



Department for Digital, Culture, Media & Sport

Caroline Dinenage MP
Minister of State for Digital and Culture
4th Floor
100 Parliament Street
London SW1A 2BQ

ps.dinenage@culture.gov.uk

www.gov.uk/dcms

February 2020
Our Ref 02490

Councillor Jack Hopkins
Leader
Lambeth Council
Lambeth Town Hall
1 Brixton Hill
London. SW2 1RW

mwarren@lambeth.gov.uk

Dear Cllr Hopkins

Local inquiry into library provision in Lambeth

1. As you are aware, the Secretary of State received correspondence complaining about the changes to the library service provision agreed at the Lambeth Council (LC) Cabinet meeting of 12 October 2015.
2. The previous Secretary of State considered whether to intervene by ordering an inquiry under the Public Libraries and Museums Act 1964 (the Act) into the changes in library provision in Lambeth. The previous Secretary of State decided she was minded not to order an inquiry to help determine whether the agreed changes will offer a comprehensive and efficient library service. These reasons are set out below. The purpose of this letter is to communicate that 'minded to' decision to you.
3. Before taking the final decision the current Secretary of State invites further representations on the proposed decision, from library users or other interested persons. Any such representations should be sent to the Ministerial Support Team, Department for Digital, Culture, Media and Sport, 100 Parliament Street, London, SW1A 2BQ or by email to enquiries@culture.gov.uk by **5.00pm on Friday 27 March 2020** and titled "**Lambeth Library Services - Minded to Representations**".

Background

4. LC undertook a public consultation that ran for 12 weeks from 30 January to 24 April 2015 on proposed changes to its statutory library service. Prior to these consultations the LC statutory library service comprised:
 - 10 static libraries
 - home visiting service for those who are housebound
 - a network of informal collection points across the borough



5. On 12 October 2015, LC approved plans to restructure its library service, as follows:
- The provision of five town centre libraries at Brixton, Streatham, West Norwood, and Clapham libraries
 - The library service at Waterloo, Minet, Upper Norwood and Carnegie libraries to be replaced by the new neighbourhood library service
 - A four week consultation period during November 2015 to help determine if Durning library rather than Tate South Lambeth library will provide a temporary fifth town centre library in the north of the borough until 2022
 - Pending this consultation the existing library service at either Tate South Lambeth library or Durning library to be replaced by the new neighbourhood library service
6. The agreed changes meant the statutory service would continue to comprise 10 static libraries (five town centre libraries and five neighbourhood libraries) and a home delivery service. The composition of the static libraries was as follows:
- Brixton - town centre library open 7 days a week
 - Streatham - town centre library open 7 days a week
 - Clapham - town centre library open 7 days a week
 - West Norwood - to be re-provided with a cinema and café, as part of a capital investment programme by 2017. Once re-provided the service will be a town centre library open 7 days a week.
 - Durning - town centre library open 7 days a week until 2022 when a new library is built in the north of the borough.
 - Tate South Lambeth - neighbourhood library to be developed into a healthy living centre with GLL. The library to close for refurbishment on 1 April 2016 once work has been completed to be accessible up to 70 hours per week.
 - Minet - neighbourhood library to be developed into a healthy living centre with GLL. The library to close for refurbishment on 1 April 2016 and once work was completed to be accessible up to 70 hours per week.
 - Carnegie - neighbourhood library to be developed into a healthy living centre with GLL. The library to close for refurbishment on 1 April 2016 and once work was completed to be accessible up to 70 hours per week.
 - Upper Norwood - neighbourhood library with a community-led trust seeking to develop a wider community offer in the building and expand its opening times.
 - Waterloo - existing site to be decommissioned and a new facility to be opened within one week at the Oasis Centre in May 2016.
7. Following LC's decision of 12 October 2015 initial representations were received from a number of Lambeth residents (Claire Best, Galina Wells, Lottie Davies, Melanie Debenham and Rachel Lewis) who were considered the original complainants. They raised concerns with the proposed changes to the library services provided by LC, and overall they provided a good description of the total representations received. They asked that the Secretary of State review the proposed changes to Lambeth's library service to ensure that the Authority is meeting its statutory duty under the Act.

