

NOTICE OF MEETING

OVERVIEW AND SCRUTINY COMMITTEE

Tuesday, 11th July, 2017, 7.00 pm - Civic Centre, High Road, Wood Green, N22 8LE

Members: Councillors Charles Wright (Chair), Pippa Connor (Vice-Chair), Tim Gallagher, Kirsten Hearn and Emine Ibrahim

Co-optees/Non Voting Members: Yvonne Denny (Co-opted Member - Church Representative (CofE)), Luci Davin (Parent Governor representative) and Uzma Naseer (Parent Governor Representative)

Quorum: 3

1. **FILMING AT MEETINGS**

Please note that this meeting may be filmed or recorded by the Council for live or subsequent broadcast via the Council's internet site or by anyone attending the meeting using any communication method. Although we ask members of the public recording, filming or reporting on the meeting not to include the public seating areas, members of the public attending the meeting should be aware that we cannot guarantee that they will not be filmed or recorded by others attending the meeting. Members of the public participating in the meeting (e.g. making deputations, asking questions, making oral protests) should be aware that they are likely to be filmed, recorded or reported on.

By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings.

The chair of the meeting has the discretion to terminate or suspend filming or recording, if in his or her opinion continuation of the filming, recording or reporting would disrupt or prejudice the proceedings, infringe the rights of any individual or may lead to the breach of a legal obligation by the Council.

2. **APOLOGIES FOR ABSENCE**

3. **URGENT BUSINESS**

It being a special meeting of the Sub Committee, under Part Four, Section B, Paragraph 17, of the Council's Constitution, no other business shall be considered at the meeting.

4. DECLARATIONS OF INTEREST

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and
- (ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct

5. DEPUTATIONS/PETITIONS/PRESENTATIONS/QUESTIONS

To consider any requests received in accordance with Part 4, Section B, paragraph 29 of the Council's constitution.

6. CALL-IN: PROPOSED RELOCATION OF HIGHGATE LIBRARY SERVICE (PAGES 1 - 32)

- a. Report of the Monitoring Officer
- b. Report of the Strategic Director of Regeneration, Planning and Development (to follow)
- c. Appendices:
 - Copy of call-in
 - Excerpt from the draft minutes of the Cabinet meeting held on 20 June 2017
 - 20 June 2017 Cabinet report – Proposed relocation of Highgate Library Service

7. EXCLUSION OF THE PRESS AND PUBLIC

Item 8 is likely to be the subject of a motion to exclude the press and public from the meeting as it contains exempt information as defined in Section 100a of the Local Government Act 1972; Para 3 – information relating to the business or financial affairs of any particular person (including the authority holding that information).

8. CALL-IN: PROPOSED RELOCATION OF HIGHGATE LIBRARY SERVICE (PAGES 33 - 34)

To consider exempt information pertaining to item 6 of the agenda.

Philip Slawther, Principal Committee Co-ordinator

Tel – 020 8489 2957

Fax – 020 8881 5218

Email: philip.slawther@haringey.gov.uk

Bernie Ryan

Assistant Director – Corporate Governance and Monitoring Officer

River Park House, 225 High Road, Wood Green, N22 8HQ

Friday, 07 July 2017

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Report for: Special Overview and Scrutiny Committee
11 July 2017

Title: Monitoring Officer's Report on the Call-In of a decision taken by the Cabinet on 20th June 2017 relating to the proposed relocation of Highgate Library Services and disposal of the existing library site

Report authorised by : Bernie Ryan, Monitoring Officer

Lead Officer: Raymond Prince, Deputy Monitoring Officer

Ward(s) affected: Highgate

**Report for Key/
Non Key Decision:** Key Decision

1. Describe the issue under consideration

To advise the Overview and Scrutiny Committee on the call-in process, and in particular whether the decision taken by the Cabinet on 20th June 2017 relating to the proposed relocation of Highgate Library Services and disposal of the existing library site is within the policy and budgetary framework.

2. Cabinet Member Introduction

N/A

3. Recommendations

That Members note:

- a. The Call-In process;
- b. The advice of the Monitoring Officer and Chief Financial Officer that the decision taken by the Cabinet was inside the Council's policy and budgetary framework.

4. Reasons for decision

The Overview and Scrutiny Committee is expected to take its own decision with regard to whether a called-in decision is outside or inside the policy and budgetary framework when considering action to take in relation to a called-in decision.

5. Alternative options considered

N/A

6. Background information

Call-in Procedure Rules

- 6.1.** The Call-In Procedure Rules (the Rules) appear at Part 4, Section H of the Constitution, and are reproduced at [Appendix 1](#) to this report. The Rules provide that any 5 Members may request a Call-In even though they do not claim that the original decision was in any way outside the Council's budget/policy framework. Members requesting a Call-In must give reasons for it and outline an alternative course of action. However it is not necessary for a valid Call-In request to claim that The Cabinet, Leader or Cabinet Member acted outside its powers.
- 6.2.** The Rules require the Monitoring Officer to rule on the validity of the request at the outset. The Deputy Monitoring Officer, acting for and on behalf of the Monitoring Officer at his request, has ruled that this Call-In request complies with all the 6 essential criteria for validity. Accordingly, the need arises for the Monitoring Officer and/or the Chief Financial Officer to prepare a report for the Overview and Scrutiny Committee (OSC) advising whether the decision does fall inside or outside of the policy or budget framework.
- 6.3.** The Rules further prescribe that once a validated call-in request has been notified to the Chair of OSC, the Committee must meet within 10 working days to decide what action to take. In the meantime, all action to implement the original decision is suspended.
- 6.4.** If OSC Members determine that the original decision was within the policy framework, the Committee has three options:
- (i) to not take any further action, in which case the original decision is implemented immediately.
 - (ii) to refer the original decision back to Cabinet as the original decision-maker. If this option is followed, the Cabinet must reconsider their decision in the light of the views expressed by OSC within the next five working days, and take a final decision.
 - (iii) to refer the original decision on to full Council. If this option is followed, Full Council must meet within the next 10 working days to consider the call-in.
- 6.5.** Full Council can then decide to either:
- take no further action and allow the decision to be implemented immediately, or
 - to refer the decision back to the Cabinet for reconsideration. The Cabinet's decision is final
- 6.6.** If OSC determine that the original decision was outside the budget/policy framework, it must refer the matter back to the Cabinet with a request to reconsider it on the grounds that it is incompatible with the policy/budgetary framework.

6.7. In that event, the Cabinet would have two options:

- (i) to amend the decision in line with OSC's determination, in which case the amended decision is implemented immediately.
- (ii) to re-affirm the original decision, in which case the matter is referred to a meeting of full Council within the next 10 working days. Full Council would have two options:
 - to amend the budget/policy framework to accommodate the called-in decision, in which case the decision is implemented immediately, or
 - to require the decision-maker to reconsider the decision again and to refer it to a meeting of the Cabinet, to be held within five working days. The Cabinet's decision is final.

