



department for
**culture, media
and sport**

Summary of responses to the public consultation on the proposed transfer of the Public Lending Right functions from the existing public body

8 May – 30 July 2012

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Contents

Introduction	1
Summary of responses to the consultation	1
Next steps	5
Annex A – list of respondents to the consultation	5

Introduction

1. The Public Lending Right (PLR) is the right of authors to receive payment for the loans of their printed books from public libraries in the UK. Payments are made annually to eligible authors who register their books with the PLR Registrar, to a maximum of £6,600 per author per year. The PLR receives grant-in-aid from the Department for Culture, Media and Sport (DCMS) to fund the running of the scheme and the payments to authors.
2. The resource grant-in-aid budget for PLR reduces by 15% in real terms over this Spending Review period which in the current circumstances represents a fair settlement for PLR and shows a real commitment to the importance and value of this scheme. However, with the PLR Registrar currently believed to be operating at maximum efficiency the settlement does necessitate some radical thinking and the Government believes that transferring the PLR functions into a larger body presents further opportunities for efficiencies than would otherwise be achievable and consequently offers the most realistic means of protecting the rate per loan.
3. DCMS ran a 12 week public consultation between 8 May and 30 July 2012 on the proposal to transfer the PLR functions to another public body. The consultation document outlined a number of options, including the Government's preferred option of a transfer of the PLR functions to the British Library.

Summary of responses to the consultation

1. There were 1015 respondents to the public consultation, comprising: 740 rights holders (authors, illustrators, translators, editors, and literary executors); 238 other individuals (the majority of whom do not specify their role/interest or whether they are rights holders, though a small number identify themselves as aspiring and unpublished authors, readers and library users); and professional bodies and other organisations and interested parties, as listed at Annex A.
2. In addition to the 1015 responses, there were a small number where the proposal being consulted on has been misinterpreted. 24 respondents gave their views about what they understood to be proposals to stop making PLR payments to authors, and 29 respondents gave their views about what they understood to be proposals to abolish the Authors' Licensing and Collecting Society (ALCS), an organisation which administers payments due to rights holders from a number of European PLR schemes.
3. The consultation asked 3 questions, and summaries of the responses to each are set out below. The vast majority of respondents (over 90%) did not refer to or answer the questions directly, and their comments have been summarised under the appropriate section(s) below. A large number of responses were received; and this summary provides an overview of the common themes and issues raised.

Q1: While acknowledging the effective administration of PLR by the Registrar, the government is now proposing to transfer the statutory function of administering the PLR scheme from the Registrar to another existing public body, effectively abolishing the Registrar as a separate public body. Please provide your views on whether you think the PLR functions should be transferred to another body.

4. 948 respondents are of the view that the PLR functions should not be transferred to another body.
5. 30 respondents are of the view that the PLR functions should be transferred to another body; some of these are conditional on a number of factors, including: the British Library being funded adequately to take on the function; the transfer not resulting in increased expenditure; savings being made and added to the authors' fund; existing staff being located in a convenient locality and their salaries not reduced; and the high quality service of the existing PLR office being maintained. 1 additional respondent does "not oppose" the transfer, provided that jobs are not transferred away from the North East; and 3 other respondents give ambiguous answers, or answer both for and against a transfer, depending on whether savings can be made and the author fund increased.
6. In addition to these, 8 respondents are of the view that the PLR functions should be transferred to another body, but to ALCS rather than the Government's preferred option of the British Library. 1 respondent is of the view that the options "should include transferring PLR due to Welsh authors to a new devolved body in Wales".
7. 1 respondent does not know if they think the PLR functions should be transferred; and 23 do not provide a view on whether they agree with a transfer but do provide views on: the importance of PLR payments to authors; the importance of PLR and public libraries generally; the loans sample used by PLR; the eligibility criteria; the distribution of payments to authors; the importance of impartiality to the operation of PLR; or seek assurances that the level of service would be maintained. Of these 23, 1 respondent is of the view that "all state involvement in the arts should be abolished" and 1 is of the view that the PLR fund to authors should instead be distributed to support public libraries.
8. Of those respondents of the view that the PLR function should not be transferred, 85% comment on the service the Registrar and PLR office provides to authors, which is widely held to be "excellent", "effective" and "efficient". Many rights holders' comments relate to the high degree of confidence they have in the administration of PLR, and in the staff who respondents regard as knowledgeable, experienced and helpful.
9. Almost half of those who think PLR should not be transferred comment on the costs and savings of a transfer, raise concerns about potential transition costs, or question whether the savings would outweigh the costs. About 7% comment on the absence of estimated costs and savings in the consultation document and consultation stage impact assessment; about a quarter comment on the value of PLR payments to authors; and a small number express a fear that the author fund might decrease if the costs of transfer are underestimated. A number also refer to the reduction in PLR's grant-in-aid. Responses from Neilson Book Services, ALCS, and a joint submission from RSL and a number of bodies (ALCS, Society of Authors, Writers' Guild, Association of Authors' Agents, Association of Illustrators, Creators' Rights Alliance, National Union of Journalists, Poetry Book Society, and the Historical Writers' Association) state that they would commit to working with PLR to identify and deliver potential efficiencies.

