

**Cabinet Meeting
14th February 2024**



Report sponsor:
Councillor Baggy Shanker - Leader of the Council
and Cabinet Member for Strategy, Governance and
Finance
Samantha Dennis Strategic Director of Place

ITEM 10

Report author:
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Head of Community Safety and Locality Working

Derby Libraries - delivering a sustainable model

Purpose

- 1.1 This report provides Cabinet with an update on the Derby Libraries project and seeks the necessary approvals to progress with the next steps.

Recommendation(s)

- 2.1 To note the progress being made on the libraries project.
- 2.2 To approve recommendations to move forward with option 2 as outlined in this report.
- 2.3 To note that, as a result of legal advice, the proposed option 2 relates only to the ten community libraries, delivered through a Community Managed model. The five statutory libraries will remain in-house.
- 2.4 Subject to approval of 2.2, to note that officers will carry out a formal process to seek a trust or a third party able to establish a trust for the transfer of the ten community managed libraries and to delegate authority to the Strategic Director of Place, in consultation with the Section 151 Officer and the Cabinet Member for City Centre, Regeneration, Culture and Tourism to agree terms of this process.

Reason(s)

- 3.1 To provide the necessary governance to validate the future proposals for the Community Libraries, which were ceded back to the Council in 2022 and which at this stage are held on trust by the Council for residents of the city.
- 3.2 Approval of recommendations will provide a clear direction and a degree of certainty, allowing officers to move forward in delivering a sustainable, long-term library provision for the city.

Supporting Information

- 4.1 Libraries are an important resource, offering many valuable services to residents and visitors, but they need to be appropriately funded and managed to remain sustainable.
- 4.2 The Council is obliged to provide a comprehensive and efficient public library service under the Public Libraries & Museums Act of 1964. This statutory service in Derby is made up of 5 libraries (and a store at Blagreaves). The 5 libraries are Alvaston, Mickleover, Normanton, Riverside Library in the Council House, and Derby Local Studies & Family History Library in Riverside Chambers.
- 4.3 There are 10 other library sites that are not part of the statutory service. The Council is not legally obliged to maintain them. As part of a strategic library review in 2017, these sites became Community Managed Libraries (CMLs) in 2017/18. The libraries are Allenton, Allestree, Blagreaves, Chaddesden, Chellaston, Derwent, Mackworth, Sinfin, Spondon, and Springwood.
- 4.4 The CMLs were transferred to DHA who operated them from 2017 until 2022. However, in November 2021, DHA notified the Council that it no longer was able to operate the libraries and following discussions and negotiations between DHA and Council, the former ceded ownership of the libraries back to the Council in November 2022. It is important to note in this context that what in fact was transferred to DHA in 2017 was the stock of books in each of the ten buildings from which the community managed libraries operated from. The Council owned and continues to own the physical buildings structures which were leased to DHA as part of the 2017 package.
- 4.5 The Council has continued to keep the libraries open since accepting them back from DHA pending a final decision being made about the long-term future for them and provision of service from them. It has maintained for this purpose continued provision of the previously agreed budget to DHA (£415,000 during 2023/24, and £395,000 during 2024/25).
- 4.6 Following a change in administration, officers were directed to explore options to deliver a sustainable, long-term library service, and in August 2023 officers updated Cabinet on project progress, and presented a number of options for consideration.
- 4.7 Based on explorative work done on options for long-term delivery that was included in a report presented to Council Cabinet August 2023, approval was given to develop business cases for two preferred options.

The options were;

- Option 1 – Transfer to a new trust (Statutory and Community Provision Combined)
- Option 2 - Transfer to an existing trust (Statutory and Community Provision Combined)

The paper also recommended combining statutory provision and community library provision.

- 4.8 The Executive Scrutiny Board recommended at the time that this should be a consideration of legal advice, and not a prejudged decision on any future arrangements.
- 4.9 Business cases for the two options have been outlined in Appendix 1. Each business case identifies the strengths, weaknesses, and legal implications associated with the respective option.
- 4.10 As part of the business case development, and as per the Cabinet decision, external legal support was procured to support the Council in examining different delivery models. The chosen partner firm, Capsticks, was also asked to identify the strategic benefits and challenges to deliver on the Council's ambition and support the Council in addressing those.
- 4.11 The legal advice outlined that the Council could determine whichever model best suits it for the future provision of library services. The Council must, however, be able to show it is providing a comprehensive and efficient library service that meets the needs of local people, taking account of available resources.
- 4.12 Capsticks also provided advice on statutory library services, community library services, and the distinctions between Community Managed and Community Supported models. Following this legal advice and taking into consideration the recommendations from the Executive Scrutiny Board, it is advisable to maintain the separation between the statutory and community services.
- 4.13 It is recommended to progress an amended Option 2, for the ten community libraries;
- Transfer to an existing trust or third party who establishes a new trust (Community Provision Only)

The recommendation is to procure a third party to manage the ten community libraries. This may be a third party who establishes a new trust to take over running the community libraries, or a third party taking over the running of the libraries themselves.