The Policy Framework

6.8. A definition of The Policy Framework is set out in the Constitution at Article 4 of Part Two (Articles of the Constitution) which is reproduced as follows:

"Policy Framework

These are the plans and strategies that must be reserved to the full Council for approval:

- *Annual Library Plan*
- *Best Value Performance Plan*
- *Crime and Disorder Reduction (community safety) Strategy*
- *Development Plan documents*
- *Youth Justice Plan*
- *Statement of Gambling Policy*
- *Statement of Licensing Policy*
- *Treasury Management Strategy*

Any other policies the law requires must be approved by full Council.

Such other plans and strategies that the Council agrees from time to time that it should consider as part of its Policy Framework:

- *Housing Strategy"*

6.9. The policy framework is intended to provide the general context, as set by Full Council, within which decision-making occurs. In an Executive model of local government, the majority of decisions are taken by the Executive – in Haringey's case this being the Cabinet/Leader/Cabinet member. Under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 the determination of a matter in the discharge of an Executive function nonetheless becomes a matter for the Full Council if the proposed determination would be contrary to a plan or strategy adopted or approved by the full Council in relation to the function in question. Case law makes it clear that it would not be a proper use of a Full

Council approved plan or strategy to seek to make it a means for Full Council to micro-manage what ought to be Executive decisions.

- 6.10.** OSC is required to have regard to the contents of this report and to any advice. However, it is for Members to determine whether the decision is inside or outside of the policy / budget framework. This decision should be the subject of a separate specific vote, and it should be expressly minuted.

7. Current Call-In

- 7.1.** On 27th June 2017, a call-in request was received in relation to the Cabinet decision taken by the Cabinet on 20th June 2017 relating to the proposed relocation of Highgate Library Services and disposal of the existing library site. A copy of the public report to Cabinet is reproduced at Appendix 2 to this report. A copy of the published draft minutes of the Cabinet meeting is reproduced at Appendix 3 to this report. A copy of the call-in request is reproduced at Appendix 4 to this report.
- 7.2.** The request asserts that the decision was not outside the policy or budget framework.

8. The Monitoring Officer's Response

- 8.1.** The Monitoring Officer agrees that this decision falls within the policy framework. The decision taken by Cabinet is expressed to have been one taken in principle, and on the basis that a further report will be presented to Cabinet for a final decision to be made on the proposal. This is compliant with the Council's Budget and Policy Framework as set out in Part Four Section E of the Constitution. Any final decisions taken by Cabinet in this report are within its powers and terms of reference.

9. The Chief Financial Officer's Response

- 9.1.** The call-in request states it does not claim the decision is outside the budget framework. The Interim Deputy Chief Executive, in her capacity as Chief Financial Officer, agrees with this view on the basis that recommendations in the report are in line with the Council's Budgetary & Policy Framework Procedure Rules set out in Part 4 Section E of the Council's Constitution.

10. Contribution to strategic outcomes

N/A

- 11. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)**

Finance and Procurement

The Chief Financial Officer's views are set out above.

Legal implications

The Monitoring Officer's views are set out above.

Equality

N/A

12. Use of Appendices

Appendix 1 Call-In Procedure Rules

Appendix 2 Cabinet report dated 20th June 2017

Appendix 3 Published draft minutes of the Cabinet meeting

Appendix 4 Copy call-in request

13. Local Government (Access to Information) Act 1985

N/A

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'CALL IN' OF DECISIONS OF THE CABINET

This form is to be used for the 'calling in' of decisions of the above bodies, in accordance with the procedure set out in Part 4 Section H.2 of the Constitution.

TITLE OF MEETING	Cabinet
DATE OF MEETING	20 th June 2017
MINUTE No. AND TITLE OF ITEM	Item 12, Proposed Relocation of Highgate Library Service

1. Reason for Call-In/Is it claimed to be outside the policy or budget framework?

It is not claimed to be outside of the policy or budget framework.

Reasons for call-in:

1. The feasibility study/business case for the potential move of the Highgate Library Service to Jacksons Lane has not been completed or published.
2. The Cabinet clearly stated they the Council will not undertake a public consultation on the proposed move of the service and the sale of Highgate Library site. This is despite a very similar plan to move Muswell Hill library service and sell the library site being the subject of a full public consultation.
3. The local community and Highgate Library user groups have clear concerns about the plans, with a petition against the move signed by over 2,000 local people.
4. We believe that if the Council proceeds with this decision without public consultation, there could be a legal challenge of the decision.
5. We are concerned that the Cabinet report suggests combining the Highgate Library site with neighbouring TfL land for sale and development. The land includes Metropolitan Open Land, which we believe should not be built on. We also have concerns for the future of the locally listed Highgate Library building and that any development may not respect local heritage and conservation concerns.

2. Variation of Action Proposed

1. The Liberal Democrats believe the Cabinet should not be making an 'in-principle' decision to dispose of the Highgate Library site for a potential move of the library service to Jacksons Lane. We are asking for this decision to be halted and for Cabinet to think again.


We understand that the Council wishes to support the Jacksons Lane bid for funding from the Arts Council and that match funding is required. The centre provides many services to local people and is an important arts centre.

We suggest the £1m of Council match funding required for the Arts Council bid can be found in the capital fund. For example, the Marsh Lane Depot project is currently under review and over £8m of funding for this project remains unspent. (see Appendix 2 of item 11 of Cabinet meeting of 20th June).

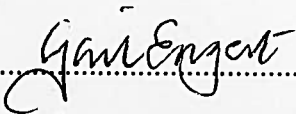
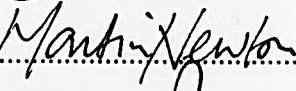
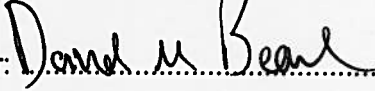

If our first alternative action is rejected:

2. We believe a feasibility study must be published and a full public consultation done, before, not after, any decision ('in-principle' or not), is made to sell Highgate Library site or move the library service.

Signed:

Councillor:  (Please print name): CLIVE CARTER

Countersigned:

- 1. Councillor:  (Please print name): GAIL ENGERT
- 2. Councillor:  (Please print name): MARTIN NEWTON
- 3. Councillor:  (Please print name): DAVID BEACHAM
- 4. Councillor:  (Please print name): VIV ROSS

Date Submitted:

Date Received :

(to be completed by the Democratic Services Manager)

Notes:

- 1. Please send this form to:
 Michael Kay (on behalf of the Proper Officer)
 Democratic Services and Scrutiny Manager
 5th Floor
 River Park House
 225 High Road, Wood Green, London N22 8HQ
 Tel: 8489 2920
 Fax: 020 8881 5218

This form must be received by the Democratic Services and Scrutiny Manager by 10.00 a.m. on the fifth working day following publication of the minutes.

