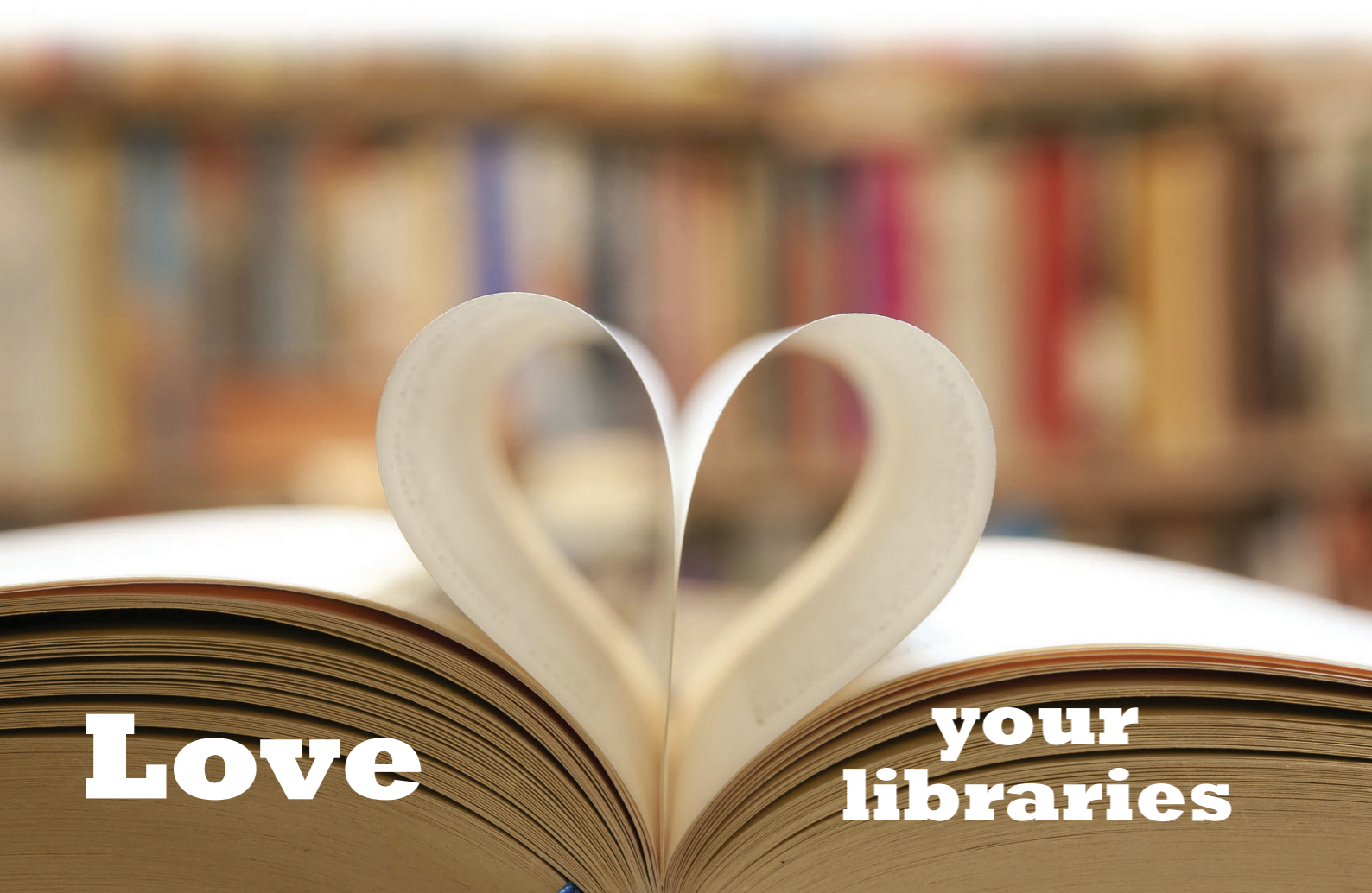


**UNITE THE UNION
RESPONSE TO CONSULTATION
ON THE COMMISSIONING OF
BROMLEY LIBRARY SERVICE**



“We may sit in a library and yet be in all quarters of the earth”