8. Section 10(1) of the Act provides:

"If –

- (a) a complaint is made to the Secretary of State that any library authority has failed to carry out duties relating to the public library service imposed on it by or under this Act; or*
- (b) the Secretary of State is of opinion that an investigation should be made as to whether any such failure by a library authority has occurred, and, after causing a local enquiry to be held into the matter, the Secretary of State is satisfied that there has been such a failure by the library authority, he may make an order declaring it to be in default and directing it for the purpose of removing the default to carry out such of its duties, in such manner and within such time, as may be specified in the order."*

9. As you know, the department is 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 Lambeth.

10. The Secretary of State is aware that LC has confirmed that since the proposals were agreed in October 2015, there have been a number of specific changes to the library service which have included:

- a four week consultation on proposals for Tate South Lambeth becoming a healthy living centre and Durning Library becoming a town centre library concluded that both libraries be kept open. LC confirmed that both libraries remain open with the same staffed opening hours as at 12 October 2015.
- a reduction of three hours per week in staffed hours across the statutory network
- the introduction of self service at three libraries (Minet, Upper Norwood and Waterloo) resulting in the overall library opening hours across the library network increasing by 75 hours per week (18%).
- four libraries have increased the number of days they are open per week and opening hours at libraries have been revised to better reflect the level of library usage.
- the volume of library services and activities has been maintained or increased in all but three libraries
- of the three libraries earmarked to become a "Healthy Living Centre" only one (Carnegie) has been realised, as it was found that the sites were not suitable for gyms.
- LC has put back £365,000 into the libraries budget for 2019-20 towards the running costs of Tate South Lambeth and Durning libraries.

11. These further changes mean that in comparison to the changes agreed at the LC Cabinet meeting of 12 October 2015, the current library service offers the following:

- a statutory service comprising: 10 static libraries; a home visit service; and deposit collections in residential settings such as care homes, plus one in a tearoom in the south of the borough
- increased total weekly opening hours for the library network
- four libraries are open more days per week

- the remaining six have retained the number of days per week they are open
- the volume of library services and activities has been maintained or increased in all but three libraries
- there have been no permanent library closures

Principles

12. What constitutes a comprehensive and efficient service is a question involving a significant element of judgement.
13. This judgement is, 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. 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.
14. The Secretary of State notes the views of Mr Justice Collins in the High Court case - *Draper v Lincolnshire County Council* [2014] EWHC 2388 (Admin): "*I should consider what is required to provide a comprehensive and efficient service within the meaning of s 7 of the 1964 Act. I can, I think, do no better than cite the following observations of Ouseley J in Bailey v London Borough of Brent [2011] EWHC 2572 (Admin):*

"A comprehensive service cannot mean that every resident lives close to a library. This has never been the case. Comprehensive has therefore been taken to mean delivering a service that is accessible to all residents using reasonable means, including digital technologies. An efficient service must make the best use of the assets available in order to meet its core objectives and vision, recognising the constraints on council resources. Decisions about the Service must be embedded within a clear strategic framework which draws upon evidence about needs and aspirations across the diverse communities of the borough."
15. The Secretary of State also notes that, as confirmed by the High Court in *R (Green) v Gloucestershire City Council* [2011] EWHC 2687 (Admin), "*the availability of resources is highly material to the question of what constitutes a comprehensive and efficient library service. The section 7 duty cannot be exempt or divorced from resource issues and cannot in law escape the reductions which have been rendered inevitable in the light of the financial crisis engulfing the country.*"
16. The duty of the Secretary of State is one of superintendence of the duty placed on local authorities. A wide range of approaches are open to a 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 their opinion for that of the democratically accountable local authority in how it discharges that primary duty. The question which the Secretary of State must decide in the exercise of the Secretary of State's duty under the Public Libraries and Museums Act 1964 is, whether, following the changes agreed by LC at its meeting on 12 October 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.

17. The Secretary of State seeks to promote and secure the proper discharge of the statutory duties on local authorities and has power to direct a local inquiry. That local inquiry can be commenced either on receipt of a complaint or of the Secretary of State's own motion. The Secretary of State's approach in deciding whether they are minded to intervene to direct an inquiry is to ask themselves whether, having regard to their duties and the local authority, there is good reason in all the circumstances to direct an inquiry at the present time.
18. In reaching the current view, the Secretary of State has given consideration to a number of factors. They include:
- 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 capricious decision to stop serving a particularly vulnerable group in the local community
 - Whether the council appears to have failed to consult affected individuals or to carry out significant research into the effects of its proposals
 - 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
 - The advantages of local decision making by expert and democratically accountable local representatives
 - Whether there is any other good reason why an inquiry should be ordered

Criticisms of the changes agreed to the library service in Lambeth on 12 October 2015