- 2. The proper officer will forward all timely and proper call-in requests to the Chair of the Overview and Scrutiny Committee and notify the decision taker and the relevant Director.
- 3. A decision will be implemented after the expiry of ten working days following the Chair of Overview and Scrutiny Committee's receipt of a call-in request, unless a meeting of the Overview and Scrutiny Committee takes place during the 10 day period.
- 4. If a call-in request claims that a decision is contrary to the policy or budget framework, the Proper Officer will forward the call-in requests to the Monitoring Officer and /or Chief Financial Officer for a report to be prepared for the Overview and Scrutiny Committee advising whether the decision does fall outside the policy or budget framework.

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MINUTES OF MEETING CABINET HELD ON Tuesday, 20th June, 2017 6.30pm

PRESENT:

Councillors: Claire Kober (Chair), Peray Ahmet, Eugene Ayisi, Ali Demirci, Joe Ejiofor, Joe Goldberg, Alan Strickland and Elin Weston

ALSO ATTENDING: Councillors: Carter, Newton, M Blake, Connor

10. DEPUTATIONS/PETITIONS/QUESTIONS

The Leader advised the meeting that two deputations had been received in relation to item 12 on the agenda, proposed relocation of Highgate Library service.

Deputation 1 -Save Highgate Library

The first deputation was from the Save Highgate Library Group, and the Leader invited the group's deputation spokesperson, Natasha Sivanandan to put forward the group's representations.

The group was in opposition to the relocation of Highgate Library service and to the potential future disposal of the site. They referred to the gathering local concern about the future of Highgate Library, reflected in a petition that had collected over 2000 signatures in a three-week period.

Ms Sivanandan spoke about the benefits of the Highgate Library for the community and attributed reduced attendance to the closure of the Library on Saturdays. It was further contended that adding a Library service to a multiple use arts centre would not work well and there was no obligation on Jacksons Lane to provide a Library on site.

The group questioned the public engagement being led by the architect as they felt this constituted a conflict of interest. They questioned why a Council led public consultation had not been held before an in principle decision was being put forward to Cabinet.

It was felt that taking an in principle decision to relocate the Library and dispose of the Highgate Library building was premature and would be difficult to deescalate once taken, and would also not allow consideration in future to opposing views.

The group called on the Cabinet to consider the unique aspects of Highgate Library, the important role of libraries in the community and asked Cabinet not to ignore the views of local people. They asked that no in principle decisions are taken before a public consultation exercise.

The Leader thanked the deputation party and responded to the representations.

The Leader began by highlighting the cuts imposed on Councils over the last 7 years which had resulted in a 40% reduction in Council budgets and meant the Council had had to re-assess how it delivered services. The Council had always been committed to a universal public service offer and Libraries were at the core of this offer as a place to learn and socialise. The Cabinet report highlighted the care given to Library provision and the fact that no Libraries had closed in the past 7 years was evident of this commitment.

However, it was important for the Council to give regard to the falling numbers of Library visitors, across the country and the new and emerging priorities for local people, also ensuring that Libraries were fit for purpose in the 21st century.

The Leader further emphasised that the arrangement being sought with Jacksons Lane Arts Centre was co-location of the Library and not a merger. A feasibility study was being conducted to ensure that there was dedicated space for the Library that is accessible and allows quite study and social activities. The feasibility study was being conducted with an open mind, expected to complete by the end of July/ early August. An in principal decision was being sought to provide the Arts Council some certainty that co-location was being explored, to aid JLAC's capital funding bid.

The Leader was clear that if the feasibility study did not find the co location suitable, it would not be taken forward and the £1m capital funding found elsewhere by the Council to support Jackson's Lane Art Centre bid.

Deputation 2- Highgate Library Action Group

The Leader invited Sue Chinn to put forward the representations of the Highgate Library Action Group.

- The Group felt that the decisions being taken by Cabinet were premature before a feasibility study was completed and asked that the report be withdrawn.
- The Group commended the petition that was being collated by the Save the Highgate Library Group which had encouraged more users to the Library.
- The Group were unhappy with the report mentioning the disposal of the Library before a feasibility study had been completed. They felt that this undermined the process and was pre determination . This also resulted in a lack of future security for the Highgate Library service with these decisions on record .
- The Deputation contended that a co-location exercise would still need involve engagement with HLAG and Jacksons Lane Art Centre Group before an agreement was reached therefore an in principle decision should not be taken. HLAG further questioned what would happen to the Library if the Jacksons Lane site was sold.
- The Deputation also felt that the public did not trust the process, as although the Council were not disposing of the building, at the present time, the recommendations gave them the option of doing this at a later date.

- The Group further questioned the future of Highgate Library with the decisions being put forward and the precedence of these decisions for other small libraries that may have disability access issues.

The Leader thanked the deputation and recognised the Highgate Library Action Group had dedicated a lot of time energy along to supporting the Library over the years.

The Leader reiterated that, if the scheme to relocate the existing Highgate Library service to Jacksons Lane Arts Centre proves not to be feasible, the Council will not dispose of the existing Library site and will find the £1m capital match funding for Jackson's Lane elsewhere. If the feasibility study was positive, on the co-location, then the Library service would need to fully relocate before the existing site is disposed of.

12. PROPOSED RELOCATION OF HIGHGATE LIBRARY SERVICE

The Leader introduced the report which was seeking an in principle agreement from Members to the relocation of Highgate Library, to Jacksons Lane Arts Centre and was further seeking an in principle agreement to the disposal of the freehold of the existing Highgate Library site following a successful relocation of the library which would be through the Highgate Library Service Relocation Project ("the Scheme").

In response to Councillor Carter's questions the following information was noted:

- That an in principle decision was being sought on disposal before the feasibility study was completed, to provide comfort to the Arts Council, of the Council match funding the capital funding bid from Jackson's Lane Arts Centre.
- Assurance that the community in Highgate will continue to have a Library service fit for purpose in the 21 century.
- That there would be a future consultation on the relocation of the Library and Highgate library offer, subject to a positive feasibility study.
- Jacksons Lane Arts Centre can acquire their building lease as any other community organisation in the borough can do. A Community Asset Transfer Policy for community buildings which sets out terms for transfer to a private or community organisation would be due for decision at July Cabinet.

