

Meeting:	Cabinet
Meeting date:	9 May 2016
Title of report:	Hereford library and museum response
Report by:	Cabinet member contracts and assets

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 the response to the proposals submitted by Hereford Library Users Group regarding the future operation of Hereford library and museum.

Recommendations

THAT,

- (a) works to enable reinstatement of Hereford library and museum building, and relocation of the Wellbeing Information and Signposting Service (WISH) to the Broad Street site, Hereford be undertaken to a maximum cost of £500k;
- (b) following completion of the works at recommendation a) above the balance of the capital allocation be used as match funding for a development scheme, led by HLUG or other partner, subject to the development scheme being approved by the relevant cabinet member within a two year period; and
- (c) a further report be prepared on the options for shorter term re-opening of the museum and art gallery at the Broad Street site, pending a decision on longer term options for sustainable delivery of the museum and archive service.

Alternative options

- 1 The reopening of the building is delayed until funds are raised for the development scheme whilst retaining the temporary provision at Hereford Town Hall and extra hours at Belmont Library. This is not recommended as HLUG advise that the fundraising and new building works could take in the region of four to five years and this will have an impact on users of the services. This would also be viewed as a reduction in service and challenged the authority's statutory duty to provide "comprehensive and efficient library service" therefore trigger a judicial review instigated by the community who are concerned with any further reduction in service.

- 2 The services are withdrawn to meet the authority's required budget savings. The level of capital spend would also be reduced, though elements of the work would be required to make good the building for alternative use. This is not recommended as it would adversely affect the council's ability to meet the statutory duty to provide a comprehensive library service in the county.
- 3 There is no delay in conducting the major works along with reinstatement works. This is not recommended as it would reduce the opportunity to fundraise for a development scheme.
- 4 The council seeks alternative site(s) to house the services. This is not recommended at this stage, as HLUG have confirmed their preference is to maximise the current Broad Street site with no obvious other alternative presented during the research or consultation. However, to be revised as part of the longer term consideration for the services.
- 5 The council lead and fund the development scheme presented by HLUG. This is not recommended, as there are insufficient funds and resource to conduct a scheme to that scale without wider community in-put.
- 6 That the museum and art gallery is not reopened based on the recommendation Review of Museums and Archives Services. This is not recommended, but to work with interested parties to resource the museum and art gallery.

Reasons for recommendations

- 7 The recommendations enable services to be resumed at the earliest opportunity, mitigating the effect on users if the building was closed for a long period. This is balanced with giving the HLUG or another party time to secure funding for a development scheme. If funds are not forthcoming for any development scheme within 2 years then the opportunities for the site and the services are reviewed to consider options in light of value for money.

Key considerations

Hereford Library

- 8 Hereford library is situated at Broad Street in Hereford within a listed building, and the museum and art gallery are on the first floor. The Woolhope Club, a membership society, has a room in the building for its collection.
- 9 There were 184,434 visits to Hereford library, between April 2014 and March 2015, with 175,638 issues of stock. The Herefordshire Library Service when bench-marked against other local authorities was one of the lowest spend in the country (more information on the use of the library service can be found at Herefordshire Council library website: www.herefordshire.gov.uk/libraries).
- 10 Spend on premise cost and budget for Hereford Library when based at the Broad Street site is outlined below.

	Per financial year					
Sites and Services	Rates	Utilities	Revenue (sites)	Income	Staffing	Total
Hereford Library	29,402	14,580	2,605	-28,777	143,434	161,244

- 11 The Wellbeing Information and Signposting Service (WISH) were due to locate to the library as the two services are complementary. WISH, provides 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. This led to the immediate closure of the

whole building.

12 Cabinet, on 3 December 2015, considered the options of supporting a larger development scheme which had been advocated by HLUG and agreed that:

- 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;
- 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
- A further report be brought forward following consultation with stakeholders to determine a preferred option.

13 Since December 2015, HLUG have been active in reviewing the options and opportunities for the development of an enhanced library for Hereford. The group asked for an extension to the timescale, which was agreed, and final proposals in the form of a response from HLUG were received on 23 March 2016 after the group's AGM (see appendix 1 to this report).

14 The conclusion of the response is that the current site be developed to create a major community and cultural centre in the heart of Hereford; whilst the larger scheme is being developed, and the funds secured, services at the Broad Street site be reinstated for use. This is reflected in the following extract from the proposal:

"With minimum repairs and refurbishment following clearance of the asbestos reopen the library and set aside the rest of the budget for development and subsequent construction of our proposals. These comprise demolishing and removing all the internal rear areas (with the listed frontage preserved and modernised internally) and installing a new structure. This would provide additional floor space and modern facilities not only for the library but for other community and cultural services. We estimate that this would double the present useable floor space".

15 The asbestos has already been removed from the site. To achieve this, walls and floors were stripped back, with carpets removed. This process has actually exposed some key Victorian features, and changes in the floor levels might have an impact on HLUG's wider plans.

