

LIBRARY OF THINGS AT BOURNE HALL

| | |
|---|---|
| Head of Service: | Ian Mawer, Head of Planning Policy and Economic Development Sam Whitehead, Interim Assistant Head of Service |
| Report Author | Mark Rachwal |
| Wards affected: | Ewell Village Ward; |
| Urgent Decision?(yes/no) | No |
| If yes, reason urgent decision required: | N/A |
| Appendices (attached): | Appendix 1. CIL bid proposal storage unit examples Appendix 2. Planning application elevation drawings for LoT external storage unit Appendix 3. Location plan for storage unit |

Summary

This report presents the proposed plan by a third party, Epsom and Ewell Climate Action Network (EECAN), to set up an external store within Bourne Hall grounds as part of the operation of a Library of Things (LoT) at Ewell library, located in Bourne Hall.

The LoT is a community sharing initiative that enables residents to borrow useful items (normally for free) such as tools and household appliances.

To enable the operation of the LoT an external store is required for the storage of larger items, as there is not the available space within Bourne Hall.

The Council would need to grant a 2-year legal agreement direct with EECAN for the free use of the land on which the storage unit would be located. The legal agreement would be terminable by the Council if the LoT ceased to operate from Bourne Hall.

There are health and safety and operational risks to the Council in entering such a legal agreement. These are set out in detail in the main report.

The legal agreement would need to be for a secure and police approved storage unit to mitigate against identified risks including fire, theft and vandalism.

The initiative would support the delivery of the Council's Climate Change Action Plan (2025-2029).

Recommendation (s)

The Committee is asked to:

- (1) Agree to enter into a legal agreement at nil rent for 2 years (terminable if the LoT ceased to operate from Bourne Hall) direct with EECAN for a police approved outdoor store for the LoT, dependant on planning permission being obtained, noting the health and safety risks and legal issues highlighted in this report and agreeing the mitigation measures form part of the legal agreement.**
- (2) Delegate authority to the Head of Property and Regeneration, Interim Assistant Head of Service for Venues and Community Commercial Services and Chief Legal and Monitoring Officer to agree the final legal arrangements.**

1 Reason for Recommendation

- 1.1 An external store is required for the storage of larger items for the LoT, as there is not the capacity to store them within Bourne Hall.
- 1.2 The Council is the owner of the grounds of Bourne Hall and any such store within our land would require a direct legal agreement with the Council.
- 1.3 The granting of a legal agreement at nil rent for 2 years requires committee approval to waive the Council's Contract Standing Orders to seek Best Value.
- 1.4 The store needs to be secure and police approved to mitigate against identified risks including theft, fire and vandalism. It also needs to be of a scale which is discreet and proportionate to the location and siting within a public park.
- 1.5 The initiative would support the delivery of the Council's Climate Change Action Plan (2025-2029), with the setting up of a LoT included as part of action 49.

2 Background

- 2.1 A LoT is a community initiative similar to a normal library but instead of borrowing books you can borrow useful items such as tools, camping equipment, household appliances and more. It makes it possible for households to avoid the purchase cost of often low use items, along with reducing resource use and waste.
- 2.2 In Surrey there are currently 6 operating LoTs which predominantly operate from existing Surrey libraries and are run by a local community group.

Environment Committee

30 June 2026

- 2.3 EECAN approached Epsom and Ewell Borough Council (EEBC) and Surrey County Council (SCC) with a proposal to set up a LoT in Bourne Hall, operating from within Ewell library. The operation of the LoT would be the responsibility of EECAN and their volunteers, in partnership with the Surrey Library Service (SLS).
- 2.4 EECAN received agreement from SCC for the setting up and running of a LoT from Ewell library. A Memorandum of Understanding (MoU) was agreed between SLS and EECAN covering the service delivery of the LoT in Ewell library.
- 2.5 Most of the LoT items available to borrow can be stored at Bourne Hall Library but there is currently not the available storage space for the larger items.
- 2.6 EECAN discussed a solution with EEBC of installing an external store in the Bourne Hall Park grounds to be used for larger item storage (see Appendix 3 for proposed location). However, regard must be had to Bourne Hall being designated as a Grade II listed building and the grounds being a public park.
- 2.7 EECAN submitted a bid to the Community Infrastructure Levy (CIL) in June 2025 to fund the purchase and installation of a safe and secure external storage unit. A conditional award was approved subject to all necessary permissions being in place to deliver the project (planning and landowner).
- 2.8 EECAN subsequently submitted a planning application on 24 December 2025 to install a single storey timber outbuilding, to the rear of the NHS Wellness Centre, to accommodate the storage of larger items for the LoT. Planning permission was granted on 4 March 2026.
- 2.9 The CIL bid proposal included links to police approved metal storage units as examples of the type of storage shed to be installed (see Appendix 1). The example metal storage units highlighted had dimensions no larger than 2.2m width x 1m depth x 2m height.
- 2.10 As set out above the approved planning application is for a timber structure as opposed to a metal structure. It also has substantially larger dimensions of 7.2m width x 3.4m depth x 3.4m height (see Appendix 2). This poses increased risks in terms of security, theft and vandalism (see 4.2 for more detail).