RESOLVED

1. To agree in principle to the Scheme to relocate from the existing Highgate Library service (shown edged red on the plan at Appendix B) to Jacksons Lane Arts Centre (shown edged red on the plan at Appendix A) subject to a feasibility study to be approved at a later meeting of Cabinet, but in considering this recommendation, Members are referred to the legal comments of the Assistant Director of Corporate Governance at paragraph 8.2 in the attached report.

2. To agree that the Highgate Library site (as shown edged red on the plan at Appendix B) be reviewed on the basis that it is surplus to requirements and that the freehold interest can be disposed of, subject to the existing Highgate Library service being able to relocate to the JLAC and to submit a further report to Cabinet with the proposed terms for the disposal of the site for approval;
3. To agree that costs associated with necessary condition works to JLAC and all costs associated with relocating the library service to JLAC (including fit out and fees) will be funded by the capital programme but to the maximum total amount of the capital receipt obtained from the disposal of the existing Highgate Library site (valuation letter for the disposal can be found at Appendix C, which is the Part B Exempt Report) and the new Library service will continue to be managed by the Council. The Council's contribution will include £1m of match funding, which will be alongside Arts Council funding and JLAC other funding sources. The total funding contribution from the Council will be part of a later report presented to Cabinet;
4. To agree to the inclusion of a new scheme (Jackson Lane Arts Centre Enhancement & Highgate Library Service Relocation project) within the approved capital programme.

Reasons for Decision

The opportunity to relocate the existing library service in Highgate to JLAC has been presented to the Council and has the potential to significantly improve the current offer to the community by improving the library environment and technology available and also presenting a more coherent approach to the wider community offer in the area.

There is currently very limited funding for improvements to the existing Highgate Library service. The relocation of the library service will make capital available to support an enhanced library space on the JLAC site and complement the Arts Council funding which is being sought to support refurbishment and condition works at JLAC.

The JLAC is a Grade 2 listed former church building for which the Council has freehold ownership. The lease to the JLAC expired on the 11th August 2013 and they are holding over on the lease and have a right of renewal under the Landlord and Tenant Act 1954. The building is in a poor state of repair with a number of condition issues and a backlog of repairs and maintenance. The Arts Council funding therefore provides the opportunity for capital to be available to prioritise these condition works to be completed at the earliest opportunity.

A timely decision on this opportunity is required in order for the library service relocation to be included in a variation to the existing Arts Council funding bid.

Alternative options considered

Do nothing: If the Council chooses to not progress this opportunity it will only make minor improvements to the library services in Highgate. There will not be the same partnership opportunities with JLAC to provide a more collaborative approach to the

arts and cultural offer within the local area. In addition to this without the match funding to the Arts Council bid, the JLAC building does not have an opportunity to become more accessible, efficient and sustainable, nor does it have the capacity for growing audiences and intensifying use. The lack of condition works could make some areas of the building increasingly unusable and therefore the Council as Landlord would need to address these concerns, but without adequate budget for medium or long term improvements.

The appraisals include recommendations for revisions to the Conservation Area boundaries as per the statutory duty under Section 69 of Listed Buildings and Conservation Areas Act 1990). The Council must ensure that designated conservation areas are of sufficient special architectural or historic interest to warrant designation, in line with the National Planning Policy Framework (paragraph 127) and Historic England guidelines.

23. PROPOSED RELOCATION OF HIGHGATE LIBRARY SERVICE

As per item 12

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Report for: Cabinet 20 June 2017

Item number: 12

Title: Proposed Relocation of Highgate Library Services and disposal of the existing Library site

Report

authorised by : Lyn Garner, Strategic Director Regeneration, Planning & Development
Tracie Evans, Chief Operating Officer

Lead Officer: Laura Bridges, Head of Strategic Property

Ward(s) affected: Highgate

Report for Key/

Non Key Decision: Key

1. Describe the issue under consideration

- 1.1 The council is committed to establishing a modern day library service that is fit for purpose and is therefore investing in the network of nine libraries. Over recent years, the council has successfully invested £5m in transforming Marcus Garvey and Wood Green Libraries, integrating these key sites with Customer Service Centres. Over the next two years the council will make further investment into Hornsey Library and improve IT services across the network of branch Libraries.
- 1.2 Opportunities for improved libraries are continually being sought and Wood Green Library will be redeveloped as a part of the council's new office project and at the same time the High Road West scheme will see Coombs Croft Library redeveloped.
- 1.3 The council currently operates a library service at 1 Shepherd's Hill in Highgate; a building which is owned freehold by the council
- 1.4 The council has been approached by Jacksons Lane Arts Centre (JLAC) with a potential opportunity to relocate the Highgate Library service to within their centre (shown edged red in the plan at Appendix A) as a part of a wider plan to modernise and improve their arts and cultural facilities and enhance their position as a local cultural hub. This building is also owned freehold by the council.
- 1.5 It is important for the council to explore and consider all opportunities that are presented, especially as many of the community branch libraries are in aging and in some cases inaccessible buildings. Highgate, despite being in an attractive building, is no exception.
- 1.6 JLAC has submitted a bid to the Arts Council to secure capital funding to undertake condition and improvement works to their existing centre, the successful determination of which depends on match funding from the council as a minimum requirement. The Centre would now like to add the relocation of the Highgate Library

service to their bid in order to enhance both the library and cultural offer in the area and to secure capital funding to deliver these enhancements.

- 1.7 The council is committed to retaining a core library service in the Highgate area and welcomes opportunities for library services to be improved.
- 1.8 An agreement is being sought from Members to approve this relocation in principle and agree to the disposal of the freehold of the existing Highgate Library site following the successful relocation, being the Highgate Library Service Relocation Project (“the Scheme”).

2. Cabinet Member introduction

Cabinet Member for Adult Social Care & Culture

- 2.1 Haringey is one of the few boroughs in the country that has continued to protect and improve our libraries. We are committed to improving our Library services and cultural offer across the Borough and we therefore welcome proposals such as this one to enhance our cultural offer.
- 2.2 Jacksons Lane Arts Centre is popular with local people and has a vast cultural offer. The relocation of Highgate Library services to the Arts centre building opens up some significant opportunities to enhance the wider community offer in the local and wider North London area.
- 2.3 We want our libraries to be fully accessible, however there are community use areas in the existing Highgate Library building which are not accessible to all as they are located on the first floor, this is a real problem and this relocation proposal should be given serious consideration because not only could it enhance the community activities on offer, but also significantly improve accessibility making it open for a larger portion of the community to enjoy.
- 2.4 Over recent years library usage has declined nationally and Highgate Library is no exception to this as data shows there were 68,206 visitors in 2012/13 financial year and this dropped to 56,010 in 2016/17 financial year. Relocating the library is an opportunity to increase visitor numbers as it will help breathe new life into the library by increasing both the cultural and community offer and make it available to all.
- 2.5 It is important this relocation improves the library service by creating more modern and fit for purpose spaces and should the high level business case demonstrate the project is viable I look forward to seeing the design proposals for an improved Highgate Library.

