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BRISTOL CITY COUNCIL

**MINUTES OF A MEETING OF THE
CALL IN SUB-COMMITTEE OF THE OVERVIEW
AND SCRUTINY MANAGEMENT BOARD
HELD ON 7TH JANUARY 2014 AT 5.00 P.M.**

P Councillor Goulandris
P Councillor Kent
P Councillor Pickup (in the Chair)
P Councillor C. Smith
P Councillor Woodman

Also in attendance:

Councillors Eddy and Telford, - Callers In
Councillors Cook and Massey, - Executive Members

OSM

75.1/14 PUBLIC FORUM

Public forum statements were received from the following, and their written submissions are included in the minute book :

Mr Anthony Beeson (taken as read)
Ms Julie Boston (presented)
Councillor Richard Eddy (presented)
Ms Ursula Willis-Jones (taken as read)
Mr Even Clarke (presented)
Mr B King (presented)
Mr David K.Cave (taken as read)
Ms D Dyer for Bristol UNISON (presented)
Ms Christine Townsend (presented)

With the agreement of the Chair, a verbal statement was also received from Mr S Leyland.

OSM

75.1/14 DECLARATIONS OF INTEREST

No declarations of interest were made

OSM

76.1/14 WHIPPING

No whipping was declared.

OSM

77.1/14 CALL-IN OF THE CABINET'S DECISION ON THE PROPOSED LEASE OF PART OF THE CENTRAL LIBRARY BY THE CATHEDRAL PRIMARY SCHOOL

The Chair explained the purpose of the meeting and the decisions which were available to the Sub-Committee under the call in procedure.

He then invited the callers in to present their case.

Councillor Telford commented that;

- Whilst he acknowledged the role of digital technology in improving public access to library collections, physical access to books was a unique feature of a library service and nothing should be done to restrict or delay such access, which would be the case if materials were removed from the library basement to make way for the proposed school;
- He was aware of the issues regarding the shortage of primary school places in the City but felt that the Central Library was a historic building which was designed for library use and not school use;
- It was essential to find out what Library users thought of the proposals before taking matters further. The belated production of information in the library about the project did not amount to proper consultation;
- Even if there was not a statutory duty to consult users, the Council had a reputation for good consultation and the public had a right to expect high standards in relation to this project;
- Whilst he noted officer assurances that the proposals would not impact on the public space in the library or impact at all on the majority of library users, he felt that the service to the public would still suffer with the removal of some of the collections stored in the

basement to a different site. Access would be restricted. The central library provided the best public access to the Council's collections;

- Library staff should have been free to give their views about the proposals. He understood that they were not allowed to do so. There had been a failure to have regard to either the view of staff or professional librarians who had spoken out;
- He felt that the proposals had been under consideration and planning for over a year between council officers and representatives of the Cathedral & Choir School, therefore a lack of openness about what was intended in the run up to the Cabinet's decision;
- The Council's aims were unclear – if its aims were to enhance the library service then what was being proposed would be detrimental – the removal of books from the basement to accommodate the proposed free school would mean delaying access to books.

Councillor Eddy indicated that he did not have further points to make at this stage as the key issues had been covered.

The Chair invited members of the Sub-Committee to ask questions of the callers in. Members indicated that they had no questions at this point.

The Chair invited Councillors Cook and Massey to explain the background to the Cabinet's decision.

Councillor Cook commented that:

- Officers had not been in liaison with the Cathedral School over use of the central library for a prolonged period as alleged by Cllr Telford. The School had made an earlier application to the former Lib Dem administration for use of a different part of the Library building which had been rejected. The current proposal to use the basement had been reported to the Cabinet initially around 6 months ago;
- Officers advice was that the proposal would not affect the public areas of the building and would not impact upon Library users. The Cabinet had satisfied itself that most of the stock in the basement

would be retained at the Central Library, so that staff were able to continue to respond rapidly to the majority of requests;

