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Councillor Ian Stephens
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31 May 2013

Dear Councillor Stephens

Local inquiry into library provision in the Isle of Wight

The Secretary of State has considered whether to intervene by directing an inquiry under the Museums and Libraries Act 1964 into the changes in the library provision in the Isle of Wight. She has decided not to direct a local inquiry for the reasons set out below.

On 3 September 2012, the then Secretary of State decided that he was not minded to direct an inquiry under the 1964 Act, but invited comments and representations.

Written representations were received from Councillor David Pugh, the then Leader of the Isle of Wight Council and the Friends of the Isle of Wight Library Service.

Principles

The Secretary of State has 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 good knowledge of local conditions and needs and has direct democratic accountability to the local population. This is a significant factor. The Secretary of State's 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. The Secretary of State also notes that the local authority is entitled to take account of cost in deciding whether a proposal is efficient.



The Secretary of State seeks to promote and secure the proper discharge of the statutory duties on local authorities. She has power to direct a local inquiry. Her approach in deciding whether she is minded to intervene to direct an inquiry has been to ask herself whether, having regard to the duties on her and the local authority, there is good reason in all the circumstances for her to direct an inquiry at the present time.

In taking that decision, the Secretary of State has given consideration to a number of factors. They include:

- Whether there is any serious doubt or uncertainty as to whether the Isle of Wight Council is (or may cease to be) complying with its legal obligation to provide a comprehensive and efficient library service.
- Whether the Council appears to be acting in a careless or unreasonable way.
- Whether the decision is or may be outside the proper bounds of the Council's discretion, such as a decision to stop serving a particularly vulnerable group.
- Whether the Council, 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.
- The cost and delay of an inquiry.
- Whether there is any further good reason why a local inquiry would be appropriate or inappropriate.

The Secretary of State has 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 on the Isle of Wight involve the transfer of 5 libraries to be run by the local community, leaving 6 council run static libraries, supplemented by a Mobile Library Service. The community libraries are in Bembridge, Brightstone, Niton, East Cowes and Shanklin. Local groups (and in one case, the Town Council) have stepped in to run these libraries. They remain open (with reduced hours).

The 6 council run libraries are in Cowes, Freshwater, Newport, Ryde, Sandown and Ventnor. The opening hours of these libraries have been reduced, save in the case of Newport, whose opening hours have been increased to 50 hours per week. The reductions in hours at 1 June ranged from around 5 hours a week (Ryde) to 15.5 hours a week (Freshwater).

The libraries that were transferred to community provision were little used. The libraries that remain under Council control are those that are most heavily used by library users. Prior to the changes, 82% of library visits were to the 6 council libraries. Indeed, 49% of usage came from just two libraries – Newport and Ryde. Local bus timetables have also been taken into account when setting reduced opening hours.

The local authority carried out a public consultation on proposed changes to the library service. The Council revised its proposals in response to that consultation. The Council continues to run 6 libraries. Further, proposed closure dates were substantially extended to allow more time for community groups to bid for, train and start running libraries. Furthermore, the outreach services including mobile services are in place and will serve local communities throughout the Isle of Wight.

A claim for judicial review of the changes failed. Permission was refused on grounds that there had been delay in bringing the claim, and in any event the claim was not of sufficient merit to justify the grant of permission.

Consultation responses

Two responses were received to the 'minded-to' letter. The then leader of the Isle of Wight Council made the following points:

- He indicated the Council intended to retain the current level of library provision on an ongoing basis.
- There have been reductions in the usage of the council-run libraries (visits down by 9%, with overall hours reduced by 22%).
- All of the community libraries remain open, albeit with reduced opening hours and are offering a number of innovative services.
- Self-service technology has been introduced at Newport and Ryde, with 85% usage. These facilities were due to be extended to the other council-run libraries in late 2012. The effect is to free up staff to assist customers on more complex queries.
- Modest increases in opening hours have been made at one council library and three of the community libraries. Other libraries are considering similar decisions.
- Two new mobile library vehicles have been ordered, for delivery in 2013.
- The rural bus network has been improved.
- The leader disagreed with the Friends submission that the Council's aim is to have only two libraries on the Island, or that the elderly and disabled find it difficult to access library provision.

The performance figures show that for the council run libraries, opening hours have reduced by 22% between 2010/11 and 2011/12. Visits have reduced by 9% and issues by 15% over the same period. In the community libraries, opening hours have reduced by 43% and issues have reduced by 40%. The book stock has been substantially improved in recent years.

