

The Vale of Glamorgan Council

Cabinet Meeting: 8 February, 2016

Report of the Cabinet Member for Adult Services

Library Strategy: Establishing Community Libraries

Purpose of the Report

1. To enable Cabinet to reach a decision about the future of the libraries at Dinas Powys, Sully, Wenvoe, St Athan and Rhoose by:
 - a) providing information on the viability of business cases submitted by community groups from Dinas Powys, Sully, Wenvoe, St Athan and Rhoose to run the library in their area;
 - b) advising Cabinet of the impact the establishment of community libraries is likely to have on the Council's ability to meet its obligation to provide a comprehensive and efficient library service;
 - c) advising Cabinet of the outcome of the Equality Impact Assessment of the proposal to establish community libraries.

Recommendations

1. That Cabinet considers this report, the Business Cases submitted by the community groups and the appendices to the report.
2. That Cabinet considers the establishment of community libraries at Dinas Powys, Sully, Wenvoe, St Athan and Rhoose with effect from 1st April 2016.
3. That should Cabinet decide that community libraries are to be established at any of the libraries listed in Recommendation 2, delegated authority is given to the Head of Legal Services in consultation with the Director of Learning and Skills and the Leader of the Council, (a) to enter into legal agreements for the running of each library; (b) to enter into lease agreements and (c) to agree the transfer of assets where applicable.
4. That subject to the establishment of legal agreements for running each library, Cabinet approves the transfer of up to £97,310 to the community groups to cover set up costs and building maintenance and development, from the Library Fund on 1st April 2016 or at such date each group/organisation is constituted and a legal agreement is in place.
5. That in the event a legal agreement cannot be reached with one or more of the community groups, a further report about the future of the library in question be

presented to Cabinet together with an updated Equality Impact Assessment addressing the future of the library.

6. That a copy of this report is sent to all elected Members, Clerks of Town and Community Councils, Members of the Voluntary Sector Joint Liaison Committee, Community Liaison Committee and the Local Service Board for their information and in order to provide an update on the establishment of community libraries.
7. That a progress report is brought to Cabinet once the community libraries have been in operation for a year.

Reasons for the Recommendations

1. To ensure that all relevant information is considered by Cabinet in reaching a decision on the establishment of community libraries.
2. To ensure the library service can be sustained through engaging communities in running their local library and financial savings targets are met.
3. To enable service standards expected from each community group, and the conditions in relation to the use of funding and the support to be provided by the Council, to be clearly set out and formally agreed by all concerned; and to enable the transfer of library buildings to the community groups.
4. To ensure the on-going viability of the community libraries and to encourage the maximisation of investment in community library buildings and facilities.
5. To enable Cabinet to reach a decision about the future of the library in question.
6. To provide the committees, groups and the Local Service Board with information on the progress made with reshaping the library service through the establishment of community libraries.
7. To ensure Cabinet is kept informed of the progress made by the community libraries.

Background

2. The Library Strategy ([Appendix A](#)) was prepared following a review of the service during 2013/14. The aim of the strategy is for the Council to continue to provide a comprehensive library service to all residents, whilst also ensuring that it is more relevant, efficient and sustainable. The strategy seeks to strike a balance between helping the library service to reduce costs and helping it to evolve and remain a vibrant community resource. Cabinet has sought to avoid the closure of libraries; this report is based on that premise.
3. At the Cabinet meeting of 11 August 2014, eleven of fourteen recommendations arising from the review of library services were approved. It was agreed to consult on three further, and more significant, proposed changes to library services:
 - The development of community-led libraries in St Athan, Dinas Powys, Sully, Wenvoe and Rhoose.
 - Reduced library opening hours in Barry, Penarth, Cowbridge and Llantwit Major.
 - Relocating library services in St Athan.
4. Following Cabinet's consideration of the results of consultation at its meeting of 9 March 2015, it was resolved that the opening hours of the libraries at Barry, Penarth, Cowbridge and Llantwit Major should be reduced with effect from 1st June 2015. It was further resolved that:

- Expressions of Interest should be sought from groups interested in developing a community library in Dinas Powys, Rhoose, St Athan, Wenvoe or Sully, with a deadline for submission of 18 May 2015.
 - If one or more Expressions of Interest were received, delegated authority be granted to the Director of Learning and Skills in consultation with the Leader and the Cabinet Member for Adult Services to consider whether or not the groups or individuals expressing such an interest be requested to submit a business case by 12 July 2015.
 - Provided one or more Expressions of Interest to run a community library in St Athan were received, discussions would be held with interested parties on the location of the library.
 - That a further report on the evaluation of any submitted business cases be reported to Cabinet in the autumn of 2015.
5. On 27 March 2015, the Deputy Leader wrote to residents, informing them that the Council had decided to explore the development of community led libraries in each of the five communities. The Council invited Expressions of Interest from groups interested in running one or more of these libraries. The letter set out the support that the Council intended to provide – the book stock, peripatetic professional librarian support and back up support accessible through any of the four town libraries. The Deputy Leader confirmed that the Council would also support the recruitment and training of volunteers, ICT equipment would be transferred to the community group and agreements would be entered into in respect of the future maintenance and ownership of the library buildings.
 6. 8 Expressions of Interest were received by 18 May 2015. There was at least one for each of the proposed community library areas. There were two expressions of interest for Rhoose Library. Each group that had submitted an expression of interest was invited to submit detailed business cases. It was suggested that the two groups who had expressed an interest in Rhoose Library should work together.
 7. Reduced opening hours at Barry, Penarth, Cowbridge and Llantwit Major Libraries were implemented from 1st June 2015 and the service was restructured in response to reduced staffing requirements. Early retirement and voluntary redundancy was approved for a significant number of staff from across the service avoiding the need for compulsory redundancies. The opening hours of the 5 proposed community libraries have not been reduced; they are to operate on their current opening hours, appropriately staffed, until a decision is made about their future.
 8. A claim for judicial review of a decision taken by the Cabinet on 9 March 2015, “for Rhoose library to become a community led library or to be closed in the absence of expression of interest and accepted business case” was received in June 2015. Four grounds of challenge were pursued:
 - the Council failed to consult fairly (the consultation referred to at paragraph 3 above);
 - the Council failed to comply with its duty under section 7 of the Public Libraries and Museums Act 1964 ("the section 7 duty") to provide a comprehensive and efficient library service;
 - the Council failed to act in accordance with the public sector equality duty under section 149 of the Equality Act 2010; and
 - the Council's decision was irrational.

9. The hearing was held on the 13 and 14 October 2015, the judgment was handed down on 5 November 2015. The application for judicial review was dismissed. However, the judge (Mrs Justice Elizabeth Laing) identified some deficiencies which are explained further in paragraph 30 of this report.
10. It was not possible to report to Cabinet on the viability of the business cases during the autumn as agreed, due to the pending hearing.
11. Cabinet had recognised that support would be needed to prepare business cases. The Expression of Interest Form asked groups whether they would need help or advice to develop a business case, and if so, asked them to indicate what kind of support they thought would be needed. A detailed guidance pack was provided and contact details supplied. Support included assistance with preparing business cases, training and the provision of consultancy support to develop the business case if required.
12. The Glamorgan Voluntary Service was commissioned to deliver training and to provide one to one group support to assist groups to become constituted as Charitable Incorporated Organisations and to make them aware of governance requirements and the responsibilities of trustees. The groups were put in touch with the Council's Principal Rural Regeneration Officer who visited groups to discuss funding opportunities. Officers also attended meetings with community groups and have provided additional information on request. The following training was provided:
 - 6 June 2015 – Group training on Leadership and Governance of Community Organisations
 - 23 June 2015 – Group training on Business Planning and Business Case Development
 - 24 June 2015 – Group training on Building Management and Community Asset transfer
 - 1 and 7 July 2015 – visits to Neath Port Talbot community libraries
 - 17 August 2015 – advice and guidance on developing an ICT strategy
13. In order to assist community groups with the development of their business cases, officers indicated the level of support that the Council would provide should it decide to proceed with community libraries. This support includes:-
 - Transfer of existing book stock and on-going replenishment
 - Transfer of all equipment such as fixtures and fittings and ICT equipment
 - Peripatetic librarian support for 50% of the opening hours
 - Additional advice and guidance from the Council run libraries when peripatetic librarian support is not present.
 - Community Asset Transfer where the Council owns the building, on either a long term lease or freehold.
 - Addressing building conditions issues before any buildings are transferred. Recent building condition surveys show that the estimated cost of addressing building issues ranges from £1,820 at Rhoose library to £40,000 at Dinas Powys
 - One-off start-up costs, based on an analysis of the business cases.
14. Business cases to run the libraries at Dinas Powys, Sully, Wenvoe, St Athan and Rhoose were received by 12 July 2015 from:

- Dinas Powys Activity Centre
 - Rhws Community Library
 - St Athan Library Working Group
 - Sully and Lavernock Community Library Trust
 - Wenvoe Library Action Group
15. A comprehensive business case template was provided to groups, which covered the following areas:
- Details and status of the group/organisation.
 - Vision, overview of proposals and community benefits.
 - Evidence of community engagement in identifying services required and which services would be used.
 - Governance and management structure.
 - Resource requirements.
 - 3 year financial projection including income and expenditure.
 - Proposed opening hours.
 - Meeting legal requirements.
 - Asset and access requirements.
 - Risk assessment and production of risk register.
 - Other supporting information, e.g. SWOT analysis, PEST analysis.

Relevant Issues and Options

16. The business cases were assessed on 3rd August 2015 by a group comprising the Cabinet Member for Adult Services and officers representing a range of services including libraries, finance, legal and estates. All five community groups were asked to revisit their business cases to address gaps or to clarify certain issues. Additional support was commissioned for one group where its business case was under developed and further advice was provided to the other groups as necessary. Five revised business cases were re-submitted by 24 August 2015, these can be viewed via the following links ([Dinas Powys](#), [Rhoose](#), [St Athan](#), [Sully](#), [Wenvoe](#)) and a hard copy is available in the member's room. Further assessment of the revised business cases was carried out on 26th August 2015, and it was agreed that the gaps and issues previously identified had been addressed. The group considers all 5 of the revised business cases to run community libraries to be viable.
17. Each group has requested start-up funding to ensure the viability of the library over the next 3 – 5 years and some stipulate that funding is also provided to address building condition issues identified in the building condition surveys carried out by the Council in 2015. The costs of addressing the building condition issues at St Athan are significant. This together with the unsuitability of the building gave rise to a recommendation in the Library Strategy that the library at St Athan be moved to an alternative building. The St Athan community group wishes to continue running the library in the current building but requested that asbestos be removed from the building before it is transferred; this work was completed last year. The library at

Wenvoe is owned by the Community Council which is responsible for any building related costs.

Community Library Funding Requirements					
Start Up Funding	Dinas Powys £	Rhoose £	Sully £	Wenvoe £	St Athan £
Year 1 (2016/17)	7,000	5,000	10,000	10,000	5,000
Year 2 (2017/18)	5,000	2,500	0	0	3,000
Year 3 (2018/19)	2,000	1,250	0	0	2,000
Total Start-up funding	14,000	8,750	10,000	10,000	10,000
Building Funding					
Year 1	40,000	1,820	2,740	0	0
Total funding requirement	54,000	10,570	12,740	10,000	10,000