- Consultation exercises are resource intensive. As the proposal would not directly affect users it was decided, on officers' recommendation, not to conduct a full consultation. There was wide coverage in the media in any case and press interviews had been done. The Post had also reported some robust exchanges on the issue;
- Staff were at all times free to discuss the proposals with their line managers. An allegation by Cllr Eddy that there had been intimidation of staff by managers was wrong and unacceptable. The Library management team were quite enthusiastic about the proposal because of the cash receipt which the Library would receive. This would allow for the collections currently in the basement to be catalogued using modern digital techniques as opposed to the manual card index system that existed currently, thereby improving the service provided to the public.
- It would not have been appropriate for the executive to have had direct discussion with staff about the proposals. The correct approach was through management who were responsible for service provision and managers were in support of the proposals;
- There had been openness throughout. The executive had met objectors, there had been media debate and the proposals had been considered by Scrutiny;
- He was confident that the library materials which were to be sent to B-Bond for storage were the least used, and even at B-Bond, they would be available for inspection at relatively short notice should requests be made. What was being proposed was no different to the arrangements pertaining at a majority of main libraries which commonly use external stock storage;
- The proposals would not lead to a reduction of public space. Part of the deal would entail a re-racking of parts of the Library so that it could better accommodate the material that remained there. He reiterated that the majority of users would notice no difference and

the long term viability of the Library would be unaffected by the proposed school.

Councillor Massey added that;

- There was an urgent need for additional primary school places in central Bristol and, notwithstanding the new school's admission policies, the majority of places would be available to Bristol children thereby contributing to a reduction in pressure on places;
- The scheme would not impact on Council budgets. As a free school, funding for the proposed primary would come directly from central government.

The Chair then invited the officers to comment .

The Service Director, Property then;

- Provided a description of the site which comprised some 85,000 sq ft of space in a Grade 1 listed building; he confirmed that the Library basement was not accessible to the public, it was in poor condition structurally and lacked proper provision for book storage including shelving.
- Should the site be leased for school purposes, then the venue would be improved and upgraded and repairs undertaken at no cost to the Council and would generate £27K per annum. This represented a good deal for the Council as the venue was unlikely to attract any other kind of use which was capable of generating an income;
- An initial meeting had taken place between officers and the School at the School's request on 24 January, 2013 concerning their proposals . The basement of the Holden Building was identified as an area which the Council might be prepared to lease to the School and further discussions then took place with the Council's professional officers about the feasibility of the proposal and potential leasing arrangements , all on the understanding that any proposal would be subject to Cabinet approval and to listed building and planning consent. The works would be funded by the Education Funding Agency and no costs would fall on the Council;

- A briefing was prepared for Cabinet members and library staff in June 2013 and in August 2013, draft lease terms were drawn up following negotiation, which satisfied the officers requirements. All of this culminated in the report to Cabinet in December 2013;
- The Head of Libraries explained the work which would be involved in moving books out of the Library basement, to the archive and reading room at B Bond, following negotiations and agreement with them . She believed that the agreement reached would provide a complimentary service to that available from the Library which would be of benefit to users.

There followed general debate during which, members asked questions of the officers, Councillors Cook and Massey and the Callers In. The following is a summary of the main points;

- In response to questions about the appropriateness of the Library basement for school purposes, officers indicated that some works would be necessary to improve the amount of natural light. It was likely that classroom accommodation would be located around the perimeter (outer walls) with the central area being used for creation of halls, staff rooms etc;
- The success of the project would depend on listed building consent and planning permission being granted. In particular, a new delivery bay was business critical for the library. Access to Lower Lamb Street would be necessary which was adjacent to where library material is sorted;
- The Head of Libraries indicated that in her view the proposals represented the best solution; the stock in the basement had grown in an unplanned way. The project would improve the current situation by leading to proper indexing and shelving of the collection and having more materials readily available to the public;
- The Service Director, Education discussed the admissions policy of the Cathedral School and the operation of sibling rules which applied to both the primary and secondary schools. Whilst children from outside of the area would be eligible to attend the school, he was satisfied that Bristol children would benefit from places, and the

number of primary places occupied by children from the City would increase over time;

