



Portfolio Holder Decision Making Session

Portfolio Holder for Business, ip&e, Culture and Commissioning (North)

Portfolio Holder for Resources, Finance and Support and I.T.

Friday 27th November 2015 10am

Future Management of Broseley Library and Library Car Park, and Customer Services Point and Maypole Green public open space

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1. Summary

This report seeks Portfolio Holders' agreement for the transfer of the management of Broseley library together with the transfer of a number of assets as part of the overall proposal to Broseley Town Council.

Shropshire Council will transfer the day to day management of the library service, library car park and customer service point to Broseley Town Council with on-going professional support provided from Shropshire Libraries and Customer Service Point staff. The library is currently staffed by 2 part-time members of Shropshire Council's library staff. These staff would be transferred to Broseley Town Council on their same terms and conditions under TUPE regulations. There will no longer be dedicated Customer Service Point staff running the customer service point and the day to day management of this function will also transfer to Broseley Town Council to be fulfilled by the library staff team. No customer services staff will transfer under TUPE. The services will run under an initial 3 year contract, from an agreed start date.

The library will remain in its existing location and the opening hours would remain the same with the same range of services offered. A Shropshire Council librarian based in Bridgnorth will make regular visits and be on hand to give advice and guidance. The library would remain a part of the Shropshire Libraries network and be involved in countywide and national library initiatives; it would still benefit from the help and advice of librarians with countywide responsibilities for the service and the strategic overview. The books and computers would still be selected and provided by the Library Service and regular exchanges would continue to take place with other libraries.

Some alterations to the library space within Broseley Library will be made to incorporate a new office for Broseley Town Council staff and the building and car park will be put in a good condition prior to transfer via a long term lease. This report provides details of the background to this proposal along with the outcome of a six week formal public consultation carried out between 16th September and 28th October 2015, the feedback from an open evening and the completion of an Equality and Social Inclusion Impact Assessment (ESIIA).

In addition to the transfer of the Library and Customer Service Point to Broseley Town Council, the proposal also includes the potential transfer of a number of assets including the associated library building itself, the library car park and Maypole Green public open space to Broseley Town Council on a 125 year leasehold basis. Appropriate terms will be incorporated into the lease to enable Shropshire Council to protect its interest in the community asset in the unlikely event that the future management of the library or customer service point should not be tenable by the Town Council in the future. This transfer of land to the Town Council is in line with the Council's Asset Management Strategy, Section 5, principles 1 and 5. It supports the overall proposal to empower the community and local Town Council to have greater control of services and local assets in the locality.

2. Recommendations

1. That the management of Broseley library and car park and the customer services point is transferred from Shropshire Council to Broseley Town Council from an agreed start date. This agreement will run for 3 years and be supported by a contract between Shropshire Council and Broseley Town Council.
2. That the management of the Customer Service Point is transferred from Shropshire Council to Broseley Town Council from an agreed start date, similarly supported by a three year contract.
3. To delegate authority to the Director of Commissioning in consultation with the Portfolio Holder for Business, ip&e, Culture and Commissioning (North) to take any further consequential decisions relating to the transfer of the library.
4. To delegate authority to the Director of Public Health in consultation with the Portfolio Holder for Resources & Support to take any further consequential decisions relating to the transfer of the customer service point.
5. That, in principle, Broseley Town Council are granted a 125 year lease of the following assets, the library building, the library car park and Maypole Green public open space with delegated authority to the Head of Commercial Services to complete the appropriate due diligence including placing any open space notices as appropriate and to consider any objections; agree final terms of the lease and to complete the transaction.
6. To delegated authority to the Head of Commercial Services to consider the transfer of the assets set out at Recommendation 2 (5) above both in the context of the General Disposal Consent 2003 (“the General Consent”) which permits local authorities to transfer land at less than their market value under appropriate conditions and ensure the transfer is in compliance with state aid rules.

