
Wash Common Library – Devolution and Community Asset Transfer

Committee considering report: Executive on 14 June 2018

Portfolio Member: Councillor Dominic Boeck

Date Portfolio Member agreed report: 2 May 2018

Report Author: Jo Naylor

Forward Plan Ref: EX3558

1. Purpose of the Report

- 1.1 To seek approval for the transfer of the Wash Common Library building to Newbury Town Council (NTC) on a 5-year short term lease for use by the Friends of Wash Common Library for use as a small part-time library and community hub.

2. Recommendation

- 2.1 To proceed with the transferral of leaseholder responsibility to Newbury Town Council and to permit this empty building to be reused as a library and community hub.

3. Implications

- 3.1 **Financial:** There will be no budget transferred along with the building in accordance with the decision made in 2016 as part of the Transformation of West Berkshire Library Services which removed Council supported provision in this location. Newbury Town Council have obtained support in principle for this project from their Policy and Resources Committee held on 30th April.
- The Friends of Wash Common Library have created a business plan and fundraising strategy to ensure the service they provide can be run from this site. This includes collecting financial pledges of support by residents, applying for grant funding and utilising the building for other small income generating ideas.
- 3.2 **Policy:** Devolution Programme is part of the Council's Corporate Plan priority to help communities to help themselves.
- 3.3 **Personnel:** There will be some cost in relation to officer time to complete the necessary due diligence checks prior to transferral of any responsibility.
- 3.4 **Legal:** Legal Services time and resource will be required to help agree the necessary lease agreement to support this transfer.

- 3.5 **Risk Management:** There is a small risk the community venture might fail however with the involvement of Newbury Town Council, this helps secure the short-term management and maintenance of the building without requiring Council financial resources.
- 3.6 **Property:** The Wash Common Library building is in good condition and could be used in the short to medium term to reinstate a small library in this location.

Executive Summary

4. Introduction / Background

- 4.1 It is the general approach of the Council that the Devolution Programme should support the transfer of responsibility for assets/services to town and parish councils wherever possible to allow for greater local autonomy and control.
- 4.2 Wash Common Library was closed in April 2017 following a review of the statutory service and as part of transformation proposals for the service. Whilst a library in this location is not an essential requirement in terms of the Council's statutory responsibilities to provide library services, it was well liked and supported by local residents.
- 4.3 Local community members have formed a charity and are seeking full Charitable Incorporated Organisation (CIO) status with the purpose of establishing a volunteer run community library in the building. The West Berkshire Library Service will donate all the book stock, shelving and the furniture that was in the library when it closed, to the charity but will have no other connection, financial or operational, with the community library.
- 4.4 Wash Common Ward Members along with Newbury Town Councillors sought to find opportunities to reopen the library building and provide a wider community hub resource. There is good agreement and joint working between Friends of Wash Common Library and Newbury Town Council to see this venture succeed.

5. Proposal

Transfer on short 5-year lease

- 5.1 The proposal is to seek to transfer the leasehold for Wash Common Library to Newbury Town Council on a 5-year full repairing and maintaining lease. The Heads of Terms have been drafted to reflect the requirements.
- 5.2 There is currently a proposal to charge a minimum peppercorn rent of £1 per annum to Newbury Town Council (NTC) on the basis the Council has divested itself of the building and all revenue and capital responsibilities are passed across to NTC.
- 5.3 There will be no revenue costs to this Council associated with the transfer of the asset to NTC. The freehold of the building itself will remain in the ownership of West Berkshire Council. This follows the model the Executive recently agreed with Hungerford Town Council in relation to Hungerford Library.

Community library operation

- 5.4 The library service will be run by the Friends of Wash Common Library, staffed entirely by volunteers. Newbury Town Council will have the appropriate Service Level Agreement with this group to allow for the building to be primarily used for this purpose.
- 5.5 All the book stock, shelving and furniture that was in the library when it closed will be donated to the charity. The building also includes telephone access, an intruder alarm and staff toilet which would all be maintained as part of the agreement.
- 5.6 The library will be entirely independent of the West Berkshire Library Service. However, both parties are keen to develop ways in which they can work in partnership provided the Council incurs no costs. For example, the Friends of Wash Common Library could raise money to buy book stock via the Council's bulk purchasing arrangements, and some training of volunteers may also be possible.

