

**A MATTER WHICH THE CHAIRMAN HAS DECIDED IS URGENT BY REASON OF THE NEED TO REVISE THE DEADLINE FOR ESTABLISHING COMMUNITY LIBRARIES**

**The Vale of Glamorgan Council**

**Cabinet Meeting: 25 July, 2016**

**Report of the Cabinet Member for Regeneration and Education**

**Library Strategy: Establishing Community Libraries**

**Purpose of the Report**

1. To update Cabinet on the progress to establish community libraries and to request that the deadline of 31st May 2016 for establishing legal agreements with community groups to run the libraries at Dinas Powys, Sully, Wenvoe and St Athan is revised.

**Recommendations**

1. That the deadline of 31st May 2016 for establishing community libraries is revised and delegated authority given to the Director of Learning and Skills, in consultation with the Managing Director, the Leader and the Cabinet Member for Regeneration and Education to specify the revised deadline for establishing the community libraries at Dinas Powys, Sully, Wenvoe and St Athan.
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 to (a) 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.
3. That Cabinet authorises the use of article 14.14 of the Council's Constitution (urgent decision procedure) in respect of recommendations 1 and 2 above.
4. That a further report be submitted to Cabinet in relation to the library at Rhoose, following receipt of the judgement in the Judicial Review listed for 28 and 29 July 2016.

**Reasons for the Recommendations**

1. To enable legal agreements to be entered into after the previously agreed deadline of 31st May 2016 and within a timescale to be set under delegated authority.
2. To enable service standards expected from each community group, 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.

3. To take account of the Order to be made by the Court in the Judicial Review proceedings listed for 28 and 29 July 2016 concerning Rhoose library, and to acknowledge that a further report will be submitted to Cabinet regarding the library at Rhoose.
4. To enable the necessary legal agreements to be entered into with immediate effect if necessary.

## **Background**

1. At the Cabinet meeting held on 8th February 2016 (minute ref C3065), Members resolved to establish community libraries at Dinas Powys, Sully, Wenvoe, St Athan and Rhoose by no later than 31st May 2016.
2. It was agreed that delegated authority be given to the Head of Legal Services in consultation with the Director of Learning and Skills and the Leader of the Council to enter into the necessary agreements to transfer the libraries to community groups.
3. It was further resolved that in the event a legal agreement could not 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 in question which should include the option of closure.

## **Relevant Issues and Options**

4. Significant work has been carried out with community groups to enable the libraries to be transferred to them, although it has not been possible to achieve the transfer by the deadline of 31st May 2016.
5. The transfer of the libraries at Wenvoe and Sully has been delayed largely as a result of issues surrounding the transfer of the assets. Although the library building at Sully is owned by the Council, the land is leased from Barry Plastics. It was necessary to enter into an agreement to re-assign the lease to Sully and Lavernock Community Council which involved a third party: the Solicitor acting on behalf of Barry Plastics. The license to assign the lease has now been prepared. Transfer of the library to the Sully group is expected to be implemented week commencing 25th July 2016.
6. The library building at Wenvoe is owned by the Community Council and is subject to the Community Council and the community group agreeing a license. A draft license has recently been prepared by the Community Council and agreed by their Solicitor. This will now be subject to negotiation and agreement with the community group. It is anticipated that the library will be transferred in late July/ early August although this is subject to agreement of the license referred to above.
7. Neither St Athan and Dinas Powys Community Groups have yet secured charitable status from the Charities Commission. The St Athan community group has been liaising with the Charities Commission to clarify issues in response to questions raised by the Commission. It is expected that it will be granted charitable status imminently. Once this is received, the necessary agreements to transfer the library can be entered into.
8. The Dinas Powys Community Group has yet to receive communication from the Charities Commission concerning the position regarding its application for charitable status. As a result, it is not possible to determine a deadline for transferring the library

9. In relation to the Rhoose library, we have decided to wait on the outcome of the present judicial review proceedings before deciding whether or not to enter into arrangements for a community library. The claim is listed for hearing in the High Court on 28 and 29 July 2016. When the judgement is available, a further report will be brought to Cabinet.

### **Resource Implications (Financial and Employment)**

10. The reshaping of the library service is estimated to deliver savings of £525,000 over 2015/16 and 2016/17. Partial implementation of the library strategy will enable £352,000 of the savings to be met, however, the remaining £173,000 will not be realised until the community libraries are established.
11. Start-up funding and funding to address building conditions will be transferred to the groups on the date that 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 approved by Cabinet on 8th February 2016 for the establishment of the community libraries will be met from the Library Fund.

### **Sustainability and Climate Change Implications**

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

### **Legal Implications (to Include Human Rights Implications)**

13. 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.
14. 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.
15. The assessment considered by Cabinet on 8th February 2016 concluded 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 proposed community libraries contributing to an enhanced service.

### **Crime and Disorder Implications**

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

### **Equal Opportunities Implications (to include Welsh Language issues)**

17. At the Cabinet meeting held on 8th February 2016, in coming to a decision to establish community libraries Members had due regard to the requirements of the public sector equality duty (section 149 of the Equality Act 2010).
18. Members considered an Equality Impact Assessment on the proposal to introduce community libraries and were made aware of the possible adverse impacts and how they might be avoided.

## **Corporate/Service Objectives**

19. The Library and Information Service contributes to the Corporate Objective for an Aspirational and Culturally Vibrant Vale.

## **Policy Framework and Budgets**

20. The future of the library service is a matter for Executive decision by the Cabinet.

## **Consultation (including Ward Member Consultation)**

21. 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.

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

## **Relevant Scrutiny Committee**

23. Learning and Culture

## **Background Papers**

24. Cabinet Report: Establishing Community Libraries 8th February 2016

## **Contact Officer**

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## **Officers Consulted**

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## **Responsible Officer:**

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