Cabinet Member for Corporate Resources

- 2.6 The existing Highgate Library building located on Shepherd’s Hill is owned by the council and we are responsible for all repairs and maintenance on this aging building. The opportunity presented enables the council to consolidate their holdings and therefore be responsible for a single site rather than two (1 Shepherd’s Hill and Jacksons Lane Arts Centre).
- 2.7 By consolidating our holdings we will reduce the longer term liability to the council as the existing Highgate Library building can be disposed of. This receipt can be contributed to fund the creation of the new library service.

- 2.8** The recommendation to dispose of the existing Highgate Library site is only in the context the Highgate Library service has successfully relocated to the new location at Jacksons Lane Arts Centre and a report will return to Cabinet with the details of the disposal.

3. Recommendations

3.1 Members are asked to:

- 3.1.1 Agree in principle to the Scheme to relocate from the existing Highgate Library service (shown edged red on the plan at Appendix B) to Jacksons Lane Arts Centre (shown edged red on the plan at Appendix A) subject to a feasibility study to be approved at a later meeting of Cabinet, but in considering this recommendation, Members are referred to the legal comments of the Assistant Director of Corporate Governance at paragraph 8.2 below;
- 3.1.2 To agree that the Highgate Library site (as shown edged red on the plan at Appendix B) is reviewed on the basis that it is surplus to requirements and that the freehold interest can be disposed of, subject to the existing Highgate Library service being able to relocate to the JLAC and to submit a further report to Cabinet with the proposed terms for the disposal of the site for approval;
- 3.1.3 Agree that costs associated with necessary condition works to JLAC and all costs associated with relocating the library service to JLAC (including fit out and fees) will be funded by the capital programme but to the maximum total amount of the capital receipt obtained from the disposal of the existing Highgate Library site (valuation letter for the disposal can be found at Appendix C, which is the Part B Exempt Report) and the new Library service will continue to be managed by the council. The council's contribution will include £1m of match funding, which will be alongside Arts Council funding and JLAC other funding sources. The total funding contribution from the Council will be part of a later report presented to Cabinet;
- 3.1.4 Agree to the inclusion of a new scheme (Jackson Lane Arts Centre Enhancement & Highgate Library Service Relocation project) within the approved capital programme.

4. Reasons for Decision

- 4.1** The opportunity to relocate the existing library service in Highgate to JLAC has been presented to the council and has the potential to significantly improve the current offer to the community by improving the library environment and technology available and also presenting a more coherent approach to the wider community offer in the area.
- 4.2** There is currently very limited funding for improvements to the existing Highgate Library service. The relocation of the library service will make capital available to support an enhanced library space on the JLAC site and complement the Arts Council funding which is being sought to support refurbishment and condition works at JLAC.

- 4.3** The JLAC is a Grade 2 listed former church building for which the council has freehold ownership. The lease to the JLAC expired on the 11th August 2013 and they are holding over on the lease and have a right of renewal under the Landlord and Tenant Act 1954. The building is in a poor state of repair with a number of condition issues and a backlog of repairs and maintenance. The Arts Council funding therefore provides the opportunity for capital to be available to prioritise these condition works to be completed at the earliest opportunity.
- 4.4** A timely decision on this opportunity is required in order for the library service relocation to be included in a variation to the existing Arts Council funding bid.

5. Alternative options considered

- 5.1** The alternative options that have been considered can be defined as follows:
Option A - Do nothing: If the council chooses to not progress this opportunity it will only make minor improvements to the library services in Highgate. There will not be the same partnership opportunities with JLAC to provide a more collaborative approach to the arts and cultural offer within the local area. In addition to this without the match funding to the Arts Council bid, the JLAC building does not have an opportunity to become more accessible, efficient and sustainable, nor does it have the capacity for growing audiences and intensifying use. The lack of condition works could make some areas of the building increasingly unusable and therefore the council as Landlord would need to address these concerns, but without adequate budget for medium or long term improvements.

6. Background information

- 6.1** The existing Highgate Library service is located at 1 Shepherd's Hill in Highgate (owned freehold by the council) and forms one of our 9 Libraries in Haringey. Highgate is considered a branch Library. The council can only currently plan for minor ICT improvements/maintenance to the existing library during 2017/2018, although this is uncommitted at this stage. The building provides limited access to community space, which is located on the first floor.
- 6.2** The council has been approached by JLAC about a potential opportunity to relocate the library service from its existing accommodation to the JL building, which is within a two minutes walking distance from the existing site. JL is a multi-arts venue in Highgate and includes a theatre, a centre for participation and a space for theatre companies and artists to create and perform.
- 6.3** The building from which JLAC operates has a number of pressing condition issues which will require the council, as landlord of the premises, to invest capital funding to maintain the current level of operation of the site. Condition works are needed to create a sustainable future for the building, which meets the needs of users and attracts new talent. The required condition works could cost up to £1m.
- 6.4** JLAC has also for some time been looking at ways of enhancing and improving their existing arts and cultural offer through improvements to the design and fabric of the

building and has engaged with the Arts Council to explore funding opportunities to undertake condition and improvement works at their existing building.

- 6.5** JLAC has the opportunity to bid to secure £2.5m of Arts Council funding to enhance their current centre, if they are able to secure £1m in match funding. The requirement for match funding from the council has previously been considered an obstacle to Arts Council agreement. However, an initial review by JLAC has presented a potential opportunity for ground floor space to be made available in their building to relocate the library services from 1 Shepherd's Hill and JLAC would like to include this option in their funding bid to the Arts Council. JLAC are also expecting to have other smaller sources of funding available to contribute towards their necessary improvement works.
- 6.6** There is an opportunity for enhancement of the JLAC offer through improvements to the building. JLAC has undertaken a feasibility study to support their Arts Council funding bid and they are currently revising this feasibility to explore the opportunity of the Highgate Library service being located on the ground floor. The JLAC proposals within the feasibility study will include enhancements such as increasing audience capacity, M&E system improvements, make the building more accessible to public and staff, improving studio spaces, creating additional WCs, an improved cafe and new office spaces that can be let, There is a strong synergy between the library functions and the wider cultural offer with learning and collaboration opportunities; strong cultural cross-referencing and enhanced user and audience experience.
- 6.7** JLAC is leading on the feasibility work to support their Arts Council funding bid, including the relocation of the Highgate Library service. The Arts Council needs assurance from this report that that match funding will be provided. The council is regularly meeting with JLAC to review progress of the study and the council will provide a quality assurance role throughout this process.
- 6.8** This also presents a real opportunity for the library service to be improved by being located in a newly refurbished space, the potential for more accessible community space (currently the community meeting rooms and classrooms in the existing library building are located on the first floor and the building does not have a lift) and for a more collaborative approach to community, cultural and educational activities. The key objectives/criteria that will be met by the library relocation are as follows:
- Relocation of the library service provided in an improved space with enhanced technology
 - Offering access to a wider range of facilities and activities
 - Aiming to match floorspace provided at the ground floor of the existing library
 - Dedicated entrance to the library/own address
 - Library service still run by LBH supporting Arts Council funding bid
- 6.9** The existing Highgate Library building is currently owned freehold by the council and is not included in the portfolio of sites for the Haringey Development Vehicle (due to be formed this year). The building has accessibility issues as those unable to use the stairs cannot access the upper floor, which is the part of the building designated for community uses.
- 6.10** Both Highgate Library and JLAC offer some similar and complementary activities and location in the same building could enable a more coherent approach to their community offer, presenting significant benefits to the local and wider communities.

