



Department for
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Councillor Christopher Hammond
Leader of the Council
Southampton City Council
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Dear Councillor Hammond

Local inquiry into library provision in Southampton

1. You are probably aware that the Secretary of State has a duty under the Public Libraries and Museums Act 1964 to superintend, and promote the improvement of, the public library service provided by local authorities and secure the proper discharge of the duties conferred on local authorities under the Act. Under the 1964 Act the Secretary of State may intervene if he is of the opinion that a local authority is failing to carry out its duty under the Act to deliver a “comprehensive and efficient” library service for library users by making a remedial order following a local inquiry. The local inquiry can be commenced either on receipt of a complaint or of the Secretary of State’s own motion.
2. Representations were raised, in October 2015, with the Secretary of State expressing concern about the changes agreed by Southampton City Council to its library service provision at its Cabinet meeting on 18 August 2015. The representations requested that the Secretary of State direct a local inquiry into the changes as the complainant considered they would mean that the library service would no longer be comprehensive and efficient and the Authority will thus fail to meet its statutory duty under the 1964 Act.
3. The Department wrote to the Chief Executive, at that time, to inform her that it was treating the representations as a formal complaint under Section 10 (1) (a) of the 1964 Act that Southampton City Council was failing to carry out its duties relating to the public library service imposed on it by or under the 1964 Act.
4. I acknowledge and apologise for the delay in progressing this matter. The process of handling complaints is a complex and thorough process that requires a significant amount of in-depth analysis. Alongside consideration of this formal complaint the department has also been considering a number of other complaints, which have been similarly complex. The volume of complaints and the need to carefully consider each on its merits has contributed to the delay. However, I can now confirm the Secretary of State’s final decision.

Background

5. Southampton City Council undertook a consultation which ran for 14 weeks from 28 November 2014 to 6 March 2015 on proposed changes to its Council run library service. Prior to the consultation the City Council statutory library service comprised of:
 - 11 static libraries
 - Mobile library service
 - the Schools Library Service
 - the Virtual Online Library Service
 - the housebound service.
6. On 8 August 2015, Southampton City Council Cabinet approved plans to restructure its library service resulting in a revised statutory library service provision. The Cabinet agreed to retain:
 - six static libraries - (Central Library, Shirley, Bitterne, Woolston, Portswood and Lordshill)
 - the Schools Library Service
 - the Virtual Online Library Service
 - the housebound service.
7. In addition, the Cabinet decided:
 - to cease to provide a Council managed library service from the remaining five libraries at Cobbett Road, Burgess Road, Millbrook, Thornhill and Weston and from 31 March 2016;
 - to discontinue the mobile library service from 31 March 2016; and
 - if there was support, five community led library initiatives could be run by the community (outside the statutory service, but with support from the Council) from the existing locations (Burgess Road, Cobbett Road, Thornhill, Millbrook and Weston).
8. The community libraries represent a supplementary resource, outside the statutory service, for residents of Southampton and the Secretary of State acknowledges the work of the local organisations in taking over the running of these libraries. Although the community libraries are an additional resource benefitting from Council support (in the form of training, use of the library management and IT systems and access to professional staff / expertise) they have not been taken into account in consideration of the complaint.
9. Following Southampton City Council's decision of 18 August 2015 representations were received from Rachel Hickman raising concerns with the agreed changes to the library services provided by the City Council. She asked that the Secretary of State review the agreed proposed changes to Southampton's library service to ensure that the Authority is meeting its statutory duty under the Act.
10. The department has been treating the correspondence referred to as a complaint under section 10(1)(a) of the Act. The Secretary of State must therefore decide whether it is necessary to order a local inquiry into the provision of library services in Southampton.

Criticisms of the changes to the library service in Southampton

11. The main criticisms raised in the representations are summarised below:
 - Equalities - indicating that the libraries affected were in deprived areas and the impact of discontinuing the mobile library service
 - Consultation – suggesting that it was designed to give the council the results which supported its plan
12. The representation contended that Southampton City Council's revised library service provision means that it does not satisfy the requirements under section 7 of the 1964 Act.

Decision

13. The criticisms raised in the representations have been considered. The Secretary of State's view on the criticisms raised are explored below.

