



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 Shifnal Library, Customer Services Point, Aston Street and Kings Yard Car Parks, Aston Street Allotment and Public Open Spaces in Shifnal

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1. Summary

This report seeks Portfolio Holders' agreement for the transfer of the management of Shifnal library and the Customer Service Point from Shropshire Council to Shifnal Town Council.

Shropshire Council will transfer the day to day management of the library service and Customer Service Point to Shifnal 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, a Branch Manager and a Library Assistant. These staff would be transferred to Shifnal Town Council on their current terms and conditions under TUPE regulations. There will no longer be dedicated Customer Service Point staff and the responsibility for the on-going provision of customer services will be through the library staff team. 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. Public computers would still be provided by the Library Service; books would still be selected and provided and regular exchanges would continue to take place with other libraries.

Some alterations to the library space within Shifnal Library will be made to incorporate a new office for Shifnal Town Council staff and an assessment of condition will be made for building and car park 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 14th September and 26th 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 Shifnal Town Council, the proposal also includes the potential transfer of a number of assets including car parks, open spaces and an allotment to Shifnal 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 Shifnal Library is transferred from Shropshire Council to Shifnal Town Council from an agreed start date. This agreement will run for 3 years and be supported by a contract between Shropshire Council and Shifnal Town Council.
2. That the management of the Customer Service Point is transferred from Shropshire Council to Shifnal 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, Finance and Support to take any further consequential decisions relating to the transfer of the customer service point
5. That, in principle, Shifnal Town Council are granted a 125 year lease of the following assets the library building, the car parks at Aston Street and Kings Yard, the Aston Street allotment and areas of Public Open Space at Admirals Close, Dyas Close, Beech Drive (2 areas), Laburnum Close, Wyke Way (3 areas), Careswell Garden, Bridgnorth Road and Applebrook (4 areas) with delegated authority to the Head of Commercial Services to complete the appropriate due diligence, including consideration of the process for open space notices and seeking secretary of state approval to transfer allotments if appropriate, agree final terms of the lease and to complete the transaction.
6. Delegated authority is given 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 Shifnal 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 |
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| Decision making on recommendations not made in a timely fashion, which impacts on the ability to complete the transfer in 2015 | Advice from the council’s Legal & Democratic Services has been sought to ensure the decision |

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| and consequently the delivery of the TCA bid programme | 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 Shifnal 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. Shifnal Town Council have been involved in the consultation from an early stage. |
| The completed ESIA does not robustly demonstrate how it will take mitigating measures to address the possible high negative impact identified. | An ESIA 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 Shifnal Library. | Discussions between the council's library management and the staff at Shifnal 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 Shifnal 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 Shifnal 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 Shifnal Library and other Council services run from Shifnal Library. Working group involves SC officers and Shifnal Town Council reps. | November 2014, with group meetings approx. every six weeks from that date onwards |
| 6 week formal public consultation | 14th September to 26 th October 2015 |
| Email to existing library users sent out to explain the survey, share the web link and options for completing the survey. | 24 September 2015 |

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| Shifnal Library open evening as part of the consultation | 14 th October 2015 |
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4.2 Formal consultation process and results

A formal public consultation has been carried out in Shifnal 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 14th September to 26th October 2015 and was available online via Shropshire Council's website. Paper copies of the consultation document were made available in the library and Shifnal Town Council Offices 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 Shifnal library with email addresses.

In the document, members of the public were provided with details of the current Shifnal 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 transfer of the Aston Street and Kings Yard car parks, the 8 areas of Public Open Spaces and the Aston Street Allotment to Shifnal Town Council was also referenced throughout the consultation.

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

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

A total of 106 (1.56 % of population of Shifnal) people responded to the consultation and about 25 people attended a drop in event on the 14th 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 Shifnal Town Council was preferred by 95 people (89.6%).

Of the 95 respondents who chose Option 1, 49 comments were made and the issues and concerns are summarised as follows:-

- ongoing maintenance costs/staffing costs and lack of on-going funding 7 responses (7.36%)
- the car park which included maintenance/resurfacing and charges 5 responses (5.26%)
- Library hours should not be reduced 13 responses (13.68%)
- The other 3 comments were about increase in council tax, Shifnal Town Council being responsible for the service and the increase of the population due to housing developments. (3.15%)

Additional positive comments made are also summarised as follows:-

- Option 1 is the better option for Shifnal residents 5 responses (5.26%)
- It makes sense to have a multipurpose used building 3 responses (3.15%)
- Best solution for Shifnal, more control and lower costs and giving Shifnal Town Council more responsibility and keeping it local 10 responses (10.52%)
- Option 1 will keep the library open 3 responses (3.15%)

Option 2 – Shropshire Council continuing to run the library with reduced staffing hours was preferred by 8 people (7.55%)

Of those (8 people) who chose Option 2 as their preference 3 comments were made by respondents, however the third comment was actually in support of option 1

