

EXECUTIVE

16th June 2022

Report Title	Community Managed Libraries Transfer Programme update
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Lead Member	Cllr Helen Howell, Executive Member for Sport, Leisure, Culture & Tourism

Key Decision	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the decision eligible for call-in by Scrutiny?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there public sector equality duty implications?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information (whether in appendices or not)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Applicable paragraph number/s for exemption from publication under Schedule 12A Local Government Act 1972	N/A

List of Appendices

Appendix A – Library Budget Proposals to NCC Cabinet October 2017

Appendix B – NCC Cabinet paper - 14 May 2019 - Agenda Item No: 14

1. Purpose of Report

- 1.1. This report is to brief the Executive on the background around the Community Managed Libraries transfer programme, provide an update on the progress of those libraries yet to be transferred.

2. Executive Summary

- 2.1. The Community Managed Library transfer programme approved by Northamptonshire County Council, following a needs assessment in 2017, has progressed to the extent that seven of the libraries in North Northants that were identified as not required to fulfil the statutory duty have successfully transferred to community organisations.

- 2.2. Work towards transfer of the remaining three libraries was delayed by the effects of the pandemic and one year on from vesting day for the new Council they are in various states of progress towards transfer.
- 2.3. This paper outlines the background of the Community Library transfer programme and the timeline of key milestones to date.
- 2.4. This paper also provides an update on progress at the three remaining libraries and their current status in Irchester, Raunds and Rothwell.

3. Recommendations

- 3.1 It is recommended that the Executive
 - a) Notes the programme to provide library services through a community managed model, as adopted by Northamptonshire County Council in 2018.
 - b) Notes the current progress on the 3 remaining libraries, including the completion of the existing work around the leases for Irchester Library and Rothwell Library with the existing partners, which have been delayed due to works required to the associated properties.
 - c) Notes that a further report will be brought forward to seek approval to enter into the lease agreement for Raunds library.
 - d) Delegates authority to the Executive Member for Sport, Leisure, Culture and Tourism in consultation with the Executive Director for Adults, Communities and Wellbeing, to take actions necessary to complete the transfer process for Irchester and Rothwell Libraries.
- 3.2 Reason for Recommendations: The approval of these recommendations will enable the officers to continue to progress the 3 remaining transfers via the agreed processes outlined in this report, whilst maintaining the integrity of the Community Managed Library transfer programme as a whole and the duty of NNC to obtain best value.
- 3.3 Alternative Options Considered: The only other option considered as part of the library service transformation programme, established by the former County Council as detailed in section 4 of this report, is that where no viable proposal for a community managed library is forthcoming, that library would close.

4. Report Background

- 4.1. In 2017, as part of the requirement for Northamptonshire County Council to manage its financial challenges and produce a legal budget a detailed needs analysis was carried out to identify which of the county's 36 libraries were required in order for the Council to meet its statutory duty of delivering "...a

comprehensive and efficient library service...” as set out in the Public Libraries and Museums Act 1964.

- 4.2. The result was that 15 libraries were identified as being required. 3 proposals were put forward for consideration and an extensive public consultation took place following this to gather input from the public about the proposed options. Plans began to progress one of the options which would see the remaining 21 non-statutory libraries offered out to local community organisations to be run as community managed libraries with support from the Council. If no group came forward with a viable business case for a particular library then that library would close.
- 4.3. In February 2018, Northamptonshire County Council received an advisory notice from their auditors stating that their proposed budget would not meet legal requirements. Cabinet took the decision that the Council could no longer support a community managed offer and any of the 21 libraries wishing to stay open would need to be run independently. This was not one of the options that had been consulted on and the Council was subject to a Judicial Review at which point the process was halted.
- 4.4. During the Judicial Review a new Chief Executive joined the Council and restored the original proposal to offer the non-statutory libraries to be community managed with some support from the Council.
- 4.5. Conditions for the transfer were that the council would continue to provide computer systems and hardware, existing and new book stock and a level of professional support to enable the library to remain part of the network of libraries countywide. For their part the community group must put forward a viable business plan outlining how they intended to cover the costs of the property which houses the library and any staffing required to run the library whether paid or volunteer.
- 4.6. In recognition of the contribution that the organisations were making and the value to local communities of having local access to library facilities, the Council agreed to offer a 40% reduction on market value rent costs to those organisations wishing to lease the library building for the purpose of running a community managed library.
- 4.7. A process was put in place for community organisations to submit business plans for assessment by a range of County Council officers in order to assess their viability and progress them to be transferred.
- 4.8. The first library to transfer was Roade Library which became community managed in October 2019 and other libraries have followed as they have managed to get the finances in place for their business plans. There are currently 15 community managed libraries operating successfully countywide with 7 of these being in North Northamptonshire.
- 4.9. The arrival of the pandemic and the requirements to close public libraries during the lockdowns from March 2020 had a significant effect on groups that were

working towards transfer and so transfers for Raunds, Irchester and Rothwell were delayed.