Reason(s) for decision:

The agreement of the above recommendations will result in –

- The opportunity to maintain a modern, sustainable and accessible library service in Broseley, that reflects the council’s vision for a transformed library service as described in its successful Transformation Challenge Award (TCA) bid
- The opportunity to utilise TCA funding in 2015/16 and contribute to the successful delivery of the wider Community Hub programme in Shropshire

REPORT

3. Risk Assessment and Opportunities Appraisal

(NB This will include the following: Risk Management, Human Rights, Equalities, Community, Environmental consequences and other Consultation)

3.1 Risk Assessment

Risk	Mitigation plans in place
Decision making on recommendations not made in a timely fashion, which impacts on the ability to complete the transfer in 2015 and consequently the delivery of the TCA bid programme	Advice from the council’s Legal & Democratic Services has been sought to ensure the decision making process is correct and in line with the council’s constitution. Attention has been paid to the creation of a Decision Report, Background Papers and Appendices that contain the relevant data and information needed by the Portfolio Holders to make their decision.
The consultation process undertaken is not deemed robust and is formally challenged	An extended period of local discussion with key stakeholders, notably Broseley Town Council, led to the development of a preferred option and

	informed the subsequent formal consultation. A 6 week formal consultation and additional focussed engagement work has been undertaken. The formal consultation period has enabled alternative proposals to be put forward. The feedback from this activity has been recorded, analysed and used to inform the recommendations in the report. Broseley Town Council have been involved in the consultation from an early stage.
The completed ESIIA does not robustly demonstrate how it will take mitigating measures to address the possible high negative impact identified.	An ESIIA has been completed using the information gathered during the period of formal consultation. It has not identified any high negative impacts associated with this recommendation.
The delivery of the public library service is compromised by being delivered alongside other services available within Broseley Library.	Discussions between the council's library management and the staff at Broseley Town Council are in place and will continue to ensure that each is aware of the needs and expectations of the other. A funding agreement and contract for services will be put in place between the Council and Broseley Town Council to formalise the service delivery details of the public library and customer services and this will be monitored by the Council's library and customer services staff.
The full capital funding package required to complete the transfer and redesign works cannot be delivered	Initial outline costs for works to Broseley Library to facilitate the transfer of the library and customer service point and its day to day operation have been sought and are achievable in both time and budget. A tendering process will be undertaken once authority for the transfer has been gained to ensure that the funding can be spent from Transformation Challenge Award funding by the 31 March 2016.

4.0 Outcomes of formal consultation and results

4.1 Timetable of consultation and engagement work

Activity	Date
Working group established to investigate potential delivery models for Broseley Library and other Council services run from Broseley Library. Working group involves SC officers and Broseley Town Council reps.	November 2014, with group meetings approx. every six weeks from that date onwards
6 week formal public consultation	16 th September to 28 th October 2015
Paper version of survey sent to all residents	17 th September
Email to existing library users sent out to explain the survey, share the web link and options for completing the survey.	25 th September 2015
Broseley Library open evening as part of the consultation	19 th October 2015

4.2 Formal consultation process and results

A formal public consultation has been carried out in Broseley, and with existing library and Customer Service Point users, to gain feedback on proposals for the future of the library service and Customer Service Point.

The consultation ran for 6 weeks from 16th September to 28th October 2015 and was available online via Shropshire Council's website. Paper copies of the consultation document were sent to every household in Broseley, were made available in the library and press releases were issued to promote the survey, along with publicity through social media. Details of the consultation were also emailed to registered users of Broseley library with email addresses.

In the document, members of the public were provided with details of the current Broseley library service, and Customer Service Point. The details of 2 options (see below) were provided along with the opportunity for members of the public to suggest alternative operating models for the library and Customer Service Point, as long as they made the same, or similar savings to the described proposals. The future of the library car park was also referenced throughout the consultation.

Option 1 was Shropshire Council and Broseley Town Council's preferred option and was for Broseley Town Council to take on the management of the library service, Customer Service Point and library car park, maintaining existing opening hours and services. Some changes to the design of the library space to provide new office space for Broseley Town Council and Broseley Town Council, who will take on the management of the library building and the attached library car park, were proposed.

Option 2 was Shropshire Council continuing to run the library, Customer Service Point and car park with reduced staffed hours and no changes to the library building. Shropshire Council would also continue to manage the library building and library car park. A copy of the consultation document is attached as Appendix 1.

A total of 258 (5.25% of population of Broseley) people responded to the consultation. About 35 people attended a drop in event on the 19th October. The results of the consultation are as follows and a full list of responses and comments is included as Appendix 2.