The submission by the Friends of the Isle of Wight Library Service made the following points:

- On Thursdays only two of the council run libraries are open.
- The views of local residents were ignored.
- The Council has resorted to "deceit and half truths".
- There have been significant reductions in library usage, contrary to predicted increased usage.
- The self-service machines are impersonal and older users do not like them and as a result have ceased using the library altogether.
- The elderly and infirm find it difficult if not impossible to access library services at all.
- Rural bus routes have got worse, not better.
- The atmosphere in local libraries has got worse as a result of the redundancy of experienced library staff.
- The lowest cost libraries were closed. This is inconsistent with saving costs.
- The council has recently announced a budget underspend. It would therefore be possible to reverse some of these changes to local library provision.
- Leaks indicate the Council policy is to reduce the number of libraries to two.

Decision

The Secretary of State has decided not to order a local inquiry. Not every alteration in library provision will justify a costly local inquiry and the uncertainty that it brings. In the present case, the Secretary of State's view is that on balance an inquiry is not appropriate. The Secretary of State's duty is one of superintendence. The Council is properly and fairly handling a local issue. The Secretary of State's intervention to direct an inquiry is not currently required.

For the purposes of her assessment as to whether to order a local inquiry, the Secretary of State has based her view solely on the council run libraries, and the mobile library service. The community libraries have not been taken into account, although they appear to be successful and to form an important part of Island life. Accordingly, if the community service were to be taken into account, it would only reinforce the Secretary of State's view.

In the view of the Secretary of State it is clear that the Isle of Wight continues to offer a comprehensive and efficient library service through its core libraries and mobile library service. The Secretary of State has taken into account that the Court has decided that the changes were lawful (and it was unarguable to suggest the contrary). The Secretary of State also notes that the Isle of Wight is a rural area, with council-run libraries remaining across the Island in the larger towns. The libraries have reasonable opening hours. A significant investment has been made in technology to free up librarians from routine book issuing work and new mobile libraries have been ordered to assist those who are unable to travel to a library through age or disability.

The Secretary of State notes that visits and issues have reduced at the council run libraries, albeit by less than the percentage reduction in opening hours. However, the council run libraries remain open, with reasonable opening hours, tailored to periods of highest demand and taking bus timetables into account. The book stock has been improved, and through technology, librarians have been relieved of some routine work. In these circumstances, and noting the failure of the claim for judicial review, there is no real prospect of the Council no longer offering a comprehensive and efficient service.

As to the comments made by the Friends:

- It is correct that on Thursdays only two of the council run libraries are open. However, the open libraries are in major population centres on the Island and it is better to concentrate opening hours at times of highest demand. It is not necessary for every library to be open every working day for a comprehensive and efficient service to be offered in a rural area.
- The views of local residents were not ignored. The Council's original proposal was to close more libraries, but that proposal was amended following consultation.
- There is no good evidence of dishonesty or impropriety by the Council.
- The self-service machines appear to the Secretary of State to be a welcome development freeing up library staff from routine book issues. Any suggestion that a drop in usage has resulted from the machines appears to be anecdotal. Libraries remain staffed and any person having difficulties with self-service can ask for assistance or for the book to be issued by a librarian. It would not be a proper use of resources to order a local inquiry to deal with this matter.
- People who are unable to access a library can use the mobile library service. Further, no libraries have closed, although some have transferred to community service.
- The Secretary of State is unable to form a view as to the detailed changes taking place to rural bus services in the Isle of Wight. However, libraries remain in the main towns and there is a mobile library service for those who cannot travel to a library. It is neither appropriate nor necessary to order a local inquiry into such issues – such matters are ordinarily better dealt with by local elected representatives.
- The libraries that were transferred to community control were those that were less used and smaller. This is why they were lower cost. It would have been inappropriate to close the most popular and heavily used libraries.
- Whether to make further funding available for libraries is a matter for the Council. The current service is, in the Secretary of State's view, clearly meeting its statutory obligations and there is therefore no good reason for a local inquiry.
- The leader of the Council has assured the Secretary of State that there are no plans for further library closures.

The transfers to community libraries were based on a review. There was a fair public consultation. Proper provision has been made for vulnerable groups through the mobile library service.

In these circumstances, the Secretary of State has decided that there is no good reason to order a local inquiry.

Publication

A copy of this letter will be published on the GOV.UK website.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ed Vaizey'.

Ed Vaizey MP
Minister for Culture, Communications and Creative Industries