John Lubbock
(Philanthropist, Liberal Politician, Educator)



Love

**your
libraries**

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Introduction

This document sets out the Unite response to Bromley Council's proposal for the future delivery of the Library Service in Bromley. The Council has now begun formal consultation with regard to a proposal to award the contract for the delivery of the service to Greenwich Leisure Limited (GLL).

It is no secret that Unite has consistently argued that the service should and indeed can be maintained in-house. Unite believes passionately in the principle of public libraries. This passion was shared by John Lubbock who is celebrated and honoured in Bromley Central Library with an exhibition. Lubbock fought to introduce the first Public Libraries Act. There is clear irony in the fact that Bromley Council rightly celebrate the man, while at the same time preparing to take libraries out of the public sector.

Our position is not simply based on ideology. We aim to show throughout this report that the safest and best place for a library service is to remain within the public sector. Our stance is not limited to protecting jobs, pay and conditions. These are, of course, central to our aims as a trade union. However, this goes hand in hand with our strong commitment to defend public services. Not only do our members work in public services – they also use and rely on them. Therefore, we have an interest in making sure that public services have a long term future.

Consultation

What should be said from the start is that the level of secrecy and reliance on "commercial confidentiality" along with tucking important areas away into "Part 2" sections of council reports has clearly demonstrated that the Council has taken a strategic approach to make it as difficult as possible for those concerned about these proposals to gain information so that the decisions made by the Council can come under effective scrutiny.

Part 2 of council reports are not available for the public to view. They may contain sensitive, financial information. The Council has seen fit however to include information in Part 2 reports that have nothing to do with financial details. For instance, the Council refused to name the bidders for the contracts during the bidding process – why is this commercially sensitive? Why, when consulting residents, should the identity of bidders not be disclosed? Providing this information at an early stage allows early scrutiny of bidders by residents – which the Council clearly wished to avoid. This desire for secrecy is shared by GLL. When Unite asked GLL to provide details of its book budget at Greenwich – the response was a refusal on grounds of commercial confidentiality.

The Council has stated that it is now formally consulting staff affected by the proposals. In paragraph 1.1 of the consultation document the Council states that the decision to award the contract was "informed" by "public consultation" and "engagement with staff". Yet the report fails to mention the results of this consultation and engagement.

Staff in Bromley are represented by Unite The Union. The strength of feeling against the proposals has been more than clearly demonstrated by the fact that staff have taken strike action against the proposals, including action which took place after it became clear that GLL was to be awarded the contract. Therefore, when the report states in para 1.3 that the council has been engaging with staff "to listen to their views", the report should be reporting back on these views and why it has chosen to ignore them.

Consultation by Bromley Council is becoming increasingly meaningless. In a report in October 2015 it stated: *"The outcome of this consultation does not represent a referendum, nor does it give the Council a mandate to act. However, it should be one of the considerations informing Members' decision about whether or not to begin a formal procurement exercise and commission the library service."*

This reads like the Council getting its defence in early, knowing full well it does not have public support. Despite repeated questioning, at no point has the Council made clear exactly what consideration it took of the views in any of the consultation exercises.

The Council has now conducted two public consultation exercises – and ignored the results of both. In the first exercise, conducted between December 2014 and January 2015, 83 per cent of respondents supported the option for the library service to be run directly by the Council. While this was not the only question asked as part of this consultation, it surely makes the point very clearly about how people want their libraries to be run.

Significantly, when asked about a trust or Charitable provider running the library service, only 10 per cent strongly supported the idea. It is worth noting that only 3 per cent strongly supported the idea of a private sector or commercial provider.

