



Save Ealing's Centre

mail@saveealingscentre.com

www.saveealingscentre.com

5 August 2016

Lucy Taylor
Director Regeneration and Planning
London Borough of Ealing

By email to: taylorl@ealing.gov.uk

Dear Ms Taylor

Re: Ealing Central Library

Further to the proceedings at Scrutiny last night concerning relocation of the library to a smaller unit within the Ealing Broadway Centre.

Based on the evidence, the decision not to refer the matter back to Cabinet appears to us to be entirely irrational.

In simple terms a highly valuable unit available for community use totalling 29,000 sq ft on a long lease at a peppercorn rent is to be given up and replaced by a unit of around a third of the size in a worse location. Apart from the cost of the fit-out no payment is to be made by the landowner to reflect the very considerable gain in net present value to them of having the additional space available to let for retail. The rationale for this decision to greatly reduce provision of library services is claimed to be a saving of around £80,000 per year in service charges (equating to approximately 22 pence per borough resident).

Should the decision stand this would result in:

- i. London Borough of Ealing (LBE) not obtaining best value for the disposal of an asset - in likely contravention of the Local Government Act 1972 including the provisions of the General Disposal Consent 2003 (unless referred to the Secretary of State for consent)
- ii. LBE giving a subsidy to a commercial operator - in likely contravention of Article 107(1) of the Treaty on the Functioning of the European Union (TFEU)
- iii. LBE failing in its responsibility to ensure provision of library resources (in the broadest sense) for the community within premises of a size and quality agreed as part of the tendering process when the Ealing Broadway Centre was built.

The free resources provided at the library are currently well used by those who need them within the growing population of Ealing - particularly by the youth, elderly, vulnerable and disadvantaged people. In our opinion this is a key service that the community of Ealing require LBE to supply on their behalf.

Regarding financial matters, we consider that any reasonable person should be able to understand the basics of property valuation based on location and size and it should be obvious that this proposal is highly inappropriate and, in our opinion, unlawful.

Please note from the “Indecon principles”:

“...a court is only likely to find a breach or an intended breach by a council of the provisions of section 123(2) of the LGA 1972 if the council has ...(c), although following proper advice, followed advice which was so plainly erroneous that in accepting it the council must have known, or at least ought to have known, that it was acting unreasonably”

We repeat the request to have sight of the full report on the basis of which the decision has been taken. In addition please provide us with a copy of the current lease so that we may compare it with the heads of terms in the report.

In light of the above, please confirm that you will refer the decision back to your legal department asking them to review their advice to Cabinet.

Yours sincerely

SAVE EALING'S CENTRE

c.c.	Helen Harris	harrish@ealing.gov.uk
	Paul Najsarek	chiefexecutive@ealing.gov.uk
	Mik Sabiers	mik.sabiers@ealing.gov.uk
	Gregory Stafford	gregory.stafford@ealing.gov.uk