6.11 Once the library service has successfully relocated to JLAC the 1 Shepherd’s Hill site will be considered as surplus to the council’s requirements and therefore the council will dispose of the site on the open market.

6.12 The 1 Shepherd’s Hill site is adjacent to a site under the ownership of Transport for London (TfL), which is designated as metropolitan open land in part and as an area of ecological interest. The council currently leases part of this site and is exploring opportunities for this land with TfL in combining the two sites in terms of a potential disposal.

6.13 The disposal of 1 Shepherd’s Hill will be undertaken subject to the library fully vacating and therefore causing no disruption to the library service.

7. Contribution to strategic outcomes

7.1 The relocation of Highgate Library offers the following in relation to the council’s strategic outcomes:

- Opportunity to attract new and retain current library users/audiences
- Enhancement of the learning environment, including new and creative stimuli to education opportunities
- Building learning through play and creativity rather than through academic routes
- An improved and new technology offer
- Better disability and special needs access

7.2 The below table highlights some of the ways in which our libraries support the delivery of the Corporate Plan:

Corporate Plan Priority	How Libraries contribute to this priority
<p>Priority 1 – <i>enable every child and young person to have the best start in life with high quality education</i></p>	<ul style="list-style-type: none"> • Libraries enable every child and young person to have the best start in life through their literacy intervention programmes, via Bookstart, Story & Rhyme Times, Book Clubs, and the annual Summer Reading Challenge. • All Libraries have regular invited class visits from local schools at least once a term; • Libraries encourage and support ‘Reading For Pleasure’ and initiatives such as ‘Read On. Get On’ by the National Literacy Trust and Save The Children; • All Primary Schools are invited to join The Summer Reading Challenge – the UK’s biggest reader development programme; • There is an out-reach programme for Children’s Reader Development with local authors, bookshops & schools – this year alone we have had a total of 14 children’s authors and illustrators meeting over 1,400 local children.
<p>Priority 2 – <i>empower all adults to live healthy, long and fulfilling lives</i></p>	<ul style="list-style-type: none"> • Adult reading groups running in all Libraries, helping to reduce social isolation and foster lifelong learning; • Books on Prescription at 3 Main Libraries; • Libraries host a wide variety of wellbeing activities including: <ul style="list-style-type: none"> - Age Concern advice sessions - Yoga classes

	<ul style="list-style-type: none"> - Pilates classes - Tai Chi & Chi Kung classes - Fitness for Life classes - IAPT (Cognitive Behavioural Therapy NHS support) - Alcohol Recovery - Stroke Information - Smoke free life Haringey - Sexual health advice - BUBIC – peer support for drug users - Venture club for blind & partially sighted - Alzheimer’s Society Haringey - Meditation classes
Priority 3 – <i>a clean and safe borough where people are proud to live</i>	<ul style="list-style-type: none"> • Some of our Libraries have attractive outside spaces and gardens for the public to use and enjoy; • Libraries host regular environmental advice drop-ins providing energy saving information and advice sessions; • Libraries offer venues for Safer Neighbourhoods are meetings and Residents Association surgeries.
Priority 4 – <i>drive growth and employment from which everyone can benefit</i>	<ul style="list-style-type: none"> • We offer SMEs space, IT facilities and support through the Business Lounge at Wood Green library, facilitating advice sessions, networking activities and other related events.
Priority 5 – <i>create homes and communities where people choose to live and are able to thrive</i>	<ul style="list-style-type: none"> • Libraries provide signposting to Housing Support Services, and the integrated CSCs in libraries offer housing advice. • Libraries are an active part of local communities, as demonstrated by the priorities above, which support local communities in many ways, and provide spaces to meet, learn, study and relax.

7.3 JLAC is a key arts and cultural provider in the borough. As well as offering exciting theatre and wider arts experiences to audiences in Highgate and across the borough, it is a well-known and valued provider across London, with visitors contributing to the local economy and to the wider social fabric of the borough. JLAC invests in outreach programmes to ensure that its work reflects the full diversity of the borough and to build awareness of arts and culture across Haringey. For example, JLAC reaches out to older people through its regular and extremely popular lunches and to younger people through specific education based interventions in Tottenham.

7.4 In terms of the Corporate Plan, JLAC contributes to priorities 1, 2 and 4 and to the quality of life for many local residents. The proposals here will only strengthen JLAC’s community outreach capability and ensure effective links at both neighbourhood and borough level.

8. Statutory Officers comments

8.1 Comments of the Chief Finance Officer and financial implications

8.1.1 The report seeks Cabinet agreement to undertake a business case to ascertain the viability of co-locating the current Highgate Library within the JLAC premises.

8.1.2 Should the business case conclude that it is feasible to co-locate the current Highgate Library within the JLAC it is proposed that the Council contributes £1m as match funding for the JLAC Arts Council bid and this is funded from the eventual disposal of the current Highgate Library site.

8.1.3 Should the business case conclude that it is feasible to co-locate the current Highgate Library within the JLAC it is proposed that the costs of the relocation are met from the capital receipt once the cost of the match funding of the JLAC bid has been taken into account.

8.1.4 As the cost of the match funding is known, £1m, the costs of the relocation of the Highgate Library will need to be contained within the balance of the capital receipt generated.