This did not stop the Council pushing ahead with this option until private, commercial provider Carillion pulled out of the process. In what certainly appears to be an attempt to swing the answers in a direction it favours, the Council asked the following question "Given that the Council Needs to Save £60 Million over the Next four years, How Do You Feel About the Overall Proposals for the Library Service". 51 per cent remained opposed to the Council proposals for the Library service. A more detailed breakdown shows that only 5 per cent stated that they strongly support the Council proposals when the question is framed in this way – representing a clear rejection of the Council's financial position and its austerity programme.

The Council then conducted a further consultation exercise running from July to September 2015. This was clearly a second attempt by the Council to get the result it wanted. It is true, that a street survey conducted by the Council found 61 per cent in favour of a commissioned library service. However, a self-completion survey where 99 per cent were library users as opposed to the far fewer figure for library users in the street survey returned a majority in favour of a library service directly delivered by the Council.

The Council itself admits in para 3.116 of its report in October 2015 that:

"Cross tabulations show that, respondents who said that they used community libraries most often were more likely to oppose this proposal."

Most tellingly, the Council states that: *"This decision was made in the context that over the coming years the Council will need to continue to deliver multimillion pound savings from its budgets annually."*

This precise point was put to the public, as it was in the previous survey. In the 2015 survey, the vast majority said it made no difference to the decision. In addition, the Council has ignored several petitions where significant numbers of signatures have been collected and delegations to Council committees.

The latest proposal has led to over 3000 signatures being collected in opposition to the GLL proposal. It is also the case that GLL has very little regard for public opinion or the opinions of professional staff. This was demonstrated when it closed the Mobile Library Service in Greenwich where the company has the contract to run the Library Service. The public consultation exercise into the proposal returned a huge majority of responses making clear the community wished to keep the service. Professional staff also pointed to the impact in schools, where over 33,000 books were issued each year to children through the service. Both the public and the professionals were ignored and the service was closed.

Greenwich Leisure Limited - the truth behind the gloss

Better Libraries?

GLL sets itself apart from profit making companies by promoting its social enterprise credentials. But what does this mean in reality? The company states: *"we work for the benefit of everyone, the public, the communities we work in, our staff, our partners."*

This does not stop it from ignoring public consultation, protest and petitions from the community and using some of the worst employment methods of the private sector.

GLL have become masters of spin. Perhaps this is best illustrated by the title of the pop up gyms that have started appearing under the name "Better" rather than the GLL brand name. The question does have to be asked – why the need to re- brand?

Before handing contracts to GLL, local authorities do need to look further into the wider finances of the company. The gym industry is very much a cut throat business. The two most popular brands, Pure Gym and The Gym Group are massively undercutting GLL. They often have better equipment, better facilities, offer 24 hour opening 7 days a week and are cheaper. Our information is that the Better gyms are facing significant financial pressures as a result. There is massive pressure on GLL staff to achieve sales. Our genuine concern is what impact this will have on libraries being run by the organisation. GLL is moving fast to integrate libraries and gyms.

In Lambeth, there has been huge controversy over plans by GLL to use library space for gym provision. The Library in question, The Carnegie Library was thriving with usage increasing dramatically each year. It served communities, providing a wide variety of free resources and activities for all ages with the busiest children's library in the whole borough.

Now its size and facilities are to be drastically reduced and almost all library staffing withdrawn – which the local authority admits will severely disadvantage all the most vulnerable user groups. Now that the Carnegie has closed, other libraries have been filled beyond capacity by ex Carnegie users. There are also those who simply cannot access another library.

Despite requests, GLL has not published a business plan, research on potential demand or any financial rationale. The Library closures in Lambeth have already wasted huge sums. The Carnegie continues to incur all the costs it did when open and in addition is paying security costs and losing money from businesses evicted from the building. Furthermore, the people of Lambeth do not want it – there is massive public opposition. Survey after survey has shown that people do not want a gym in their library. The council's own physical activity strategy shows that no gym is necessary. Public opposition includes over 10,000 signatures on a petition, demonstrations and marches and an occupation of the building.

The planning application had 131 objections compared to 5 supporters. The gym plan was rushed through in October 2015 with no publicity and no consultation. Promises to inform and involve local people have been consistently broken.

This is becoming a trend with GLL whereby the local authority conducts a consultation exercise, ignores the result and goes ahead and awards a contract to GLL. This so called social enterprise has no problem whatsoever prioritising winning contracts while ignoring the massive opposition from the communities which it claims it is there to support. GLL, with no apparent sense of irony states it is "here for the good of the communities we operate in".

It is the case, of course, that local authorities are just as much to blame when it comes to ignoring the results from a consultation exercise which does not fit in with their plans – but the difference is that Councillors can be voted out. GLL however simply take advantage of a situation, much as any profit making business would.

The Council has stated that the decision to award the contract "was made in the context that over the coming years the Council will need to continue to deliver multimillion pound savings from its budgets annually".

This again raises the same question that Unite has asked again and again but with no clear answer – how will GLL make savings that the Council cannot? Especially in light of concerns regarding the leisure part of the business. An examination of the record for GLL gives all the clues that are needed.

GLL took over the contract for libraries in Greenwich in 2012. The service at the time included a library on the Ferrier Estate and a Mobile Library. However, both were left off the specification – which is the agreement between the Council and GLL on the detail of the service to be provided.

Unite raised our concerns and while the Mobile was eventually placed on the specification, the Ferrier library was not. Instead, a promise was made that an alternative provision would be in place as the Ferrier Estate was redeveloped. This turned out to be a lie. GLL did not want to run either and while it had to relent on the Mobile, the Ferrier was closed with no alternative provision. Its first action, therefore, on winning the contract was to oversee the closure of a library.

In 2014, Unite in Greenwich raised serious concerns about staffing levels, which GLL chose to ignore. The company had decided to save money by not filling large numbers of vacant posts. Where it was filling posts it was doing so with temporary, rather than permanent staff. This led to increased pressures on staff and an impact on the service. Union members were forced, due to a lack of response, to take strike action. This eventually led to an agreement to fill posts with permanent staff and to ensure that there would be no repeat of the situation.

By 2017, GLL were happy to boast that "Greenwich bucks the trend as libraries post highest annual visits on record". When giving the reasons for the good news, the company failed, of course, to mention any contribution from its staff or the fact that it had been forced to fill posts by the union and that the record performance would not have been possible had it not been for the staff protest.

In 2016 Unite was in dispute again with GLL after a decision to disband the Mobile Library. This resource issued 33,000 books to children every year – that is more issues than many smaller libraries. There were huge protests, including strike action. The public responded to the consultation exercise in their thousands making very clear that there was no support and in fact mass opposition to the proposal. Despite this, GLL went ahead and closed the Mobile Library.

The report that went to Greenwich Council when the contract was being awarded to GLL stated that GLL wished to harmonise staffing conditions. While harmonising sounds harmless, the reality is that GLL were looking at making quick savings by attacking the pay and conditions of staff transferring to GLL from the Council by harmonising on inferior GLL conditions. It was only strike action by Unite members which stopped this attack and protected the pay and conditions of library workers. But as the next section of the report shows, poor staff pay and conditions are a means by which GLL make so called savings.

Worker Run?

Para 2.4 states: *"GLL staff members own the organisation they work for through a non – dividend paying share which increases empowerment, motivation and involvement of staff."*

This is completely and utterly misleading and implies that staff have a say in the big decisions. Nothing can be further from the truth. GLL should be challenged to give examples of how this works in practice. We know from our members in the Greenwich Library service that no non-managerial staff have any say in the running of the service, the recent decision to scrap the Mobile Library despite massive staff opposition being just one example.