- I do not think that the Town Council can/should take on this sort of work 1 response
- We pay council tax to Shropshire council and get very little in return 1 response

In addition to this, 3 people (2.83%) did not like either option 1 or 2. There were 2 comments made by respondents as follows:

- None of the options are my preferred option and I have written in detail to both councils. (Please note that this comment related to a request for specific information i.e. whether Shifnal Town Council would be having independent legal advice, information in respect of Council Tax, information in respect of staff transfers and the future ownership status of the library building. All of this information was provided to the respondent.)
- An opportunity has been missed for the site at Haughton Road to have a multiuse building incorporating several services including Leisure, Swimming pool, health, medical centre, pharmacy, dentist, library and other council service. (Please note that planning permission has already been granted for this site and there is no provision or funding available for a library)

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

No alternative proposals were suggested.

The formal consultation exercise has shown clear support for Option 1 – the transfer of the management of the library service, Customer Service Point, car parks, public open spaces and Aston Street allotment to Shifnal Town Council. The alternative operating model in Option 2 received considerably less public support and there were no alternative proposals put forward.

5. Financial Implications

The annual library SLA provided to Shifnal Town Council between the financial years 2016/17 and 2018/19 will be £5,000. In addition to this, Customer Services will provide Shifnal Town Council with £3,000 per annum in order to provide a customer services offer. Combined savings of approximately £7,000 will be made within Libraries, Customer Involvement, Outdoor Recreation and Highways and Transport following the transfer of corresponding assets to the Town Council.

Alongside the saving to Shropshire Council, Shifnal Town Council will also make a saving of approximately £15,320, partly resulting from the relocation of its offices to the library.

Property costs for works to Shifnal Library to facilitate the transfer of the library, customer service point and car parks 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 parks 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 second year of a three 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 Shifnal 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 Shifnal. 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.

Shifnal 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 Shifnal Library, including the Customer Service Point (CSP).

6.2 Shropshire Council's preferred option for Shifnal library service is that the management is transferred from Shropshire Council to Shifnal Town Council from an agreed start date. This agreement will run for three years and be supported by a contract between Shropshire Council and Shifnal 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 Shifnal 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 Shifnal 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 Another element of the wider vision, reflected in the TCA bid, is the development of Community Connectors. Community Connectors will transcend services, organisations and sectors, but will be specific to a locality. They will be helpful, knowledgeable, friendly and interested people based in communities who know about everything that goes on in places – community and voluntary-wise and have the attitude and aptitude to match people's interests and needs with these. As part of a community's team of first line of support they will also have a knowledge and understanding of the service delivery in their locality and will have a relationship with the people delivering these services that mutually adds benefit to their work. They will be part of an early help team that could also include, amongst others, those delivering information, advice and guidance services, library staff, customer service staff, Community Enablement Officers, town/parish council officers, Community & Care Co-ordinators and volunteers. In Shifnal the Community Connector role would work with activities across the town to link up people with services – specifically focussing on building connections between the library and other places of activity.
- 6.7 The development of the recommendations being made in this report has been informed by formal engagement and consultation with Shifnal residents. This included 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 which is detailed within Appendix 3. Analysis and review of the ESIIA for the Shifnal 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.
- 6.8 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.
- 6.9 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 through a discounted transfer to the Town Council as part of the overall offer. The car parks at Aston Street and Kings Yard are currently operated on a non-charging basis and the liability for repairs currently sits with Shropshire Council. The amenity space incorporating the Aston Street allotment and areas of Public Open Space at Admirals Close, Dyas Close, Beech Drive (2 areas), Laburnum Close, Wyke Way (3 areas), Careswell Garden, Bridgnorth Road and Applebrook (4 areas) are all currently maintained and managed 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 plan.

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 Shifnal Library and customer service point and representatives of Shifnal Town Council.
- iii. The completion of an ESIA 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, car parks, public open spaces and allotment to Shifnal 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 Shifnal and the surrounding area, whilst also complementing the wider work of Shifnal Town Council.

Transferring the management of the library, Customer Service Point from Shropshire Council to Shifnal 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 Shifnal and assist it 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's Business Plan and Financial Strategy 2014-2017
2. Shropshire Council's Transformation Challenge Award bid 2015/16
3. Frequently Asked Questions to accompany the consultation document. September 2015
4. Shropshire Council Commissioning Strategy – Commissioning for the Future, Cabinet 4th June 2014

Key Decision: Yes

Included within Forward Plan: **Yes** / No

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) – Responsibility for Libraries
 Cllr David Turner, Portfolio Holder for Resources, Finance and Support
 Responsibility for Customer Service Points

Local Member:

Cllr Stuart West
 Cllr Kevin Turley

Appendices:

1. Shifnal Library Public consultation documents September 2015
2. Shifnal Library consultation results and comments October 2015
3. ESIA Assessment for Shifnal 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 pro-forma is returned to Democratic Services for processing.

Additional comment:
.....
.....

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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