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<b>Report To:</b>	<b>Education and Communities Committee</b>	<b>Date:</b>	<b>10 September 2013</b>
<b>Report By:</b>	<b>Corporate Director Education, Communities and Organisational Development</b>	<b>Report No:</b>	<b>EDUCOM/63/13/AW</b>
<b>Contact Officer:</b>	<b>Alana Ward, Libraries Museum and Archives Manager</b>	<b>Contact No:</b>	<b>01475 712347</b>
<b>Subject:</b>	<b>Proposed Management Rules: Museum</b>		

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## 1.0 PURPOSE

1.1 The purpose of this report is:

- to seek approval of the revised draft museum management rules prior to statutory public consultation thereon;
- to seek authority to proceed with the statutory public consultation;
- to advise that there will be a further report to Committee
  - advising of the outcome of the consultation and allowing their consideration of any representations received;
  - seeking approval of any amendments to the rules considered appropriate in light of the same; and
  - seeking authority to report to the Inverclyde Council recommending they formally approve the rules in the terms agreed on following the consultation; and
- to advise that thereafter there will be a report to the Inverclyde Council recommending such approval.

## 2.0 SUMMARY

2.1 As local authority, the Inverclyde Council (the Council) has power to make management rules regulating the use of and conduct of persons while on or in any land or premises owned, occupied, managed or controlled by the Council to which the public have access, in terms Section 112 of the Civic Government (Scotland) Act 1982 (the Act).

2.2 Prior to making management rules, the Council must conduct a statutory public consultation, in terms of which it is required to:

- advertise that it intends to make such rules;
- make copies of the proposed rules available for public inspection throughout that period;
- allow a period of at least one month from the date of the first advertisement for objections; and
- before the management rules are made, take into account any objection received and give any objector the opportunity to be heard by the Council.

2.3 Management rules come into force when they are approved and formally executed by the Council, and unless revoked continue in force for a period of 10 years.

2.4 In terms of the Act:

- an authorised officer of the Council may expel or exclude an individual from the land or premises where they have reasonable grounds for believing that individual has, is or is likely to contravene a management rule affecting that land premises in question;
- it is a criminal offence for an individual on being so expelled to fail to leave the said Land or Premises;
- it is a criminal offence for an individual on being so expelled or excluded to enter or attempt to enter the said Land or Premises;
- the Council may make an Exclusion Order for a period not exceeding one year against an individual who persistently contravenes or attempts to contravene management rules and is, in the opinion of the Council, likely to contravene them again; and it is a criminal offence for an individual who is subject to such an Exclusion Order to enter or attempt to enter the Land or Premises that to which the Exclusion Order relates.

### **3.0 RECOMMENDATIONS**

3.1 That the Committee approves the draft museum management rules for the purposes of statutory public consultation.

3.2 That the Libraries, Museum and Archives Manager be authorised to implement the statutory public consultation procedure in connection with the proposed management rules.

3.3 That it be remitted to the Libraries, Museum and Archives Manager to report back to Committee the outcome of the public consultation exercise to allow the Committee to consider any objections received, and any consequent amendments considered appropriate.

3.4 That the Committee notes that the results of the public consultation exercise and the recommendations of this Committee will in due course be reported to the Council and that approval will be sought from the Council for authority to make the management rules.