10. Other concerns are around loss of knowledge and experience (ie if there are changes to staffing); and/or related to the loss of jobs from the North East. Submissions were received focussing on concerns about potential impact on the North East from: the Public and Commercial Services Union (PCS); Cllr Bob Cook, Leader of Stockton-on-Tees Borough Council; Tees Valley Unlimited, the Local Enterprise Partnership; James Wharton, MP for Stockton South; and Alex Cunningham, MP for Stockton North.
11. Some respondents commented on the importance of the independence and/or impartiality of the existing NDPB.
12. Around 5% of those who do not think PLR should be transferred do not specify the reason.

Q2: Following the transfer of functions the government is proposing that a cap on administrative spend will be imposed on the body that takes over the PLR function and has confirmed that the PLR author fund will not be used to pay for the transfer. Do you have any concerns about the impact a transfer of functions from the Registrar will have on PLR rights holders? If so please provide details.

13. About a third of respondents outline concerns about the impact of a transfer on PLR rights holders. The majority of comments relate to concerns about the potential for: a reduction in efficiency; an increase in bureaucracy if a larger organisation takes on the function; or a disruption to the service, such as mistakes or delayed payments, ie if there is a change to staffing. 51 respondents either stated they agreed with the Society of Authors' position or submitted a copy or a version of a statement from the Society which includes the point: "The current PLR Office is light on bureaucracy, very economically run, and strong on service. A transfer to a new body would inevitably involve teething problems and increased bureaucracy."
14. In addition to the consultation responses, a small number of queries relating to the proposal were received by the Department, about whether authors would need to register their books differently or take any other action if a transfer took place.
15. There are some comments about authors' interests being represented effectively by the Registrar and comments about whether representation would be as an effective under new management, or in a public body with other responsibilities.
16. A small number of respondents make reference to activities carried out by the Registrar and the PLR office, commenting on their value, or questioning whether these activities would continue if a transfer took place. There are comments about the International PLR network, currently coordinated by the Registrar; and comments about the Irish PLR scheme, which is contracted out to the UK PLR office. A number of respondents also make reference to the PLR website, and to other communications from the PLR office, which are both regarded as clear and helpful.

Q3: *Though the government appreciates that it would be appropriate to transfer the PLR function to another copyright payment body, ALCS for example, statutory functions and distribution of associated government funding must be administered by a public body. Consequently the government's preferred option is to transfer the PLR function to the British Library. Do you anticipate any problems or conflicts of interest in transferring the PLR function to the British Library?*

17. Of the 1015 respondents, 189 answered Q3 directly or indirectly, providing views on potential problems or conflicts in transferring the PLR function to the British Library.
18. The majority of these (31% of the 189 responses) raise concerns related to how PLR would fit within the British Library. This includes concerns about the BL as a larger organisation taking on the role of a dedicated body; the compatibility of the functions of both organisations; queries about how the British Library would see this function fitting within its overall business and aims; concerns about widening the remit of British Library; views that PLR would be an “additional burden”; and comments that the British Library has many other responsibilities and that these may take priority over PLR.
19. 28% of the 189 responses make comments related to a “danger that transferring this function to a body with a wider remit could lead to conflicts between delivering PLR on behalf of authors and [the British Library’s] broader role in developing copyright and library strategies”, although it should be noted that of the 53 responses commenting on issues connected to copyright, 45 are from individuals who have submitted a copy or a version of an ALCS statement from which this quotation is taken.
20. Other comments reflect the concerns described under the first 2 questions: a quarter of comments relate to staffing, or loss of jobs, or relocation; 24% comment on potential disruption to the service, or reduction in efficiency; 19% comment on issues relating to experience or expertise (including concerns over loss of expertise, or that the British Library has no experience of payment distribution, or this sort of role). 13% of comments under Q3 relate to authors' interests, such as impact on authors' rights, or the view that the British Library is a ‘pro-reader’ organisation rather than an author-facing one; 7% of comments relate to funding of PLR and the British Library; and 7% say that there would be a problem or conflict of interest but do not specify what it would be.
21. A small number of respondents give their views on the suitability of the other organisations considered as options for a transfer, which were ALCS, Arts Council England, and DCMS. Of those who do not agree with a transfer of functions, 31 are of the view that ALCS would be a suitable option; 17 are of the view that the British Library would be suitable [and another respondent referred to the “British Council” as being suitable]; and 1 is of the view that ALCS would be most suitable followed by the British Library, while another is of the view that the British Library would be most suitable followed by ALCS. There was no support for a transfer to the Arts Council, nor DCMS. 13 respondents raised concerns about the suitability of ALCS; 15 about the Arts Council; and 22 about DCMS.