- 4.10. On 1st April 2021 responsibility for library provision in North Northamptonshire moved from NNC to NNC
- 4.11. Since 2018 the library service has been working with Raunds Community Library Trust (RCLT) towards a transfer. To ensure continuity of library services from Raunds library RCLT began to run the library with volunteers under a temporary Tenancy at Will provided by the Council, re-opening the library in October 2020 once restrictions were eased. During this time they have sought funding to progress to a full transfer without success. North Northamptonshire Council wrote to RCLT in December 2021 explaining that if a full transfer was not in place by 31st March 2022 the Tenancy at Will would be ceased and the library closed in accordance with the NCC cabinet decision.
- 4.12. Following press coverage around the potential closure, an Academy Trust expressed an interest in supporting RCLT with the funding required to successfully transfer. Following further press coverage of the Academy's offer, a second Academy contacted NNC expressing an interest in running a community managed library in Raunds. In accordance with legal advice as set out in paragraph 7.2 of this report Council officers sought final expressions of interest from any interested parties from 17th May 2022.
- 4.13. Since 2018 the library service has been working with Irchester Parish Council towards a transfer. The Library closed at the beginning of the lockdown in March 2020 and has not reopened since. Council colleagues have been liaising with the Parish who have been waiting for essential maintenance and repairs to be carried out on the library building before signing the lease. This work has been underway for some time and is very close to completion.
- 4.14. Since 2018 the library service has been working with Creating Tomorrow Multi-Academy Trust and Rothwell Community Library Trust towards a transfer. These organisations submitted a viable business plan and have been successfully operating the library under a Tenancy at Will since January 2020. A number of property issues have delayed the signing of the lease and the full transfer, however these issues are now finalised and the lease is now ready to be signed.

5. Issues and Choices

- 5.1. Supporting communities' forms part of the Corporate Plan and the Localism Act 2011 which together with subsequent Regulations have created a series of empowerment rights such as rights to nominate local assets of community value.
- 5.2. The powers granted to Council's to transfer assets to the community at less than best value are found in the Local Government Act 1972 and the General Disposal Consent 2003.

- 5.3. The General Disposal Consent 2003 provides for a Council to consider a transfer a less than best value where the authority considers the transfer is likely to contribute to the promotion or improvement of social wellbeing. There is a process to determine the undervalue and the Consent confirms that provided the undervalue is less than £2m the Council may authorise the transaction following a due diligence process.
- 5.4. The Raunds Community Library Trust have been successfully running the library facility under a Tenancy at Will for many months and officers are confident that the group have the means to fulfil their part in the SLA. However, without external funding the model will not be sustainable. Together with officers from the Library Service the group have sought funding streams and opportunities but have been unable to obtain enough to become self-sustainable. Now that several parties have expressed an interest in working with RCLT a fair and equitable process is needed to assess suitability and best value.
- 5.5. At the Executive meeting on 19th May 2022 approval was given for the new Community Asset Transfer policy for North Northamptonshire Council. Any future process to transfer libraries into community management will be compliant with this policy.

6. Next Steps

- 6.1. NNC has put out an open request for final Expressions of Interest, for a period of no more than 4 weeks, to support the provision of the library service in the Raunds Library building. In the event that there are expressions of interest, more detailed business case information will be sought and an analysis of the options available will be presented back to Executive in due course.
- 6.2. Once the essential repairs and maintenance are completed by NNC Property Services, the previously negotiated lease agreement will be signed and Irchester Library transferred to become Community Managed by the Irchester Parish Council.
- 6.3. Once the Academy Trust currently running the Rothwell Library have reviewed the lease agreement provided by NNC Property Services both parties will sign the agreement and Rothwell Library will be transferred to become Community Managed by the Creating Tomorrow MAT and the Rothwell Community Library Trust.

7. Implications (including financial implications)

7.1. Resources and Financial

- 7.1.1. The Library Transformation programme under Northamptonshire County Council involved delivery of £920,000 savings. This included circa £300,000 staff savings. The staffing restructure was undertaken in 2019 to account for all the libraries identified as non-statutory either being transferred to community

management or closing. Therefore, the current staffing budget held by the Council for the library service does not include an ability to staff and run any of the 3 remaining libraries yet to be transferred. In addition, the property costs of £56,958 for these libraries were also removed from the Council budget in 2020/21.

