REPORTS THROUGH THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

a10   [GM-CM] Richmond Tweed Regional Library

SUBMITTED BY: General Manager

FILE NUMBER: N/A

Supporting Community Life

SUMMARY OF REPORT:

1.   Tweed Shire Council entered into an agreement with Lismore City Council in 1973 for the provision of joint library services. Ballina Shire and Byron Shire signed similar agreements with Lismore City Council.

2.   The autonomy of the Richmond Tweed Regional Library does not meet with the legislative requirements of the 1993 Local Government Act.

3.   The Richmond Tweed Regional Library (RTRL) is not a legal entity.

4.   In December 2009 the RTRL committee resolved to move towards the administrative model under the 1970's agreements and act in the interim to comply with the Local Government Act. This action is substantially complete however no formal delegation exists for Lismore City Council to undertake this service on Tweed's behalf.

5.   In June 2011 the Library Act 1939 was amended with the aim of providing greater flexibility to councils considering shared delivery of library services.

6.   At this point in time agreement cannot be reached with the four member councils (Tweed, Byron, Ballina and Lismore) on the form that a joint model should take.

7.   The other three member councils are proposing that a number of alternative models now be investigated, including an option for a county council. This report recommends that Tweed Shire Council not participate in a county council model if that is the ultimate preference of the other councils.

8.   The Gold Coast City Council run an excellent contemporary library service. Coolangatta library is adjacent and immediately accessible to the Tweed community.

9.   This report recommends that Council continues to be involved in the review of options for the provision of library services through the RTRL other than the county council option but at the same time initiates discussions with the Gold Coast City Council in regard to the provision of a shared library service.

RECOMMENDATION:

That Council:

1.   **Notes the current status of resolutions from Byron, Lismore and Ballina councils relevant to the Richmond Tweed Regional Library.**

2.   **Advises Lismore, Ballina and Byron councils that it will not be a participant in the Richmond Tweed Regional Library should a county council option be the preferred model of the other councils.**

3.   **Advises Lismore, Ballina and Byron councils that Tweed Shire Council will continue to be an active participant in identifying a preferred model for the provision of library services, exclusive of the county council option.**

4.   **Initiates preliminary discussions with Gold Coast City Council in relation to the provision of joint library services.**

REPORT:

Background

Council has been participating with all the member councils of the Richmond Tweed Regional Library (RTRL) towards the establishment of an administrative council model following an RTRL committee resolution in 2009, supporting that direction.

At its meeting of 15 December 2009 Council resolved to support the administrative council model and the continuation of Lismore City Council as the administrative council for the Richmond-Tweed Regional Library Service. The Library Service was subsequently integrated within Lismore City Council and a new Draft Agreement between all parties was prepared to provide the governance for this model to work under the Local Government Act.

At its meeting of 16 August 2011 Council resolved to:

1.   Agree in principle to the Draft Richmond Tweed Regional Library Agreement and endorses the administrative council model.

2.   Request an asset register to be attached to the final agreement.

Joint RTRL Meeting

Subsequent to the resolution of 16 August 2011, member councils have taken a number of actions. On 7 February 2012 Mayors, General Managers and members of the RTRL committee met at Byron Shire Council chambers to further review options for a regional library service.

The recorded outcomes were:

1.   *Lismore City Council to put suggested and requested information onto the RTRL website*

2.   *Lismore City Council to improve the reporting flow to constituent councils*

3.   *The RTRL library committee to be reconvened by Lismore City Council*

4.   *Byron Shire Council to progress development of an alternative to the administrative model, such as a County Council or Co-Operative, establish how quickly this could be set up and provide details to other Councils at the earliest opportunity, preferably for consideration at March Council meetings*

5.   *Constituent councils determine whether or not to sign the draft administrative agreement as is or amended. The timeframe could be significantly reduced (say to 12 months) while Byron works on an alternative option but this would necessitate some redrafting of agreements as they currently relate to a 5-year timeframe*

The meeting notes are an attachment to this report.

Member Council Resolutions

The following resolutions are current as at the time of writing this report.

Ballina Shire Council - 23 February 2012

Ballina Shire Council reserves its position on the future of the library until further advice is received from the State Library in relation to the recent changes to Section 12A of the Library Act and Byron Shire Council has reported back on other options that include a return to an independent library system as was discussed at the Feb 7th meeting of the RTRL committee.