18. The establishment of community libraries at Dinas Powys, Sully, St Athan and Rhoose will require the transfer of the building (asset) to the relevant community group from the Council. With regards to Sully library which is currently leased by the Council, the lease will need to be transferred to Sully and Lavernock Community Council subject to the consent of the landlord. The Council owns the library buildings at Dinas Powys, Rhoose and St Athan on a freehold basis: there are options to transfer these assets on either a long term lease or a freehold basis. The nature of the community asset transfer for Dinas Powys, Rhoose and St Athan would be subject to negotiation with the relevant groups/organisations and will be developed in line with the Council's Community Asset Transfer Protocol which is part of the Council's Corporate Asset Management Plan. The library building at Wenvoe is owned by Wenvoe Community Council. Discussion between the Community Council and the Wenvoe community library group regarding rental of the building is on-going.
19. The analysis ([Appendix B](#)) of the Council's ability to meet its section 7 duty to provide a comprehensive and efficient library service concludes that the duty can be met by providing the service from the four town libraries. Thus the 5 proposed community libraries are not required for the Council to fulfil its obligation to deliver the statutory service. Nevertheless, it is considered that if the community libraries are delivered on the basis of the terms of the agreements presently envisaged, those libraries will also fall within the scope of the statutory service. As such, the 5 proposed community libraries would enhance this service, provided that service delivery standards are good. Given the level of support the Council will be providing, it is anticipated that the performance of the community libraries can be maintained and improved in some instances. The libraries will be required to provide relevant data on performance for inclusion in the Council's annual return to Welsh Government on performance against the Welsh Public Library Standards.
20. The level of support to be provided by the Council, the service to be delivered by the community libraries and other details would be set out in a legal agreement which should be put in place prior to transfer. Such an agreement would cover a wide range of areas including:

- Opening hours and services to be provided
- Legal status
- Terms of lease or freehold community asset transfer
- Start-up funding to be provided
- Contents to be transferred
- Services to be provided by the Council (including training and support)
- ICT service specification
- Branding/marketing/signage
- Record keeping and provision of data
- Equal Opportunities
- Insurance
- Fines, fees and charges
- Book stock
- Staffing and volunteers
- Data protection
- Monitoring and review.

Resource Implications (Financial and Employment)

21. Analysis of the efficiency of the library service shown in Appendix B, paragraph 8.4, shows that revenue expenditure on library services in the Vale of Glamorgan has been consistently high for a number of years. Over the financial years 2011-12 to 2014-15, revenue expenditure on libraries per 1,000 of the population in the Vale has exceeded the Wales average by between £3,583 to £5,330 per 1,000 of the population and the UK average by £2,820 in 2011-12 up to £4,234 per 1,000 of the population in 2014/15.
22. This contrasts significantly with the overall funding the Council receives to deliver services. The Council's aggregate external funding (AEF) for 2014/15 was £1,231 per capita (ranked 20/22 Welsh authorities) compared to £1,628 for the highest funded Welsh Local Authority and the average of £1,374 per capita. In 2015/16 the AEF was £1,187 per capita (ranked 20/22), compared to £1,588 for the highest funded Welsh local authority and an average of £1,323.
23. The draft Medium Term Financial Plan considered by Cabinet in December 2015 estimates that there remains £13.1m of savings to be identified for the 3 year period 2015/16- 2018/19 and this is after already identifying £17.8m savings including the anticipated savings from the implementation of the library strategy. Failure to deliver this level of savings will significantly impact on the Council achieving its required financial strategy which is based on an estimated reduction of £30.9m by 2018/19. It is recognised that whilst savings from efficiencies will continue to be pursued, realistically, a substantial proportion of the balance will need to be found through the reshaping of Council services.
24. The reshaping of the library service is estimated to deliver savings of £525,000 over 2015/16 and 2016/17 (see [Appendix C](#) for a detailed breakdown). Partial implementation of the library strategy will enable a proportion of the savings target to

be met, however, it is now critical that a decision is reached concerning the establishment of community libraries if the full saving of £525,000 is to be realised.

25. Start-up funding requested from community groups/organisations amounts to £52,750, the estimated cost of addressing building conditions at Dinas Powys, Rhoose and Sully is £44,560. The community groups at Dinas Powys and Sully have requested that funding for the buildings is transferred to them to enable it to be used as match funding for grants which could substantially increase investment in the community library buildings and facilities. It is recommended that the total set up funding and the funding to address building conditions is transferred to the groups on 1 April 2016 or at such date each group/organisation is constituted and the legal agreement signed off. Conditions in respect of use of the funding will be set out in the legal agreement. The £97,310 funding required for the establishment of the community libraries will be met from the Library Fund.
26. The library service was restructured during 2015 to reflect the reduction in opening hours at the four town libraries. At that time, all library service staff, including those based at the five community libraries, were given an opportunity to express an interest in posts in the new structure for any library and to request early retirement and/or redundancy. As a result, staff based at the proposed community libraries were either granted early retirement and/or voluntary redundancy or secured a position at one of the four town libraries. Some staff have already retired, taken a redundancy payment or have taken up new positions, others are due to leave on or before 31 March 2016 or to transfer to one of the town libraries. The community libraries are currently fully staffed and will remain so pending a decision on the establishment of community libraries. Consultation with staff and the recognised trade unions has been an integral part of restructuring the service.
27. The Council has incurred £72,640 to date (excluding the cost of the recent hearing referred to in paragraph 31) in respect of legal fees for defending the claim for Judicial Review. These costs have been met from the Library Fund.