3 Legal arrangements

- 3.1 Initially it was understood that the store would be connected to the Library and linked to the MOU with SCC, however, SCC have recently confirmed this will not be the case.
- 3.2 Therefore, EEBC would need to set up a legal agreement direct with EECAN for the use of the land on which the storage unit would be located.

Environment Committee

30 June 2026

- 3.3 To facilitate this request, a legal agreement would need to be granted direct to EECAN and this can only be done by committee approval. In contrast (acting under their Scheme of Delegation), officers are under a Best Value obligation to expose all letting opportunities to the open market. This ensures that any other charities with a requirement for storage in the grounds of Bourne Hall are provided with the opportunity to express their interest and bid accordingly.
- 3.4 If a legal agreement to EECAN is authorised by committee, then it will not be granted on a commercial basis (as it was never exposed to the market), but instead, the Council will be perceived to be working in partnership with EECAN to deliver the larger LoT items. Clearly, the Council will not be involved operationally (that is the role of EECAN and volunteers) but there will be an implied perception that the Council is assisting the project by offering free accommodation. Committee must appreciate that it will be potentially exposed to the same risks as EECAN in operating the larger LoT items in the event of an injury claim.
- 3.5 By their nature, the larger LoT items (e.g. hedge cutters) carry a significantly greater risk of injury than the smaller LoT items delivered by Surrey County Council. Please note that whilst the legal agreement would include full indemnification by EECAN in the event of an incident, a landlord can never fully outsource risk under a legal agreement. Furthermore, in the event of an incident or injury claim, there is potential for both EECAN and the Council to be referenced within any associated claim.

4 External storage unit core risks and mitigation measures

- 4.1 There are health and safety and operational risks to the Council in entering a legal agreement for an external storage unit on our land and in the operation of the LoT. These are set out below:
- 4.2 **Security, Theft and Vandalism** - The presence of a store containing desirable and portable items within an open park significantly increases the risk of theft, vandalism and attempted break-ins. The absence of CCTV in the Park reduces deterrence, limits enforcement options, and restricts post-incident investigation. Previous theft of power tools and equipment from secured Council sites (e.g. Bourne Hall garages, Epsom cemetery, Longmead Depot and council vehicles) provides evidence of persistent, local risk.
- 4.3 **Potential Mitigation:** Requirement within the legal agreement that:
 - The store complies with police approved specifications.
 - The Council would take no responsibility for damage or break in and any costs to repair are to be covered by EECAN which will be stated in the legal agreement.

Environment Committee

30 June 2026

- 4.4 **Antisocial Behaviour** - The store may become a focal point for antisocial behaviour, particularly out of hours. Experience indicates that visible infrastructure in parks can attract loitering, vandalism or nuisance behaviour, even where well managed.
- 4.5 **Potential mitigation**: A requirement within the legal agreement that:
- The store complies with police approved specifications.
 - No items left outside or displayed externally at any times.
 - Ability to remove the store if anti-social behaviour escalates.
 - The Council would take no responsibility for damage or break in and any costs to repair are to be covered by EECAN which will be stated in the legal agreement.
- 4.6 **Public Safety – Use and Transfer of Equipment** - The park acts as a transfer point for potentially hazardous equipment. There is a risk of misuse, informal testing, or accidental injury within a public space.
- 4.7 **Potential mitigation**: Requirement within the lease that:
- The unit would operate solely as a collection and return point and not as a repair, demonstration or testing location.
 - Equipment transfers must take place in accordance with agreed operating procedures and health and safety requirements.
 - The Council would retain the right to suspend operation of the scheme where public safety concerns arise (Note that as a scheme that will be independently operated by the occupiers, the Council would not be involved in verifying or certifying the safety or suitability of items exchanged through the scheme).
 - The operator would be responsible for ensuring the area surrounding the unit remains clear of abandoned, damaged or excess equipment and for the prompt removal of any items giving rise to safety, nuisance or visual concerns.
- 4.8 **Fuel, Batteries and Fire Risk** - Equipment may be returned with residual fuel or damaged batteries, creating risks of vapour build-up, leakage and ignition. Particularly concerning in a timber framed building in a public open space. Lithium-ion batteries present a high-risk fire hazard.
- 4.9 **Potential mitigation**: Requirement within the legal agreement that:
- The store complies with police approved specifications.
 - No flammable or toxic items would be permitted to be stored in the unit.