19. The main criticisms raised in the representations are summarised below:
- the closure of libraries, specifically Carnegie, Minet and Waterloo will mean that the LC library service is no longer comprehensive and efficient
 - the closure of these libraries will mean that the remaining five town centre libraries will not be able to cope with the increased number of library users
 - the conversion of Carnegie and Minet library into 'Healthy Living Hubs' will mean a gym with much reduced library services
 - the consultation conducted by Lambeth was not sufficient in terms of engaging the communities affected and was not fit for purpose
 - consultation results and wishes of residents were ignored
 - the alternative proposals submitted from the head of LC libraries and the Friends of Libraries were not properly considered
 - there will be no staff to hold various library service activities such as story and rhymetimes, reading groups, homework clubs etc at the neighbourhood libraries
 - there was no competitive tender process before deciding on Greenwich Leisure Limited to manage three of the neighbourhood library buildings
 - the agreed changes will have a disproportionate impact on the poorest areas of community and because of the extra distance to travel to alternative libraries, this will have an adverse impact on the ability of children and people with disabilities to access the library service
 - the introduction of self-service / unstaffed libraries will have an adverse impact on under-16s who would be unable to access libraries during unsupervised period
 - the council refused to engage with residents regarding the closure of Carnegie, Minet and Waterloo library
 - there was poor communication by the council with members of the public
 - Lambeth failed to share clear and detailed plans for the redevelopment of Carnegie

- there was no business plan, feasibility study or impact assessment done / shared relating to Carnegie library

20. The representations therefore contended that LC's agreed revised library service provision means that it does not satisfy the requirements under section 7 of the 1964 Act.

Proposed decision

21. The criticisms raised in the representations have been carefully considered having regard to all of the factors listed on page 5. The Secretary of State has found the factors explored below to be of particular relevance to this matter.

Issue - The closure and conversion of some libraries into gyms will mean the LC library service is no longer comprehensive and efficient. The closure of libraries will also mean that the remaining five town centre libraries will not be able to cope with the increased number of library users.

22. The representations raised concerns about the closure of Waterloo library, as well as the intention for both Carnegie and Minet libraries to be taken over by GLL and converted into 'Healthy Living Hubs', meaning a gym with much reduced library services.

LC Response

23. LC acknowledge that the initial proposals indicated the intention to sell Waterloo and Minet libraries and use the funds to create an endowment fund for culture and library services. LC further acknowledge that the original intention was to create five town centre libraries, together with four community libraries across the borough and use the endowment fund to invest in and look after the libraries.

24. LC commented that their initial library proposals were revised in response to the consultation feedback. The agreed changes resulted in the retention of 10 libraries, comprising five core libraries and five neighbourhood libraries and with all 10 libraries remaining part of the statutory service.

25. LC also confirmed that Waterloo library was closed, however it was relocated nearby to the Oasis Centre. LC further confirmed that the new location for Waterloo library means it is open for longer hours and continues to provide a full stock of books, including ebooks and digital magazines, as well as access to computers, wifi and study space.

26. LC commented that since the agreed changes in October 2015, there has been further changes to the library service. The further changes implemented have seen a reduction of three hours per week in staffed hours, but an overall increase in total weekly opening hours of 75 hours. LC confirmed that the overall increase had been achieved with the introduction of self service hours at three of their neighbourhood libraries - Minet, Upper Norwood and Waterloo.

27. LC indicated that four libraries - three neighbourhood and one town centre - are now open more days per week than before and the remaining six libraries have retained the number of days they are open per week.

28. LC confirmed that the statutory library service continues to comprise 10 static libraries and there have been no permanent library closures.

Secretary of State's conclusion

29. The Secretary of State notes that the statutory service continues to comprise 10 static libraries and that there have been no permanent library closures.
30. The Secretary of State further notes that the statutory service also comprises a home visit service, and deposit collections in residential settings such as care homes, plus one in a tea room in the south of the borough. The Secretary of State also notes that total weekly opening hours have increased, the number of days per week libraries are open has increased and that LC has increased the funding provided to the library budget specifically for Tate South Lambeth and Durning libraries. The Secretary of State notes proposals were modified based on evidence and that LC will continue to review the service, including opening hours, to ensure that it meets the needs of its residents.
31. The Secretary of State is of the view that LC continues to provide a comprehensive and efficient library service and that the library service continues to meet the needs of the community.

Issue - the consultation was not fit for purpose and did not sufficiently engage with the communities affected; the consultation results and wishes of residents were ignored and the alternative proposals from the head of LC libraries and the Friends of Libraries were not properly considered.

32. The criticisms suggested that the results of the consultation and a petition submitted were entirely ignored. The criticisms also commented that there was a lack of engagement by LC with the local community, including a lack of responses from local councillors to written correspondence from residents.