Sustainability and Climate Change Implications

28. The establishment of community libraries will enable the library service to be sustained within reduced funding levels.

Legal Implications (to Include Human Rights Implications)

29. Members will be aware of the claim for judicial review of a decision taken by the Cabinet on 9 March 2015, “for Rhoose library to become a community led library or to be closed in the absence of expression of interest and accepted business case”. Following a hearing on 13 and 14 October 2015, Mrs Justice Elizabeth Laing concluded (a) that the March 2015 decision was a conditional decision to close libraries for which no Expression of Interest was received, and (b) that by the time the claim was lodged it was clear that the condition had not been and would not be fulfilled (because Expressions of Interest had been received); with the consequence (c) that no relevant closure decision had been made. Thus by that time there was no operative decision to close any library and no-one had authority delegated by cabinet to take steps to close any library. Any further decision on the future of the libraries would be made by Cabinet in due course.
30. The application for judicial review was dismissed. However, the judge did identify deficiencies in that had the conditions not been met and the library closed, the decision would have been unlawful as the Council had not complied with its duty to

assess needs for library services before making a decision to close any library and there was insufficient evidence that Members had paid due regard to statutory requirements under section 149 of the 2010 Equality Act.

31. The above paragraphs provide a short summary of the judgment only. The full judgment is available at: <http://www.bailii.org/ew/cases/EWHC/Admin/2015/3194.rtf>. The claimant was given permission to appeal part of the judgment, and requested permission to appeal other parts of the judgment. No date has yet been set for the hearing of the appeal. A hearing was held in the Court of Appeal on 21 January 2016 to decide whether the further application for permission to appeal should be allowed, and to determine an application for interim relief made by the claimant. The appellant was not given permission to appeal other parts of the judgment, and was not granted an Order for interim relief. The effect of this is that Cabinet is permitted to make a decision on the future of the library at Rhoose and the Council is allowed to implement that decision.

The duty to provide a comprehensive and efficient library service

32. Section 7(1) of Public Libraries and Museums Act 1964 places a duty on a Council to provide a comprehensive and efficient library service for those living and working in its area who wish to use it. Section 7(2) of the 1964 Act indicates what the section 7(1) duty can require in practice. Section 7 (2) says that in fulfilling the section 7 (1) duty, the Council must have regard in particular to the "... desirability
(a) of securing, by the keeping of adequate stocks, by arrangements with other library authorities, and by any other appropriate means, that facilities are available for the borrowing of, or reference to, books and other printed matter, and pictures, gramophone records, films and other materials, sufficient in number, range and quality to meet the general requirements and any special requirements both of adults and children; and
(b) of encouraging both adults and children to make full use of the library service, and of providing advice as to its use and of making available such bibliographical and other information as may be required by persons using it; and
(c) of securing, in relation to any matter concerning the functions both of the library authority as such and any other authority whose functions are exercisable within the library area, that there is full co-operation between the persons engaged in carrying out those functions."
33. The courts have held that a 'comprehensive' service is one which is accessible by all those wishing to use it, 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. They have said that there is 'leeway for judgement' as to whether the service in any particular Council area meets the test.
34. The courts have also recognised that the question of what constitutes a comprehensive and efficient library service cannot be divorced from resource issues, so it is lawful for the Council to make an overall budget decision and consider how best to structure its library service provision in light of the available funding.
35. However, the courts have also held that a decision as to how to fulfil the duty under section 7 requires the library authority to assess the needs which the library service should meet, so that it can form a rational view of whether the proposed service is comprehensive and efficient.