While GLL prides itself on being a Social Enterprise, pay, terms and conditions of staff are far from social. The big test is when staff transfer in from local government with the limited protections available under TUPE conditions. It is the case that staff directly employed at the so called social enterprise are on far inferior pay and conditions compared to the staff transferring in from the local authority. Leaving aside the impact of a two tier workforce when it comes to pay and conditions, (in the Greenwich Centre there is a 3 tier workforce in operation) what kind of worker led organisation has pay and conditions that are poorer than those in place within public services?

Local government pay and conditions have seen significant depreciation following Single Status and public sector pay freezes followed by very limited pay increases. Yet they still remain better than those in place at GLL.

There has been significant recent news coverage pointing to the increase in insecure employment. While the news items have focussed on the worst offenders such as Sports Direct, the fact is that on a national basis up to two thirds of GLL staff are employed on what are in effect zero hour contracts. We have examples of staff who were without work for periods of over six weeks. GLL will deny that these are zero hour contracts – but it is difficult to see the difference. Simply referring to them as "casuals" does not make the employment conditions of these staff any more secure.

The staff are part of the growing "precarariat" – the growing army of workers on precarious conditions which stop them from being able to access rented accommodation, let alone mortgages because of the nature of their employment conditions. This is best demonstrated by a report in the Hackney Gazette in April of this year which stated: *"Zero-hour contract workers at Clissold Leisure Centre are devastated after bosses scrapped all their shifts without warning."*

Staff employed by GLL were left without shifts *"with barely any time to grasp the sudden threat of the situation."*

One of the staff members stated: *"On 5 April I arrived at work and was called to the manager's office, where I was told there is going to be cutbacks because we have no money – the entirety of the east region is being cut back. This was the first time I had been told anything – no formal letter or even email giving me any warning."*

The fact is this – two thirds of GLL staff are on contracts which depend on the employer deciding if they are needed, day to day and week from week. These are zero hour contracts in all but name and certainly in effect.

If this were not enough, closer examination blows the worker led claim sky high. GLL claims that workers can have a say in the company by becoming part of the society. This is pure nonsense. Firstly and most importantly, only those on permanent contracts can become society members – thereby excluding three quarters of staff in one fell swoop. According to the 2014 accounts, out of 10,000 employees only 1463 are members. It is also important to note that only 2090 employees are eligible to join. But even those staff who do manage to get to join the society have no effective say in the running of the company – in fact it is a complete fallacy.

Publicly, GLL states: *"We also believe in our people, the staff who make the business work – especially the ones working in our facilities."*

But facts speak louder than mission statements. On 8 August 2016 GLL advertised 171 jobs on their website, 111 of these were for zero hour contracts. This employment pattern is something that GLL are clearly proud of as their accounts point to staff cost to income ratio as a "key performance indicator" highlighting that this has declined most years since 2008.

A good indicator of a decent employer in London is whether it pays the London Living Wage. The fact is that the GLL record on this is mixed. While it is paid to workers on TUPE contracts who transfer in from authorities who are already paying it, the company only pays the London living wage to some of its leisure staff.

A further indicator is an employer's attitude to a piece of case law commonly referred to as "Parkwood". This piece of anti-worker legislation gives employers discretion to avoid making pay awards to TUPE staff. GLL has not hesitated to take advantage of this legislation by denying pay awards, despite the fact that it also has the discretion to not apply it.

It is also worth looking at how an employer treats genuinely ill staff. GLL operates a pay system where 75 per cent is basic pay. When staff are sick, they get basic pay only – a 25 per cent pay cut. This takes no account of people with disabilities who may need to take time off linked to their disabling condition and is contrary to the GLL statement which claims that *"we believe in social values"*.

GLL paid its CEO £193,971 in 2015 and £185,099 in 2014 - an increase of 5 per cent. This was higher than median pay rates across local government at the time. County Council, Metropolitan or London Borough Chief Executive median pay ranged from £174 - £184,000, with a Unitary Council Chief Executive receiving around £157,000 and a District Council Executive some £114,000.

