



Department for
Digital, Culture,
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Councillor Dave Hodgson
Mayor of Bedford
Bedford Borough Council
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Dear Councillor Hodgson

Local inquiry into library provision in Bedford

The Secretary of State has considered whether to intervene by directing an inquiry under the Public Libraries and Museums Act 1964 (“the Act”) into the changes in the library provision in Bedford. He has decided not to direct a local inquiry for the reasons set out below.

On 17 November 2020, the Secretary of State indicated that he was not minded to direct an inquiry under the Act (“the minded to letter”), but invited further representations before taking a final decision.

The background and general principles which are relevant to this decision are set out in the minded to letter, which should be read in conjunction with this letter.

As explained in the minded to letter, it is the duty of the Secretary of State 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. A wide range of approaches are open to the local authority when deciding how to provide a comprehensive and efficient library service. It is not the function of the Secretary of State to substitute his opinion for that of the democratically accountable local authority. The question which the Secretary of State must consider in relation to Bedford Council library service, as revised by the changes agreed by its Executive on 2 November 2016, is whether there is any serious doubt or uncertainty that the local authority is complying with (or will continue to comply with) its legal obligation to provide a comprehensive and efficient library service.

The Secretary of State may intervene by directing a local inquiry following a complaint that a local authority has failed to carry out its duties under the Act, or of his own motion. His approach in deciding whether to direct an inquiry has been to ask himself whether, having regard to the duties on him and the local authority, there is good reason in all the circumstances for him to direct an inquiry at the present time.

Before reaching a decision in this case the Secretary of State carefully considered and weighed relevant factors. They included:

- Whether the local authority appears to be acting in a careless or unreasonable way.
- Whether the decision is or may be outside the proper bounds of the local authority's discretion, such as a capricious decision to stop serving a particularly vulnerable group in the local community.
- Whether the local authority appears to have failed to consult affected individuals or to carry out significant research into the effects of its proposals.
- Whether the local authority has failed to explain, analyse or properly justify its proposals.
- Whether local proposals are likely to lead to a breach of national library policy.
- The advantages of local decision making by expert and democratically accountable local representatives.
- Whether there is any further good reason why a local inquiry should be ordered.

Library changes in Bedford

The library changes in Bedford approved by Bedford Council Executive on 2 November 2016 resulted in a revised statutory library service provision. In summary, the Secretary of State understands that the statutory service comprises five static libraries; a mobile library service; home library provision; and virtual library.

Bedford Council also agreed the introduction, from 4 September 2017, of Library Plus technology at three static libraries (Bedford Central, Bromham and Wootton). This change resulted in an overall increase in total weekly opening hours across the library network of over 40 hours. In addition the number of days per week libraries are open has been increased across the library network.

Further representations

No further representations were received in response to the minded to letter.

Decision

The Secretary of State's duty is one of superintendence and 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 an inquiry is not appropriate.

The specific question which the Secretary of State must consider is whether the statutory library service provision, after implementation of Bedford Council's proposals (comprising five static libraries; a mobile library service; home library provision; and virtual library), is comprehensive and efficient.

The minded to letter set out the main criticisms, summarised below, made by the complainant, regarding the agreed changes to the library service provided by Bedford Council. These criticisms have been carefully considered, having regard to all of the factors listed above on page 2.

LibraryPlus

- changes mean the Council is not meeting its statutory duty under the Act to provide a comprehensive and efficient library service;
- use of Library Plus would discourage users because of concerns about safety and security outside of core staffed hours;
- users requiring specialist support for research, advice and help accessing reference material and advice would be restricted to use of the library during the reduced staffed hours;
- unaccompanied children and people without upgraded library membership would not be able to enter the library during unstaffed hours; and
- lack of permanent security staff on site during unstaffed hours could lead to criminal activity.

Consultation

- Council ignored responses to the public consultation that were critical of and opposed to the proposal to introduce Library Plus.
- alternatives to Library Plus were put forward but were ignored or not researched in depth.

The Secretary of State notes that no further representations were received and considers the conclusions detailed in the minded to letter remain.

The Secretary of State is satisfied that in making the changes to the library service, Bedford Council had due regard to its statutory duty to provide a comprehensive and efficient library service. He considers that Bedford Council reasonably considered alternative options and revised its proposals in response to feedback from the three phases of consultation. He recognises that Bedford Council proposed and consulted on alternative models of delivery, including the digital libraries model. He notes that Bedford Council researched and sought the advice of other local authorities who had introduced digital technology to increase opening hours at their static libraries. He further notes that prior to making the changes Bedford Council undertook a detailed equality analysis, as well as a risk analysis, and he considers Bedford Council gave appropriate consideration to its equality duty to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations, as set out in section 149 (1) of the Equality Act 2010.

The Secretary of State is satisfied that Bedford Council's library provision offers a comprehensive and efficient service. The Secretary of State does not consider that there is any serious doubt or uncertainty, such as to justify holding an inquiry, that the library services provided (based on the overall model of five static libraries; a mobile library service; home library provision; and virtual library) offer a comprehensive and efficient service.

The Secretary of State does not believe there to be any other good reason why an inquiry should be ordered. However, he recognises that the duties under the Act are ongoing, and will continue to monitor the Council's compliance with its duty to provide a comprehensive and efficient library service in the same way as with any other library authority.

With best wishes,

A handwritten signature in black ink, reading "Caroline Dinenage". The signature is written in a cursive style with a large initial 'C'.

Caroline Dinenage MP
Minister of State for Digital and Culture