Corporate Director  
Education, Communities & Organisational Development

## 4.0 BACKGROUND

- 4.1 Under Section 112 of the Civic Government (Scotland) Act 1982 a Local Authority may make management rules in order to regulate:
- (a) the use of, and
  - (b) the conduct of persons while on or in any land or premises owned, occupied or managed by the Authority and to which the public have access.
- 4.2 Prior to making such management rules the Council is required under the section above to conduct a statutory consultation process. In terms of this process, the Council must:
- (a) give notice, by advertisement in a newspaper or newspapers circulating in the Council's area, of
    - (i) the Council's intention to make the management rules;
    - (ii) the general purpose of the rules;
    - (iii) the place where the proposed rules may be inspected; and
    - (iv) the fact that objections may be made, when they must be made by and the address where they must be sent;
  - (b) allow a period for objections of at least one month from the date of the first advertisement under (a) above: and
  - (c) before making the management rules, take into account any objections received within the time period set and give any objector an opportunity to be heard by them.
- 4.3 Following on the consultation process a further report will be made to the Committee:
- (a) advising of the outcome of the process;
  - (b) allowing consideration of any objections received and any amendments considered appropriate in light of those objections; and
  - (c) inviting the Committee to recommend such rules for approval by the Council.
- 4.4 Any management rules which are made require to be displayed at the entrance to the premises to which they relate along with a notice indicating where copies of the rules – which are to be available on application without payment – may be obtained.
- 4.5 Breach of the management rules does not in itself create any criminal offence which can be subject of prosecution, but the principal sanction available is to allow an authorised Officer of the Council who believes that the rules have been or are about to be breached to either expel or exclude the person(s) concerned from the premises.
- 4.6 If the authorised Officer requires the person concerned to leave the premises and he fails to do so, or alternatively, if the person is excluded from the premises and attempts to re-enter then that action itself is a criminal offence and the individual concerned may be liable, on summary conviction, to a fine not exceeding level 1 on the standard scale, currently £200.00.
- 4.7 In addition to the procedure for enforcing management rules by way of expelling or excluding individuals, the Council is entitled to determine that if a particular person persistently contravenes or attempts to contravene the management rules and that person is, in the opinion of the Authority, likely to contravene the rules again, then he may be made subject to an Exclusion Order.
- 4.8 There is a separate procedure which again allows the individual concerned to make direct representations to the Authority before the Order takes effect. The Order is to apply for such period as the Authority may determine, but this is not to exceed one year. A separate offence is created if an individual who is subject to an Exclusion Order enters or attempts to enter the premises to which the Order relates.
- 4.9 Management rules come into force when they are executed by a Proper Officer on behalf of and with the authority of the Council and unless revoked continue in force for a period of 10

years.

## **5.0 IMPLICATIONS**

5.1 Financial Implications: No implications

5.2 Human Resources: No implications.

5.3 Legal: Legal Services have been fully consulted in this matter.

5.4 Equalities: Full cognisance has been taken of equality and diversity processes and procedures during the drafting of the management rules.

5.5 Repopulation: No implications.

# **APPENDIX 1**

**The Inverclyde Council**

**Management Rules for Art Galleries and Museums**

**Draft document for Public Consultation**

**[ ] 2013**

# **McLean**

**MUSEUM & ART GALLERY**

## **Management Rules for Art Galleries and Museums**

**2013**

*VERSION 2013.1*

**Inverclyde**  
council

## INVERCLYDE COUNCIL

### MANAGEMENT RULES FOR ART GALLERIES AND MUSEUMS

The Inverclyde Council as the museum and art gallery authority for Inverclyde in terms of Schedule 13, Section 5 of the Local Government etc. (Scotland) Act, 1994 hereby make the following Management Rules in exercise of the powers conferred on them by Section 112 of the Civic Government (Scotland) Act 1982, to regulate the use of and conduct of persons while using Museum Premises in Inverclyde.

#### Definitions and Interpretation

In these Management Rules

“Acceptable Usage Policy” means such policy or policies as the Council has in force from time to time regulating the use by the members of the public of publically accessible computers and other public ICT resources in public libraries.

“Act” means the Civic Government (Scotland) Act 1982.

“Committee” means the committee to which the Council has referred the function of the management of art galleries and museums within Inverclyde.

“Council” means the Inverclyde Council constituted under the Local Government etc (Scotland) Act 1994.

“Director” means the Corporate Director (Education, Communities and Organisational Development) of the Council, or such other Director as may from time to time be responsible for enforcement of these Rules,

“Museum” and “Museum Premises” shall be taken to mean:

- (a) the premises consisting of McLean Museum and Art Gallery, 15 Kelly Street, Greenock, PA16 8JX and the Watt Library, Greenock, 9 Union Street, Greenock. PA16 8JH;
- (b) such other premises as may be used from time to time by the Council for the provision of Museums Services; and
- (c) shall for the purposes of these Management Rules, include all doorways, footpaths, roads, grounds and car parks in the ownership of the Council and used in connection with or forming part of the curtilage of such premises, or other office or reception area within Council buildings as is used in connection with any such premises.