Other comments

22. The consultation document included a list of organisations that the Department indicated may wish to respond, and a few additional comments were received from organisations not listed, including the Crime Writers' Association, the Romantic Novelists' Association, the National Union of Journalists, the Outdoor Writers and Photographers Guild, and the Library Campaign. A few respondents commented that they preferred to respond as an individual on their own behalf, rather than through a representative group or membership organisation, or that they were responding as an individual because they did not belong to a representative group.
23. During the consultation period [a petition](#) "To stop plans to abolish the Public Lending Right (PLR) organisation" was created on the change.org website, and received 2,868 signatories.
24. About a tenth of respondents to the consultation make some reference to the public bodies reform programme, or to Government policy or the "ideology" behind the proposal.
25. There are a small number of comments and suggestions relating to the running of the PLR scheme, including: 3 respondents calling for the exclusion of deceased authors from eligibility for PLR payments, and a handful of other comments about eligibility; 1 respondent suggesting raising the minimum payment threshold in order to reduce administration, while another notes that they would be opposed to an increase in the threshold; and a few comments about the library loans data sample and how it affects authors of local interest books.
26. Other comments made about issues related to PLR, but outside the scope of this consultation, have been noted by the Department and are summarised briefly here. There are 81 responses about audiobooks and/or e-books (37 of those come from a copy or version of the ALCS statement, and 20 from a copy or version of the Society of Authors' statement). A couple of comments are made about community-run, or non-statutory, libraries not falling within the PLR scheme under the PLR legislation.

Next steps

27. The Government would like to thank all those who responded to the public consultation. We received a large response which reflects the importance of PLR to authors and other rights holders, and the esteem in which the current PLR office is held by its customers.
28. The aims of the proposed transfer are to reduce both the number and costs of public bodies. The Government will consider how to meet these aims taking consideration of the responses to the consultation and the issues raised.
29. The Government's response will be published alongside a full Impact Assessment in due course.

Annex A – list of respondents to the consultation

In total, 1015 responses were received to the public consultation on the Government's proposals for the future management of PLR, the vast majority from PLR rights holders and other individuals. Below is a list of the professional bodies, organisations, MPs and other interested parties that responded to the consultation:

Acclaimed Books Ltd
All Party Parliamentary Group for Libraries
Arts Council England
Authors' Licensing and Collecting Society (ALCS)
Authors' and Performers' Lending Agency (APLA)
Association of Authors' Agents
Association of Illustrators
Tom Blenkinsop MP (Member of Parliament for Middlesbrough South and East Cleveland)
British Copyright Council
British Equity Collecting Society
British Guild of Travel Writers
Chartered Institute for Library and Information Professionals (CILIP)
Creativity Unleashed
Crime Writers' Association
Alex Cunningham MP (Member of Parliament for Stockton North)
Design and Artists' Copyright Society (DACs)
The Library Campaign
Literature Development Officer, Dumfries and Galloway
Neilson Book Services
The non-executive management Board of PLR
Outdoor Writers and Photographers Guild
Royal Society of Literature
Public and Commercial Services Union (PCS)
Publishers' Association
Alan Reid MP (Member of Parliament for Argyll and Bute) on behalf of constituent
Romantic Novelists' Association
Society of Chief Librarians (SCL)
Scottish Library & Information Council (SLIC) and CILIP in Scotland (CILIPS)
Society of Authors
Rory Stewart MP (Member of Parliament for Penrith and The Border)
Stockton-on-Tees Borough Council
Tees Valley Unlimited, the Local Enterprise Partnership
The University Council of Modern Languages
Gareth Thomas MP (Member of Parliament for Harrow West) on behalf of constituent
Welsh Government
James Wharton MP (Member of Parliament for Stockton South)
World Land Trust



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