Lismore City Council - 13 March 2012

1. *The Richmond Tweed Regional Library Committee reconvenes to consider the business of the Richmond Tweed Regional Library.*

2. *Council requests the Richmond Tweed Regional Library Committee to consider the formulation of a Memorandum of Understanding to reflect member council intentions of working together in the spirit of regional trust and cooperation to deliver a regional library service.*

3. *Council supports the Richmond Tweed Regional Library Committee's investigation of alternative business models to provide a regional library service and requests the Committee to jointly consult with the Mayors and General Managers of member councils during this process.*

4. *Council requests the Richmond Tweed Regional Library Committee to consider the report to be prepared by Byron Council on a number of business model options as listed in the 'RTRL Committee, Mayors & General Managers Joint Meeting' (Feb 2012) Outcomes.*

5. *Council request Tweed Shire Council to reconsider its position on business model options for the Richmond Tweed Regional Library and support an investigation of alternative business models to be undertaken by the Richmond Tweed Regional Library Committee in consultation with the Mayors and General Managers of the member councils.*

6. *In recognition of the unresolved governance shortfalls with the existing library agreements, Council requests the Richmond Tweed Regional Library Committee undertake those investigations within a two year period.*

7. *Council write to the NSW Minister for Local Government and NSW Minister for the Arts advising what actions are being taken with respect to investigations of business models for the regional library service.*

Byron Shire Council - 8 September 2011

Resolved:

1. *That Council note that Lismore City Council has requested that, before 13 September 2011, Byron Shire Council determine:*

   Either:

   a) *its commitment to the delivery of a regional library service through the revised Richmond Tweed Regional Library Agreement and Service Level Agreement attached (Annexures 5(a) #1122894 and 5(b) #1115460), or*

   b) *a preference to investigate other options afforded by the Library Amendment Act 2011.*

2. *That Council's preference is per 1(b) above, to investigate other options afforded by the Library Amendment Act 2011.*

3. *That Council note that Tweed Shire Council has endorsed the administrative council model (with the addition of an asset register), and has not indicated a preference to investigate other options afforded by the Library Amendment Act 2011.*

4. *That Council note that Ballina Shire Council has resolved that the matter be deferred until comparative information is received on a County Council model and an in-house model.*

5. *That Council authorise the General Manager to write to Lismore City Council requesting that the RTRL Committee be reactivated and resume regular meetings to properly conduct its affairs in accordance with the 1978 RTRL Agreement, which is still in operation.*

6. *That Council authorise the General Manager to advise Lismore City Council that its preference is for the RTRL Committee to be resumed to consider alternative options for the delivery of regional library services afforded by the Library Amendment Act 2011, including the County Council model.*

7. *That the report remain confidential and the two last annexures (5f and 5g) be made public.*

Byron Shire Council is considering a further report on the RTRL on 22 March 2012. The Bryon report recommends that Byron adopts the county council model as the preferred option for the RTRL.

Possible Management Options

The following management options were put forward at the joint meeting held in February 2012.

- Corporation
- Cooperative
- Charitable Trust
- County Council
- An entity affiliated to an existing county council
- An incorporated organisation
- An administrative model
- Shared Services model
- The administrative model with a S355 committee

The county council or cooperative model were the subject of most discussion.

Library Arrangements throughout New South Wales

There are 19 regional library services currently in place. Excluding RTRL, they can be summarised as:

> Administrative Model – 8
> Shared Services Model – 9
> Separate Entity Model – 1

The only separate entity model is the Upper Murray service which is an incorporated body. This service received special consideration as it services local government areas in both NSW and VIC.

It is worth noting that the majority of possible management options identified at the recent joint meeting are not in operation anywhere in NSW. It is clearly evident that the most common arrangement is the administrative or shared service model.

County Councils

There is one local government authority in each of the Clarence and Tweed Valleys. In the Richmond Valley there are currently five general purpose councils and three county councils (providing water, flood mitigation and noxious weed eradication services). Each of the three existing counties operates over a different footprint to the RTRL. A recent review of the three counties recorded that the Richmond River County Council has a $250,000 governance overhead within a total budget of $1M. Far North Coast County Council has a budget of approximately $1.2M and currently expends $165,200 in administration costs (excluding audit, IT, insurance, etc). The RTRL has an annual budget in the order of $5M.

A county council is a separate legal entity and must comply with virtually all the same provisions of the Local Government Act (LGA) as does a general purpose council. However there are some variations, with the major items being:

- Part 1 of the LGA - the provision of various goods and services is limited for a county council to their specific role
- Divisions 1 and 2 of Part 2 of Chapter 9 - this section relates to how councils are established
- Chapter 10 - relates to the election of councillors
- Section 365 - County councils are not required to meet at least ten times per annum as are general purpose councils
- Parts of Chapter 15 - This chapter relates to the making and levying of ordinary rates, which are not relevant to a county council.

A county council would need to meet with the following requirements:

- Constituent Council Members (Councillors and Chairman) fee. Assuming two Councillors from each constituent council, equates to 12 representatives each being paid plus the Chairman's allowance. Currently the annual fees are as follows:

Councillors	$1500 min	$4980 max
Chairman	$3220 min	$9080 max

- Minimum of 4 meetings per year
- Production of business papers
- New Stationary, marketing, etc
- Appointment and cost of General Manager It would be assumed that this would also be the position of Regional Library Manager, however as this position would undertake a wider range of responsibilities than a typical Library Manager the total remuneration package may need to be increased by at least $10,000 to $20,000 per annum.
- Appoint a responsible accounting officer and a public officer. These two positions may need to be filled by the General Manager, dependent on the staff available, which could lead to concerns regarding a lack separation of duties and responsibilities.
- Delegations.
- Development of Integrated Planning and Reporting, including Community Strategic Plan, Delivery Program, Operational Plan and Resourcing Strategy (comprising Workforce Management Plan, Asset Management Policy and Plan, Long Term Financial Plan), Revenue Policy, Fees and Charges.
- Suitable Premises/ Administration Facility, potentially the existing building.
- Administration costs including Finance unit - establishment of new General Ledger, preparation of an annual budget and complete a set of annual financial statements, with the annual statements having to be externally audited. The annual financial statements would need to be far more comprehensive than the statements currently prepared for the library operations. Prepare regular cash and investment reports, HR Function, Work Health Safety plus representation in accordance with the new National Harmonisation laws such as Work Health and Safety Committee, IT costs (including file servers, licensing, firewall, website, demilitarised zones, PC's, terminal's, bandwidth, etc), Internal Audit plus Audit Committee (including appointment of external members), Risk Management Committee. Other costs may include Consultative Committee, establishment of salary structure, insurance, public liability, Records Management in accordance with GA39
- External Audit (appointment through tender process as per LG Act)

- Quarterly Budget and Corporate Reviews
- 6 monthly report on progress of Operational and Delivery Programs
- Annual Report, Annual Financial Statements
- GIPAA - and all the costs associated with administering the Act such as an annual Government Information (Public Access) Act 2009 publication
- Mandatory Policies such as Code of Conduct, Workplace Surveillance, EEO Management Plan, Protected Disclosures, Payment Expenses and Facilities of County Councillors, Code of Meeting Practice
- Appoint Code of Conduct Reviewers
- DLG Strategic Tasks
- Membership of Shires Association
- Membership of NOROC

Under the county council option constituent councils hand over the management of their library service to a new independent legal entity. Apart from the constituent councils' representation, there is no opportunity to directly influence service level standards, including the provision of new or alternative service options.

Tweed Shire Council commensurate with its projected growth rate will need to continually review and expand its library service to meet the demands of its growing population through the delivery of the Tweed Shire Library Strategy 2002/2003 to 2021/2022. Handing up this function to a separate independent entity such as a county council could result in significant difficulties in delivering, for example, expanded services. Council would require the consent of the Governor (and therefore, the consent of the state government of the day) to dissolve the county council if ever it wished in the future to bring the provision of library services back in-house.

The county council option is potentially a costly alternative that provides very limited opportunity for Tweed to influence the management, operation and long term planning of its library service.

Gold Coast City Council

Council's Director Community and Natural Resources recently inspected a Gold Coast City Council (GCCC) library.

> *"On an initial observation the GCCC library is of a high standard. The surrounds were relaxed and pleasant. They have employed the latest technology which allows self booking, borrowing and return of items. There were also staff on hand to assist when needed. Within the library items are simply placed on a bench and are scanned and identified collectively to activate borrowing of the items. Due to its size the library also has a substantial book stock which includes magazines, DVD's, CD's etc. The library was busy with many people borrowing items, using the internet and PC's, or reading. The GCCC library's have an excellent reputation within their communities."*

Councillors would be aware that the GCCC has a library at Coolangatta, less than two kilometres from Council's Tweed Heads' library. This is one of 14 libraries run by GCCC. Other libraries at the southern end of the coast are located at Elanora and Palm Beach. This presents a significant opportunity for council in the expansion of Tweed library services,

particularly given the onset of Cobaki where 12,000 Tweed residents will be physically closer to the GCCC library service than Tweed's.

An option exists for the Tweed to enter into some form of shared services agreement with both the GCCC and RTRL councils. Consideration of this alternative is in keeping with the concept of seamless borders and cross border ties and relationships for the delivery of services as promoted by Regional Development Australia and the Federal Minister for Regional Australia, Regional Development and Local Government, and Minister for the Arts, Simon Crean.

The report recommends therefore that Tweed commences initial discussions with Gold Coast City Council in regard to the joint provision of library services while still being actively involved in attempting to find common ground for a preferred RTRL model, exclusive of the county council option.

OPTIONS:

Nil

CONCLUSION:

Nil

COUNCIL IMPLICATIONS:

a.   Policy:
Not Applicable

b.   Budget/Long Term Finance Plan:
Significant budget implications if a cost effective regional library model is not the outcome.

c.   Legal:
No-Legal advice has not been received
Attachment of Legal Advice-Not Applicable

d.   Communication/Engagement:
Not Applicable.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

2	Supporting Community Life
2.1	Foster strong, cohesive, cooperative, healthy and safe communities
2.1.3	Provide opportunities for residents to enjoy access to the arts, festivals, sporting activities, recreation, community and cultural facilities
2.1.3.6	Constituent member of Richmond Tweed Regional Library Service
2.1.3.6.1	Provide an accessible and contemporary Library Service

UNDER SEPARATE COVER:

1. Report from meeting held Tuesday 7 February 2012 to review options for delivery of a regional library service for the Richmond Tweed Regional Library (RTRL) (DW 47690546)

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