
Report To:	Education and Communities Committee	Date:	10 September 2013
Report By:	Corporate Director Education, Communities and Organisational Development	Report No:	EDUCOM/62/13/AW
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Subject:	Proposed Management Rules: Libraries		

1.0 PURPOSE

1.1 The purpose of this report is:

- to seek approval of the revised draft libraries 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 the 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 libraries 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 and 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 Libraries

Draft document for Public Consultation

[] 2013



Library Management Rules

THE INVERCLYDE COUNCIL

MANAGEMENT RULES FOR PUBLIC LIBRARIES

The Inverclyde Council as the library 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 the conduct of persons using, any of Inverclyde Council's Library Premises.

DEFINITIONS

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.

“Borrower” means any person who has a current registration as a borrower in terms of Clause 1 of these Management Rules.

“Council” means the Inverclyde Council, and shall when used with in these Management Rules in reference to any decision or determination include such Committee, Sub-Committee or Officers of the Inverclyde Council as are authorised by them to make such a determination.

“Committee” means the committee to which the Council has referred the function of the management of public libraries within Inverclyde.

“Inverclyde” shall mean the administrative area for which the Council is responsible in terms of the Local Government etc. (Scotland) Act 1994.

“Library Material” means printed material and other media or articles.

“Library Premises” means

- (a) the various premises listed in the Schedule to these Rules, declaring that should the Council cease to use once or more of the individual premises for the provision of Library Services, then the premises in respect of which such use has ceased shall cease to be Library Premises for the purposes of these Rules then, and
- (b) such other such premises as may be used from time to time by the Council for the provision of Library Services, and 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.

“Library Services” means the public lending library and reference library services provided by, the Inverclyde Council through the Libraries, Museum and Archive section of the Education, Communities and Organisational Development directorate, and for the purposes of these Management Rules includes such services ancillary thereto as are provided from time to time.

“Library User” means any person using Library Premises.

“Officer in charge of Library Services” means the Libraries, Museums and Archives Manager 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 library services throughout Inverclyde.

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

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

1. Borrowers

1.1 Membership

Any person who is resident in, employed in, at school in, or visiting Inverclyde, may apply to register as a Borrower through the Library Services at any of the Library Premises. All persons wishing to become Borrowers must complete an application form and provide two forms of current identification (one of which must show the applicant's home address). Persons unable to provide two forms of current identification shall be entitled to interim membership, until such time as two forms of current identification can be provided. The acceptability or otherwise of the identification shown is at the discretion of the Officer in Charge of Library Services. Once accepted as a Borrower, such a person will be required, on the request of a Staff Member, to confirm the details provided with their application by producing further current identification, which requests shall no be more often than is reasonably required for conducting the Library Services.

1.2 Children's Membership

Children aged 11 years and under may become Borrowers on completion of a registration form signed by a parent or other adult with parental responsibility (as guarantor for the child) and on providing acceptable proof of identity. Proof of age may also be requested. Borrowers aged 11 years and under are eligible to borrow books from the Children's section of the library. Borrowers aged from 12 to 15 years are registered as 'Young Adult' borrowers and they will be eligible to borrow books from both the Junior and Adult sections of the library. Any certificated video or multi-media materials will only be issued in accordance with age categories marked on the materials.

1.3 Lapsed Membership

Registration as a Borrower in all categories will lapse after a period of two years from last use of the service. Thereafter, re-registration will be required in accordance with this Rule 1.

1.4 Membership Cards

Cards issued for borrowing items from the libraries shall not be transferable. Borrowers are personally responsible for the safekeeping of cards and for items borrowed on their card. Borrowers shall immediately notify any change of address or the loss of a card. A charge will be made for the replacement of lost cards, to be determined from time to time by the Council.

2. Borrowing

2.1 Loan Period

The maximum permitted loan periods for Library Materials will be as determined by the Council from time to time and displayed at all Library Premises. On receipt by the Library service of a request from a Borrower in person, by post or telephone, or online, the loan period may be extended for any item on loan to that Borrower, other than when the item concerned has been requested by another Borrower. No loan shall be extended more than four times. The Officer in charge of Library Services may, at his/her discretion, reduce the maximum loan period for any item if it is in heavy demand, or for any other appropriate reason.

2.2 Number of items

The maximum number of items which can be borrowed by a Borrower will be as determined by the Council from time to time and displayed all Library Premises.

2.3 Charges for certain materials

Borrowers may borrow audio, video, multi-media and other materials or suggest items for stock according to borrowing entitlements as referred to above and on payment of any charges determined by the Council from time to time and as published at all Library Premises.

2.4 Overdue Items

Borrowers aged 16-59 years of age who retain Library Materials beyond the maximum permitted loan period will be charged for such items at such a rate or rates as shall be determined from time to time by the Council. Borrowers will be notified of any Library Materials retained beyond the maximum permitted loan period, but failure to give such notification shall not relieve the Borrower of the charges.

2.5 Payment for Loss or Damage

Borrowers or guarantors of Borrowers shall be responsible for loss of or damage to Library Materials, and a sum not greater than the total of a) the retail cost of the lost or damaged item and b) such administrative charge or charges in respect of dealing with such loss or damage as may from time to time be determined by the Council as appropriate in such circumstances, will be charged. Damage or defect to an item which is discovered before borrowing should be brought to the attention of a Staff Member.

