

CMS 214485

Cllr M Butt
Leader
Brent Council
Town Hall
Wembley
HA9 9HD



16 September 2012

Dear Cllr Butt,

LOCAL INQUIRY INTO LIBRARY PROVISION IN THE LONDON BOROUGH OF BRENT

I have considered whether to intervene by directing an inquiry under the Public Libraries and Museums Act 1964 into the changes in the library provision in the London Borough of Brent. I have decided not to direct a local inquiry for the reasons set out below.

On 14 February 2012, the Secretary of State, Jeremy Hunt, decided that he was not minded to direct an inquiry under the 1964 Act, but invited comments and representations. Written representations were received from numerous members of the public and also Brent libraries campaign groups. In addition, on 12 April 2012, a meeting was held between the Brent Campaign Group and DCMS officials.

Principles

I have considered the duty of a local authority to provide a comprehensive and efficient service under section 7 of the 1964 Act. What constitutes a comprehensive and efficient service is a question involving a significant element of judgement. Those judgements are, in the first instance, for the local authority to make. It has intimate knowledge of local conditions and needs and has direct democratic accountability to the local population. This is a significant factor.

My view is that decisions about local issues should ordinarily be taken by democratically elected local representatives accountable to local voters. The duty of the Secretary of State is one of superintendence. A wide range of approaches were open to the local authority when deciding how to provide a comprehensive and efficient library service. I also note that the local authority is entitled to take account of resource in deciding whether a proposal is efficient.

My role in relation to public libraries as Secretary of State is to seek to promote and secure the proper discharge of the statutory duties on local authorities. I have power to direct a local inquiry. My approach in deciding whether I am minded to intervene to direct an inquiry has been to ask myself whether, having regard to the duties on me and the local authority, there is good reason in all the circumstances for me to direct an inquiry at the present time.

In taking that decision, I have given consideration to a number of factors. They include:

- Whether there is any serious doubt or uncertainty as to whether Brent is (or may cease to be) complying with its legal obligation to provide a comprehensive and efficient library service.
- Whether Brent appears to be acting in a careless or unreasonable way.
- Whether the decision is or may be outside the proper bounds of Brent's discretion, such as a capricious decision to stop serving a particularly vulnerable group in the local Brent community.
- Whether Brent 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.
- Whether substantial further investigation is needed. A local inquiry would be more likely to be appropriate in a case where there are substantial uncertainties as to compliance with the statutory duty, and inadequate public consultation and discussion of proposals. The converse is also true.

- The advantages of local decision making by democratically accountable local representatives.
- Whether there is any further good reason why a local inquiry would be appropriate or inappropriate.
- The extent to which the relevant issues have already been canvassed in judicial review proceedings.

I have also borne in mind that too ready an intervention would risk preventing or discouraging prompt and efficient reforms of library services. Equally, failing to intervene in an appropriate case would risk the delivery of an efficient and comprehensive service.

Facts

The library changes in Brent have involved the closure of six of the twelve libraries in the borough. The closed libraries were the least used and less-well located libraries. Together, they represented only around 20% of the pre-closure library use in Brent. The libraries that remain open are the best used and best located libraries. The currently open libraries in Brent are Ealing Road, Harlesden, Kilburn, Kingsbury, Civic Centre and Willesden Green. Opening hours have been increased at the remaining libraries by a total of 23 hours per week. As a result, all six libraries are now open 7 days a week. Current opening hours range from 56 to 65 hours a week at each library. However, total library opening hours in Brent have decreased from 544 hours per week to 353 hours as a result of the 6 closures.

Willesden Green library will close later this year for redevelopment until 2014. Alternative sites will provide an interim service. Once re-opened, the Willesden Green centre will include a children's library, study space, IT facilities, art performance areas, art gallery and general library and cafe. The new facilities are likely to be substantially improved and will be a modern and attractive building. A new civic centre library will open in Wembley in Summer 2013. Two of the remaining six libraries are therefore being rebuilt. Refurbishments continue to other libraries.

Brent is a member of the London Libraries Consortium. This gives access to member libraries across London and over 150 library branches. Brent residents can visit other member libraries and use their services. An outreach service is also provided for people with disabilities

or serious health problems and bulk issues to homeless hostels, children's centres and day centres. Free Wifi access is available and faster internet connections will be introduced in all the libraries, so as to encourage users to bring their own computers. However, I note that the neighbouring libraries to Brent do not currently belong to the Consortium.

The book budget in Brent had been maintained at £550,000 per annum. The same sum is therefore being shared amongst a smaller number of libraries. Brent is also introducing a new stock management system to improve availability of key titles and provide for quicker delivery of new books. The best stock in the closed libraries is being transferred to the open libraries.