7.2. Legal and Governance

7.2.1. The lease of the library buildings qualifies as a disposal under Section 123 of the Local Government Act 1972. The Council must ensure that we dispose on terms that are the best price reasonably obtainable.

7.2.2. In determining "best consideration reasonably obtainable", the only consideration that can be made is that which has commercial or monetary value to the Council. So even though these disposals under the Community Managed Library programme have and will benefit the community, the Council has to consider the commercial aspect on its own. Of course, the Council can have regard to ethical as well as commercial considerations if for example two offers were the same, but the ethical terms were much better for one than the other.

7.2.3. It follows therefore that the only way the Council can evidence it is getting 'best consideration' is through following a proper process such as seeking expressions of interest. As presently the Council has only one interested party to partner with the Raunds Library Community Trust, a final expression of interest process is being undertaken.

7.3. Relevant Policies and Plans

7.3.1. Maintaining a community managed library in Raunds contributes to the following priorities outlined in the Corporate Plan:

- (a) "Active, fulfilled lives" – Improved accessibility and use of leisure, culture, art and sport. Provide Enhanced support to improve mental health and wellbeing.
- (b) "Better, brighter futures" – Ensure every child has equal access to a high standard of education. Promote better training, further education and employment opportunities for young people,
- (c) "Safe and thriving places" – Strengthen the cultural identity of towns, villages and rural communities. Help town centres and villages respond to changing trends.
- (d) "Connected communities" – Inform and listen to our communities, giving them a greater say in their future. Empower a thriving voluntary and community sector.
- (e) "Modern public services" – Provide good quality and efficient services valued by our customers.

7.4. Risk

- 7.4.1. Only one expression of interest may be received from an organisation willing to partner with RCLT, as this has been the case for the duration of the Library Transformation programme recent months. If this ensues all due diligence will be undertaken, and the Council will have exercised its best consideration through the latest expression of interest process.
- 7.4.2. Taking a different approach with the three remaining libraries may undermine the agreements with the other Community Managed Libraries leading to significant reputational damage and the potential for community organisations to pull out of the process.
- 7.4.3. Further delaying in completing transfers at this stage risks the withdrawal of the offers for the groups currently proposing to run these remaining libraries leaving them closed indefinitely.
- 7.4.4. In addition, the Council is incurring property costs for the libraries which are yet to be transferred, costs which were removed from the service budget before Vesting Day

7.5. Consultation

- 7.5.1. A full public consultation took place in 2017/18 on the future of each of the libraries in Northamptonshire including the proposed transfer of non-statutory libraries to community management. This is detailed in the background paper listed at paragraph 8.2, NCC Cabinet Paper May 2019.
- 7.5.2. A final expression of interest for Raunds Library was launched on 17th May 2022.
- 7.5.3. All key stakeholders have been kept informed regarding the progress and negotiations for the 3 remaining libraires.

7.6. Consideration by Executive Advisory Panel

- 7.6.1. Any comments received from Executive Advisory Panels will be provided to the Executive.

7.7. Consideration by Scrutiny

- 7.7.1. N/A

7.8. Equality Implications

- 7.8.1. Full EQIAs were completed as part of the 2017/18 consultations. The provision of community managed libraries was part of the mitigations of closing a council

managed library. By enabling the 3 remaining libraries to remain part of the Library Network as a community managed library there will be no adverse effects on those falling into the 9 protected characteristics outlined in the Equality Act (2010).

7.9. Climate Impact

7.9.1. Enabling Community Managed Libraries to remain part of the library network means that those in Towns/Villages without a Statutory council managed library to access the library service and other associated services without the need to travel. This contributes to the Carbon reduction targets.

7.10. Community Impact

7.10.1. Libraries play an important role in Place Shaping and act as community hubs for local residents. They provide local access to a range of relevant services and help to galvanise resilient local communities.

7.10.2. By maintaining an access point in Raunds, Irchester and Rothwell for library and other council services the local community will be able to access the support and information they need locally.

7.10.3. Community managed libraries are able to tailor their services and activities to the local and changing needs of their communities giving them more say in what their library delivers.

7.11. Crime and Disorder Impact

7.11.1. N/A

8. Background Papers

8.1 Library Budget Proposals to NCC Cabinet October 2017

8.2 NCC Cabinet paper - 14 May 2019 - Agenda Item No: 14 - Appendix A