8.2 Comments of the Assistant Director of Corporate Governance and legal implications

8.2.1 With regards to recommendation 3.1.1, the Council has a statutory duty under Section 7 of the Public Libraries and Museums Act, 1964 to deliver a comprehensive and efficient library service to those who wish to use it. This duty must be complied with alongside the Council's other statutory duty set out below. In fulfilling its duty, a local authority must have regard to the desirability of:

- ensuring that facilities are available for the borrowing of and reference to books and other printed material and pictures and film to meet the general and special requirements adults and children;
- encouraging adults and children to make full use of the library service and of providing advice as to its use and information as may be required by users of the service;

8.2.2 Case law has considered the meaning of the duty, specifically Ouseley, J in *Bailey v London Borough of Brent* [2011] EWHC 2572 (Admin), stated that:

'A comprehensive service cannot mean that every resident lives close to a library. This has never been the case. Comprehensive has therefore been taken to mean delivering a service that is accessible to all residents using reasonable means, including digital technologies. An efficient service must make the best use of the assets available in order to meet its core objectives and vision, recognising the constraints on council resources. Decisions about the Service must be embedded within a clear strategic framework which draws upon evidence about needs and aspirations across the diverse communities of the borough.'

8.2.3 There is no statutory duty on the Council to carry a public consultation under Section 7 of the Public Libraries and Museums Act 1964.

- 8.2.4 Also with regards to recommendation 3.1.1, the Council must comply with the public sector equality duty (PSED) under section 149 of the Equality Act 2010. The duty is to have regard to the need to (a) eliminate unlawful discrimination; and (b) advance equality of opportunity; and (c) foster good relations, between people with protected characteristics and those without it. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. It is not a duty to achieve any of these, it means the Council must have a 'focussed awareness' and ensuring possible indirectly discriminatory effects of a decision are considered in the decision making process.
- 8.2.5 There is no duty for the Council to carry out an equality impact assessment ("EIA"), but if an EIA is carried out effectively, it will show the Council has acted in accordance with the public sector equality duty.
- 8.2.6 Recommendation 3.1.1. is asking Members to agree in principle the relocation of Highgate Library, however, the public section equality duty must be fulfilled before, and at the time of, a decision is made, as it is an essential preliminary to a decision. We are aware that the public sector equality duty has not been fulfilled to date.
- 8.2.7 Under Section 123 of the Local Government Act 1972, a local authority may dispose of land in any manner they wish, including the sale of a freehold interest, providing it is for best consideration that can be reasonably obtained, unless the Secretary of State consents to the disposal.
- 8.2.8 If the disposal is for less than best consideration, under the Local Government Act 1972: General Disposal Consent 2003, specific consent of the Secretary of State will not be required where the local authority considers that the purpose for which the land is to be disposed is likely to contribute to the achievement of the promotion or improvement of economic well, social or environmental well-being of its area.
- 8.2.9 In determining whether or not to disposal of land less than the best consideration reasonably obtainable, and whether or not any specific proposal to take such action falls within the terms of the Consent, the Council should ensure that it complies with normal and prudent commercial practices, including obtained the view of a professionally qualified valuer as to the likely amount of the undervalue.
- 8.2.10 It is noted that Cabinet will be presented with a further report for approval with the final details and heads of terms agreed for the disposal of the site. It will assist the Council in discharging its duty under Section 123 of the Local Government Act 1972, if a valuation report is also included in the further report, as 'Consideration' under

Section 123 is confined to transaction elements which are of commercial or monetary value.

8.3 Equalities and Community Cohesion Comments

8.3.1 The current Library Service at JLAC is located on the ground floor and therefore accessible, however it has community spaces on the first floor that can only be accessed by stairs and the proposed relocation has an opportunity for community spaces to be located on the ground floor.

8.3.2 The proposed new location is within two minutes walk of the existing library site and therefore there is unlikely to be an impact on travel times for users and this presents an opportunity for improved convenience for those who use both the Library and JLAC as there will be a range of community and library uses within one building.

8.3.3 The library service will be modernised as a part of the relocation and this will provide more opportunities for digitally excluded groups to access technology.

8.3.4 Opportunities for the Library to share spaces/events with JLAC will be explored, which could significantly enhance the cultural and community offer within Highgate.

8.3.5 The existing site will remain available to the Library until it has been successfully relocated, which will minimise any disruption to Library services.

8.3.6 The feasibility study and design development process will identify and consider any potential negative equality impacts. An Equalities Impact Assessment can therefore be prepared and considered as a part of further Cabinet decisions.

8.4 Head of Procurement Comments

8.4.1 Strategic Procurement acknowledges the council's commitment to retaining a core library service in the Highgate area and improving this library service.

8.4.2 Strategic Procurement notes that this recommendation is aligned to the Corporate Plan.

8.4.3 Strategic Procurement notes that funding will be from the capital receipt obtained from the disposal of the existing Highgate Library.

