

FOSL

Friends of Somerset Libraries

25th May 2011

Dear Friend,

I am writing as Chair of Friends of Somerset Libraries (FOSL) to ask for your help.

As you may well know, together with many other groups such as Friends of Glastonbury, Milborne Port, Porlock, Priorswood, South Petherton, Watchet, Wiveliscombe, and other libraries in Somerset we have been campaigning together against Somerset County Council's (SCC) decision to reduce the budget and close a number of libraries across Somerset. With advice from Tim Coates, ex-MD of Waterstones, we have been trying to help SCC understand how to restructure their library organisation and costs to allow all libraries to stay open whilst achieving the cost savings SCC require - but this has fallen on deaf ears.

At the same time, together with Watchet Library Friends, we have worked very hard with Public Interest Lawyers (PIL) to firstly confirm the potential for, and then to launch, a legal action against SCC to stop the library closures. PIL have obtained confirmation in principle from the Legal Services Commission (LSC) that they will fund through legal aid a particular client in Watchet to allow the challenge to proceed as a test case on behalf of the whole of Somerset and all closing libraries.

Unfortunately the LSC have the right under the Funding Code, issued under the Access to Justice Act 1999, to request help from those communities across Somerset who would benefit from the case, and can request a financial contribution from such groups. The attached briefing document from PIL describes in more detail this requirement.

Watchet Library Friends have provided a lot of background information about the areas of deprivation and challenges that apply to our area in Somerset. As a result the PIL lawyers will argue that no contribution is appropriate in this case if all of the circumstances are properly taken into account. But there are very few precedents for the amount that the Legal Services Commission may seek. The lawyers' best estimate is that the LSC may seek a sum of up to £5,000. If you can pledge £50.00 or £100.00 it will help. £250 would be better and £500 would be magnificent, but any contribution will be gratefully received.

In consequence we are asking for personal pledges or pledges from your organisation towards funding this community contribution. This will give a strong message to the LSC of the commitment from ALL of Somerset - we want to save all our libraries, both fixed and mobile.

We would be grateful if you could pass this message to all your members and any other interested groups.

Could you please co-ordinate a reply of any contributions offered to John Irven, who is acting as a Watchet Library Friend to co-ordinate liaison for us all with Public Interest Lawyers (PIL)

Pledges can be sent by email to watchetlibraryfriends@hotmail.co.uk

Or to John's Address
3 St Decuman's Heights
St Decuman's Road
Watchet TA23 0FL

Although at this stage we are collecting 'pledges', as the case progresses we will expect to have to convert these to collection of the actual contributions from you.

Please note that if the PIL legal challenge is successful and the case is won outright, then SCC will have to reverse their decision AND it is likely that they will have to pay all the legal costs, so any contributions made could be returned to you.

In addition we would like to draw your attention to the commitment given by PIL on page 2 of the briefing document:

"If individuals or campaign groups commit to raising a certain amount of money, but find that they will fall short of the amount, they will not be liable for the shortfall. The economic viability of continuing with the case may have to be reviewed, however."

We believe that this legal action is the way to force SCC to change its mind, which they have stubbornly refused to do in our interactions to date.

We are writing to request this help from all Library Friends groups in Somerset, as well as other organisations and individuals who have expressed interest in helping keep our libraries open. Clearly it will be up to you how you want to respond, but we hope that you can answer us favourably. Please let us show our commitment to this action to save our libraries by responding strongly and positively to this request.

Yours sincerely

Kay Hoskins

Kay Hoskins, Chair, Friends of Somerset Library

Tel 01984 624387



John Irven

Tel 01984 631083


Q & A: Judicial Review to Stop Library Closures

Public Interest Lawyers (PIL), a Birmingham law firm, are conducting litigation against Somerset County Council with the aim of quashing the Council's proposals to close 11 of the County's libraries, reduce opening hours, and slash the mobile library service. The aim is to keep all of Somerset's libraries open.

The Legal Services Commission (the body that administers legal aid) has made clear that they will only fund a proportion of the case, and the community that benefits must also contribute financially to the legal challenge. Various fundraising methods are currently being considered.


The community will, quite rightly, want to know how fundraising will work, what the money will be going towards, and what will happen to it at the end of the case. This document answers some of the more commonly-asked questions about the process. For further information, please contact Friends of Somerset Libraries/Friends of Watchet Libraries at watchetlibraryfriends@hotmail.co.uk 01984 624387 or 01984 631083






What will my contributions be used for?

- The money contributed will go towards funding the legal challenge to keep the libraries open. The cost of a judicial review action of this kind is in the region of £30,000 (including disbursements and barristers' fees). Unless the case is successful, lawyers work at legal aid „risk' rate of £70 ph, which, though it may sound a lot, is far below ordinary commercial rates, and is reduced significantly by overheads such as secretarial support. A proportion of this amount is to be raised by the community affected by the closures. The exact amount is to be decided by the Legal Services Commission imminently, but is expected to be several thousand pounds.



Why am I being asked to pay for this? If we commit to raising an amount, but later fall short, are we liable for the shortfall?


- In public interest legal cases, such as this, the Legal Services Commission can ask for contributions from the community in addition to the funding they themselves provide. They are permitted to do so under the Funding Code issued under the Access to Justice Act 1999. The idea is that since members of the community will benefit from a positive result in the case, they should be asked to contribute to the costs of it.