Revenue costs

- 5.7 The revenue costs of operating the building as a library have already been provided to NTC and the Friends of Wash Common Library. These equate to £7,600 per annum and these savings have already been realised by this Council and will need to be covered by the charity through fundraising.
- 5.8 The Friends of Wash Common Library have developed a business plan setting out how they will fund their activities and cover their running costs to ensure a sustainable service. NTC will provide the financial backing for the necessary building maintenance and insurance.
- 5.9 The Friends of Wash Common Library have already received pledges of £6k from local residents to support the library. They also have approached Greenham Trust about a grant funding and have obtained a positive initial response indicating their likely support for the project.
- 5.10 The group would be equally be eligible for a single time Community Solutions Fund grant for any initial capital costs or small repairs required to the building prior to transfer.
- 5.11 The group has also been investigating further income generating ideas including art classes and working with other community groups to fully maximise the use of the venue.

Risk Assessment

- 5.12 There is little risk associated with this proposal. Currently the building is vacant and is seen by the local community as a wasted asset. This could be utilised and managed by the Friends of Wash Common Library for community purposes at no cost to West Berkshire Council.

- 5.13 The condition of the building has been assessed and there isn't any significant repair work required. Newbury Town Council Members have also inspected the building on 22 March 2018.
- 5.14 A short-term lease of 5 years appears to be an appropriate timeframe for trialling the service and testing the residents' commitment to using this facility, including opportunities to expand its use as a community hub. Newbury Town Council is looking to commit to take over the responsibilities for the building including all necessary insurances.
- 5.15 Newbury Town Council has confirmed they have the necessary Public Liability Insurance with cover up to £5 million for the transfer of this asset.
- 5.16 This proposal has already passed through all the Council's internal committees before coming to the Executive for the final approval.

6. Conclusion

- 6.1 This proposal provides an opportunity for the community to develop a community library and hub with the assurance that Newbury Town Council will cover the building maintenance and insurance costs as necessary.
- 6.2 The Executive Committee is asked to consider the transfer of this asset to Newbury Town Council and allow for this joint venture with the local community. The risks are relatively low considering the short term nature of the lease (expiring in 5-years) and the freehold of the building remaining with West Berkshire Council.
- 6.3 The proposal helps to utilise a vacant building without any revenue implications for West Berkshire Council. This report is seeking a decision to progress this proposal now the backing from Newbury Town Council has been confirmed.

Appendices

- 6.4 Appendix A – Equalities Impact Assessment

Appendix A

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:***
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;***
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; this includes the need to:***
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;***
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;***
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.***
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.***
- (5) Compliance with the duties in this section may involve treating some persons more favourably than others.”***

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:	To consider issuing a short-term lease for the Wash Common library building to Newbury Town Council in order to allow the Friends of Wash Common Library group to run a part-time library service.
Summary of relevant legislation:	Cities and Local Government Devolution Act, 2016
Does the proposed decision conflict with any of the Council's key strategy priorities?	This is consistent with the Council Strategy priority to help communities to help themselves.
Name of assessor:	Jo Naylor
Date of assessment:	4/5/18

Is this a:		Is this:	
Policy	No	New or proposed	Yes
Strategy	No	Already exists and is being reviewed	No
Function	No	Is changing	Yes
Service	No		

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	Better use of a community facility for a volunteer led library service.
Objectives:	Provision of a small library/book exchange provision.
Outcomes:	Local library provision reinstated. Use of community volunteers to run a service.
Benefits:	This proposal will respond to the community request for a small library in this location but will be done without any cost to WBC.

2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.

(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)

Group Affected	What might be the effect?	Information to support this
Age	Positive	See comment section below for justification.
Disability	Positive	
Gender Reassignment	Positive	
Marriage and Civil Partnership	Positive	
Pregnancy and Maternity	Positive	
Race	Positive	
Religion or Belief	Positive	
Sex	Positive	
Sexual Orientation	Positive	
Further Comments relating to the item:		
Proposal will have a positive impact on ALL groups – as it will result in a more accessible service for all groups - indiscriminate of race, gender, age, disability, etc.		

3 Result

Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?

No

Please provide an explanation for your answer:

Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?

No

Please provide an explanation for your answer:

If your answers to question 2 have identified potential adverse impacts and you have answered ‘yes’ to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area.

You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4 Identify next steps as appropriate:	
Stage Two required	No
Owner of Stage Two assessment:	N/A
Timescale for Stage Two assessment:	N/A

Name: Jo Naylor

Date: Rachel Craggs

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.