We know through the consultation exercise carried out by the Council that Bromley residents do not want their libraries staffed by volunteers. It is important, therefore, to note that unpaid volunteers is a staffing method that is employed by GLL – as evidenced by recent adverts for posts in Wandsworth and Lincolnshire where GLL have the libraries contracts.

Bromley Libraries - something to be proud of

In para 1.6 of the report it states that the proposal will *"contribute to achieving the planned budget savings for the Council"*. However, at no point does it say how this will be done by GLL – this is the question that the Council and contractors consistently fail to answer in any kind of detail. Instead, we are often given vague, generalised answers, often defended by the need for so called commercial confidentiality.

In para 2.1 the report states that current service levels will be sustained and where possible improved. In 2.3 it states: *"Services must be provided within an ethos of continuous improvement...with no cost implications to the Council."*

The same section of the report makes a number of requirements of GLL including identifying opportunities for innovation, extending opening hours and taking a proactive approach – yet provides no detail of how this will be achieved.

So, how will GLL save the Council money and not only ensure that an excellent library service is in place but improve the service? How will GLL do what the Council implies it can no longer do? And with less money?

The evaluation criteria used by Bromley Council when considering the tender to run the service from GLL is important to raise at this point. Tenders were evaluated against a 60 per cent price weighting and 40 per cent quality rating, showing that cost outweighs quality as far as Bromley and GLL are concerned.

The consultation exercise conducted from November 2014 to January 2015 asked participants why their library was so important to them. They stated that staff in Bromley were helpful, enthusiastic, professional, knowledgeable, experienced, highly trained, well informed, excellent, polite, friendly, committed, know their customers and have the skills to run so many different activities.

What is clear is that the Library Service in Bromley is something to be proud of. Visitors from other boroughs have stated how well the libraries in Bromley compare to libraries in other boroughs. It is an excellent and as proven by the consultation response, cherished, much loved service.

Do the right thing!

In March 2015, the Council reported that the "Portfolio Holder" had agreed a strategic approach to libraries which included volunteer run libraries and market testing. The volunteer proposal was eventually dropped when Bromley Community link withdrew its bid to run 6 libraries. The market testing proposal had to be altered when Bexley council dropped out of what was to be a shared procurement process with Bromley. Bexley stated it had made a decision that its remaining Council controlled libraries would remain in-house.

The next significant news was that one of the major bidders, Carillion, had withdrawn its bid. This followed the two consultation exercises which rejected the Council proposals, the thousands of signatories on petitions and public demonstrations alongside overwhelming opposition from the experts – the qualified, professional staff.

The outsourcing of the service is not inevitable. Indeed, on 23 February 2017 staff were sent a letter from the Director of Regeneration giving an update on the position from the Council. This letter made clear that not awarding a contract (and therefore by implication keeping the service in-house) was an option.

The same Council Officer told the trade unions that should the public express significant opposition, the Council would have to reconsider. There is, therefore, a compelling case for the Council to do the right thing. The withdrawal of Bexley Council, Bromley Community Link and Carillion along with the public response make it more than obvious that the only ones in favour of the proposal are Bromley Council and GLL.

In 2018 there will be elections to the Council. Residents have made it very clear to the union that if the Council does not do the right thing, if it fails to listen to the public, then residents will make sure that this is reflected when they make their choice at the ballot box in 2018.

"We may sit in a library and yet be in all quarters of the earth"

An alternative does exist

In one of the consultation exercises conducted by the Council, respondents gave alternative suggestions. This included:

- Find other efficiencies across the Council – the savings are not a vast amount in the overall scheme of things, make cuts at the top!
- Save money in different ways within the library service
- Increase revenue within the library service – lease out the top floors in central Library, commercial sponsorship, advertising – look at raising money not cutting.