9. Use of Appendices

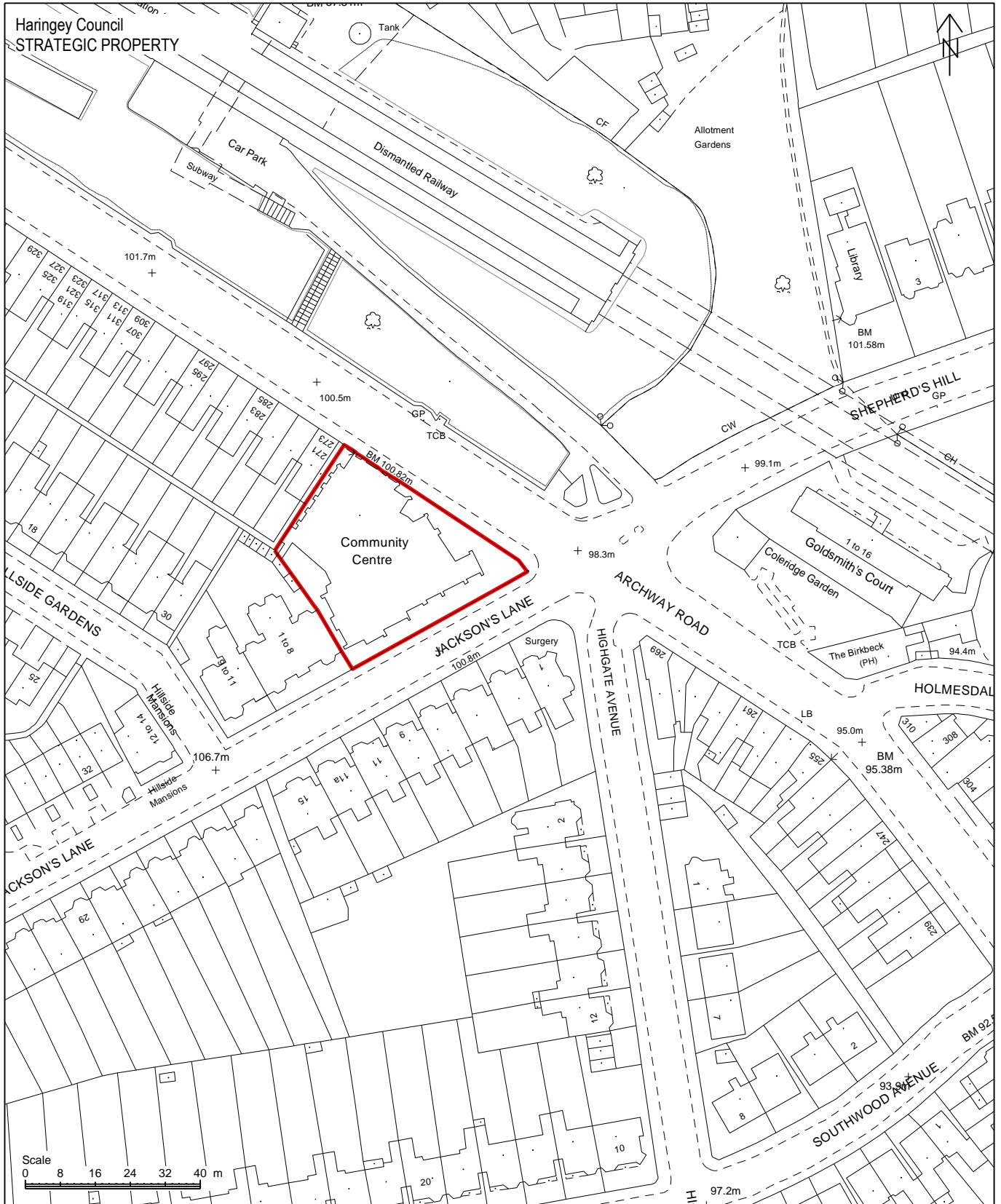
Appendix A – Site Plan showing JLAC

Appendix B – Site Plan showing existing Highgate Library site

Part B Exempt Report

Appendix C – Valuation summary for existing Highgate Library site

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Jackson's Lane Community & Arts Centre
 269a Archway Road
 LONDON
 N6 5AA

Red verging - Extent of site

CPM No. 0691 Commercial file ref : 63015

Overlay : Corp - Community Bldgs

Plan produced by Janice Dabinett on 15/05/2017

Deed document no. : 2987

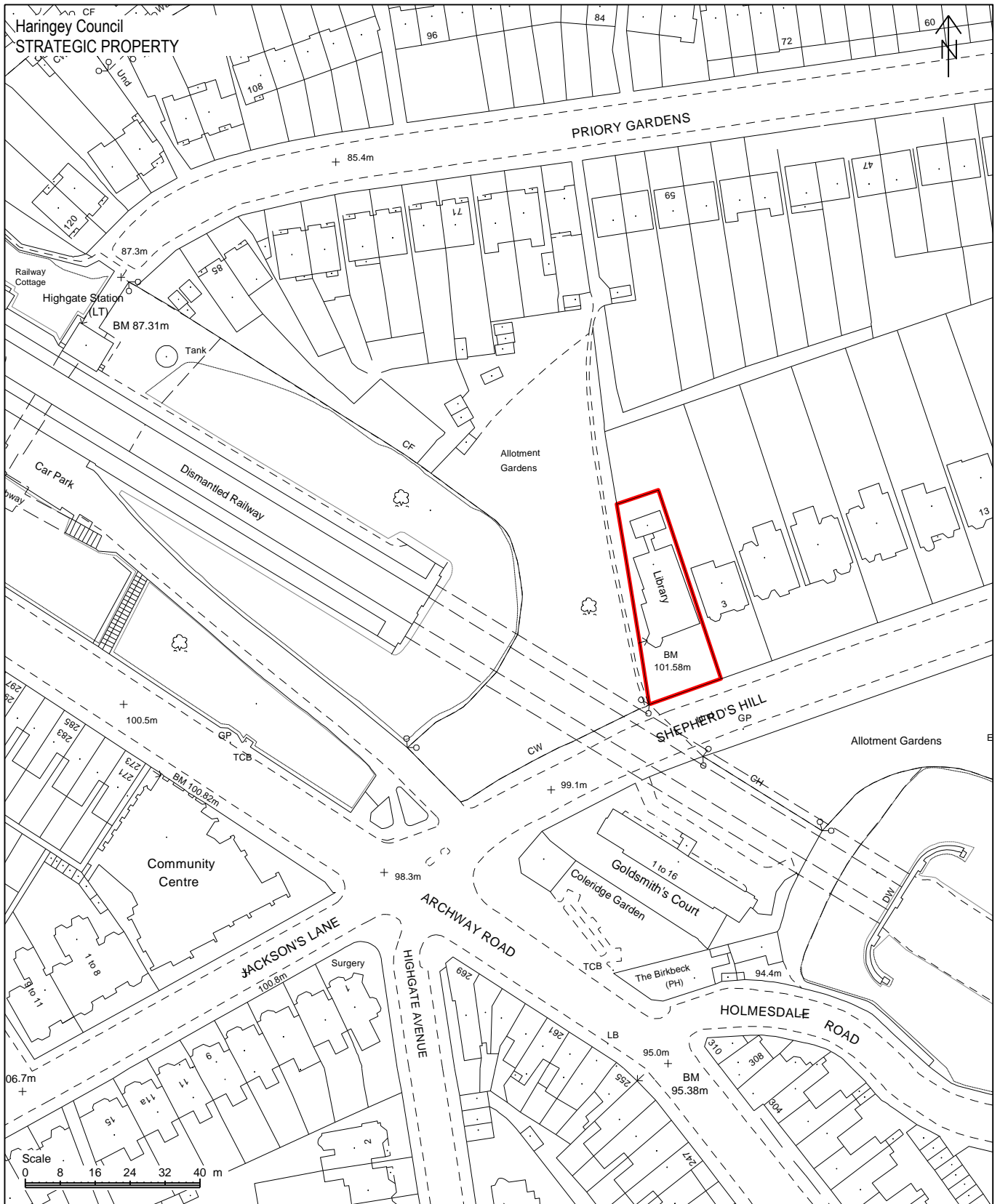
LR title no. : NGL219826

Site Area (hectares) : 0.1494 ha

Scale 1:1250

Drawing No. BVES A4 0893c

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Highgate Library
 1 Shepherd's Hill
 Highgate
 LONDON
 N6 5QJ

Deed document no. : HD53

LR title no. : AGL192101

CPM No. 0207 Commercial file ref :

Site Area (hectares) : 0.0625 ha

Overlay : Educ - Museums & Libraries

Scale 1:1250

Plan produced by Janice Dabinett on 24/03/2017

Drawing No. BVES A4 0455d

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is exempt

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