16 As outlined in the cabinet report of 3 December 2015, there is a capital allocation towards addressing the needs of the Hereford library and museum, of £1m. This includes major requirements to address safety concerns, as part of the property maintenance plan over the next five years, and includes replacement of the lift, roof, heating system and other mechanical and electrical works.

17 The below table gives a number of actual and estimated expenditure:

Works required	Cost £'000 December 2015	Cost £'000 March 2016
Asbestos removal works	86	80 actual
Re-instatement works – up to costs	219	350 estimate
Improvements required over next five years	543	543 estimate
WISH	152	152 estimate

- 18 Based on current estimates, the re-establishment works would be £300k-£350k, depending on the scale required and the quotes received (via a framework). This has increased from the initial £219k, given the need to rectify the works due to the asbestos removal. This will cover fire protection measures to exposed beams; new mechanical and electrical reinstatement works to all areas of the library including: electrical power/lighting; information, communication technology (ICT); heating; mechanical ventilation; fire alarm; new ceiling installation works; new carpets to library areas; new decoration works; new library reception counter; and new library shelving units to the first floor. No capital works are required for the museum area.
- 19 The spend on fixes and reinstatement should not be wasted and considered as part of any development scheme. Also, any alternative use for the building would need to include both the short term and long term capital requirements.
- 20 The estimated timescale for reopening the library and museum would be January 2017, based on:

Task Name	
Property Services engagement lead & client brief development	May 2016
Agreement on scope and development of works and specification	June 2016
Planning and listed building consent (if required)* / tender evaluation and contractor appointment	August / September 2016
Commence on site	September 2016
Construction and Library re-open	January 2017

*existing consents in place.

- 21 All attempts will be made to bring forward the time scale and reduce the expenditure.
- 22 There is currently a temporary library, based at Hereford Town Hall, and extra hours at Belmont library, to compensate for the current closure. That will continue until the re-opening of the main library and museum at Broad Street – no other options have emerged for an improved temporary library.
- 23 WISH have confirmed they would be interested in locating to the library and museum, based on the above time-table.

Hereford Museum and Art Gallery

- 24 There were 14,000 visits to the museum and art gallery between April 2014 and March 2015. The space currently occupied by the service is based on the first floor with no asbestos found in those areas. The museum displays have remained in place and capital spend is not required to make the area available for use.
- 25 However, the museum and art gallery cannot reopen without access to the lift (via the main library) because of the requirement to have fire evacuation egress at the front and back of the building. Consideration also needs to be given to meeting the DDA (Disability Discrimination Act) requirements for accessibility.
- 26 The cabinet report of 10 March 2016 outlined the saving and income plan for the museum service. There are two points of consideration. The first is that the Review of Museums and Archives Services report recommended closure of the museum and art gallery as part of a budget saving proposal. Also, the staffing resource for the museum has been reassigned to extra opening hours at the Old House (value of £22k).
- 27 Therefore there are a number of options for the museum and art gallery to be considered during the reinstatement works as single solution or combined options:
- That the museum and art gallery does not open in its current form, with displays incorporated in different venues in the city (pop-up displays as suggested in the review report)
 - Potential of leasing the space to generate an income – estimated maximum income

of £15k.

- That the museum and art gallery staffing is supported by volunteers
- Reduce opening hours to weekends and school holidays when there is highest demand
- Community fundraising scheme to improve the displays
- Charging for entry
- That the art gallery is used a permanent or semi-permanent display of the council's visual arts collection.

28 Cabinet has already requested a report on the longer term options for future sustainable delivery of the museum and archive service. It is recommended that whilst those longer term options are being developed the options for shorter term re-opening of the museum and art gallery at Broad Street be explored with interested parties.

Community impact

29 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).

30 There were 14,000 visits to the museum and art gallery between April 2014 and March 2015.

31 The budget consultation (published on the council website: www.herefordshire.gov.uk/government-citizens-and-rights/democracy/council-finances/priorities-and-budget-consultation-2016-to-2020) shows considerable support for retaining a library service, and demonstrates the potential to support a fundraising campaign.

32 Feedback 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.

33 Visits to the temporary library at Hereford Town Hall have dropped considerably next to visits to the library when based at Broad Street (figures available for February and March 2016); along with reduction of stock issues (figure for November 2015 to March 2016)

34 Comparable visits:

Visitors	February 2016	March 2016
Broad Street (2014-2015)	13,973	14,213
Town Hall (2016)	4,875	5,723

35 Comparable issues:

Items issued	Nov'15	Dec'15	Jan'16	Feb'16	Mar'16
Broad Street (2014-2015)	13,832	11,263	14,786	14,191	13,934
Nelson Building / Town Hall	1,006	2,043	4,051	4,057	4,767

36 From when Hereford Library closed visits to Belmont Library, and stock issues have increased from the site based on the following comparisons:

