
SCOTTISH BORDERS COUNCIL LIBRARIES MANAGEMENT RULES REPORT

Report by Service Director Regulatory Services

EXECUTIVE COMMITTEE

1 MAY 2018

1 PURPOSE AND SUMMARY

- 1.1 This report presents an update on the proposed Management Rules for Public Libraries in the Scottish Borders which were discussed by the Executive Committee on 13 March 2018 and proposes that Scottish Borders Council approves the proposed Management Rules.**
- 1.2 A report was brought to the Executive Committee concerning the making of new Management Rules for Public Libraries under the Civic Government (Scotland) Act 1982. This is in preparation of the expiry of the 10-year lifespan of the current Management Rules at midnight on 14 May 2018. The Executive Committee authorised a public consultation on the proposed Rules, which commenced on 22 March 2018 and ended 22 April 2018. Any substantive comments received during the consultation were to be reported back to the Executive Committee.
- 1.3 The response to the consultation indicated significant support for the proposed Rules, with the majority of respondents supporting the proposals detailed. There were, however, substantive comments made on the Rules. After review, minor amendments have been made to the proposed Rules, which may now be found in Appendix 2.

2 RECOMMENDATIONS

- 2.1 It is recommended that the Executive Committee:**
 - (a) Authorise the Service Director Regulatory Services, in consultation with the Chief Legal Officer, to make the Rules; and**
 - (b) Appoint the Live Borders Libraries Staff as officers of Scottish Borders Council as regards the enforcement of the Management Rules.**

3 BACKGROUND

- 3.1 The existing Management Rules have been reviewed and updated by employees of Live Borders working within the libraries service area together with Officers of the Council's Legal Services. The revised draft Management Rules are attached as Appendix 2 to this report.
- 3.2 The main changes to the proposed rules were changes to reflect new technology and changes to the library provision which has resulted from that new technology, together with changes to reflect the fact that the libraries are now managed by Live Borders on behalf of the Council. Changes have also been introduced to reflect a change in culture within libraries that no longer require those facilities to be places of silence.
- 3.3 The Management Rules once approved will subsist for a period of ten years after which time they will automatically lapse. If it is considered that there is a need to review those rules during that ten year period then the legislation permits that to happen at any time.
- 3.4 The Act creates certain powers to enforce the Rules. In particular it allows a person contravening the Rules to be expelled or excluded from the premises. The power to expel or exclude does however lie with "an authorised officer of a local authority". In order to facilitate this ability to enforce it is therefore recommended that the libraries staff of Live Borders be appointed to act as authorised officers of the Council for these purposes. The appointees will not become employees of the council by virtue of this appointment, but simply will be empowered to act in these matters.

4 PUBLIC CONSULTATION

- 4.1 On the 22 March 2018 a public consultation was launched to establish the public's views of the proposed Management Rules. The consultation was advertised in several local newspapers, as well as in libraries, contact centres, and on social media. Responses were invited through an online citizenspace survey, as well as through paper copies of the same consultation distributed to libraries, mobile libraries, and contact centres. In the interest of including all substantive comments made on the proposed rules, comments submitted in other formats were also accepted and considered by this report.
- 4.2 The poll results and substantive responses to the consultation are set out in Appendix 1. Respondents were invited to submit comments on specific questions, and more generally on the proposed rules. Many of the comments submitted followed similar themes, which are addressed below:
 - **Language** – some of the responses made comment on the use of legal/technical language rather than plain English. It is desirable for the rules to be as clear and simple as possible. Ultimately, however, these Rules create criminal offences. In this way Management Rules are similar to legislation, and so must be as clear and unambiguous as possible. The rules are also in place for a period of 10 years, and so must define certain terms broadly enough to 'future-proof' the Rules against later technological advancements.
 - **Live Borders** – while most respondents agreed that Live Borders' role in managing and staffing the libraries was made clear by the changes to the existing rules, some comments indicated that people are still unaware of the role and identity of Live Borders. One

respondent was of the opinion that the proposed rules gave too much power to Live Borders. Another comment noted that the Rules wrongly implied Live Borders owned all of the library collections. While Live Borders manage and staff the libraries, ownership of the library collections remains with the Council, though Live Borders have acquired certain items since they assumed the service. Rules 3 and 43 of the proposed Rules have been amended to reflect this. The regulation of the purchase and sale of library items is governed by other legislation.

- **Conversation** – most respondents agreed that talking should be allowed as long as it doesn't cause a nuisance, though some comments indicated a strong wish to keep libraries 'quiet spaces'. The proposed Rules seek to find a balance by allowing only 'appropriate' levels of conversation, with staff using their judgement to establish what is acceptable.
- **Personal Technology** – the consultation highlighted the proposed change to allow personal technology provided the use does not cause a nuisance to others. Most respondents agreed with the change, indicating a wide support for the use of personal technology.
- **Nuisance** – in relation to both conversation and personal technology, comment was made on the lack of clarity on the meaning of 'nuisance'. This reflects the subjective nature of what might constitute a 'nuisance'. The Rules are designed to enable a common-sense approach, rather than an overly technical approach, to be adopted by staff.

