

COMPLAINT BY THE LIBRARY CAMPAIGN ('TLC') TO THE SECRETARY OF STATE FOR CULTURE, MEDIA AND SPORT ('the SoS') PURSUANT TO s.10 of THE PUBLIC LIBRARIES AND MUSEUMS ACT 1964 ('PLMA64')

Relating to the library service delivered by Birmingham City Council ('BCC')

To the Rt Honourable Lisa Nandy MP, Secretary of State ('SoS') for Culture, Media and Sport, Department for Culture, Media and Sport, 100 Parliament Street, London SW1A 2BQ

Summary of Complaint

TLC (charity registration number 1102634) of 27 Old Gloucester Street, London WC1N 3AX, submits that BCC's proposals for delivery of its library service as contemplated by its Cabinet's decision of 11th February 2025 fail to comply with its statutory duty as a library authority under s.7(1) of PLMA64 to "to provide a comprehensive and efficient library service for all persons desiring to make use thereof" and its further statutory duty under s.149 of the Equality Act 2010 and that the SoS should, after due consideration of this complaint, in exercise of her default powers under s.10(1) of PLMA64, direct that a local enquiry should be held into whether there is in fact a failure as aforesaid.

TLC's submissions in support of its complaint are set out below.

Legal submissions

- (1) In preparing this complaint, TLC has had regard to the DCMS publication "Libraries as a Statutory Service" updated 21 February 2025 ('the DCMS Guidance'). With regard to para 11.1 of this publication, TLC concedes that resources play a significant part in assessing how to design a compliant statutory service but asserts that on the subject of lack of resources, the principal legal authority remains *R v East Sussex County Council, ex parte Tandy / In re T (A Minor)* [1998] 2 WLR 884, where the House of Lords held that, in interpreting the statute under consideration therein, which imposed a strict duty (as does s.7(1)), lack of resources was irrelevant;
- (2) That does not mean, however, that the decisions on judicial review referred to in para 11 Annex B of the DCMS Guidance are irrelevant. The reasoning thereof allows latitude in methods of delivering a service within the limitations of the strict s.7(1) PLMA64 duty. On the other hand, the logic of those decisions is that the issue of the reality of financial constraints, where the same are challenged – as is the case in relation to BCC, as appears from the Appendix to this complaint – must be examined closely with the contentions of BCC not being accepted at face value, such uncritical acceptance being a breach of the criteria set out in *Associated Provincial Picture Houses v Wednesbury Corp*n [1948] 1 KB 223 ('the Wednesbury Criteria');
- (3) As stated in the DCMS Guidance, the obligations of a library authority under PLMA64 must be read in conjunction with its general obligations under s.149 of the Equality Act 2010 s.149 ('the Public Sector Equality Duty'), which is in conformity with the statement of Collins J (interpreting the statutory duty under s.7(1) of PLMA64) in the *Lincolnshire* decision referred to in Annex B of the DCMS Guidance, namely "that distances and time taken to reach a library must be reasonable and any particular problems, whether physical disabilities, or created by age or family considerations, must be capable of being met". Failure to consider the needs of the elderly was one of the grounds of the 'minded to intervene' decision referred to in the *Lancashire* Decision – see below;
- (4) The duty imposed by s7(1) of PLMA64 must be interpreted pursuant to s.3 of the Human Rights Act 1998 in conformity with Convention Rights. In this case, the relevant Convention Right is that to education under the Second Article to the First Protocol to the European Convention on Human Rights.

This right (which is amplified by the IFLA-UNESCO Public Library Manifesto 2022) is, of course, written in general terms and does not, for instance specify distances of libraries from schools. However, for the SoS to dismiss reliance based on such absence of specificity would amount to a failure to give proper consideration of a relevant matter and be in breach of the Wednesbury Criteria;

- (5) The DCMS Guidance rightly draws attention to the issue of whether a public consultation has been held prior to the implementation of proposals for any substantial reorganization of a libraries service. Such a consultation must, of course, be conducted in accordance with the well-known Sedley/Gunning criteria referred to in *R(Moseley) -v- Haringey LBC* [2014] UKSC 56;
- (6) Staffing of libraries by competent trained staff is an essential element of a “comprehensive and efficient” service as required by s.7(1) of PLMA64;
- (7) Accessibility of libraries is an essential element of a service which is available to “all persons desiring to make use thereof” in accordance with s.7(1) aforesaid.

