

Forward Plan reference number: Not applicable

Report title: Coronavirus Outbreak – Temporary Closure of Libraries	
Report to: Councillor Susan Barker – Cabinet Member for Culture Customer Communities and Corporate.	
Report author: Suzanna Shaw – Director, Customer	
Date: 20 March 2020	For: Decision
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County Divisions affected: ‘All Essex’	

1. Purpose of Report

- 1.1 The Coronavirus outbreak is a major public health emergency. The Government’s current advice is for the population of the United Kingdom to practice social distancing by minimising contact with other people and for people to work at home if possible, to reduce social contact.
- 1.2 This report asks the Cabinet Member to consider a temporary closure of the library service in order to assist with the implementation of the advice and to protect the health of staff and the wider population.

2. Recommendations

- 2.1 That all libraries controlled by Essex County Council be closed for an initial period of up to three months with immediate effect.
- 2.2 That the Executive Director, Corporate and Customer Services be authorised to
 - (a) extend the initial closure of three months for a period of one month on three occasions if she considers it is necessary to improve public health and reduce the risk of the spread of coronavirus; and
 - (b) reopen the libraries as soon as she considers that closure is no longer necessary.
- 2.3 That loans of material which are in force at the date of the closure be extended until three weeks after the sooner of (a) the date upon which the Council requests the return of the item and (b) the date on which the library from which the item was borrowed has reopened.
- 2.4 That any fees paid in advance for the use of library premises be refunded on a pro rata basis

3. Summary of issue

- 3.1 The United Kingdom is having to respond to the coronavirus outbreak. As of Monday 17 March the Government advised residents to practise social distancing.
- 3.2 On 19 March 2020 the Coronavirus Bill was introduced into Parliament. That includes extensive powers to enforce social distancing and to ban events and gatherings. Most organisations have closed workplaces and places where people congregate. Schools are closing with effect from 20 March 2020.
- 3.3 Under section 2B of the National Health Service Act 2006 the Council is under a legal duty to take such steps as it considers appropriate for improving the health of the people in its area.
- 3.4 Against this context the Council has to consider the library service. This is a service where people congregate. They may take part in activities or they may study quietly, but they are frequently in as close proximity as many people are in the workplace and some people may spend significant time there. We also have to consider the impact on the health and safety of staff.

Impact of closure

- 3.5 Since people are being advised to avoid unnecessary social contact and work from home if necessary, many people will not want to visit libraries. The demographic data suggests that older people disproportionately use libraries and those over 70 are being asked to stay safe at home. Additionally, the government has recently determined to close schools, thereby limiting the social contact of children and young people. We need to help Essex residents to comply with the guidance and maintain isolation. Although people use the library service to avoid social isolation, that is exactly what is in their best interests during the current crisis.
- 3.6 The library service is a valued service and the Council is under a statutory duty to provide it. The closure of schools mean that some children would want to use the libraries as a way to access learning materials. However those children in greatest need will continue to receive education in school.
- 3.7 Closing libraries will mean that communities are temporarily deprived of a resource but it is a resource which at the moment could contribute to the spreading of the virus and worsening the health of Essex residents.
- 3.8 Herefordshire Council's facilities shut on Friday 13 March. Libraries in Wakefield and West Sussex closed on Wednesday 18 March. Suffolk County Council's libraries shut on Thursday 19 March
- 3.9 Accordingly the Cabinet member is asked to consider closing Essex libraries. It would be recommended that the closure should be for the shortest possible period.

- 3.10 Colchester and Basildon libraries are co-located with Borough Council services and we will work to co-ordinate the closure with the Borough Councils. It is likely that they will also be closing their co-located facilities to the general public for similar reasons. It is also proposed that the mobile and home library service will be temporarily withdrawn. We will continue to promote the use of online library services, although not everyone has access to the internet. Where libraries are used by other statutory bodies we may continue to allow access to library buildings if a safe way of managing this access can be found.
- 3.11 It should be stressed that this is a temporary measure as a short term response to the outbreak. All libraries will reopen as quickly as possible.

4. Options

- 4.1 **Leave libraries open:** If we do this then, as the number of cases of coronavirus continue to increase, there is an increasing risk that the virus will be spread in libraries which may adversely affect our staff. If our staff become sick then the Council may struggle to keep libraries open in any event.
- 4.2 **Temporarily close libraries:** If we do this the community will be deprived of a resource and there may be an increase in social isolation. In the context of this virus, on this occasion the social distancing is precisely what is advised by the Government

5. Issues for consideration

6.1 Financial implications

- 6.1.1 The temporary closure of libraries will not lead to additional costs being incurred for ECC.
- 6.1.2 There will be a temporary reduction in income as a result of the decision, in principle from room hire and fine income. However, this loss in income will not be significant as a result of the closure as much of this income stream would be reduced as social distancing means that room bookings were being cancelled and use of the libraries has already been reduced.

6.2 Legal implications

- 6.2.1 As set out above the Council has a duty to take appropriate steps to improve the health of Essex residents.
- 6.2.2 The Council also has a statutory duty to provide a comprehensive and efficient library service. However that does not amount to an overriding duty to keep all libraries open at all time. If challenged it is likely that a court would consider

that a short term closure to respond to a national public health emergency is not a breach of the Council's statutory duty.

6. Equality and Diversity implications

- 7.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
 - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 7.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 7.3 Closure of libraries would ordinarily have a disproportionate impact on women, young people and old people. However, in the current emergency, use of libraries will be more limited and people are advised to socially distance themselves in any event

7. List of appendices

None

8. List of Background papers

None

I approve the above recommendations set out above for the reasons set out in the report.	Date 20/3/20
Councillor Susan Barker, Cabinet Member for Customer, Community and Corporate	

In consultation with:

Role	Date
Margaret Lee, Executive Director for Corporate and Customer Services	20/3/20

Executive Director for Finance and Technology (S151 Officer) Nicole Wood	20/3/20
Director, Legal and Assurance (Monitoring Officer) Paul Turner	20/3/20

Exemption from call in

I agree that it is in the best interests of the Council for this decision to be implemented urgently and therefore this decision is not subject to call in (paragraph 20.15(xix) of the constitution applies).

Councillor Mike Mackrory – Chairman of the Corporate Policy and Scrutiny Committee

Date: 20 March 2020