Option 1 – Transferring the management of the library to Broseley Town Council was preferred by 225 people (87.21%).

Option 2 – Shropshire Council continuing to run the library with reduced staffing hours was preferred by 14 people (5.43%)

8 people (3.10%) said they don't like either option and have an alternative that makes the same savings

11 people (4.26%) said they don't like either option and were not sure how savings could be made

Of those who chose Option 1 as their preference people were then given the opportunity to provide a reason or reasons either via the suggested reasons or by giving their own in the box provided.

I am keen that the library hours should not be reduced	177 responses (80.09%)
I like the idea of bringing services together	133 responses (60.18%)
The car park should be a local responsibility	123 responses (55.66%)
I think this will give better access to customer services	116 responses (52.49%)

There were 55 (24.89%) other reasons and these can be summarised as being in support of the library service and the car park. The detail of these responses can be found at Appendix 1.

Of those who chose Option 2 as their preference, people were then given the opportunity to provide a reason or reasons either via the suggested reasons or by giving their own in the box provided.

I do not think that the Town Council can/should take on this sort of work	7 responses (70%)
The car park should be managed like those elsewhere in Shropshire by Shropshire Council	7 responses (70%)
I like the current arrangements and can accept a reduction in library opening hours	3 responses (30%)

There were 3 other reasons and these can be summarised as not being in support of Broseley Town Council taking on this type of work.

As part of the consultation members of the public were also able to put forward alternative proposals for the library. Two suggestions were made:

- Close Much Wenlock library, relocate the stock to the school library at William Brookes, making it a joint use facility. Reinvest savings in the development of a larger community library in Broseley.
- Move BTC staff into the Library and train to cover existing SC Library staff (who would continue to be employed by SC) short fall in hours resulting from savings.

We consider that neither suggestion provides the best chance of sustaining library provision within Broseley and Much Wenlock in a period of declining budgets. One proposal is for the closure of Much Wenlock library and the second proposal is not consistent with the strategic aim of Shropshire Council to be a commissioning council.

In conclusion the formal consultation exercise has shown clear support for Option 1 – the transfer of the management of the library service, Customer Service Point, library building and library car park to Broseley Town Council. The alternative operating model in Option 2 received considerably less public support.

5. Financial Implications

The annual library SLA provided to Broseley Town Council between the financial years 2016/17 and 2018/19 will be for £20,000, which will achieve an annual saving of £3,170 on Broseley Library's 2015/16 net controllable budget. In addition to this, Customer Services will provide Broseley Town Council with £3,000 per annum in order to provide a customer services offer, achieving an annual saving of approximately £780 to Shropshire Council. Combined savings of approximately £2,870 will also be made within Outdoor Recreation and Highways and Transport subject to the grounds maintenance works being managed by Broseley Town Council alongside other existing open space management commitments. The total saving is, therefore, £6,820.

Alongside the saving to Shropshire Council, Broseley Town Council will also make a saving of approximately £1,700 largely resulting from the relocation of its parish offices to the library.

Costs for works to Broseley Library to facilitate the transfer of the library, customer service point and car park and their day to day operation have been established and agreed by Property and Finance officers at both councils. Costs will be met from the Transformation Challenge Award funding and from the existing car park maintenance budget.

6. Background

6.1 Shropshire Council's budget is reducing and the way in which it delivers services is changing. We are in the 2nd year of a 3 year financial plan through which £80m of savings need to be achieved. Shropshire's current and future population demographics means that vital services such as looking after elderly people and vulnerable children have to be prioritised. Changes to all local and strategic services are unavoidable. The Cabinet approved budget reduction for the library service of £1.147m means that the budget available for Broseley library will not be sufficient to deliver the service in the current way. This applies to all of our libraries across the county and the back office function of the service, not just Broseley. We are seeking local solutions to these challenges that will result in a sustainable, if altered library service that continues to meet our statutory duty.

The council is working with partners to re-design existing face-to-face customer-focused services, including its branch libraries to provide places where residents can access services and get the information and advice that both helps them and enables them to help others within their community. This joint-working and co-creation approach is being taken across the county, and services are being redesigned to be delivered by others in flexible ways that best suit their locality and meet the individual needs of people ensuring that those who have specific needs can access services appropriately.

