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**REPORT TO: THE MORAY COUNCIL ON WEDNESDAY 5 SEPTEMBER 2018**

**SUBJECT: MANAGEMENT RULES FOR PUBLIC LIBRARIES**

**BY: CORPORATE DIRECTOR (CORPORATE SERVICES)**

**1. REASON FOR REPORT**

- 1.1 The Council is asked to approve the draft updated Management Rules for Public Libraries.
- 1.2 This report is submitted to Council in terms of Section II(5) of the Council's Scheme of Administration relating to the enactment, alteration or revocation of any Orders, Regulations, Bye-Laws or Schemes.

**2. RECOMMENDATION**

**2.1 It is recommended that the Council:**

- (i) **approves the draft updated Management Rules for Public Libraries; and**
- (ii) **delegates to the Head of Legal and Democratic Services authority to advertise the Council's intention to make management rules and, in the event of there being no objections received to this, thereafter to execute the rules on behalf of the Council. In the event that objections are received, the matter will then be referred back to a future meeting of the Council in relation to the rules on which those objections were received.**

**3. BACKGROUND**

- 3.1 Under the Civic Government (Scotland) Act 1982, a local authority may make management rules to regulate the use of, and the conduct of persons while in or on any land or premises owned, occupied or managed by the local authority or otherwise under its control, and to which the public has access whether on payment or not.
- 3.2 Previous management rules were promoted by The Moray District Council and came into force on 1 April 1994. The Civic Government (Scotland) Act 1982 states that management rules continue in force for a period of 10 years; previous management rules in relation to public libraries have now therefore expired and so are not enforceable within Moray Council libraries. As such, the local authority cannot currently regulate the use and conduct of persons using libraries, nor take actions where someone has contravened, is

contravening or is about to contravene a management rule. Library staff frequently face difficult situations in libraries. The challenges faced on a regular basis include improper conduct and behaviour towards other service users and staff; damage of equipment; the use of obscene language; consumption of alcohol; people loudly holding personal conversations on mobile phones; and people smoking in the library entrances and vaping inside the buildings. In addition, there have been other occasional problems including individuals bringing pets and bicycles into libraries; and photos being taken that include other library users or staff. Staff have also faced verbal threats from some users. New management rules for public libraries will allow for regulation and for enforcement action to be taken when rules have been contravened.

- 3.3 The Council is asked to approve the draft updated management rules for public libraries, attached as **Appendix 1**. Whilst management rules for public libraries and museums were previously combined, it is considered that it is appropriate for these rules to be drafted as separate documents, considering the differences between them (for example, there is no need to regulate in relation to borrowing from museums) and since they are created under different corporate directors acting as authorised officers. Draft updated management rules relating to Moray Council museums will be considered separately at a later date.
- 3.4 In the main, the new draft rules are written in the same or similar terms to the previous rules, and concern the same matters, though there have been some amendments made. The new draft rules allow all assistance dogs to be admitted to the premises, and not just guide dogs for the blind. They also allow people to bring buggies and prams into the premises and full access to wheelchair users is provided. There have also been amendments made in relation to access to toilets; an exception to the rule that persons over eight years old may not enter the toilets of the opposite sex has been inserted. This removes the impact on those undergoing gender reassignment as it will allow the Authorised Officer to make arrangements for people based on medical grounds, in cases where unisex facilities are not available. In addition, the use of mobile phones is now regulated.
- 3.5 Following approval of draft management rules, the local authority must give at least one month's notice of its intention to make the management rules by advertising this in a local newspaper. It is proposed that the Head of Legal and Democratic Services makes the necessary arrangements for this and, should no objections be received, the management rules would then come into force when they are executed by being sealed and signed by a Proper Officer. The intention would be for this procedure to be completed by the Head of Legal and Democratic Services. The executed management rules will then be displayed at the entrance to the land or premises to which they apply, together with a notice stating where copies of them may be obtained by the public, free of charge.
- 3.6 The local authority must take into account any objection received within the advertisement period and give the objector the opportunity to be heard. In the event that objections are received within this period, the matter would be referred back to a future meeting of the Council.

#### **4. SUMMARY OF IMPLICATIONS**

##### **(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

The proposed management rules promote one of the top priorities in Moray 2023 – ‘Provide a sustainable education service aiming for excellence’ and the LOIP priority of ‘Raising Aspirations: Moray provides an enabling environment where residents can achieve expanded choices and improved livelihood and wellbeing.’

##### **(b) Policy and Legal**

The process for making management rules is set out within this report. By making these management rules, the local authority is exercising its power to make subordinate legislation under the Civic Government (Scotland) Act 1982. Management rules regulate the use of, and the conduct of persons while in or on any land or premises owned, occupied or managed by the local authority, and to which the public has access to. These management rules must be adhered to by any person using such premises or land. The principal sanctions for breaching the rules are exclusion or expulsion from the premises. Failure to leave the premises when asked to do so by an authorised officer is an offence and on summary conviction, a fine not exceeding £200 may be imposed.

##### **(c) Financial Implications**

Advertising the management rules following approval in the local newspaper will incur costs. The intention would be for the management rules to be advertised in the Northern Scot. Based on a quotation obtained from this newspaper, the cost of the advertisement will be approximately £184. Similarly, costs will be incurred in displaying the management rules at the relevant premises. All costs can be met from the libraries promotions/marketing budget.

##### **(d) Risk Implications**

Management rules for public libraries will regulate the use of, and the conduct of, persons using these facilities. Imposing these rules will alleviate risks that individuals may pose to themselves or others when using Council facilities. Management rules allow authorised officers to take action where they have reasonable grounds for believing that someone has contravened, is contravening or is about to contravene a management rule. Without management rules, the local authority cannot regulate the use of and the conduct of persons using their facilities nor take actions where someone has contravened, is contravening or is about to contravene a management rule.

##### **(e) Staffing Implications**

Staff time will be involved in advertising and making the management rules.

##### **(f) Property**

None arising from this report.

**(g) Equalities/Socio Economic Impact**

An equality impact assessments (EIA) has been carried out as part of the development of the management rules and is attached at **Appendix 2**. Impacts have been identified. These can be mitigated as outlined in question 8 in the EIA.

**(h) Consultations**

Graham Jarvis, Acting Director of Education and Social Care; Don Toonen, Equal Opportunities Officer; Lorraine Paisey, Head of Financial Services; and the Legal Services Manager (Litigation and Licensing) have been consulted and their comments have been included.

**5. CONCLUSION**

- 5.1 Management rules are effective for regulating the admission and conduct of members of the public when using libraries.**
- 5.2 The Council is asked to consider and approve the draft updated Management Rules for Public Libraries.**

Author of Report: Sonia Campbell, Solicitor (Litigation & Licensing)

Background Papers:

Ref: