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Management rules

Scottish Borders Council

Civic Government (Scotland) Act 1982

Management rules for public libraries throughout Scottish Borders

THE SCOTTISH BORDERS COUNCIL, by virtue of the powers conferred on them by Section 112 of the Civic Government (Scotland) Act 1982, resolved and do hereby resolve that as from 15/05/2008 the following Management Rules shall have effect for the use of, and the conduct of persons while in, any public library in the Scottish Borders owned, occupied or managed by the Scottish Borders Council, or otherwise under their control, to which the public have access, whether on payment or otherwise.

Interpretation

1. The Interpretation Act 1978 shall apply to the interpretation of these Management Rules as it applies to an Act of Parliament.

2 **Glossary** The following words and expressions in these Management Rules mean:-

(a) **“Council”** means the Scottish Borders Council or any committee, sub-committee or officer of the Council with power in terms of Section 56 of the Local Government (Scotland) Act 1973 to discharge any functions or exercise any powers of the Council.

(b) **“Area”** means the area of the Scottish Borders Council, as defined in the Local Government etc, (Scotland) Act 1994.

(c) **“Library”** means any public library owned, occupied or managed by the Council, or otherwise under their control, to which the public have access, and shall include any room, passage, entrance etc. thereto and shall further include any motor vehicle or trailer used for library purposes and for the avoidance of doubt shall also include, when appropriate, a joint library.

(d) **“Joint Library”** means any library which for specified periods is provided for the exclusive use of pupils of a specified school whether or not it is situated within that school, and which at other specified times is provided for use as a public library.

(e) **“Library & Information Services Manager”** means the Head of Library Services or any duly authorised member of staff.

(f) **“Item”** means any book, journal, newspaper, pamphlet, poster, document, music score, picture, print, photograph, film, slide, cassette, gramophone record, compact disc, digital video disc (DVD), videotape, computer software, manuscript, engraving, etching, deed, chart, plan, map, sculpture, microfiche, exhibit or other article of like nature forming part of the contents of the library whether the property of the Council or not, or lent therefrom to any person in terms of these Management Rules by or on behalf of the Council.

(g) **“User”** means any person or institution to whom a user’s ticket has been issued in accordance with these Management Rules for the purpose of borrowing items, accessing People’s Network public access computers; or any person making use of any library facility.

(h) **“User’s Ticket”** means a ticket issued by the Council in terms of these Management Rules and includes a junior user’s ticket.

(i) **“Child”** means a person under 16 years of age.

General

3. The Library & Information Services Manager shall have general charge of the library and shall be responsible for the safe custody of all items and other property belonging to the Service and shall be empowered to make regulations for the day to day administration of the library and in particular, but without prejudice to the generality of the foregoing, for any matter for which he/she is directed or empowered to make regulations within these Management Rules.

School libraries and joint libraries

4. These Management Rules shall not apply to a school library other than one which is a joint library and shall only apply to a joint library during such times as it is being used as a public library.

Opening

5. The library shall be open to the public on such days and during such hours as the Council may from time to time determine.

Membership of the library

6. The Council shall have powers in their sole discretion to determine which items may be borrowed and the persons to whom and the conditions under which the user's ticket or tickets shall be issued and used.

7. Any person wishing to borrow any item shall complete and sign the appropriate form and thereupon shall receive the appropriate user's ticket or tickets.

8. Such signature shall be taken as an undertaking by the signatory to conform to these Management Rules and any regulations made under Rule 3 above in force for the time being, including:-

- An obligation to replace or pay the value of any items which may be lost, destroyed or damaged while in the user's possession.
- To pay any fines owing for retaining items beyond the period for which they are issued.
- To pay any expenses, including, without prejudice to the generality, stationery and postage utilised recovering or attempting to recover such items or the fines thereon, or any charge made under this Management Rule.

9. The Council shall further have powers to determine who may use, and to what extent, other facilities provided by the Library, being facilities other than lending facilities. Any person wishing to use the public access computers in the library will be required to accept the Library & Information Services Acceptable Use policy which governs the use of the library's public access computers.

Children

10. Children may borrow items from any library subject to their application forms being signed by one parent or guardian who shall thereby undertake to ensure timeous return in good condition of any items borrowed. Parents or guardians in giving such an undertaking shall accept the same responsibility for such items issued to children under their charge as though these items had been issued to them personally in accordance with rule 8 above.

11. Children borrowing items in accordance with rule 10 above shall only be permitted to borrow items outwith the children's section of the library at the discretion of the Library & Information Services Manager, who may require the consent of any child's parent or guardian in respect of any particular item or items.

12. Children wishing to use the public access computers in the library shall only be permitted to do so with the prior written authorisation of their parent/ guardian, as contained in the child's registration form.

False name and address

13. No person shall give a false name or address when applying for membership of the library or for the purpose of using any other facilities which are or may be offered by the library.

Tickets

14. No User's Ticket will be issued until such time as the Library & Information Services Manager is satisfied as to the identity and address of the applicant.
15. User's tickets are not transferable.
16. Unless previously surrendered or cancelled all tickets shall be valid for such period as is from time to time determined by the Council. Changes of address must be reported to the Library & Information Services Manager immediately.

Period of borrowing

17. Items borrowed shall be returned to the library within the lending period determined by the Council from time to time.
18. Notwithstanding the above the Library & Information Services Manager shall have power to request the immediate return of any item to the library at any time. The period of loan of any item may be extended at the discretion of the Library & Information Services Manager.

Reservation of items

19. Any item which the Council has determined to be an item available for borrowing in terms of Rule 6 above may be reserved for a user on the completion of an appropriate form. A fee for reservations or for advising a user of the availability of a particular item reserved may be charged according to a scale fixed by the Council from time to time.

Charges

20. The Council may apply such charges in so far as not precluded by statute for the loan of any item as they may from time to time determine.

Return and recovery of items

21. In the event of any item not being returned within the appropriate period of time, the Library & Information Services Manager may take such steps as he/she may deem appropriate for its recovery and may suspend or cancel the tickets of habitual offenders under this Rule.
22. Further the Council shall have power to charge fines if a borrower fails to return an item within the period of loan, according to a fixed scale which may be altered from time to time by the Council. Any fines outstanding for the non-return and the cost of recovery of any item shall be paid by the user.

Damage and loss

23. No person, whether a user of the library or otherwise, shall damage, destroy or wrongfully remove any article of furniture, fitting, fixture, exhibit or other contents of any library. In the event of any such article etc. being damaged, destroyed or removed by any member of the public, such person shall be liable for the cost (as determined by the Council) of making good the damage or replacing the article concerned.
24. A user shall be deemed to be responsible for any item which is borrowed against a ticket in his/her name except that in the case of children such responsibility shall belong to the parent or guardian who signs the child's application form in terms of Rule 10 above.
25. In the event of any such item being damaged or lost, the user shall pay a sum sufficient for the repair or replacement of the item, as may be determined by the Library & Information Services Manager.
26. An item shall be regarded as being lost when a statement to that effect has been made by the borrower or by its not being returned in response to a final demand notice issued by the Library & Information Services Manager.
27. The loss of a user's ticket shall be notified immediately to the Library & Information Services Manager, who shall be empowered to make a charge for its replacement.

Genealogical research and other service charges

28. The Council shall have power to make charges for research carried out in respect of Genealogical, Archival or Local History enquiries.

29. The Council shall further have power to make charges for provision of business, historical or similar information by means of on-line database searching or similar information retrieval facilities available in a Library.

Obstruction and annoyance

30. No person shall wilfully disturb, obstruct, interrupt or annoy library staff in the execution of their duties, or any other person engaged in the proper use of the library.

31. No person shall engage in conversation or use a mobile phone in such a way as to distract other users of the library. No person shall commit any nuisance in any part of the library. No person shall cause or allow any radio, or other audio equipment to be operated in any part of the library without the consent of the Library & Information Services Manager. No person may consume food or drink (whether alcoholic or non-alcoholic) in any library, unless within a designated area of the library approved by the Library & Information Services Manager for this purpose.

Offensive behaviour

32. No person who is under the influence of drink or drugs or offensively unclean in person or dress shall enter or use the library.

33. No person shall behave in an offensive manner or commit a breach of the peace or use offensive language in any library.

34. The Library & Information Services Manager shall have power to refuse items or deny the use of the library to any person who appears to be intoxicated or who neglects or refuses to comply with these Management Rules.

Animals

35. No person shall bring into or allow to remain in any library any dog or other animal belonging to him/her or under his/her control other than a guide dog accompanying a blind person, or hearing dog accompanying a deaf person except with the consent of the Library & Information Services Manager.

Vehicles

36. The Library & Information Services Manager shall be empowered to exclude from a library any wheeled vehicle or conveyance when its admission is likely to cause inconvenience to other members of the public but shall exercise discretion wherever practicable in order to facilitate access for disabled persons in terms of the Disability Discrimination Act 1995.

Notices

37. No person shall display, distribute, affix or post any bill, placard or notice in or upon any part of the library nor shall any items be offered for sale without the consent of the Library & Information Services Manager which consent shall be given or withheld in accordance with the Policy Statement made by the Education Committee of the Borders Regional Council on 7 February 1989, or any revised policy approved subsequent to the making of these Management Rules..

Photocopies

38. Any portion of any book, magazine, newspaper, map or such material may be reproduced or photocopied at the discretion of the Library & Information Services Manager, provided that such reproduction shall be in accordance with the requirements of the Copyright, Designs and Patents

Act 1988 as amended and that the user, if so required by the Library & Information Services Manager, shall sign a guarantee that such a reproduction shall not be used in contravention of the aforesaid Act.

39. The Council shall have power to make an appropriate charge for this service.

Photography

40. No photographs may be taken in any library without the consent of the Library & Information Services Manager.

Audio-visual materials

41. No charge shall be made for attendance at any performance of audio visual materials borrowed from the library. The use of any such audio-visual material which is the property of the Council shall not confer any right or licence in respect of copyright or public performance. Any user proposing to use such audio-visual material for public performances shall inform the Library & Information Services Manager beforehand and give a written undertaking indemnifying the Council against any claim which may be made on this account in respect of any audio-visual material borrowed from the library.

Recovery of costs etc

42. The Council shall have power to recover any non-returned item or any outstanding charge, fine or other cost levied or imposed in terms of these Management Rules, by due process of law.

Scope

43. Nothing in these Management Rules shall interfere with or prevent the execution of any duties of library staff and any act by a member of library staff necessary for the proper performance of their duties shall not be deemed or considered to be in contravention of these Management Rules.

Penalties

44. In terms of Section 118 of the said Civic Government (Scotland) Act 1982 any person who:

- (a) on being required to leave any library by the Library & Information Services Manager when he/she has reasonable ground for believing that the person has contravened, is contravening or is about to contravene any Management Rule, fails to leave; or
- (b) on being informed by the Library & Information Services Manager, when he/she has reasonable grounds for believing that the person is about to contravene any Management Rule, that he/she is excluded from the library, enters or attempts to enter the library; or
- (c) being a person subject to an Exclusion Order under Section 117 of the said Civic Government (Scotland) Act 1982, 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 of Fines (the current maximum fine, at the time of making these Management Rules, being £200.00), or such other amount as may from time to time be fixed by statute.

Made this 15th day of April in the year 2008

SignedIAN WILKIE.....

(Sealed)

Ian Wilkie

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