Representations

Detailed written and oral representations have been made by the Brent Libraries Campaign Group. The key points made are:

1. Opening hours overall have reduced.
2. The figures prepared by Brent concerning distance from libraries are inaccurate.
3. Use of Brent's libraries have reduced since the closures and there is limited evidence of migration.
4. The book budget has been fixed, which is a real terms cut.
5. The number of public access PCs has reduced overall.
6. The use of outreach services has not increased.
7. E-books and other services are not yet a significant alternative to physical book loans and Brent's e-books cannot be used with one popular device (a Kindle). Other free online services are in any event available.
8. There are concerns about the interim provision during the redevelopment at Willesden Green and the redevelopment plans themselves.
9. The consultation process was inadequate and/or unfair.

I consider that some of these points are accurate, although others are less strong.

It is correct that overall opening hours have reduced. This is an inevitable consequence of closures. There may also be some modest inaccuracies in the distance figures prepared by Brent. However, I consider that in an urban area, the precise distance to a library is less important than the questions of whether the libraries are (a) well located; (b) accessible by public transport; (c) have good opening hours; and (d) offer a wide range of stock so as to meet reader needs. It should also be recalled that the libraries used by 80% of visitors remain open with longer hours.

The six libraries were closed in mid-October 2011. Prior to the closures, from April to September 2011, there were substantial reductions in visitor and book issue levels compared to the previous year. Following the closures, the remaining libraries have seen a significant increase in attendance levels, especially at those libraries with improved opening hours. However, the increase has not fully compensated for the lost attendance at the closed libraries. So far, only a partial migration of use has taken place. It appeared that overall attendance and issue figures was down by up to 20% in the six months since closure. However, it will be difficult to draw any long term conclusions until the redevelopment of Willesden Green and the Civic Centre libraries are complete.

The book budget remains substantial and, in my view, entirely adequate. The total number of public access PCs is not a relevant matter under the 1964 Act, but in any event is mitigated by improved Wifi provision. It does not appear that there are an insufficient number of computers available.

I would not necessarily expect the use of outreach services to increase. It would be hoped that most people who needed outreach services to already be using them before the closures. There is no evidence that people who need outreach services are unable to access them.

E-books are a useful addition to Brent's services and are likely to grow in popularity in the future. However, I do not consider this an important factor in deciding whether to order a local inquiry.

It is inevitable that there will be some disruption during the redevelopment of Willesden Green. But a plan has been put in place to minimise the disruption, and the end result will be a modern, better library within a community multi-use facility.

The Court of Appeal has already ruled on the adequacy of the consultation process.

Decision

The changes to library provision in Brent have been controversial. Some local residents remain implacably opposed to any reduction in the number of libraries. They view the maintenance of 12 borough libraries to be an essential service that ought not be altered, despite competing economic demands and alternative means of offering the comprehensive and efficient service required under the 1964 Act. Other local residents, and Brent council, reluctantly accept that savings can properly be made whilst continuing to offer a comprehensive and efficient library service.

Not every alteration in library provision will justify the establishment of a local inquiry. In the present case, my view is that on balance an inquiry is not appropriate. The Secretary of State's duty is one of superintendence. A controversial local issue is being properly and fairly handled by the local authority. My intervention to direct an inquiry is not currently required:

1. The London Borough of Brent continues to offer a comprehensive and efficient library service. There remain a substantial number of Brent run libraries across the borough and the libraries used by the great majority of Brent residents remain open with enhanced hours. Libraries remain accessible, with good quality stock and long opening hours. Over the next 2 years, substantial further improvements will be made at Willesden Green and the Civic Centre. Brent has chosen to adopt a model of fewer but better libraries. This is a legitimate means of providing a comprehensive and efficient service. There is no serious doubt or uncertainty that the library service provided in Brent remains comprehensive and efficient.
2. The closures were based on a library review. There was a fair public consultation and a detailed Equality Impact Assessment. Proper provision has been made for vulnerable groups.
3. Brent is an urban area with a good public transport network. It is well served by bus, underground and rail services. Bus travel is free for under 16s, over 60s and people with disabilities. The remaining libraries are well located. Compared to many other urban areas, Brent continues to offer an accessible and comprehensive library service. There does not need to be equal or blanket coverage across a local authority area. Nor does the 1964 Act require existing provision to be maintained or for an inquiry to

be ordered where a library is closed. Nor does a comprehensive and efficient service require maintenance of any particular level of library visits or book borrowing rates, especially in the short term whilst redevelopment and campaigning is still ongoing.

4. Permission to appeal has been refused in the Brent judicial review claim. The decision of the Court of Appeal therefore stands. The effect of the decision of the Court of Appeal is that Brent's decision was taken without any misdirection in law, following a proper and fair consultation and having fully and properly assessed the various needs of the local community (including the risk of unlawful discrimination and the giving of due regard to the public sector equality duty).

Brent winners



RT HON MARIA MILLER MP

**Secretary of State for Culture, Media and Sport; and
Minister for Women and Equalities**