LC response

33. LC indicated that it undertook an options appraisal in January 2015 prior to the 12 week public consultation between 30 January and 24 April 2015. LC further indicated that the council website was used as the hub for all the information about the consultation and that this was promoted extensively through all the activities it undertook to promote the consultation. LC also confirmed that the consultation included seven public events, nine focus groups with particular equalities groups and 13 other meetings.
34. LC indicated that the seven public events were held at locations across the borough reflecting the geography and where proposals had greater relevance. LC added that the purpose of the nine focus groups was to hear from groups who were traditionally under-represented in consultations. LC confirmed it targeted discussions at these events at groups including older people, residents with mental health illness, residents with physical disabilities, blind or partially sighted residents, young people and black Caribbean residents.
35. LC acknowledged that the majority of residents who responded to the consultation did not support their initial library service proposals, in particular expressing strong opposition to the closure of Minet and Waterloo libraries.

36. LC confirmed that the initial proposals were revised in response to the consultation feedback. LC confirmed the changes included an increase from four to five town centre libraries, with the remaining libraries becoming neighbourhood libraries. These changes meant no permanent library closures and the continuation of council funding to the neighbourhood libraries. Minet library was not sold off and permanently closed, Waterloo library was not permanently closed and was relocated nearby and Carnegie library was not permanently closed and replaced with a gym.
37. LC further confirmed that a number of alternative options were considered as part of the consultation and decision making process. LC indicated that the Cabinet paper sets out their response to the proposals, including the proposals from their Head of Libraries and the Friends of Libraries group.
38. LC indicated that a thorough assessment was carried out of the alternative proposal put forward by their Head of Libraries. LC commented that the proposal was considered against an assessment framework that contained a number of criteria. LC added that their assessment concluded that the proposal did not satisfy the assessment criteria or deliver within the agreed financial budget or fully meet the agreed policy framework of Culture 2020. LC also indicated that their Cabinet paper acknowledges the submission from the Friends of Lambeth and details their response to the specific proposals.

Secretary of State's Conclusion

39. The Secretary of State considers that LC was mindful of the changes to the library service provision and sought to engage with representative groups that could be affected by the changes. The Secretary of State further considers that LC sought to mitigate the impact of the changes and made reasonable efforts to reduce the impact on groups of residents that may be more adversely impacted.
40. The Secretary of State considers that LC thought carefully about the issues and sought to engage and respond to feedback. In summary, the Secretary of State does not consider the matters raised to be evidence that LC is acting in a careless or unreasonable way in making the changes to its library service.

Issue - the agreed changes will have a disproportionate impact on the poorest areas of community & the introduction of self-service / unstaffed libraries will have an adverse impact on under-16s

41. The criticisms raised suggested that the changes, in particular the closure of libraries would have an adverse impact on the ability of children and people with disabilities to access the library service because of the extra distance to travel to alternative libraries. The criticism also commented that the introduction of self service facilities at libraries would mean that under-16s would be unable to access libraries during unsupervised periods at Minet and Waterloo.

LC response

42. LC indicated that it undertook a detailed Equality Impact Assessment (EIA), which was published and available from the Council website. LC confirmed that the EIA considered for each of the protected characteristics the impact and mitigation of the agreed changes.
43. LC commented that in respect of disabled library users, its EIA indicated it was not anticipated that the neighbourhood library model would have a disproportionate

impact on the basis of disability when compared to the population as a whole. LC further commented that the EIA did identify potential impacts upon library users with particular disabilities, and also set out the mitigations in response to the impacts.

44. LC further indicated that the EIA noted the potential impact upon children of the agreed changes, in particular the further increased use of public transport and greater walking distances. The EIA also noted the potential impact for young children around the lack of access to activities and story time at unstaffed neighbourhood libraries. LC confirmed that the EIA set out a number of mitigations in response to these impacts.
45. LC confirmed that the statutory service continues to provide 10 static libraries and apart from Waterloo library (which has been relocated nearby) these remain in the same locations. LC added that all libraries have staffed hours with opening hours across the library network having been reduced by only three hours per week. LC further commented that total opening hours across the library has increased by 75 hours per week and that four libraries are now open more days per week.
46. LC also confirmed that the library service at Minet and Waterloo are staffed buildings so use is always supervised for safeguarding and health and safety purposes. LC added that access to the building is open and does not require a swipe card or any other device and there is full access to the library service during opening hours. LC further added that the only access restriction in place refers to the requirement for children under the age of 8 to be accompanied by an adult, which applies at all 10 of LC libraries.