We want to align the future of our libraries with our commitment to locality commissioning, community asset/service transfers and to building resilient communities. If libraries stay directly under council management, then it is likely that our imperative to reduce their operational costs will result in a radical reduction in opening hours or the closure of some. We will have lost the opportunity to impact on a wider set of outcomes and it will become more challenging for us to deliver the services locally that make a difference to people's lives.

The redesigned library service will result in a range of different delivery activities including face to face provision, digital and virtual provision and an outreach programme targeted at specific groups. Alongside this change the network of library buildings will be reconfigured.

The library network will include -

- 6 strategic library hubs in major towns to improve accessibility and cater for the larger populations in the larger market towns.
- 15 local hubs/libraries offering core community services in partnership with town and parish councils, local organisations or voluntary and community groups, with a core aim of increasing opening hours.

Broseley library is in the latter group and since 2014 Shropshire Council alongside key local partners in the town has been discussing and developing opportunities for new ways of delivering the services currently housed at Broseley Library, including the Customer Service Point (CSP).

6.2 Shropshire Council's preferred option for Broseley library service is that the management is transferred from Shropshire Council to Broseley Town Council from an agreed start date. This agreement will run for 3 years and be supported by a contract between Shropshire Council and Broseley Town Council.

6.3 Clarification of the council's statutory duty to deliver library services

Section 7 of the Public Libraries and Museums Act 1964 ("the PLMA"):

Under the provisions of the PLMA, the Council, as a library authority, has a statutory duty (not a discretionary power) to provide a comprehensive and efficient library service for all persons wishing to make use of it.

The PLMA does not define what is meant by "comprehensive and efficient". However it does provide that the library authority must provide a comprehensive and efficient library service for all persons in the area that want to make use of it and lend books and other printed material free of charge for those who live, work or study in the area.

It also provides that in fulfilling the duty to provide a comprehensive and efficient library service, it shall in particular have regard to the desirability of:

- Providing facilities for the borrowing of, and reference to, books and other printed matter, pictures, gramophone records, films and other materials in sufficient quantity and quality to meet the general requirements and any special requirement both of adults and children; and
- Encouraging adults and children to make full use of the library service, providing advice as to its use, and making available such bibliographical and other information as may be required; and
- Securing co-operation between the library authority and others exercising public functions within the county.

The recommendations within this report will enable this statutory duty to be met. The recommendations do not propose the closure of the public library or a reduction in the service, they propose a model of delivery that is sustainable at a time of tremendous change in public services.

6.4 With the support of the Voluntary & Community Sector Assembly (VCSA) and Association of Local Councils (ALC), the council has received Transformation Challenge Award (TCA) funding to redesign a number of libraries and Customer Service Points in 2015/16. Investing in this redesign must result in ongoing revenue savings for the council.

- 6.5 The library service in Broseley will reflect the vision for a transformed library and customer service point service as described in Shropshire Council's TCA bid. The library is located in a natural hub of activity that will also contain the Customer Service Point and Broseley Town Council staff. There is real opportunity for the users of this hub of services – who may not be current library members - to benefit from the transferred library service proactively providing the information, advice and guidance and prevention services for mental and physical well-being for all. A Health Zone with the range of Books on Prescription and reminiscence resources will be a key part of the library service and valued activities such as Rhyme Time will continue.
- 6.6 The development of the recommendations being made in this report has been informed by engagement and consultation with Broseley residents. This includes a 6 week formal consultation and consideration of the implications of proposals on Protected Characteristic groups that were identified through the completion of an Equality & Social Inclusion Impact Assessment detailed within Appendix 3. . Analysis and review of the ESIIA for the Broseley library and asset transfers has confirmed that as far as possible we are taking actions to meet the general equality duty placed on Shropshire Council by the Equalities Act 2010. The proposals therefore do take due regard to the three equality aims in our decision making process i.e. eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations.
- 6.7 As part of the Council's core objective to strengthen our local towns and villages, the Strategic Asset Management team are working with town and parish councils to enable the transfer of suitable land and buildings to community groups and organisations. The recommendation to transfer the assets identified within this report, supports the wider rationalisation associated with the library and customer services and provides the wider community enablement and the ability to build greater community resilience.
- 6.8 The development of the overall proposals and the informal discussions with the Town Council have developed in tandem with the considerations around the overall library transfer. Discussions with the Town Council have taken place on the basis that the operation of the library sits in a wider context of community enablement. The two key community assets currently in the ownership of Shropshire Council were considered carefully and it was seen as an opportunity for them to be passed across as a discounted transfer to the Town Council as part of the overall offer. The car park is currently operated on a non-charging basis and the liability for repairs currently sits with Shropshire Council. The amenity space which form Maypole Green is also currently maintained by Shropshire Council. The disposal of these assets to the Town Council by way of a long lease removes the associated revenue burden. This is reflective of the overall financial position of Shropshire Council and the current strategy to refocus its resources in line with the financial strategy.