Other submissions based on the DCMS Guidance and the *Minded to Intervene* Decision of the SoS in the case of Lancashire County Council (‘the Lancashire Decision’) <https://www.gov.uk/government/publications/letter-from-minister-for-civil-society-rob-wilson-stating-a-minded-to-decision-on-public-library-provision-in-lancashire>

- (a) The DCMS Guidance (Annex D) rightly draws attention to the Wirral Inquiry (also referred to as ‘the Charteris Review’). As well as the general issues stemming from that Enquiry referred to in the Guidance, it is the case (i) that then SoS directed the holding of a local enquiry on the grounds that the closures contemplated by the local authority would adversely affect deprived areas and (ii) that the findings of the Wirral Inquiry to the effect that the proposed reorganization would result in a service which would not comply with the duty under s.7(1) were heavily based on such adverse effect. This is highly relevant in the case of BCC’s proposals;
- (b) Annex D also refers to the observations of the Wirral Inquiry on the necessity of assessing local needs and taking them into account, as otherwise “it becomes a rational impossibility for a library authority to design a service which comprehensively and efficiently meets those needs in a demonstrable way.” This is consistent with the words of Collins J in the Lincolnshire decision, namely that “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.”;
- (c) The Lancashire Decision also highlights the obligation of the PLA to give proper consideration to alternative models of delivery of the library service before deciding on closures. This is consistent with the approach taken by the court in the Moseley decision referred to above. The Lancashire Decision also deals with issues such as deprivation and accessibility which a PLA must consider. The Lancashire Decision requires consideration as a whole.

The impact of earlier closures.

It is, of course, essential to consider the impact of any earlier reorganization of BCC’s libraries service, particularly if it has involved closures and/or reductions in opening hours which, even if they may not, of themselves, have caused BCC’s libraries service to be in breach of the statutory duties imposed by PLMA64 and/or the Equalities Act 2010, (no concession being made on this point) may well, when linked with more recent reorganization(s), give rise, by virtue of their cumulative effect, to such breaches.

The issues relating to ‘partner-led’ (volunteer-run) libraries

- (1) Libraries outside BCC's statutory service must undoubtedly be disregarded when assessing whether the statutory service complies with either the duty imposed by s.7(1) of PLMA64 or probably also that owed under the Public Sector Equality Duty;
- (2) It remains unclear whether or to what extent BCC will even be able to facilitate the bringing into being a network of such libraries as contemplated by paras 4.74-4.75 of the report to its Cabinet of 11th February 2025;
- (3) There are difficulties inherent in the viability of volunteer-run libraries in general and particularly in deprived areas - <https://www.publiclibrariesnews.com/campaigning/volunteer-run-libraries/cons>

The application of the above-mentioned matters to the facts in this case.

1. Background

BCC implemented significant closures of libraries and cuts to opening hours from 2010 (austerity cuts, localisation of services and disaggregation of a unified city-wide community library service, and loss of budgets), and then in 2017/2018. In 2024/25 it announced plans (Cabinet decision dated 11th February 2025) to reorganise its library service, some of which had been implemented in 2024, with other aspects to be implemented in 2025. These involve (inter alia) the closure of a number of its libraries and the cutting of the library budget by a third with, as a consequence, the city's 35 libraries forming its statutory service being reduced to the Library of Birmingham in the city centre, plus 27 further library locations across the city, such further locations to include 10 Community Hubs operating four days per week, and with the remaining locations offering part-time services for a minimum of three days per week. There will also be a mobile library service provided by two mobile libraries. In addition, according to paras 4.74-4.75 of the report to Cabinet of 11th February 2025, BCC hopes to establish seven "partner-led" libraries not forming part of the statutory service. It remains unclear as to how, if at all, these will be managed and operated and services delivered.

TLC has had sight of the complaint of Birmingham Loves Libraries dated 26 November 2025 ('the BLL Complaint'). It does not propose to set out herein in full the detailed contentions of BLL which it adopts and which must be considered in detail by the SoS, such consideration being evidenced by her response to this Complaint.

2. TLC's contentions summarized:

- (a) BCC has produced proposals which (in conjunction with earlier closures and service reductions) greatly reduce the accessibility of local libraries. Accessibility is a major concern in encouraging the use of libraries - para 6.3 of DCMS report "What works to engage library non-users" ('the DCMS Report') (<https://www.gov.uk/government/publications/what-works-to-engage-library-non-users/what-works-to-engage-library-non-users#barriers-to-library-engagement>). Accessibility has two primary elements, namely location and opening hours. As to the former, guidance can be obtained from the National Planning Policy Framework (December 2024), which requires the 'guarding against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs' (para 98 (c) and encourages walking (para 111(d)). The Chartered Institution of Highways and Transportation states "For journeys that are 1 to 2 miles long, 26 per cent are made on foot (NTS 2012), more than by bus; beyond 2 miles, trips on foot are few and are outnumbered by bus trips.

