

4 March 2011

By e mail to:
Cllr James Powney
Sue McKenzie
London Borough of Brent
libraryconsultation@brent.gov.uk

cc. Fiona.ledden@brent.gov.uk

Dear Cllr Powney and Ms McKenzie

Consultation on Libraries Transformation Project 2010

I am one of the many local residents who use **Kensal Rise Library** which is the closest one to where I live. It is threatened with closure, as you know. I have sent a consultation response objecting to that using the online questionnaire and made some of my concerns known by other means. However, I want to take this last opportunity before the consultation closes tonight to:

1. express my concern that the consultation process is deeply flawed (a concern I would like taken into account as a further consultation response);
2. ask that the Council's monitoring officer (to whom this is copied) reviews the process so that she can advise you on whether it is, in fact, unlawful and maladministrative; and
3. ask that the current process be abandoned and the Libraries Transformation Project be consulted upon afresh in a fair, transparent and lawful way.

Please acknowledge receipt of this e mail as a response and provide me with a substantive answer to my two requests.

Time does not permit me to detail every concern I have about the consultation process. However, examples of my most serious concerns are set out below.

The first set of concerns is about the written consultation proposals. In law, what is proposed and the consequences must be sufficiently clear to enable those who are being consulted to make a proper, informed response. The proposals you have made fail this basic test. Critical information is missing. In many respects they are inaccurate and in some respects they are positively misleading. For instance:

- information about number of visits to each library is inaccurate (e.g. it does not take into account large groups -schoolchildren - passing through a barrier held open);
- information about library usage is presented misleadingly as it does not take into account different opening hours;
- the costs calculations are questionable and questions that have been asked about them by some in the community have not been answered promptly

enough to allow proper representations to be made in my own and others' consultation responses;

- the proposal and other associated documentation simply that the Town Hall and Willesden Green libraries are to remain open (and therefore usable) for the foreseeable future in the event that the preferred option is adopted, but in reality the Council has separate plans to close them for significant periods of time, decreasing further the availability of libraries and the distance many people will have to travel to get to them;
- the proposal and other associated documentation suggest that capital sums will be raised from building sales, subject to covenants, but there is no analysis of whether those covenants make a commercial sale impossible (e.g. in Kensal Rise this is prohibited);
- there are references to the significance of the proposals for "emerging localities", a concept which I and many other people simply do not understand.

My second set of concerns is about the impact of what is proposed not having been assessed in any meaningful way and reflected in the proposal and other associated documentation so as to enable a response. In contrast to well established (and Equality Commission-approved) practice, no impact assessment either in a draft or final form has been produced to accompany the proposals so as to enable the community to understand and respond to the real impact their implementation will have. Instead it is suggested that an impact assessment will be supplied only to the decision makers (i.e. the Cabinet) for its 11 April meeting.

To properly understand the impact of these proposals (for the purposes of its duties under section 7 of the Public Libraries and Museums Act 1964, section 71 of the Race Relations Act 1976, section 49 A of the Disability Discrimination Act 1995 and Section 76A of the Sex Discrimination Act 1976) the Council ought to have already:

- collected and considered data and information in relation to the people directly and indirectly affected by the proposals;
- ensured that data and information is sufficient to enable the Council to assess whether the decision might amount to unlawful discrimination and/or might impact on the promotion of equality of opportunity and/or might impact on the promotion of good relations; and
- if there may be an impact (as there is), demonstrate that it properly appreciate the extent, nature and duration of that impact.

These things must happen when proposals of this kind are at the formative stage, not on the eve of the decision, as is intended. Moreover, as the decision will take place after 6 April 2011, additional duties arise under section 149 of the Equality Act 2010.

Thirdly, this is not a fair consultation process that has been completed when the proposals are at a formative stage, nor when the minds of those in the Cabinet are open. I say that because:

- a number of statements have been made by those involved in the decision-making process which indicate to any fair minded observer that they have, in fact, predetermined its outcome; and
- the Council has set its budget on the basis that savings will be made from the closure of my library.

On this last point, it is no answer to say that the budget is only provisional and that the Cabinet might make a different decision, which would lead to my library remaining open and decide to make savings elsewhere. That is because none of the options consulted upon envisages my local library remaining open and the savings that are needed being made in some other way (for example, by reducing opening hours or books expenditure of all of Brent's libraries, or seeking outside funding to support some libraries). Even if the Cabinet was still genuinely prepared to consider consultation option 7 - status quo (and I do not believe it is), the effect of this week's budget decision is that it cannot do so lawfully because no alternative option to make the savings considered necessary for option 7 to be viable has been put forward let alone made the subject of consultation. In reality the budget decision has made the consultation process redundant.

I feel very strongly about the proposed closure of my library. It is wrong and the effects on community cohesion, literacy and cultural life will be profound and irreversible. My voice is not being heard because of this flawed procedure and the effects on me and my community are not being taken into account either. I urge you to abandon the consultation for now, confirm that the library will remain open in the meantime, reframe the proposals so that they are based on accurate information, assess the impact of the different options put forward and then, when these essential preliminaries have been attended to, re-consult with an open mind. My library is a community asset. A fair process is mandatory before any decision about whether to close it is made.

Yours sincerely,

Margaret Bailey
Co-Chair Friends of Kensal Rise Library