3. Conduct

All persons shall behave at all times in the Library Premises in a manner which is consistent with standards of good conduct in public libraries, 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 libraries. Staff Members shall be entitled to refuse admission to or to expel from the Library Premises any persons who, in the reasonable opinion of those Staff Members, are not conducting themselves in accordance with these standards.

3.1 Dogs, other Animals and Wheeled Conveyances Prohibited

Except with the consent of a Staff Member, no person shall cause or allow any dog (other than a working dog accompanying a disabled person) or other animal belonging to him/her or under his/her control to enter or remain in the library, or bring in any wheeled conveyance other than wheelchairs, mobility scooters, pushchairs, or prams.

3.2 Behaviour in the Library

3.2.1 Any member of the public may refer to materials held in the library, whether lending or reference stock, but no materials may be removed from the library unless duly authorised.

3.2.2 Library users must comply with all directions given to them by Staff Members in the course of their duties.

3.2.3 Smoking or consumption of alcohol is not permitted in Library Premises.

3.2.4 Food or drink not purchased in the Library Premises must not be consumed upon Library Premises.

3.2.5 Mobile telephones must be switched to silent and their use must not disturb other library users.

3.2.6 Any person causing offence through personal hygiene or under the influence of alcohol or drugs will be removed and excluded from the Library Premises. Disorderly, violent or insulting behaviour including the use of indecent or offensive language towards other Library Users or Staff Members by any person will result in that person being removed and excluded from the Library Premises.

3.2.7 No member of the public shall enter or remain in any part of Library Premises identified for staff or private use.

3.2.8 Parents and carers are responsible for the supervision and behaviour of their children at all times within the Library Premises. Children aged eight years and under must be accompanied by a parent or adult with parental responsibility when visiting the Library Premises. 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 a Staff Member. Parents and adults with parental responsibility must undertake to ensure that if their children are left in the care of Staff Members for 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 an organised activity.

3.2.9 Photography, video or sound recording in Library Premises may be undertaken only with the prior permission of the Officer in charge of Library Services.

3.2.10 The use of portable audio players (such as MP3 players, iPods etc) within Library Premises is permitted only with the use of headphones, and should not disturb other Library Users.

3.2.11 No trading or sale of goods is permitted in any of the Library Premises, without the consent of the Officer in charge of Library Services.

3.2.12 In the event of the structure, furniture, fittings or other contents of the any of the Library 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.

3.2.13 The designated opening hours for the Library Premises will be displayed at the premises and no person, other than Staff Members carrying out their duties, shall remain in the Library Premises outwith these hours.

4. Use of Public Access Computers

Any person may use public access computers within the Library Premises, provided however that:

- if they are aged 8 or under, they must be accompanied by a parent or other adult with parental responsibility;
- if they are aged from 9 to 11, they must have written parental consent, as contained within the membership form; and
- if they are not Borrower in terms of Clause 1 of these rules, they must provide acceptable personal identification before he/she 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 Library Premises and on all public access computers.

5. General Rules

5.1 Bills, notices or leaflets may be displayed or distributed in any part of the Library Premises only with the consent of the Officer in charge of Library Services.

5.2 The Council shall have no liability in respect of the loss or theft of any item belonging to a Library User.

5.3 At the discretion of the Officer in charge of Library Services, appropriate areas of the Library 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.

5.4 Library Users are reminded that the provisions of the general law apply at all times. Any action which would contravene the Copyright, Designs and Patents Act 1988 is strictly prohibited on Library Premises.

5.5 Any person who contravenes these Management Rules may be subject to suspension of their registration as a Borrower and the use of Library Services, at the discretion of the Officer in charge of Library Services.

5.6 A Staff Member may, under Section 116 of the Act:

- i. where he or she has reasonable grounds for believing a person has contravened or is contravening a management rule, expel that person from the Library Premises; and
- ii. where he or she has reasonable grounds for believing that a person is about to contravene a management rule, exclude that person from the Library Premises.

5.7 A person who persistently contravenes or attempts to contravene these management rules and is, in the opinion of the Council, likely to contravene them again, may be subject to an Exclusion Order by the Council under Section 117 of the Act for a period not exceeding one year.

5.8 Any person who:

- i. on being required to leave any Library Premises by an authorised officer of the Council who has reasonable grounds for believing that the person has contravened, is contravening or is about to contravene any of these Management Rules applying to the Library Premises, fails to leave;
- ii. on being informed by an authorised officer who has reasonable grounds for believing that the person is about to contravene any management rule applying to Library Premises that he or she is excluded from the land or premises, enters or attempts to enter the land or premises; or
- iii. being a person subject to an exclusion order under section 117 of the Act, enters or attempts to enter the land or 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

Schedule

Premises

- 1. Greenock Central Library**, 75-81 Cathcart Street, Greenock, PA15 1DE.
- 2. Gourock Library**, Kempock Place, Gourock, PA19 1QU.
- 3. Inverkip and Wemyss Bay Library**, Wemyss Bay Primary School, Ardgowan Road, Wemyss Bay, PA18 6AT.
- 4. Kilmacolm Library**, Lochwinnoch Road, Kilmacolm, PA13 4LE.
- 5. Port Glasgow Library**, Fore Street, Port Glasgow, PA14 5EQ.
- 6. Greenock South West Library**, Barr's Cottage, Greenock, PA16 9HG.
- 7. The Watt Library**, 9 Union Street, Greenock, PA16 8JH