

THE MORAY COUNCIL

RULES FOR THE MANAGEMENT OF PUBLIC LIBRARIES

The Moray Council (hereinafter "the Council") in accordance with the terms of Section 112 of the Civic Government (Scotland) Act 1982, hereby makes the following Rules for the Management of Public Libraries (hereinafter "Management Rules") to regulate the use of and the conduct of persons while in any public library, owned, occupied or managed by the Council or otherwise under their control:-

1. INTERPRETATION OF TERMS

In the construction of these Management Rules, the following expressions shall have the meanings hereby assigned to them, that is to say:-

- (a) The "Council" means The Moray Council as constituted by the Local Government etc. (Scotland) Act 1994.
- (b) "Public Library" means the premises of any Public Library administered by The Moray Council including any structure or motor vehicle used as a Public Library and "premises" shall include any entrances, exits, passages or corridors appertaining to the Public Library.
- (c) "Authorised Officer" means the Corporate Director of Education and Social Care or any person appointed by the Corporate Director of Education and Social Care as an Authorised Officer.
- (d) "Item" means any book, journal, newspaper, pamphlet, document, music score, picture print, photograph, map, film slide, cassette, compact disc, gramophone record, video tape, sculpture, exhibit, DVD, original painting, reminiscence box or other article of the nature forming part of the contents of the Library whether the property of the Library or not or lent therefrom to any person by or on behalf to the Council.
- (e) "Child" means a person under the age of sixteen.

2. GENERAL

The Corporate Director of Education and Social Care shall have the general charge of the Public Library and shall be responsible for the safe custody of the items and all other property belonging thereto, and shall be empowered to make regulations for the day-to-day administration of the Library.

3. REGULATION AND ADMISSION OF THE PUBLIC

- (a) The hours of opening and closing the premises shall be fixed by the Council who reserve the right to alter the same at any time.
- (b) No person shall, without permission of an Authorised Officer, wilfully remain within the Public Library at any time when the same is closed to the public.
- (c) The Council reserves the right to refuse admission to any person, group or organisation in accordance with these management rules.

4. EXCLUSION OF VEHICLES

With the exception of wheelchairs, prams or buggies, no member of the general public may bring any bicycle or other wheeled vehicle or conveyance into the Public Library except with the consent of the Authorised Officer and, in such circumstances, the member of the general public is required to carry out any instructions of the Authorised Officer as to where the bicycle, wheeled vehicle or conveyance requires to be situated and any other instructions relative thereto.

5. EXCLUSION OF ANIMALS

No person shall admit any animal to the building with the exception of Assistance Dogs under the control of their owner.

6. PROVISION AS TO DRESS

Individuals should ensure they are dressed appropriately when entering or remaining in Public Libraries.

7. PROTECTION OF PRIVACY ETC.

- (a) No person shall, at any time, by any disorderly or improper conduct, disturb, interrupt or wilfully intrude upon or interfere with the privacy of any other person in the proper use of the Public Library.
- (b) Other than with the express written consent of the Authorised Officer, based on medical grounds, no male over eight years of age, whether or not accompanied by a responsible female adult shall enter or use any toilet reserved or appropriated by the Council for the use of females only.
- (c) Other than with the express written consent of the Authorised Officer, based on medical grounds, no female over eight years of age, whether or not accompanied by a responsible male adult shall enter or use any toilet reserved or appropriated by the Council for the use of males only.

- (d) The exception to the rule at paragraph (b) and (c) above, involving the Authorised Officer's express consent, in writing, will only be required in cases where other measures cannot be taken in order to accommodate the medical needs of that person.
- (e) No person shall enter or remain in any part of the Public Library identified for the use of staff or as being private or in any other respects set apart from the use of the general public, unless invited by a member of staff or the Authorised Officer.
- (f) No person shall at any time use any device capable of taking photographs in any Library without the express written consent of the Authorised Officer.

8. PREVENTION OF DAMAGE

- (a) No person shall wilfully or carelessly break or damage or tamper with any furniture or fittings or damage, deface, disfigure or improperly soil any part of the premises or facilities.
- (b) No person shall wilfully or carelessly damage, destroy or improperly soil any material, book, publication, exhibit or any other item forming the contents of the Public Library.
- (c) No person shall wilfully, carelessly or negligently injure, destroy or improperly use any item of equipment supplied or hired for his/her use.
- (d) Unless duly authorised by an Authorised Officer, no person shall remove any material, resource, item or piece of furniture provided in any section of the Public Library from the Public Library.
- (e) In the event of any item being damaged or lost the person responsible shall pay a sum sufficient for the repair or replacement of the said item, as may be determined by the Council. 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 Authorised Officer.

9. PREVENTION OF NUISANCE

- (a) No person shall, at anytime, anywhere within a Public Library, use obscene, indecent or offensive language or behave in an obscene, offensive or disorderly manner.
- (b) No person shall bring, unless otherwise authorised, or cause to be brought, into any Public Library, any alcoholic liquor and no person who is in a state of intoxication due to alcohol, drugs or solvent shall enter or remain in a Public Library.