“Museum Grounds” shall be taken to mean such unbuilt on land forming part of Museum Premises.

“Museum User” means any person permitted under these rules, to the use of Museums within Inverclyde.

“Officer in charge of the museum service” means the Museum Curator or such other Officer as may be from time to time appointed by and/or authorised by the Council with responsibility for the overall management of the Museum Premises.

“Staff Member” means any person employed by the Council wholly or partly in connection with the provision of museum services in Inverclyde, be that at the Museum Premises or elsewhere in pursuance of their duties

The provisions of the Interpretation Act 1978 shall apply to the interpretation of these Management Rules as they apply to an Act of Parliament.

## **1. Access to Museums**

- a. The Museum shall be open to the public on such days and during such hours as the Council or the Committee may from time to time determine and the Council, the Committee, the Director or the Officer in charge of the museum service may close the Museum wholly or partially during such times as they may think fit.
- b. No person shall enter or remain in any part of the Museum which is prohibited to the public, or remain in the Museum outwith the times which it is open to the public.
- c. No person shall remain in the Museum after an emergency situation has been made known to them.
- d. No member of the public shall enter or remain in any part of the Museum identified for staff or private use unless authorised by the Officer in charge of the museum service.
- e. Any member of the public may view the displays held in the Museum but no materials may be removed from the Museum unless duly authorised by the Officer in charge of the museum service.
- f. The Officer in charge of the museum service shall have discretion as to the conditions under which members of the public may consult rare, valuable or fragile museum artefacts which are deemed by the Officer in charge of the museum service unsuitable or too delicate for general display.

## **2. Conduct in the Museum**

- a. All persons shall behave at all times in the Museum Premises in a manner which consistent with standards of good conduct in public museums, which standards will for the avoidance of doubt include not causing undue noise or disturbance. It shall be a matter in the discretion of individual Staff Members (acting reasonably) as to what shall constitute such standards of good conduct in public museums. Staff Members shall be entitled to refuse admission to or to expel from the Museum Premises any persons who, in the reasonable opinion of those Staff Members, are not conducting themselves in accordance with these standards.
- b. Any person causing offence through personal hygiene or under the influence of alcohol or drugs will be removed and excluded from the Museum Premises in terms of Rule 2. Disorderly, violent or insulting behaviour including the use of indecent or offensive language towards other Museum Users or Staff Members by any person will result in that person being removed and excluded from the Museum Premises in terms of Rule 2.
- c. Any person found, or in the reasonable opinion of a Member of Staff believed, to have been taking, selling or distributing drugs in the Museum will be expelled or excluded in terms of Rule 2, except in a case requiring first aid treatment where the administering of drugs is necessary and performed by an appropriately qualified medical practitioner or where the drugs are taken as part of a prescribed course of medication.
- d. Except with the consent of the Officer in charge of the museum service, no person shall cause or allow any dog (other than a working dog accompanying a disabled person) or other animal belonging to them or under their control to enter or remain in the Museum. No person will be permitted to bring in any wheeled vehicle or conveyance other than wheelchairs, mobility scooters, pushchairs or prams.
- e. Disorderly, violent or insulting behaviour including the use of indecent or offensive language towards other museum users or a Member of Staff by any person will result in that person being removed and excluded from the Museum.