36. The Public Libraries and Museums Act requires relevant Welsh ministers to, “superintend and promote the improvement of the public library service provided by local authorities and to secure the proper discharge by local authorities of the functions in relation to libraries conferred upon them as library authorities under this Act”. This duty is met through the Welsh Public Library Standards.
37. Libraries in Wales are asked to submit an annual report to Welsh Government on their performance in the previous year and this is used to help assess whether or not local authorities in Wales are complying with their duties under the 1964 Act, and in assessing the comprehensiveness and efficiency, in terms of the manner and delivery of library services in Wales. Annual returns are scrutinised for completeness by an independent reviewer and a peer reference group. The independent reviewer prepares a formal written feedback report for each local authority and a summary overview each year, including an analysis of overall performance and significant trends. The findings of these processes are brought to the attention of the relevant Minister annually, highlighting achievements and trends and also problem areas, such as declining performances, incidences of non-compliance or recurring failure, together with a diagnosis of the causes wherever possible.
38. As the ultimate sanction in the case of failure to deliver a comprehensive and efficient library service, the Welsh Government can institute an inquiry, issue a direction and transfer the library functions of a local authority to itself or to another authority/organisation. Sanctions can be invoked in cases where, for example, a significant number of core entitlements and performance targets are not reached, there is a failure consistently to reach the average performance of comparable Welsh authorities with no evidence of improvement over time, or performance across the service as a whole is consistently falling year on year. To date, it has not been necessary for Welsh Government to implement any of these sanctions, due to constructive discussion between the relevant parties.
39. The Welsh Government document, "How Good is Your Public Library Service? A summary guide to the performance measurement and assessment framework for public libraries in Wales" states, "because library services are the responsibility of local authorities, they should reflect local priorities, even though they are delivered within a statutory context. Libraries will not necessarily be able to achieve the top levels of performance in all areas, but are expected to achieve as many of the targets as possible and seek improvements in those areas where performances are weaker".
40. The library service in the Vale of Glamorgan was restructured in 2015. This followed a decision by Council to approve a new strategy for libraries which included new opening hours and a re-modelled staff establishment. Further proposals to complete the restructure include the development of a library service composed of 4 town libraries run by the local authority and 5 community libraries run by groups within the community.
41. A detailed needs assessment ([Appendix D](#)) has been prepared by the library service drawing on data collected by the service on demographics, usage and access. This informs the Equality Impact Assessment ([Appendix E1](#)), as well as an assessment ([Appendix B](#)) of whether the Council can continue to meet its obligation to provide a comprehensive and efficient library service through the 4 town libraries.
42. The needs assessment and the section 7 duty assessment demonstrate that the Vale of Glamorgan Council provides a comprehensive library service. The annual assessment report returned to the Council in response to the library standards return stated that the Council should be commended for meeting all the indicators which

have targets, and being the only authority to do so. It also confirmed that the Vale of Glamorgan is the highest spender on library services in Wales.

43. The assessment in Appendix B concludes that the Vale of Glamorgan library service will continue to provide a comprehensive and efficient library service under the provision of the Public Libraries and Museums Act (1964) and in accordance with Welsh Public Library Standards. These provisions can be met through the 4 town libraries alone with the 5 proposed community libraries contributing to an enhanced service.
44. The comprehensive and efficient service will be achieved by the continuation of good library services principles and practices, meeting all 18 core entitlements outlined in the Welsh Public Library Standards and working towards the 16 quality indicators. Hitherto very few libraries have met all library standards but as in previous years, and in common with most authorities, the Council is expected to meet the average number of standards and to seek improvement where performance is weaker.
45. The planned reduction in funding of £525,000 will result in funding for the library service remaining above the average funding in other local authorities in England and Wales. Performance projections show that the Council is likely to achieve the core entitlements and the majority of the standards by providing the service from the town libraries. The service will be delivered within the reduced funding, resulting in improved service efficiency.
46. It should be noted that it is open to the Council of its own volition to support library services beyond the extent required to meet its section 7 duties. The Council has the power (under the well-being power in the Local Government Act 2000) to provide further support to communities for whom accessing a statutory library will be more difficult than accessing a library under the previous provision. This enables local authorities to do anything they consider is likely to promote or improve the economic, social or environmental well-being of their area and /or persons in it provided they are not restricted from doing so by other legislation. There is no express prohibition against a local authority supporting its communities to provide their own services. The proposals as outlined would mean that the Council would be able to meet its statutory obligations and provide further support to libraries within its local communities beyond those obligations.

