



Department
for Culture,
Media & Sport

Lord Parkinson of Whitley Bay
Minister for Arts & Heritage
1st Floor
100 Parliament Street
London SW1A 2BQ

E: enquiries@dcms.gov.uk

www.gov.uk/dcms

Councillor Jane Scullion
Leader
Calderdale Council
c/o Town Hall
Crossley Street
Halifax HX1 1UJ

21 December 2023

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Dear Councillor Scullion,

Local inquiry into library provision in Calderdale

1. 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 Calderdale. She has decided not to direct a local inquiry for the reasons set out below.
2. On 7 September 2023, the Secretary of State decided that she was not minded to direct an inquiry under the Act (“the minded to” letter), but invited further representations before taking a final decision.
3. 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.
4. 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 her 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 Act is whether, following the changes agreed by Calderdale Council at its meeting on 9 November 2020, there is any serious doubt or uncertainty as to whether the local authority is complying, or will continue to comply, with its legal obligation to provide a comprehensive and efficient library service.
5. 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 her own motion. Her approach in deciding whether 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.



6. In reaching her 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.
7. The library changes in Calderdale approved by the Council's Cabinet on 9 November 2020 resulted in a revised statutory library service provision. In summary, the Secretary of State understands that the revised statutory service comprises 12 static libraries (1 x Central, 6 x Hub and 5 x Community); and a home library service.

Further representations

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

Decision

9. 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 this case, the Secretary of State's view is that an inquiry is not appropriate.
10. The specific question which the Secretary of State must consider is whether the statutory library service provision, after implementation of Calderdale Council's agreed proposals, of 12 static libraries and a home library service is comprehensive and efficient.
11. The "minded to" letter set out the main criticisms, made by the complainants, summarised below, regarding the agreed changes to the library service provided by Calderdale Council. The complainants asserted that, in making the changes to the service, the Council:
- failed to consult the public or service users prior to making its decision;
 - failed to consider service delivery alternatives, other than a Community Asset Transfer; and
 - failed to carry out Equality Impact Assessments prior to making its decision which points to a breach of its duties under the Equalities Act, including but not exclusively section 149.
12. These criticisms have been carefully considered, having regard to all of the factors listed at paragraph 6.
13. The Secretary of State notes that no further representations have been received and considers the conclusions detailed in the "minded to" letter remain.

14. The Secretary of State recognises that there are a wide range of approaches open to Calderdale Council in deciding how to meet its statutory duty and that decisions about the local library service should ordinarily be taken by democratically elected local representatives. Calderdale Council has determined that, with the resources available, a comprehensive and efficient service can be delivered from a network of 12 static libraries (one central library (Halifax), six hub libraries and five community libraries) and a home library service.
15. The Secretary of State is of the view that Calderdale Council has demonstrated that it sufficiently investigated and considered the needs of the community in reaching its decision about the changes to the library service.
16. The Secretary of State's view is that there is nothing in Calderdale Council's decision to justify intervention. However, she recognises that both the Secretary of State's superintendence duty-under section 1 of the Act, and the Council's duty under section 7 to provide a comprehensive and efficient library service, are continuing duties, and she will continue to monitor the Council's compliance with its duty in the same way as with any other library authority.
17. A copy of this letter will be published on the GOV.UK website.

Parkinson of Whitley Bay

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