- f. Parents and carers are responsible for the supervision and behaviour of their children at all times within the Museum premises. Children aged eight years and under must be accompanied by a parent or carer when visiting the Museum. Children between the ages of eight and twelve must not be left unaccompanied by a parent or carer for any period exceeding one hour unless part of an activity organised by a Staff Member. Parents and carers must undertake to ensure that if their children are left in the care of Staff Members for such an organised activity such children behave in a manner considered reasonable and appropriate by Staff Members.
- g. Parents and carers must undertake to ensure that if their children are left in the care of Staff Members for such an organised activity such children behave in a manner considered reasonable and appropriate by Staff Members. A Staff Member will be entitled to remove any child not behaving in such an appropriate manner from such an activity.
- h. Museum users must comply with all directions given to them Staff Members in the course of their duties.
- i. At the discretion of the Officer in charge of the museum service, appropriate areas of Museum premises may be used for community, cultural, educational or social purposes. Such uses shall be controlled by means of a written agreement between the user and the Council.
- j. Food or drink must not be taken into or consumed in the Museum premises unless one or more of the following exception applies:  
(firstly) if it food or drink provided at an event authorised by the Officer in charge of the museum service, such provision is explicitly permitted in and made in accordance with that authority, and it is consumed within the part or parts of the Museum Premises provided for in that authority; or  
(secondly) if it is food or drink sold from and consumed within a cafeteria or similar facility in the Museum Premises operated by or with the authority of the Council.
- k. The consumption of alcohol is not permitted in Museum premises except as may be specifically permitted in terms of Rule 2(j).
- l. Photography, video or sound recording in Museum premises may be undertaken only with the prior permission of the Officer in charge of the museum service. However the use of digital cameras for informal social shots is permitted. All professional photography, video or sound recording intended for broadcasting or use on the internet must be approved of in writing by the Officer in charge of the museum service.
- m. Mobile telephones must only be operated in the foyer areas of Museum premises and are not permitted to be used in galleries within the Museum.
- n. Use of equipment such as personal stereos or mobile telephones which in the reasonable opinion of a Staff Member is likely to cause inconvenience or disturbance to others is not permitted within the Museum premises.
- o. Bills, notices or leaflets may be displayed or distributed in any part of the Museum premises only with the consent of the Officer in charge of the museum service.
- p. The Officer in charge of the museum service may from time to time regulate the use of accommodation, resources and equipment in great demand in order to ensure equal opportunity of use.
- q. In the event of the structure of, furniture within, or fittings or other contents of the Museum Premises being damaged or destroyed, the person responsible shall be liable for the cost of making good the damage or for replacing the articles destroyed.
- r. The Council shall have no liability in respect of the loss or theft of any item belonging to a Museum User.
- s. No trading or sale of goods shall take place in any part of any Museum Premises except with the consent of the Officer in charge of the museum service.



t. Goods must not be removed from the shop in the Museum Premises prior to payment.

u. Smoking is strictly forbidden in all parts of the Museum Premises.

### **3. Public Access Computers**

a. Any person may use public access computers within the Museum Premises, provided however that:

- if they are aged 8 or under, they must be accompanied by a parent or other responsible adult;
- if they are aged from 9 to 11, they must have written parental consent, as contained within the membership form; and
- they must provide personal identification acceptable to Members of Staff, acting reasonably, before they can use the public access computers; and
- they must only do so in accordance with the Acceptable Usage Policy.

The Acceptable Usage Policy is available from all the Museum Premises and on all public access computers.

b. Where information is made available by the Council via digital sources any member of the public accessing such information will be liable to meet such fees as are payable from time to time for such access, and must abide by the terms of use prevailing at the time.

### **4. Use of Venue**

a. Part of parts of the Museum Premises may be available for hire, at the discretion of the Officer in charge of the museum service, by appropriate organisations throughout the year subject to the nature of the hire not impeding the provision of public service or the safety and security of the museum and exhibits. The Watt Hall is also licenced for wedding ceremonies for hire, at the discretion of the Officer in charge of the museum service subject to availability and the hire not impeding the provision of public service or the safety and security of the museum and exhibits.

b. All hires are entirely at the discretion of the Officer in charge of the museum service and all hirers will be required to enter a written hire agreement in terms satisfactory to the Officer in charge of the museum service.

c. The hire charge in force at the time shall be made to hirers. The right to refuse any applicant the use of premises or part thereof without giving any reason is reserved to the Officer in charge of the museum service. Any parts of the Museum premises so hired shall not be sub-hired or sub-let.

d. The above are not normally available for hire during the hours of public opening of the Museum Premises.

