.

## Risk management

- 68 Risks relating to the implementation of the recommendation are as follows.
- 69 The impact of withdrawal of customer services from the market towns will have a high impact on people who need support.  
Mitigation: implement a range of measures (outlined above) that enable people in most need to access the support required. Also the bulk of savings on staffing are made by year two to enable a change programme to take place.

Residual risk:	Likely: 2*	Impact: 4*
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\*out of five

- 70 Reducing the opportunity to make payments leads to a greater level of debt and reduced income from the authority.  
Mitigation: a number of alternative ways of paying are available, including those who want to pay cash and on line.

Residual risk:	Likely: 1	Impact: 3
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- 71 Reduced support for the county library service has an effect on the running of the library operated by the council and support to community libraries.  
Mitigation: The savings to the county library service are based on non-replacement of staffing who have left and some efficiencies. Though there will be a need to review the level of support given the alignment of teams should minimise the impact on services.

Residual risk:	Likely: 2	Impact: 2
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- 72 The opportunity of any enhanced service delivery model will not materialise due to continued budget pressure.  
Mitigation: Work with service and organisations to maximise the opportunities.

Residual risk	Likely: 4	Impact: 3
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## Consultees

- 73 The consultation on Herefordshire Council's priorities and budget for 2016-2020 took place between July and October 2015 and was completed by 1,979 people. 52% of respondees indicated that their lowest preference for savings was the reduction of customer services and libraries. The second lowest preference at 21% was the withdrawal of public transport subsidy and the increase of cost for discretionary educational travel. The budget consultation for 2017-2020 will conclude in October 2016.
- 74 The Library and Customer Services Research Consultation took place between 27 June and 5 August 2016. In total there was 2,254 responses comprising of users and non-users, sharing views through on-line and paper surveys, facilitated response and focus group. The final report is published on the council website. Just under 1,500 comments were analysed about how any changes may affect individual respondents and those with particular (protected) characteristics. Frequent comments included:
- The service most frequently mentioned as being affected was library lending - closing, moving or reducing library services with the most common response was simply that any change would have a negative impact:
    - affect education, knowledge and cultural experiences
    - be a loss for the community, as they add character to town and city
    - mean residents would miss out on social interaction.
  - There were a number of respondents, who felt there would be little or no impact on themselves personally, but felt others may be more affected depending on their needs
  - Age was the single most common characteristic that respondents felt would be most affected, cited by nearly a quarter of comments, particularly older people and children/young people
  - Disability was cited in one in every five comments, particularly those with mobility issues, sight and hearing
  - Face to face support and the risk of social isolation - particularly in relation to older people - was the next most frequently mentioned comment
  - Other 'at risk' groups to be considered were those on low income or who do not have access to a car which limits transport options
  - In terms of what should be done to protect these groups, the overwhelming single response from respondents was to "keep the libraries open" particularly about keeping access to libraries local for a rural county. Other suggestions for libraries/customer service centres:
    - making it more of a community resource/hub, offer more services in one place
    - provide more classes/information
    - making/keeping it a free service
    - staff training
    - maintain or extend opening hours

- 75 Of non-users most survey respondents accessed services elsewhere when needed. Just over half of respondents do not need books for children and 44% don't need to apply to the Council for anything. The Council's website was most frequently accessed by respondents to contact the Council for information and advice.
- 76 Also for non-users about one in five comments about what might encourage people to use a library or customer service centre was also 'nothing' as they have no need of the services. However one in five suggested a broader range of services from special services, exhibitions and events to coffee shops and intergenerational activities, longer opening hours or the library actually being open (Broad Street). Views from focus groups also included a cafe/good coffee nearby and awareness of opening hours, more computers and multi-use centres with dedicated space for children's activities so noise doesn't disturb other users.
- 77 General overview and scrutiny committee reviewed the option for the service on the 27 September with the following resolution: "That Cabinet be recommended to support option 3 – retained libraries and central service with an emphasis on making best use of them and community libraries as contact points for council services, extending service options and exploring new ways of working, and the report to cabinet should include a delivery plan". This resolution has been incorporated into the recommendations.
- 78 Separate representations have been made to the council by users of the libraries advocating their retention as a valuable asset to the community. The recommendations recognise this point in retaining the network of libraries including the support given to community libraries.
- 79 Also a motion was passed by Kington Town Council in October 2016 and forwarded to the council. Contained in the motion are the following points:
- Ensure the long term future of Kington Library by committing to continue to fully support, financially, professional staff at the library
  - Ensure that a wide range of services and facilities are provided through the library by enabling funding from various council departments to support these activities, including health and social care, support for children and families, economic and business development
  - In this respect, to commit to Option 4 in the paper produced for the Scrutiny Committee meeting on 27 September 2016.
- 80 In response to this motion the recommendations allow for re-investment in Kington to retain a staffed library presence, and that well being activity has the opportunity to continue where supported. The recommendations also allow for longer term development of the use of the libraries by a wider range of services where need is evident, linked to relevant policies, and are financed.
- 81 All members of the customer services and library teams have had opportunity to make suggestions and comments relating to a remodel of the service through a questionnaire consultation. These contributions were further explored through representative staff meetings, with many of the suggestions for change incorporated into the recommendations.

## **Appendices**

Appendix 1: Profile of service and options

Appendix 2: Customer services and libraries needs and impact assessment

## **Background papers**

None