A further suggestion from the consultation conducted with the public was that the Council should use its reserves to help run the Library Service. This is a point that has been made by Unite again and again – but the Council has failed to properly consider it as a proposal.

Unite was making the point across local government before a trend started to develop where Councils have now started dipping into reserves. This includes large authorities such as Durham, the biggest local authority in the North East, Kirklees and London authorities including Enfield and Southwark. This is not a long term measure – instead it is a temporary measure to get the Council through a difficult period, following which it can review its position.

If the Council truly believes that it does not have the correct funding from central government to run a library service, it should use the reserves for now while joining with the community in a campaign to demand adequate funding from Central government. There has been much argument about how much the Council holds in reserves. However, what can be said is that even if we do not include all its useable assets, the Council holds well over £300 Million in reserve. The amount of money held by Councils in reserves across the country is significant. By Nov 2015 it had increased by some 50 per cent.

Current estimates are that across the country the figure is in excess of £22.5 billion. Unite does have an unexpected ally when it comes to the proposal to use reserves. On 19 November 2015, none other than Greg Clarke, Communities Secretary for the Conservatives stated:

“Now is the time to make use of reserves and assets to provide services local people want to see.”

This was in direct response to the revelations of the figures held in reserves. In addition, local authorities have significant powers to borrow, at very cheap, competitive rates. It should be noted that the service has already made significant contributions towards meeting the Councils savings targets, including a budget saving of £300k in 2014/15.

Conclusion

Residents, library users and library professionals have made clear their opposition to the proposals. Thousands have signed petitions and taken part in consultation exercises. The Councils own consultation exercises give no clear support for the Council proposals. The one clear message is that the vast majority are opposed to outsourcing and want the service to remain in-house.

Even when faced with the prospect of the Councils argument for the need to make cuts, the vast majority of respondents opposed the proposals. Feelings have been so strong that people have marched, lobbied and workers have taken strike action.

There can be no mistaking the fact – the Council along with GLL are isolated, they are the only ones who wish to go ahead. Bexley Council (with the same political party in control as in Bromley), Bromley Community Link and Carillion have distanced themselves by pulling out.

As we have shown, GLL is no option. The company spin has been shown up for what it is – spin. While they may refer to themselves as a social enterprise, in practice they are no different to any other private company. In addition to the zero hour contracts, they have closed libraries and failed to fill vacancies.

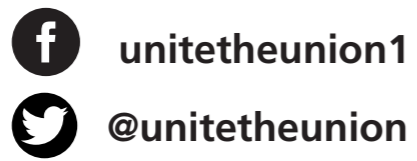
Only action from Unite has prevented long term deterioration in library services. This is a company which allows children to swim in pools infected with human waste. This was the case in Belfast this year where GLL have the contract to run leisure services. The media reported that the company failed to clear and clean a pool after a child had diarrhoea, leading to swimmers ingesting infected water and becoming ill. This was followed by a media report of temperatures in shallow pools being far too cold. Our conclusion is that GLL cares little for customers, its workers and the wider community. If this is not enough to prevent them being awarded a contract, it is difficult to know what they would have to do to lose a contract bid.

The Council does have a financial option – it can take the advice of the Conservative Communities Secretary and use its reserves. What else are these reserves for if not to make sure that in desperate times, the services that residents want are maintained? The proposal to hand the contract to GLL is about making savings. At no point has GLL said how it can make those savings – but as we have pointed out by looking at its record, savings will mean a deteriorating library service. There is no evidence whatsoever to show how GLL will not only maintain but improve the service with less money. Let us also not forget that this is a 10 year contract with an option to extend for another 5 years. In other words, a long term decision is being made based on the flimsiest of evidence.

The last word should go to an author who attended a recent conference organised to fight to save libraries:

“Saving Libraries is not rocket science. But if you don't have libraries, you will not have rocket scientists.”

*“Saving libraries is not rocket science.
But if you don't have libraries, you will not have rocket scientists”*



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