7. Conclusions

In conclusion, given the extent of the engagement and consultation and the responses to these, and having considered all the information, including

- i. the responses received from the formal consultation
- ii. engagement with the users of Broseley Library and customer service point and representatives of Broseley Town Council
- iii. the completion of a ESIIA assessment and consideration of its findings.
- iv. the level of savings and social value to be achieved through the transfer of the library, customer service point and car park to Broseley Town Council
- v. the opportunity to create a redesigned library and customer service point service that plays a key role in providing information, advice and guidance to residents of Broseley and the surrounding area, whilst also complementing the wider work of Broseley Town Council.

transferring the management of the library, Customer Service Point, library car park and Maypole Green from Shropshire Council to Broseley Town Council will enable the council to achieve its ambition of keeping its branch libraries open, redesigning the service to provide an important social, economic and community facility in Broseley and assist in meeting its financial challenges.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information):

1. Shropshire Council Commissioning Strategy – Commissioning for the future, Cabinet 4th June 2014
2. Shropshire Council's Business Plan and Financial Strategy 2014-2017
3. Shropshire Council's Transformation Challenge Award bid 2015/16
4. Frequently Asked Questions to accompany the consultation document. September 2015

Key Decision: Yes

Included within Forward Plan: **Yes**

If a Key Decision and not included in the Forward Plan have the General Exception or Special Urgency Procedures been complied with: Yes / No

Name and Portfolio of Executive Member responsible for this area of responsibility:

Cllr Steve Charmley, Portfolio Holder for Business, ip&e, Culture and Commissioning (North)
Cllr David Turner, Portfolio Holder for Resources, Finance and Support

Local Member:

Cllr Jean E Jones
Cllr David Turner

Appendices:

1. Broseley Library Public consultation documents September 2015
2. Broseley Library consultation results and comments October 2015
3. ESIA Assessment for Broseley Library September 2015

Declaration of Interest

- I have no interest to declare in respect of this report

Signed Date

NAME: Cllr Steve Charmley

PORTFOLIO HOLDER FOR: [Business, ip&e, Culture and Commissioning \(North\)](#)

- I have to declare an interest in respect of this report

Signed Date

NAME: Cllr Steve Charmley

PORTFOLIO HOLDER FOR: Business, ip&e, Culture and Commissioning (North)

(Note: If you have an interest you should seek advice as to whether it is appropriate to make a decision in relation to this matter.)

For the reasons set out in the report, I agree the recommendation(s) in the report entitled

Signed

Portfolio Holder for Business, ip&e, Culture and Commissioning (North)

Date

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and proforma is returned to Democratic Services for processing.

Additional comment :
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Note: If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, Head of Legal and Democratic Services, Chief Executive and the Head of Finance, Governance and Assurance (S151 Officer) and, if there are staffing implications the Head of Human Resources (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

Note to Portfolio Holder: Your decision will now be published and communicated to all Members of Council. If the decision falls within the criteria for call-in, it will not be implemented until five working days have elapsed from publication.

Declaration of Interest

- I have no interest to declare in respect of this report

Signed Date

NAME: Cllr David Turner
PORTFOLIO HOLDER FOR: Resources, Finance and Support

- I have to declare an interest in respect of this report

Signed Date

NAME: Cllr David Turner
PORTFOLIO HOLDER FOR: Resources, Finance and Support

(Note: If you have an interest you should seek advice as to whether it is appropriate to make a decision in relation to this matter.)

For the reasons set out in the report, I agree the recommendation(s) in the report entitled

Signed

Portfolio Holder for Resources, Finance and Support

Date

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and pro-forma is returned to Democratic Services for processing.

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