CAMPAIGNERS CALL FOR PUBLIC ENQUIRY INTO BARNET’S CUTS TO LIBRARY SERVICES

This is the headline to Jon King’s article in the Ham and High on 18 January 2018. The article explains how Barnet Council’s response to the public outcry at its patent failure to provide a comprehensive and efficient library service, its duty under the 1964 Libraries Act, had been;

1. to shut teenagers out of libraries unless accompanied by an adult,
2. to pay security guards to police unstaffed venues.

Chair of the Children, Education, Libraries and Safeguarding committee Cllr Reuben Thompstone trumpeted that:

“More than 17,000 people have signed up to the self-service facility” out of an electorate of 350,000 odd, hardly an impressive statistic. There were 187,165 borrowers in 2016-17.

Save Barnet Libraries, represented by Emily Burnham and the barrister Robert Strang, on 1 February 2018 wrote a fourteen-page representation to Matt Hancock, the new Culture Minister, presenting further evidence of its case for implementation of the 1964 Act. Emily and Robert contended that the earlier

“reasons set out by the former Minister for the proposed decision not to intervene are inadequate and wrong in law.”

The Department had failed to obtain or consider evidence about the library service as it is now. Their representation proceeded to fill in this information gap, with evidence from Headteachers and the results of a survey of library users.

The new evidence proved that:

1. the risks, identified beforehand as likelihoods, were indeed coming to pass, and that mitigation measures promised by the Council had not been implemented,
2. it was undeniable that there was a doubt over whether the service, following the changes, was in fact comprehensive,
3. the failure to address any of this new evidence was an error of law.

The survey of library users carried out by Save Barnet Libraries, due to the lack of council figures on footfall or loan rates, showed that a majority of library users (who already had a library card) had not obtained a pin card. Of those who had not, about half said it was because they did not want to use the library when unstaffed, and a quarter said that they had tried to register but had been unsuccessful. Of those who had tried to use a library when unstaffed, more than 40% reported difficulty getting access. Overall, more than 70% of respondents said they used the library less since the changes.

One area of concern that appears not to have been anticipated in the Council’s planning is that, without an adult registered with a pin code, NO CHILDREN UNDER 15 ARE ABLE TO USE LIBRARIES AT ALL DURING UNSTAFFED ACCESS. Previously children represented 33% of library users.

Clearly the Secretary of State cannot determine whether the system is comprehensive unless he knows how many people are using it and what has been the impact of the changes.

Other key failures of implementation not addressed by the Minister’s letter included:

1. the closure of rooms for children and teens,
2. much reduced study space and computer access,
3. the closure of most staffed sessions of partnership libraries at 5pm,
4. the drastic reductions in book stock,
5. the introduction of fines for children’s and teens books,
6. as an early illustration of the scale of the problem, the Council confirmed that only 1,566 children took part in the Summer Reading Challenge in 2017 compared to 4,216 in 2016.

Where there is a strong likelihood of impact from such drastic changes in the provision for young people, and clear evidence of impact in practice, it s the duty of the Secretary of State to investigate and assess the impact by holding an inquiry. To fail to do so would be a serious breach of duty and an error of law.

We make the same points in relation to the impact on older people and people with disabilities. Evidence from them shows that the reduced services mean either that they are now only able to use the library service in staffed hours or are unable to use it altogether.

We note that volunteers during unstaffed sessions were repeatedly referred to by the Council as due to play a central role in mitigation of staff redundancies. We have now established that there are NO volunteers currently in this role. The Council has provided no explanation for this failure, nor is there evidence that the Secretary of State has questioned this. We contend that this is a fundamental omission on what is clearly a central plank of the plan.

The Department’s policy

The Letter says that one factor informing the Secretary of State’s view is

”Whether the local proposals are likely to lead to a breach of national library policy,” However, no further reference is made to this criterion, nor to the aspect of our complaint that made specific reference to it. We consider it to be a very serious omission that the Letter does not address these significant departures from the Department’s own policy.

The Equalities Act

The Equalities Act imposes a duty on Public Authorities to have due regard to the need to eliminate discrimination and to advance equality of opportunity for those in protected groups. The Council recognised the potential for serious adverse impact on protected communities at the time the library plan was formulated. In the event many of the hopes for the new service have not come to pass and, as far as we are aware, the Council has not taken any steps to evaluate the impact of the changed service now it is running.

The Letter recognises that

“The Secretary of State is of the view that BC did take into account the impact of technology enabled opening when it developed its plans, and sought to minimise the risks and negative impacts it identified.”

This consideration is a key aspect of assessing whether the service is comprehensive or whether, as our evidence indicates, it has been made difficult or impossible to access for certain people.

Duties under the Human Rights Act

We believe that the evidence shows that there is a real risk tat the Council’s library plan has had and will continue to have an adverse impact on educational standards within the borough, particularly in relatively deprived areas where ownership of books and/or computers is below average.

The statutory duty imposed on public library authorities by section 7 of the 1964 Act must be interpreted not only by reference to ordinary principles of statutory interpretation but, by virtue of s.3 of the Human Rights Act 1998 (“HRA98”) also by reference to rights secured under the European Convention on Human Rights.

Conclusions

There is a significant body of evidence to contradict the Council’s assurances of a continuing comprehensive service for all those desiring to make use of it.

The Secretary of State is not entitled to reach conclusions other than to order a public enquiry.

It would be perverse, in what is effectively a test case where the Council’s technology solution is being touted as of interest to other local authorities, to wave the new service through untested. This is doubly so where all the up-to-date evidence suggests that its impact has been severe, and certainly far worse than the Council’s blithe assurances.

The wealth of material available since implementation, including what we present, show that this Barnet library service is fundamentally, and detrimentally, different from that envisaged or that so far considered by the Secretary of State.

We urge the Secretary of State to reconsider the Letter and to order an inquiry so that the true impact of the Council’s plans may be assessed properly.

Yours sincerely

Emily Burnham (for Save Barnet Libraries)

Robert Strang