That doesn't sound fair! I pay my taxes!

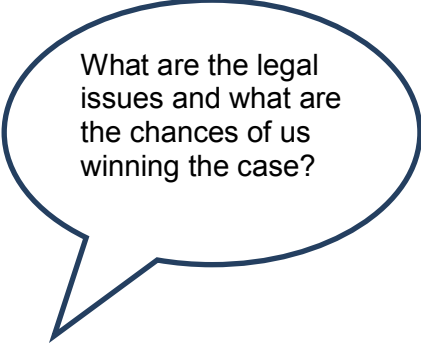
- If individuals or campaign groups commit to raising a certain amount of money, but find that they will fall short of the amount, they will not be liable for the shortfall. The economic viability of continuing with the case may have to be reviewed however.

- It may not be fair. It is, however, allowed by law, and although Public Interest Lawyers (PIL) are negotiating very hard with the Legal Services Commission over the exact figure, it looks like if the case is to go ahead, then some sort of community contribution will be needed.




What are the other options?

- Unfortunately, they are limited. Campaigners have been working hard to fight these proposals, but have, to a large extent, been ignored by the Council, which is keen to push its agenda through. If the legal challenge fails, or does not proceed due to lack of funding, the future looks bleak for the County's libraries.



What are the legal issues and what are the chances of us winning the case?

- Somerset County Council's proposals breach the Public Libraries and Museums Act 1964 (the "1964 Libraries Act"), which places an obligation on the Council to provide a „comprehensive and efficient library service'. The Council also failed to adhere to its equality and consultation duties; the consultation being deficient in terms of matters covered, and taking place over just 4 weeks, during the Christmas period 2010.



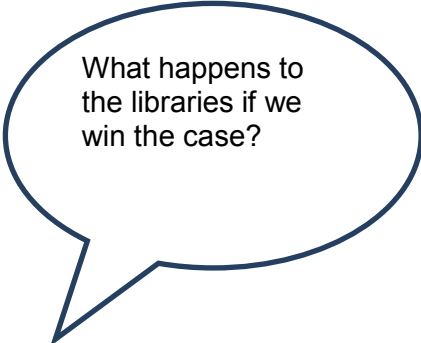
What happens to the money if we win?

- Rabinder Singh QC, an eminent barrister, has considered, in a legal opinion, that we are more likely to win the case than we are to lose it. A four-lawyer panel at the Legal Services Commission also agreed that the prospects of success of the case merit funding. Recent judicial review cases have overturned Councils' cuts relating to disability benefit and other important services. The courts have the power to stop the Council's plans in their tracks.



And if we lose?

- If we win the case, the usual rule is that the losing party will pay the other side's costs. So, if the case is won, the Council is likely to be liable to pay our legal costs. If this happened, then subject to any shortfall between actual costs and costs recovered, the money would be returned to you, if you register your details with FOSL.

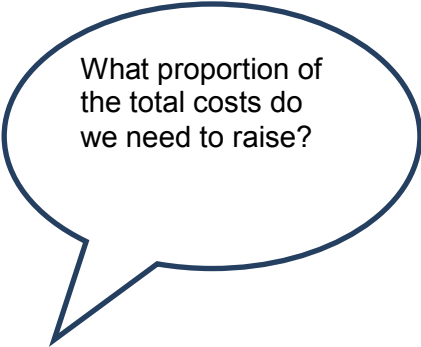


What happens to the libraries if we win the case?

- If the case is lost, the money paid towards legal bills will be retained. Because of the Legal Services Commission's involvement in the case (i.e. the granting of a certificate of funding), they will pay the Council's legal costs. You would not be liable to pay legal costs yourself.


- If the case is won on the basis that the Council's actions are illegal under the 1964 Libraries Act, the Council will have to alter their proposals to provide a comprehensive library service. This would have to comply with the guidance given by the judge. It is inevitable that services will be saved.

- If the case is won on the grounds that equality legislation and / or consultation requirements were not complied with, the Council will have to re-think their proposals, and start the consultation process again. They would also have to show that they had, the second time around, listened to what the people of Somerset were telling them.




What proportion of the total costs do we need to raise?

- The Legal Services Commission will determine the proportion very soon. They will take into account the economic profile of the persons affected by the Council's cuts, and the proportion of the community that is likely to be eligible for Legal Aid. Note that the LSC will not assess the financial situation of each donor to the legal fund, but will use publically available statistics.




How long will the legal process take?

- The estimated time-scale, funding permitting, is 3 months. We want to get the case to court as quickly as possible, since we know that libraries will soon be starting to close and librarians are already being forced to consider redundancies



Who are these "Public Interest Lawyers"?

- Public Interest Lawyers (PIL) are experts in matters of international and domestic law. They act for individuals and groups in their battles for justice against various public bodies. PIL's founder, Phil Shiner has won numerous accolades, and Public Interest Lawyers are shortlisted for Legal Aid Lawyer of the Year 2011.



I might be able to give something. Who do I contact?

- Friends of Somerset Libraries, (and associated groups, such as Watchet Library Friends), have been campaigning tirelessly for County's libraries, and are co-ordinating the collection of the legal fund. Please contact them at Friends of Somerset Libraries/Friends of Watchet Libraries at watchetlibraryfriends@hotmail.co.uk 01984 624387 or 01984 631083