- 4.14 The option is not a significant change from how the provision of libraries was managed as per the last statutory needs assessment undertaken in 2016. The Council will continue to manage the 5 statutory libraries and the community libraries will be transferred to a third party/trust.
- 4.15 Community Managed Libraries enable increased community involvement in, and control over, local library services and allows the community to shape the service to meet local needs. There would be a formal agreement between the community group and the Council as to what support the library will receive from the Council.
- 4.15 The Council will provide a grant if required, if any, will be negotiated as part of the formal process to find a trust. The total grant available may be impacted by the level of support required by the trust.

- 4.16 Areas that a council may generally provide support within a CML model may include core book stock, funding for new stock and perhaps circulating stock, professional library support and public computers, Wi-Fi and be responsible for IT maintenance and upgrades.
- 4.18 The long-term aspiration remains to integrate the statutory and community library provisions under the umbrella of a single organisation. Given that this would represent a substantial restructure of the library service, the Council will need to conduct a strategic needs assessment before implementing any changes that impact on the statutory service.

Public/stakeholder engagement

- 5.1 Staff and volunteer drop-in sessions were held at two library sites where insights, ideas and feedback were encouraged. Further sessions will be held.
- 5.2 Any changes to the statutory library provision will require a strategic needs assessment and the Council must inform DCMS library team about proposals before public engagement and consultation starts. Although this report does not recommend changes to the statutory provision, the DCMS have shown an interest in the future of the former sites and have been consulted throughout the project.

Other options

- 6.1 4.7 of this report identifies the other options considered. Appendix 1 provides outline business cases.
- 6.2 Other options considered in the report would be considered a significant restructure of the provision of library services and therefore a further strategic needs assessment would be required.

Financial and value-for-money issues

- 7.1 Assessment criteria will be used to evaluate the viability of proposals, including financial viability within budget constraints. The financial contribution for the delivery of the Community Libraries will be agreed dependant on the level of support required by the successful trust.

Legal implications

- 8.1 As the main body of the report sets out, there are material differences between the statuses of the statutory and community libraries which necessitates different treatment of both. The corporate position at the present time is simply to accept the community libraries back from DHA and keep them open pending firm decisions being made about their future. They have not been absorbed back into the statutory core as additions to the five statutory libraries nor can they be absorbed in the absence of a statutory needs assessment. The statutory library service and its officers are therefore unable to keep them open indefinitely without a new corporate mandate.
- 8.2 As they are not statutory services and are effectively only held on trust pending a corporate decision, and in the absence of a statutory needs assessment enabling decisions about their future to be taken similar to decisions about the statutory libraries, the external legal advice is entirely sound in identifying that a return to the 2017/18 corporate decision to transfer them back out as community managed libraries is the most expedient avenue available to the Council as a means to determining their future in the shortest possible time.
- 8.3 Clearly the last transfer was unsuccessful, and it is strongly advised that as part and parcel of any decision now to transfer the libraries back out once again as community libraries, a clear and fact-based understanding of the reasons why the last transfer proved to be unsuccessful is required. It is unclear whether or not such an exercise has ever been undertaken but the advice in this report is that such a step is essential if the Council is to avoid revisiting and repeating the pitfalls that arose with the last transfer.

Climate implications

- 9.1 Libraries and community spaces have a substantial role in providing essential information and support across various subjects, including climate change. Their influential contribution lies in fostering awareness, promoting education, and engaging the community to address the challenges associated with climate change.

9.2



Socio-Economic implications

- 10.1 The community library provision is in addition to the statutory requirement which ensures a comprehensive and efficient library service for all. Residents are encouraged to make full use of the library service where residents can access additional resources for education, skills and knowledge.
- 10.2 Ensuring that the additional community library provisions remain accessible, sustainable and long term will significantly increase the city's opportunity to respond to the cost-of-living issues affecting communities.

Other significant implications

- 11.1 None

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal	Olu Idowu	05/02/2024
Finance	Janice Hadfield	05/02/2024
Service Director(s)	Samantha Dennis	6/2/24
Report sponsor	Samantha Dennis	6/2/24
Other(s)		

Background papers:	Council Cabinet 2 August 2023 - Item 09 - Derby Libraries – Delivering a sustainable model for libraries Council Cabinet 2 August 2023 - Item 09 - Appendix 1 - Delivery Models Preferred Options Council Cabinet 2 August 2023 - Item 09 - Appendix 2 - Delivery Models Other Options
List of appendices:	Appendix 1 – Outline Business Case January 24