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### **5. Museum Grounds**

a. No person shall throw down, deposit or leave any rubbish, refuse, litter or paper of whatever description in the Museum Grounds, other than that in a receptacle/location provided for that purpose.

b. No person shall wilfully, carelessly or negligently damage, injure, displace or remove any part of a wall, fence, barrier, railing or any other fixture situated in or on or adjacent and ancillary to the Museum Premises, or deface or destroy the same by cutting, writing or otherwise. Any person so doing will be held responsible for the cost of any replacement or repair.

c. Except with the express consent of the Officer in charge of the museum service, no person shall remove any plant in the Museum Grounds.

- d. No person shall enter or stand, sit or walk in or upon any flower bed, border or shrubbery within any park or in or upon any part of the Museum Grounds where prohibitive notices are displayed.
- e. No vehicle, whether mechanically propelled or otherwise, shall be permitted on or allowed to enter on the Museum Grounds without the prior written consent of the Officer in charge of the museum service. This prohibition shall not apply to the use in the Museum grounds of:
- (firstly) any pram, buggy, wheelchair or similar vehicle drawn or propelled by hand for the use by or with a child, invalid or disabled person;
  - (Secondly) any mechanically propelled invalid carriage or wheelchair being used by a disabled person or invalid; or
  - (Thirdly) any ambulance, fire engine, police vehicle and attendant vehicles as may be permitted by the Officer in charge of the museum service.
- f. No person shall cause or permit a dog or any other animal belonging to them or otherwise under their control to enter or remain in the Museum Grounds unless such a dog or other animal is under the full control of that person and effectively restrained from causing annoyance to any person, or from worrying or disturbing any wild birds or animals or from damaging any flower, plant, tree or shrub in the grounds.
- g. No person shall cause or permit any dog or other animal belonging to them or otherwise under their control to foul in the Museum Grounds or any part thereof.
- h. No person shall light a fire, burn or do any action which might cause to be set on fire or burned in the Museum Grounds any paper, rubbish, refuse, fuel or other substance.
- i. No person shall, without prior written consent of the Officer in charge of the museum service, erect, occupy or use any tent or other structure in the Museum Grounds.

## **6. Library Function**

For such period or periods as Council operates a lending library service from the Watt Library within the museum premises, then any loan of books as part of that service will operate under the terms of the Management Rules that are at that time in force in respect of Public Libraries in Inverclyde, Without prejudice to the generality of the foregoing, it will therefore be a requirement that any person wishing to borrow books available through that lending library service has a valid membership under that scheme.

## **7 Contraventions of Management Rules**

A Staff Member may under Section 116 of the Act:

- (i) if he or she has reasonable grounds for believing that a person has contravened, is contravening or is about to contravene any of the foregoing Management Rules, exclude that person from the Museum Premises; or
- (ii) if he or she has reasonable grounds for believing that person is about to contravene any of the foregoing Management Rules, exclude that person from the Museum Premises.

A person who persistently contravenes or attempts to contravene the foregoing Management Rules and is, in the opinion of the Council, likely to contravene them again shall be liable to be made the subject of an Exclusion Order by the Council for a period not exceeding one year, in terms of Section 117 of the Act.

Any person who

- (i) on being required to leave the Museum Premises by an authorised officer of the Council having reasonable grounds for believing that the person has contravened, is contravening or is about to contravene any Management Rules, fails to leave;

(ii) on being informed by an authorised officer of the Council that there are reasonable grounds for believing that the person is about to contravene any Management Rule, that he or she is excluded from the Museum premises, enters or attempts to enter the Museum Premises;

(iii) being a person subject to an Exclusion Order under section 117 of the Act enters or attempts to enter the Museum premises to which the Exclusion Order relates

Shall be guilty of an offence and liable on summary conviction to a fine not exceeding Level 1 on the Standard Scale of Fines or such other amount as may from time to time be fixed by statute in terms of section 118 of the Act.

The foregoing Management Rules shall come into force on (xxxx).