Environment Committee

30 June 2026

- A power supply to the store would not be permitted.
- The Council would take no responsibility for damage or break in and any costs to repair are to be covered by EECAN which will be stated in the legal agreement.

5 Additional considerations

- 5.1 In addition to the core risks set out above, there are additional risks related to the running of the LoT from Bourne Hall.
- 5.2 Members of the public are likely to direct queries, complaints and reports about the Library of Things to Bourne Hall reception, regardless of formal responsibility. This creates unplanned workload, distracts staff from core duties, and risks operational creep.
- 5.3 Damage, theft or antisocial behaviour is likely to occur out of hours, with a high risk that incidents are informally reported to Bourne Hall staff or perceived as a Council managed issue.
- 5.4 It would be advised that operational mitigation measures are implemented to reduce the impact on EECAN staff, such as clear signage and instructions for using the LoT and the store.

6 Summary

- 6.1 In determining to agree to a fixed term legal agreement the Council requires an appropriately sized, secure and police approved weatherproof and inflammable storage unit to mitigate against the risks identified above. The approved larger timber structure poses a significantly increased risk to security, theft, fire and vandalism.

7 Risk Assessment

Legal or other duties

- 7.1 Equality Impact Assessment
 - 7.1.1 None arising from this report.
- 7.2 Crime & Disorder
 - 7.2.1 As set out in section 4 of this report.
- 7.3 Safeguarding
 - 7.3.1 None arising from this report.
- 7.4 Dependencies
 - 7.4.1 None arising from this report.

Environment Committee

30 June 2026

7.5 Other

7.5.1 None arising from this report.

8 Financial Implications

8.1 The legal agreement would be granted at nil rent for 2 years and will be terminable by the landlord if the LoT ceased to operate from Bourne Hall or if other problems arise giving both parties the ability to terminate.

8.2 The Council would take no responsibility for damage or break ins to the storage unit and any costs to repair are to be covered by the legal agreement.

8.3 **Section 151 Officer's comments:** None arising from the contents of this report.

9 Legal Implications

9.1 If the committee agrees to the proposals in this report, a new legal agreement will need to be prepared for the free use of land on which the storage unit will be located, and officers will need to ensure that the entity holding the agreement has the capacity to hold it. For example, an unincorporated association cannot hold a lease directly as it lacks capacity to do so. Consideration will need to be explored as to what type of legal agreement the Council could offer. Officers will need to consider whether a break clause should be added for both parties.

9.2 Furthermore, in view of the best value consideration the Council will need to find out the market value for this transaction and in order to satisfy best value consideration a grant could be given to cover the let.

9.3 **Legal Officer's comments:** As set out in the above report.

10 Policies, Plans & Partnerships

10.1 **Council's Key Priorities:** The following Key Priorities are engaged:

- Green & Vibrant

10.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.

10.3 **Climate & Environmental Impact of recommendations:**

10.3.1 The LoT will directly support the delivery of action 49 within the Climate Change Action Plan (2025-2029), being to explore opportunities to promote reuse across the Borough, such as setting up a Library of Things.

Environment Committee

30 June 2026

10.3.2 It will also support action 41, “to engage with a range of partners, and relevant specialist groups in the community...to deliver shared sustainability objectives and share best practice.”

10.4 **Sustainability Policy & Community Safety Implications:**

10.4.1 The initiative promotes sustainable consumption and waste reduction. Community safety implications are covered under the risk assessment (section 4).

10.5 **Partnerships:**

10.5.1 None

10.6 **Local Government Reorganisation Implications:** None for the purposes of this report. It is expected that the legal agreement would be maintained for the remaining existence of the council with the successor authority arriving at their own agreement in due course.

11 **Background papers**

11.1 The documents referred to in compiling this report are as follows:

Previous reports:

- None

Other papers:

- None