- Councillor Cook commented that the Mayor had no plans to either develop a new central library or move the current provision to another building. Therefore there could be no “creep” of the primary school which would need to be contained within the basement accommodation identified;
- The Head of Libraries indicated that it was difficult to assess the number of customers that used the collections currently housed in the basement as demand fluctuated a great deal. Through looking at records, there were some 300 unique customers seeking access to basement materials. It was intended to ensure that access continued to be provided to those materials, either in the Library or at B-Bond;
- Regarding questioning about time scales, the Service Director, Property explained that whilst formal proposals were discussed at the June Cabinet briefing, the Mayor and executive member had been made aware of the proposals earlier in the year after officers had been contacted by the School . Approval was given to pursue discussions with the School on an informal basis to see if there was a workable solution which might satisfy both the requirements of the Council and the School;
- Regarding the proposed rental income, the Service Director indicated that in his professional opinion as a surveyor, the figure represented good value for the Council for what was a fairly unique use of the space in question, and where it would be difficult to find other potential users who were willing to lease the space;
- In response to concerns that the professional views of library staff were not being taken into account , the Head of Libraries indicated that the overriding factors for her were the need for the proposals to meet the requirements of equality of access and contribute to the development of the service. She believed that the current plan would permit ready access to materials that currently had restricted access to them, through the creation of a new digital catalogue. She did not

accept the staff concern that space sharing would be harmful to the Library. She re-iterated that the public areas would not be affected;

- In relation to questions about consultation, Cllr Cook indicated that he had been guided by advice from Legal Officers in terms of the consultation necessary. As the proposals did not impact on the public parts of the building, the advice was that formal consultation was not required. He accepted that it might have been useful to set out in the Library at an earlier stage, what the plans for the building were. He did not however consider that the approach to consultation was incorrect;.
- The Chair then asked the Callers In to comment on the responses which had been given. Councillor Eddy commented that he found the argument that consultation was limited due to there being no legal requirement for it to be a little nebulous. He recalled that the Council had in the past, prided itself on the level of consultation undertaken for all major projects, regardless of whether there was a statutory requirement for it. Councillor Telford stated that discussions in the media and elsewhere did not constitute public “consultation” in his view;
- The Head of Libraries explained that there had been detailed discussions with staff about the proposals. This had included exchanges with former profession librarians including Mr Beeson. Staff had been advised what to say to the public about the proposals and to refer detailed questions to her for a formal reply. She explained that officers were expected to comply with the provisions of their Code of Conduct in relation to discussions of council policy with external parties.

The Chair then summed up the responses which had been given by officers and Cabinet members in response to the issues raised in the Call In ;

- Due consultation – the Sub-Committee had heard from officers about the extent of internal consultation with professional library staff and education staff and from Cllr Cook, about the degree of public consultation. It was noted that there was no statutory requirement for

consultation with the public although in the past, the Council had consulted widely about all major proposals, regardless of whether there was a legal requirement;

- Taking of professional advice – officers and the Cabinet members indicated that they had taken professional advice and the content of that advice;
- Openness – officers had been approached by the Cathedral School about the current proposal at the start of 2013, initial discussions had taken place, matters had been reported to the Mayor/ executive who had authorised more formal negotiations leading to initial proposals coming via Scrutiny to Cabinet in June. The public were able to give their views at these meetings via public forum, and at the Library, once an information stand had been set up there;
- Clarity of aims and outcomes – this was not a Council initiative. The Council had been approached by the School with some proposals. Officers evaluated those proposals and presented them to members. The use of the Library basement for a different purpose to storage was not a Council objective but the application from the School enabled it to be looked at as a means of generating new income to improve the facilities in the Central Library and a means of contributing to resolving the shortfall in primary school places

Members of the Sub-Committee then debated what course of action the Sub-Committee should take. A view was expressed by a member that the Mayor would be unlikely to change the decision should the matter be referred back to him. The Sub-Committee concluded that the options were no further action or, to refer the matter to full Council for wider debate.

Members considered that on balance, the proposals would be reasonably advantageous to the Council so should they go ahead (following planning permission and listed building consent). Members considered that there were some issues in relation to the amount of consultation, notwithstanding the statutory position – should it have been more extensive ?

There was agreement that the plans had come “out of the blue” initially, but once officers had undertaken preliminary discussion with the School

and examined feasibility, discussion had been open . There was no evidence of any attempts to conceal what was going on;

There was no aim originally to use the library basement for a school. The proposal had come from a third party. The proposals would generate useful income from basement space for which there was no other use other than library storage. On balance the Cabinet' s decision was acceptable and no further action should be taken.

The Chair concluded that consultation with the public could have been more extensive in line with previous Council practice but that no further action in relation to the call in was warranted. He moved accordingly.

One being seconded, it was :

RESOLVED – That no further action be taken in relation to the call in of the Cabinet's decision on the proposed lease of the basement of the Central Library by the Cathedral Primary School.

Chair

(The meeting closed at 7.00 pm)