Crime and Disorder Implications

47. There are no crime and disorder implications arising from this report.

Equal Opportunities Implications (to include Welsh Language issues)

48. The Council must comply with the public sector equality duty (section 149 of the Equality Act 2010) when coming to a decision on the proposal to establish community libraries. Section 149 requires the Council to have due regard to the need to:
 - Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it: Equality Act 2010 s149 (1).

49. The relevant protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation: section 149 (7) of the Equality Act.
50. Section 149(3) of the Equality Act states that having due regard to the need to advance equality of opportunity involves due regard, in particular, to the need to:
- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low;
 - the steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
51. Section 149(5) of the Equality Act states that having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding. Compliance with the duties in this section may involve treating some persons more favourably than others.
52. To discharge the public sector equality duty the decision-maker must analyse all the relevant material with the specific statutory consideration in mind. This includes considering whether the proposed decision is capable of having an adverse impact on persons who have any of the relevant protected characteristics. If it is, consideration should be given to whether there are any steps that could be taken (by way of modification of the proposed decision) to avoid or mitigate that impact. If there are such steps, consideration must be given to whether or not to adopt any of them as part of the final decision.
53. In reaching their decision on the establishment of community libraries, Cabinet members must satisfy themselves:
- (a) that they understand the proposed decisions are capable of adversely affecting persons who have any protected characteristic (and have sufficient information before them to reach a decision on this, one way or the other); and
- (b) that they have conscientiously and rigorously addressed whether there are steps that could be taken to remove or mitigate any such disadvantages identified for particular equality groups. Cabinet members should then consider whether or not to modify the proposed decision to incorporate such steps (if there are any). In addition, Cabinet members should scrutinise the decision against the other public sector equality duty criteria (i.e. advancing equality of opportunity, and fostering good relations). Here too if the proposed decision provides the opportunity to serve either of these objectives (in its proposed form, or if any modification were made to it), this too should be considered.
54. An Equality Impact Assessment on the proposal to introduce community libraries is attached at Appendix Ei. A summary of the possible adverse impacts and how they might be avoided is also provided at [Appendix Eii](#).

55. Officers have sought to investigate whether establishing community libraries would result in gaps in service provision, or some other adverse impact on people sharing any of the protected characteristics. Consultation took place with service users and residents between November 2013 to December 2013, and October 2014 to December 2014; feedback was provided via focus groups (the Vale 50+ Forum, the Vale of Glamorgan Youth Forum, representatives from school councils, Vale Plus and Vale People First Real Lives Group); and responses to the CIPFA Plus Survey 2012 and the impact assessment were considered. The potential for adverse impacts as a result of establishing community libraries on groups with protected characteristics and proposed mitigating actions to address them should they arise are set out in the summary of the Equality Impact Assessment in Appendix Eii which is summarised in the table at paragraph 59 of this report.
56. Should Cabinet decide to establish community libraries, officers would work closely with community groups to ensure as far as is possible, that current standards of service delivery are maintained. This would be achieved by establishing agreed service standards with each group and the provision of on-going support from the Council in the form of a peripatetic librarian being based at each library for 50% of the planned opening hours, advice and support from staff based at the main libraries when required, provision and rotation of book stock and support with the recruitment and training of volunteers.
57. The obligation under section 149 of the Equality Act will continue to be addressed in the course of the process of determining the terms of any legal agreement for the provision of a community library, and will be considered further taking account of the details of such terms as the Council is able to agree in each case. It is envisaged that the community libraries will develop to offer supplementary services which are specifically tailored to the needs of the local community, this is very much central to the vision set out by the community groups in their business cases.
58. Given that services would be maintained and even enhanced by the community libraries it is not expected that the establishment of community libraries will ultimately adversely affect the persons in any of the protected groups. It is possible that the particular model of community library proposed could have a positive impact on certain protected groups, dependent on the type and success of supplementary services introduced. For example, the St Athan group is looking to develop additional services and activities for elements of the community not currently provided for, such as a networking group for people who work from home, informal interest groups to bring forces families which are based at Athan together with the local community and a teenager hangout and activities resource. These interest groups have the potential to positively affect people from all of the protected groups. A number of other examples are set out in the Equality Impact Assessment (EIA) in Appendix Ei.
59. Although the Council would work in partnership with community groups to ensure the on-going sustainability of each library it should be recognised that due to a variety of reasons it is possible that a library could fail in the future resulting in its closure. Should any of the 5 libraries proposed as community libraries close in the future, that would be capable of having an adverse impact on certain protected groups. The potential for adverse impacts as a result of establishing community libraries on groups with protected characteristics and proposed mitigating actions to address them should they arise are set out in the summary of the Equality Impact Assessment in Appendix Eii. It is summarised in the following table:

Protected Group	Impacts	Mitigating Actions
Older People	<ul style="list-style-type: none"> Removal of social hubs and difficulty accessing other libraries 	<ul style="list-style-type: none"> Community groups to develop enhanced community services. Promote 24 hour on-line library catalogue and resources, services at other libraries and the Home library Service
Children and Young People	<ul style="list-style-type: none"> Reduced access to age specific activities and loss of informal support groups. Loss of access to library services and potential impact on children's literacy skills 	<ul style="list-style-type: none"> Ensure agreements with the community groups cover maintaining access for schools and the provision of on-line PC's for homework and research. Encourage development of enhanced services. Continued support from the Children and Young People's Librarian, Peripatetic Librarians and the Youth Service for age specific activities. <p>Should a library close in the future:</p> <ul style="list-style-type: none"> The Children's and Young People's librarian to work with local school to develop in school services. Promote on-line facilities and other libraries.
Adults of Working Age	<ul style="list-style-type: none"> Loss of access to on-line facilities and support for digital literacy. 	<ul style="list-style-type: none"> Agreements with community groups to include the transfer of PC/s and on-line access. If a library should close in future, promote facilities at other libraries
Disability	<ul style="list-style-type: none"> Reduced opening hours resulting in limited access. If the library were to close, some would not be able to travel to 	<ul style="list-style-type: none"> Through the legal agreement, ensure the opening hours of the community libraries are either maintained or enhanced and services

	another library.	<p>such as the Books on Prescription scheme continue.</p> <ul style="list-style-type: none"> • Transfer facilities such as hearing loops to the community libraries and continue to provide talking books and books in braille as part of the book stock. • Promote the Home Library Service and assistive technologies available at other libraries. <p>If the library were to close in the future:</p> <ul style="list-style-type: none"> • Promote services available at other libraries and transport options. • Extend the pop-up library service in partnership with Community Councils. • Identify a suitable alternative to accommodate the disabled children's home work group at Rhoose.
Sex	<ul style="list-style-type: none"> • Closure of a library in the future would impact on more females than males due to higher female membership levels. 	<ul style="list-style-type: none"> • Promote services provided at other libraries, the 24 hour on-line library service and supplementary services such as the Home Library Service.

Corporate/Service Objectives

60. The Library and Information Service contributes to a number of corporate objectives, including the reshaping services agenda, community leadership, children and young people and lifelong learning and skills.

Policy Framework and Budget

61. The future of the library services is a matter for Executive decision by the Cabinet.

Consultation (including Ward Member Consultation)

62. An initial public consultation on the future of the library service was carried out between the 12 November and 15 December 2013. Specific consultation on three recommendations resulting from a review of the library service was held between 13

October and 21 December 2014, Cabinet considered the outcome of the consultation at its meeting of 9th March 2015.

63. Consultation with staff and the recognised trade unions has been an integral part of restructuring the service.

Relevant Scrutiny Committee

64. Lifelong Learning.

Background Papers

Business cases to run community libraries at Dinas Powys, Sully, Wenvoe, St Athan and Rhoose.

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