

Report for: Special Overview and Scrutiny Committee on 11th July 2017

Item number: 1

Title: Response to “Call-in” of decision of Cabinet of 20th June 2017 for Proposed Relocation of Highgate Library Services and disposal of the existing Library site

Report authorised by: Lyn Garner, Strategic Director Regeneration, Planning & Development

Lead Officer: Vicky Clark, Assistant Director Economic Development & Growth

Ward(s) affected: Crouch End & Highgate

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

1. Describe the issue under consideration

1.1 The purpose of this report is to provide further information to support the Committee’s scrutiny of the issues raised in the “Call-in” of the Cabinet decisions of 20th June 2017 in respect of Highgate Library and Jacksons Lane Arts Centre.

2. Cabinet Member introduction

2.1 Officers have carefully reviewed the issues raised in the call-in and set out a full response in this report but I would like to highlight the following broader points:

- a) Haringey is one of the very few boroughs in the country that has continued to protect and invest in our libraries. We are committed to improving our Library services and wider cultural offer across the borough and we therefore welcome proposals such as that put forward by Jackson’s Lane Arts Centre (JLAC).
- b) JLAC is an established community hub that is well regarded locally, and throughout London, for its history of celebrating culture and the arts. The relocation of Highgate Library services to the Arts centre building potentially opens up some significant opportunities to enhance the wider cultural offer in the local and wider North London area, while also maintaining a modern library service in Highgate.
- c) I would also emphasise that Cabinet have not agreed to relocate the library. The recent Cabinet report agrees that there are significant opportunities for improving the library and cultural offer by exploring a potential relocation. We feel that it is expedient therefore to test whether the proposal put forward by JLAC is both feasible and viable.

3. Recommendations

- 3.1 Committee are asked to note and consider all details contained within this report when making a decision on the most appropriate course of action for the Cabinet approvals associated with relocating Highgate Library in principle and therefore disposing of the existing library building.

4. Reasons for Call-In

4.1 **“The feasibility study/business case for the potential move of the Highgate Library Service to Jacksons Lane has not been completed or published.”**

The feasibility study is underway and therefore Cabinet was asked to make an ‘in principle’ decision only. This ‘in principle’ decision would give JLAC assurance that if a feasible scheme could be developed, which improves and modernises the library service and proves to be financially viable then the council would be prepared to relocate the Highgate Library service. If the scheme does not meet these criteria it will not go ahead.

4.2 **“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 consultation.”**

The library service provision at Highgate is under no threat by the proposal and the council is exploring opportunities to improve it through relocating. Haringey is committed to continue to be responsible for providing a quality library service and to be responsible for the staff involved and is one of the few London boroughs continuing to invest in its libraries. Haringey is actively seeking opportunities to improve libraries and increase visitor numbers. The feasibility study at Highgate provides us with an opportunity to explore the potential the proposal has to make improvements.

The legal advice received is that the council does not have a statutory duty to consult on the proposed relocation of Highgate library. However, the courts recognise that a common law duty to consult will arise in circumstances where there is a legitimate expectation of such consultation. This will usually arise where a promise by a local authority to consult before making a specific decision has already been made. No such promise has been made in this instance. The council will need to assess to what extent the nature and the impact of the changes proposed means that a consultation is necessary or unnecessary.

Having taken into account the legal advice, the council’s position is that the nature and extent of the proposed relocation of Highgate library does not require public consultation because there is no anticipated negative impact on the library service. The design will need to demonstrate the relocation will improve the library service through making the service fit for modern day uses; if the relocation cannot do this then it will not go ahead.

It should be noted that the JLAC building is within a 1-2 minutes walk from the existing library building, therefore it will not have an impact on travel times and it is likely to attract more people by being located on the main road and in the same building as a busy arts centre. It should also be noted this project is about improving the library through this unique opportunity for the Highgate Library service to be located in the same building as a vibrant arts centre, which if feasible could

significantly improve the cultural offer for Highgate and the wider North London area by creating a cultural hub that encourages a broad range of users.

The council's decision making body, the Cabinet, will review the output of the feasibility stage and decide if the relocation should go ahead. The council's approach is to assess the feasibility of relocating and the advantages/disadvantages of the project and a decision will be driven by this. The council is committed to engaging with users, local residents and other stakeholders, therefore the community will be given opportunities to input into the designs being developed to ensure improvements are in line with people's ambitions for a relevant and accessible library service.

This is a different proposal to that of Muswell Hill which was essentially about making the library accessible, modern, fit for purpose and sustainable. The Highgate proposal came about by the opportunity to create an innovative, collaboration with a Community Arts Organisation. The part libraries play in the cultural enrichment of communities is recognised nationally by the Arts Council and Society of Chief Librarians. This sits alongside and complements other offers including reading for pleasure, literacy skills, health and information provision and this is why the council is exploring the proposal.

4.3 “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.”

In the absence of detailed plans, the community concerns appear to be around possible outcomes for the library service should the relocation happen and therefore the council and Jacksons Lane will be looking to address these concerns through the design development process and ensure the community and the existing library users are able to input into what a new Library service would offer.

There are some concerns expressed about the disposal of the existing building and the council would be keen to understand these concerns further. The existing building is locally listed and set within a conservation area and therefore any development needs to be sensitive to this.

4.4 “We believe that if the Council proceeds with this decision without public consultation there could be a legal challenge of the decision.”

The Cabinet decisions agree the council can explore the relocation further by testing the feasibility and returning to Cabinet with a proposal if the project appears to be feasible. The council does not think there is a valid legal challenge to not undertaking consultation because there will be no negative impact on the library service by relocating (the proposed new site is within a 1-2 minutes walk, services will be modernised and accessibility will be improved), however the council will seek further legal advice if required.

4.5 “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.”

The council has not proposed to develop this land, however it is intending to review the status of the land in more detail to understand if it could be better used.

The council has a Conservation Officer whose role includes advising/commenting on proposed development or refurbishments involving heritage buildings or conservation areas to ensure they are sensitive to the character/designations of the buildings or land concerned. This is also controlled through the wider planning process.

5. Variation of Action Proposed

5.1 “Liberal Democrats believe the Council 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.

As set out above the decisions are in principle to allow a full feasibility to be worked up to assess if the library can be enhanced through a relocation to JLAC. Should a project be feasible then the proposal will be taken to Cabinet.

5.2 “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 remains unspent.

The council intends to still provide this match funding in the event the library does not relocate to JLAC.

5.3 If the decision is not halted (as proposed in 5.1) – “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.”

JLAC has commissioned a feasibility study and they are currently preparing plans that can be shared with the public. The council encourages the community to engage with the plans to ensure their views on what the library could offer are clearly set out to the design team and the council’s Libraries team.

The decision on whether the relocation should happen will be for Haringey’s Cabinet, after assessing whether the relocation could be feasible. Please see section 4.2 of this response report in reference to the council carrying out a full public consultation.

6. Background information

6.1 The Cabinet Report from June 2017 acts as background information for the decisions taken by Cabinet.

7. Contribution to strategic outcomes N/A

8. Statutory Officers comments

8.1 Comments of the Chief Finance Officer and financial implications

N/A

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

Legal comments have been incorporated into the main body of the report and in the Monitoring Officer report to the Call-in.

8.3 Equalities and Community Cohesion Comments

N/A

8.4 Head of Procurement Comments

N/A

9. Use of Appendices

N/A

10. Local Government (Access to Information) Act 1985

N/A