- (c) No person shall display, distribute, affix or post any notice in, to or upon any part of the Library except with the consent of an Authorised Officer.
- (d) Other than with the express written consent of the Authorised Officer, the public use of electronic devices, including mobile phones, is forbidden unless used in such a manner that only a person in close proximity to the electronic device can hear it.
- (e) Other than with the express written consent of the Authorised Officer, no person shall offer anything for sale in any part of any Library.
- (f) No person shall wilfully obstruct any member of staff or Authorised Officer in carrying out his or her duties in connection with any Library or wilfully disturb, interrupt or annoy any other member of the general public in the proper use of the Public Library.
- (g) No person shall cause any disturbance within the premises of the Public Library.
- (h) Spitting in any part of a Library is strictly forbidden.
- (i) No person shall smoke tobacco or any other substance including e-cigarettes in the facilities, which include parking areas.
- (j) No person shall consume food or drink, with the exception of water, while in the Public Library unless in an area designated by the Authorised Officer for that purpose.
- (k) Any person who is in the Public Library but, in the opinion of an Authorised Officer, is there for a purpose other than the purpose for which the Library facilities are provided, is required to leave the Public Library if called to do so by an Authorised Officer.

10. INFECTIOUS DISEASES

Any person in possession of any item who has reason to believe that he/she is suffering from an infectious disease as defined in the Public Health etc. (Scotland) Act 2008, shall as soon as possible notify the Authorised Officer, who shall take such steps as may be appropriate for the recovery of any such items.

11. MEMBERSHIP OF THE LIBRARY

- (a) The Council shall have powers to determine which items may be borrowed and the persons to whom and the conditions under which a borrower's ticket shall be issued and used. Any person desiring to borrow items shall complete and sign the appropriate application form, and thereupon shall receive the appropriate ticket or tickets.

- (b) Such signature shall be taken as an undertaking to confirm to the terms and conditions as laid out in these Management Rules.

12. TEMPORARY MEMBERSHIP OF THE LIBRARY

Any person temporarily resident within Moray may use the facilities of any public library on a temporary basis. Proof of their home address and a refundable deposit of £10 will be required. On return of the person's membership ticket, staff will verify that all borrowed items have also been returned. If the membership ticket and all items have been returned, the person's deposit will be refunded.

13. CHILDREN

Children may borrow items from any Library subject to their application forms being signed by their parent, guardian or carer, who shall thereby undertake to ensure the timeous return in good condition of any items borrowed.

14. PERIOD OF BORROWING

- (a) Items borrowed from the Library shall be returned within such a period as the Council may from time to time determine.
- (b) The period of loan of any item may be extended at the discretion of the Authorised Officer.

15. RESERVATION OF ITEMS

Items may be reserved, subject to conditions which shall be determined by the Council from time to time.

16. CHARGES

- (a) If a borrower fails to return an item within the period determined or extended as aforesaid, he or she shall be charged an overdue charge on a scale which shall be determined by the Council from time to time.
- (b) The Authorised Officer shall be entitled at any time to request the immediate return of any item to the Library. If such a request is not complied with the Officer may take such steps as may be appropriate for the recovery of the item and the cost of such shall be payable by the borrower.
- (c) Any research undertaken, e.g. genealogical enquiries or business information will be charged according to the annual charges set by The

Moray Council.

17. REFERENCE LIBRARY

No item may be borrowed from the Reference Section of any Library, except at the discretion of the Authorised Officer.

18. PHOTOCOPIES

- (a) Any portion of any book, magazine, newspaper, map or such material may be reproduced or photocopied at the discretion of the Authorised Officer, provided that such reproductions shall be in accordance with the requirement of the Copyright Acts and that the user of the book, magazine, newspaper, map or such material shall sign a guarantee that such a reproduction shall not be used in contravention with the aforesaid Acts.
- (b) Charges for this service will be set by The Moray Council on an annual basis.

19. FALSE NAME AND/OR ADDRESS

No person shall give a false name and/or address for the purpose of using any facilities offered by the Library.

20. EXPULSION AND EXCLUSION

- (a) Under section 116 of the Civic Government (Scotland) Act 1982, where an Authorised Officer of the Council has reasonable grounds for believing that a person has contravened, is contravening or is about to contravene the management rules, he/she may expel that person.
- (b) Under section 116 of the Civic Government (Scotland) Act 1982, where an Authorised Officer of the Council has reasonable grounds for believing that a person is about to contravene the management rules, he/she may exclude that person.
- (c) The Council may decide that a person who has persistently contravened or attempted to contravene these management rules and is, in the Council's opinion, likely to contravene them again, shall be made subject to an exclusion order under section 117 of the Civic Government (Scotland) Act 1982. The exclusion order shall be for a period as the Council may determine, not exceeding a year.
- (d) Any person on being required to leave the building or facilities by an Authorised Officer and failing to do so, or being a person who is excluded or

subject to an exclusion order, who attempts to enter any building or facilities, shall be guilty of an offence under section 118 of the Civic Government (Scotland) Act 1982 and may be fined on summary conviction.

21. RULES NOT TO AFFECT EMPLOYEES IN THE PERFORMANCE OF THEIR DUTIES

Any act necessary to the proper execution of his/her duty in the premises by any Officer of the Council or by any person employed by the Council shall not be deemed an offence against any of these rules.

22. COMMENCEMENT

The foregoing Management Rules shall, in terms of Section 112(8) of the Civic Government (Scotland) Act 1982 come into operation on *[DATE TO BE INSERTED]*, the date of their execution and shall, unless earlier revoked, continue in force for a period of ten years from that date.