Secretary of State's Conclusion

47. The Secretary of State notes LC undertook a detailed EIA that considered for each group with protected characteristics the impact and mitigation of the agreed changes.
48. The Secretary of State also notes there have been no permanent library closures, that total weekly opening hours have increased and the number of days per week libraries are open has increased. The Secretary of State further notes that the statutory network continues to be delivered from 10 static libraries and that apart from Waterloo library, they remain in the same location. The Secretary of State therefore considers that there is no adverse impact of the agreed changes upon the ability of children and people with disabilities to access the library service.

Issue - LC failed to share clear and detailed plans for the redevelopment of Carnegie

49. The criticisms suggest that there was no business plan, feasibility study or impact assessment completed or shared with residents relating to the proposed changes to Carnegie library.

LC response

50. LC commented that their Cabinet paper indicated that floor plans would be prepared for Carnegie, Minet and Tate South Lambeth libraries between October 2015 and January 2016. LC further commented that once layout and business cases had been agreed, the buildings would be closed from April 2016 for refitting and modification and reopened by January 2017.

51. LC also indicated that its Cabinet Member for neighbourhoods wrote to local residents of Carnegie library in April 2016 to provide information about the changes to the library building and what it meant for the library service itself. This detail indicated that residents would have an opportunity to comment on the detailed plans to the building design and that the Council would work with local groups to ensure their activities and ideas are included in the new design and operation of the building.
52. LC confirmed that an exhibition of future plans for the Carnegie library was undertaken in June 2016, as well as in October 2016, before a formal planning consultation stage in November 2016.
53. Carnegie library reopened in February 2018 after almost a two year temporary closure. LC indicated that Carnegie library is now open more days per week and open and staffed for more hours per week than it was prior to the agreed changes of October 2015. It is now open six days per week instead of five and open with weekly staffed hours of 41 hours compared to the original 36.

Secretary of State's Conclusion

54. The Secretary of State notes that specific detail about the refurbishment of Carnegie library does not appear to have been included as part of the original consultation. The Secretary of State further notes that information was provided by a local councillor to residents in April 2016 about the changes to the library building and that residents would have an opportunity to comment on the detailed plans to the building design. The Secretary of State also notes that two public exhibitions were held before a formal planning consultation on plans for Carnegie library.
55. The Secretary of State considers that LC could have been more transparent with residents and provided more detailed information about the specific changes to their libraries, in particular Carnegie and Minet libraries. The Secretary of State further considers this detail should have been available at the time of the consultation itself, but also subsequent to the closure of these two libraries in March 2016 with LC providing regular updated information to residents about progress with the refurbishments, explaining the reasons for any delay in the reopening of the libraries along with detail about the anticipated revised opening date.
56. The Secretary of State also considers that although such detail was not provided this does not on its own mean the agreed library service provision is not comprehensive and efficient. The Secretary of State notes that Carnegie library remains open, is open more days per week and has increased staffed hours and that Minet library also remains open with the same number of days per week and with an increase in total weekly opening hours as a result of the introduction of self-service.
57. The Secretary of State considers that there is no serious doubt or uncertainty as to whether LC is (or may cease to be) complying with its legal obligation to provide a comprehensive and efficient library service.

Other Issues

58. Other more general representations suggested that in interpreting the 1964 Act and the issue of whether the library service is comprehensive and efficient, attention should also be given to the Human Rights Act 1998.

59. The Secretary of State considers that the Human Rights Act does not alter the approach properly adopted by the Secretary of State as to whether to order a local inquiry under the 1964 Act.

Conclusion

60. For the reasons discussed above, the Secretary of State does not consider there to be any serious doubt or uncertainty as to whether LC is complying with its legal obligations to provide a comprehensive and efficient library service. The Secretary of State is of the view that LC's current service continues to offer a comprehensive and efficient library service and that LC gave careful thought to ensuring that their library service continues to meet the needs of the community.
61. The Secretary of State is minded not to intervene by ordering a local inquiry. The criticisms raised in the representations have been carefully considered and the Secretary of State's present view is that there is nothing in LC's decision which would justify intervention.
62. The Secretary of State recognises, however, that the section 7 duty of the Act is a continuing duty, and even though the decision is minded not to order a local inquiry at this stage, the Council's compliance with that duty will be monitored in the same way as with any other library authority.
63. The Secretary of State looks forward to receiving any further representations in respect of the proposed decision by **5.00pm on Friday 27 March 2020**.
64. A copy of this letter will be published on GOV.UK.



Caroline Dinenage MP
Minister of State for Digital and Culture