([https://www.ciht.org.uk/media/4465/planning_for_walking - long - april 2015.pdf](https://www.ciht.org.uk/media/4465/planning_for_walking_-_long_-_april_2015.pdf)). All of this suggests that a walking distance of 2.5 miles to such facilities as libraries (a round trip of 5 miles) ought to be considered as a maximum distance. Indeed, in the Lancashire Decision the county council's Older Persons Strategy appears to have provided for having a library within 2-2.5 miles of a resident's home, which the DCMS appear not to have regarded as unreasonable. As to opening hours, para 6.3 of the DCMS report states "Inconvenient opening hours are a major barrier to library use, especially for busy individuals like parents, those with full-time jobs, and younger adults. This highlights the need for libraries to offer more flexible hours that align with people's lives." Accessibility is, of course, an issue of vital importance to the aged and disabled; it is crucial for aged and disabled individuals because it ensures equal participation in society, prevents exclusion from essential services), reduces isolation, and promotes independence. The specific reference to the county council's Older Persons Strategy in the Lancashire Decision is important. Quite rightly, BCC's strategy focuses on enabling resilience, independent living with choice and control, and good health for older adults. BCC must demonstrate how its approach to assessing acceptability of distances from individual dwellings has been arrived at and that it is reasonable – see the Lancashire decision. Overall, BCC's assessment of impact of the reorganization/closures in this context (as in others) has been inadequate;

- (b) BCC appear to be ignoring the issue of deprivation. The Ministry of Housing, Communities and Local Government's publication "English Indices of deprivation 2025: statistical release" at paras 7 and 8 (tables 6 and 7) puts Birmingham amongst the most deprived areas in England. As well as relying on indices of deprivation, BCC should have specifically addressed areas where overall deprivation is less pronounced – again see the Lancashire Decision;
- (c) BCC also appear to be ignoring the relationship of libraries to the advancement of educational standards, particularly in the field of literacy (including digital literacy), which is also related to the issue of deprivation. This is surprising as, according to the National Literacy Trust, whereas 1 in 5 children in England currently leaves primary school unable to read fluently, in areas of higher deprivation, such as parts of Birmingham, that figure can rise to nearly 40%. This literacy gap has far-reaching implications for academic achievement, employability, and wellbeing. Initiatives such as Birmingham Primary Schools Literacy Initiative 2025 (<https://education-experts.co.uk/birmingham-primary-schools-literacy-initiative-2025/>) are immensely assisted in the achievement of their goals by a library service functioning in accordance within the standards contemplated by PLMA64;
- (d) BCC's public consultation, which was inadequate for the reasons set out in the BLL Complaint, gives the impression that a decision to proceed to substantial closures had been made before the matter went out to consultation, an impression fortified by the report to BCC's cabinet which led to its decision of 11th February 2025. The investigation of alternatives is wholly inadequate and is inconsistent with the approach taken in the Lancashire Decision. Moreover, as the BLL Complaint makes clear, the consultation process did not cover important aspects of BCC's current plan for reorganization of its library service;
- (e) The Scrutiny process was inadequate for the reasons given in the BLL Complaint;
- (f) The Westminster government proposes substantial increases in house-building. It is not clear whether the impact of such proposed increases has been factored into BCC's decision-making process – see the Lancashire Decision;
- (g) TLC, like BLL, is deeply disturbed that the whole concept underlying the reorganisation - uncontrolled merging of library staff into a general advice service - is unheard-of, eccentric and has never been justified. The basic concept was never consulted on. It is evident that it was conceived, and implemented in practice, by officers with no understanding of library work or the professionalism of those delivering the service. Staff were not consulted at a formative stage. The role and skills of library staff were not defined at any stage. This bad practice has grave implications for the quality of library services both in Birmingham and nationwide. It should, in TLC's view, be rejected here and now. On this ground alone, a local enquiry would be justified even if this Complaint were not supported by the many valid arguments advanced therein and in the BLL Complaint in support of such an enquiry;

- (h) In general, BCC’s approach to the reorganisation of its library service bears all the hallmarks of having been planned and executed without any proper regard for the necessity of assessing local needs and taking them into account as required by the Wirral Inquiry, ignoring the recommendations of the DCMS Guidance.

CONCLUSION

TLC awaits the SoS’s ‘minded to’ decision on this Complaint (and on the BLL Complaint). It believes that the proper decision would be to indicate that the SoS is minded to intervene.

APPENDIX

A public inquiry into Birmingham City Council’s decision to issue a bankruptcy notice has been called for by financial experts.

An open letter to Community Secretary Steve Reed has been signed by 35 accounting experts and academics, raising questions about the [section 114](#) notice issued by the local authority in 2023.

The letter claims that the notice was based on ‘[unaudited](#)’ and ‘materially incorrect’ accounting information.

In a supporting analysis, [Dr James Brackley](#), a lecturer in accounting at the University of Glasgow, argues the council ‘appears to have both overstated its project budget deficits and materially underestimated its available funds’.

Dr Brackley said: ‘The accounts of Birmingham City Council now show that Birmingham was likely never bankrupt, with the scale of the accounting misstatements that led to the bankruptcy looking absolutely unprecedented.

There should now be an immediate pause on the council’s asset sales programme and urgent questions must be put to Commissioners as to when they knew about the council’s much stronger financial position and whether elected members and the wider public were misled.’

Dated 12th January 2026

Signed on behalf of The Library Campaign

...*Laura Swaffield*.....

Laura Swaffield
Chairman

...*Geoffrey Dron*.....

Geoffrey Dron
Trustee