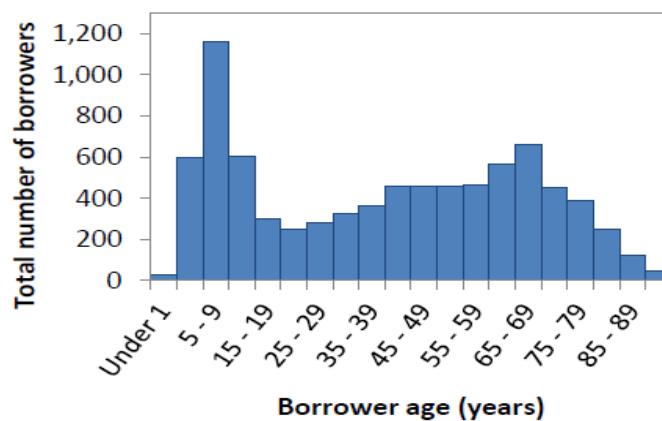
Belmont	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Visitors 14-15	1,874	2,165	1,836	2,016	2,079	2,053	1,898	1,795	1,501	1,894	1,603	1,813	22,527
Visitors 15-16	1,801	1,953	1,803	2,034	1,967	3,555	5,034	3,725	2,530	3,552	3,137	3,606	34,697

Belmont	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Issues 2014-15	2,007	2,269	2,085	2,334	2,602	2,339	2,267	2,263	1,697	2,153	2,070	2,014	26,100
Issues 2015-16	2,054	2,463	2,004	2,434	2,318	3,899	6,886	6,064	3,936	5,397	4,017	4,405	45,877

Equality duty

- 37 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 of the cabinet report of 3 December 2015 and Appendix 2 museum and archive services report of the 10 March 2016.
- 38 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



- 39 Based on the impact assessment accompanying the Hereford Library and Museum report of 3 December 2015 proposed the mitigation actions:
- A temporary library is established to support people’s continued access to services
 - That alternative venues for free use of PCs / the internet are promoted
 - Promotion of the on-line services
 - Additional drop-off points are arranged
 - Non reduction of services in the market towns and Belmont whilst Hereford Library is closed
 - Any new venue will be fully accessible and will incorporate a range of accessibility aids that support people with particular impairments and take into consideration the needs of visitors of different ages
 - That a public health element is included in any new development which would aid people of different ages and with different access needs
 - Public consultation to take place on wider changes to the Herefordshire Library Service
 - Public access PCs are an important feature of a new library development
 - If the closure is prolonged explore specific and targeted schemes for younger children and older adults.

- 40 Summary of mitigation actions from the museum and archive services report of the 10 March 2016 were not all relevant to the Broad Street site, were:
- Increase the opportunity for volunteering, including instigating a volunteer campaign, to support the increased offer of the service as well as support individual wellbeing.
 - Consider the protected characteristic of age when reviewing the learning offer of the museum service to ensure there is an opportunity for children to learn about local heritage and the older people to engage with their own history.
 - Consider the protected characteristic of disability when designing the layout of The Old House with accompanying interpretation material on the ground floor.
 - Hold free entry days each season to enable people on low incomes to be able to visit The Old House.

Financial implications

- 41 £1m provision for Hereford library has been included in the capital programme of the medium term financial strategy; of this £80k has already been utilised to remove asbestos from the building.
- 42 HLUG have asked for confirmation of long term funding for Hereford library. This will be considered as part of a wider report due to be presented to cabinet in October 2016 on the budget saving for the council provision of library and customer services.

Legal implications

- 43 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.
- 44 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.
- 45 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.
- 46 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.

- 47 The library at Broad Street is in the ownership of the council but is subject to restrictive covenants on the title, restricting its use, such that it cannot be used 'for any purpose whatsoever other than for the purpose of a free library'.
- 48 The HLUG will need to exist as a legal entity before any funding or property transaction can take place. Depending on the type and strength of that legal entity, personal guarantees, or other security, will be required. The business case of the entity will need to be carefully examined.
- 49 If the HLUG is to be required to provide a library service. This will therefore 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.
- 50 Consideration will then need to be given as to the type of disposition to be effected to the HLUG. In order for the council to retain control, a lease is recommended of an initial short duration.

Risk management

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.

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

Mitigation – New membership of HLUG and consider the support given from the local authority to aid the scheme.

Costs of reinstatement works – any cost on reinstatement works will have an impact on the amount of match funding available.

Mitigation – Spend the minimum require.

Timescales – if planning and listed building consent not received then could have an impact on delivery by January 2017.

Mitigation – consider if current consent can be used with improvement works.

Reputation – the closure of the museum and art gallery, and reduced provision of the library service could have an impact on the reputation of the authority and negative press especially as to date the authority has managed to retain cultural services without closure of facilities.

Mitigation – consider ways of retaining services whilst creating any necessary savings.

Consultees

The HLUG response is attached at appendix 1 and has informed the recommendations to cabinet.

Appendices

“Our response to the cabinet invitation of 3 December 2015” by Hereford Library Users Group.

Background papers

1. “The Rankin Centre” by Hereford Library Users Group.
2. Hereford Library and Museum cabinet report – 3 December 2015
3. Museum and Archive Services cabinet report – 10 March 2016