Issue - the consultation was designed to give the Council the results which supported its plan

14. The Secretary of State notes that a 14 week consultation was undertaken by the Council and that the consultation indicated its preferred option at that stage. He further understands that the consultation also included a primary and secondary school survey. He further notes that the consultation included details of three other options the Council had considered, but it had determined not to pursue at that stage. He also notes the consultation provided the opportunity to disagree with the Council options.
15. The Secretary of State understands that the consultation invited views not only on the preferred option, but also views on any alternative options for the Council to consider, as well as views on and interest in community led initiatives if libraries were to be no longer managed by the Council. He also understands that the consultation sought views on the impact of the proposed changes of the Council's preferred option. He further notes that the Council indicated it was approaching the project with an open mind and a willingness to be guided by evidence of the consultation.
16. The Secretary of State notes that the Council considered the representations proposing alternative options. and that the reasons they were not put forward as alternatives were clearly set out in the Council decision papers.
17. The consultation explained that a needs assessment had been undertaken to help identify the changes that were required to the library service. The consultation further indicated the main criteria used in the needs assessment included Usage, Proximity, Value for money and Need with the focus of this criteria on issues such as areas of high deprivation, children and school performance.

Issue - the libraries no longer to be Council managed were in deprived areas and together with the discontinuing of the mobile library service would adversely affect certain user groups

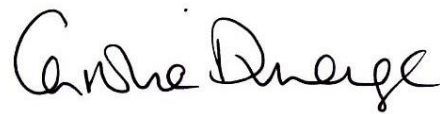
18. The Secretary of State notes that among other reasons the Council justification for the preferred option was that using the needs assessment priority calculations, this option included the six libraries ranked the highest.
19. The Secretary of State also notes other reasons for the preferred option were that the six libraries together with the online web based library, processed the vast majority of all items borrowed by regular users across the library service. He further notes that the six static libraries accounted for nearly all the peoples network sessions used; provided a better geographical cover across the City than the other options; and all six static libraries are either in, or close to, district centres. He also notes that the Council considered this revised structure meant that 99% of households in the city were within 1.5 miles of a Council managed library and that the location of these libraries meant they were easily accessible by foot, on public transport and by car.
20. The Secretary of State notes the Cabinet decision was based on completed individual Equality and Safety Impact Assessments (ESIA), which commented that the Public Sector Equality Duty (Section 149 of the Equality Act) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people carrying out their activities. He also notes that each ESIA included the results from the 2015 Public Consultation, and the Council indicated they should be read in conjunction with the ESIA's which accompanied previous Cabinet papers. He further notes that the Cabinet paper of 18 August 2015 reminded Council members of their obligations under section 149 Equality Act 2010 and the need to familiarise themselves with their legal obligations under section 149.

Conclusion

21. Since the agreed changes were implemented the Secretary of State understands there have been no further changes to the library service provision in Southampton and that 11 static libraries remain open in Southampton. The Secretary of State further understands that the community led library provision, which is outside the Council's statutory service, is being delivered, with support from the Council, from the five locations indicated at paragraph 7, above.
22. The question which the Secretary of State must consider is whether the Southampton library service, as revised by the changes agreed by its Cabinet on 18 August 2015, there is any serious doubt or uncertainty as to whether the local authority is (or may cease to be) complying with its legal obligation to provide a comprehensive and efficient library service.
23. In light of the Secretary of State's understanding and the considerations outlined above, he does not consider there to be any serious doubt or uncertainty as to whether Southampton Council is complying with its legal obligations to provide a comprehensive and efficient library service. He therefore has, with the agreement of the Friends of Cobbett Road Library, discontinued his investigation into this complaint.

24. The duties under the Act are on-going and the Department will continue to monitor Southampton City Council's compliance with its duty to provide a comprehensive and efficient library service in the same way as with any other local authority. Should the Department receive future representations regarding the library service provision in Southampton, they will be carefully considered to determine whether they should be treated as a new formal complaint
25. A copy of this letter is being provided to the Friends of Cobbett Road Library, who supported the original complaint.

With best wishes,

A handwritten signature in black ink, reading "Caroline Dinenage". The signature is written in a cursive, flowing style.

Caroline Dinenage MP
Minister of State for Digital and Culture