4.3 In response to this consultation the proposed rules have been amended as detailed above, but have otherwise only been amended to correct minor typographical errors.

5 IMPLICATIONS

5.1 Financial

There are no financial implications arising directly out of this report. Once the Management Rules are approved they will require to be exhibited within each of the library buildings. However Live Borders will bear that cost of display.

5.2 Risk and Mitigations

- (a) If the Management Rules are made there is a risk that they could be challenged on the basis that Scottish Borders Council no longer operates the libraries on its own behalf. However this risk has been mitigated by full consideration being given to the powers available to Scottish Borders Council under section 112 of the Civic Government (Scotland) Act 1982. It is considered that the Council can lawfully make and approve the Management Rules for Libraries. The risk is further mitigated by the consultation process. Stakeholder engagement in the process will reduce the risk of future challenge.
- (b) If the recommendation in this report is not approved and the Management Rules are not made there is a risk that the library service will not be able to operate properly or efficiently.

5.3 Equalities

There are no equalities issues arising out of this report or from these

Management Rules.

5.4 Acting Sustainably

There are no equalities issues arising out of this report.

5.5 Carbon Management

There are no impacts on carbon emissions arising out of this report.

5.6 Rural Proofing

There are no rural proofing issues arising from this report.

5.7 Changes to Scheme of Administration or Scheme of Delegation

There are no changes to be made to the Scheme of Administration or Scheme of Delegation arising from this report.

6 CONSULTATION

- 6.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Service Director HR and the Clerk to the Council are being consulted and any comments will be reported to the Executive Committee.

Approved by

Brian Frater
Service Director Regulatory Services

Signature

Author(s)

Name	Designation and Contact Number
Nuala McKinlay	Chief Legal Officer

Background Papers: None

Previous Minute Reference: Executive Committee, 13 March 2018

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Bryan McGrath can also give information on other language translations as well as providing additional copies.

Contact Nuala McKinlay, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA Tel: 01835 825220, email NMckinlay@scotborders.gov.uk

Appendix 1

Q1 – Live Borders manage and staff the libraries on behalf of the Council. We have changed the rules to reflect this. Is this clear?

Yes	56	72.73%
No	12	15.58%
Not sure	9	11.69%
Not Answered	0	0%

Comments:

1. Lack of information to clearly describe the changes
2. the wording is complicated, it could be put simpler.
3. What is the difference from before?
4. Plain english please
5. I don't see any differences
6. there are no notices anywhere telling us that the LRC librarian is hired by the government. we just have to assume that they are hired by the school. and the school get to choose the librarians.
7. get rid of Mr [] PLEASE
8. Is Live Borders a private company? a profit making company? Where are it's accounts published? How long is its current contract?
Please describe who this other entity is.
9. But it's not in clear / plain English. The words here are 'legal / technical' - not 'lay.
10. People are still unaware that Live borders now run the libraries.
11. It has only been advertised on Facebook as far as I can see which is not beneficial to the older people who don't use Facebook and probably use the library the most.
12. It's not stated who the Libraries Manager is or who appoints that person or . in respect of various rules, how to contact them to get permission from them.
13. needs to be put into plain English

Q2 – We have said that the use of personal technology is allowed as long as it doesn't cause a nuisance to others. Do you agree with this?

Yes	63	81.82%
No	12	15.58%
Not sure	2	2.597%
Not Answered	0	0%

Comments:

1. But it does rather depend on what the definition of "nuisance" is ... e.g. talking into a recording machine would, in my view, be a nuisance; or listening to music / voice etc that is audible to other users would be a nuisance to other users. But listening through earphones to own device wouldn't be an issue, unless it was turned up so loud that other users could also hear what was coming through the headphones.
2. too woolly a definition - likely to lead to problems - libraries should be quiet places with NO distractions
3. How will this be monitored and managed? What would the definition of “nuisance” be and

- defined by who?
4. Please, after all the legal speak, get to the simple point in plain english. More people will engage with this survey if you keep it simple
 5. we have computers in the library but too many people are using the computers for games
 6. WE NEED WIFI
 7. Surely other rooms in this building can be used for all this new technology, after all a library is just that a quiet haven to browse the books.
 8. When going to the library personal technology should not be require unless you are talking about laptops. Mobile phone should not be allowed.
 9. If you mean smart phones or tablets for displaying or entering information then Yes, but if for listening to music or spoken commentary then No, and if for telephone conversations then No. There has to be an information access basis for the use.
 10. Don't want to see mobile phones in the library
 11. Use of tech needs with sound needs to be limited to use with Headphones only.
 12. Libraries are historically a quiet place and with technology all around it is quite nice to be somewhere where you know you can't and others won't use their phones, tablets etc
 13. Disruptive to others.
 14. Rule 31 conflicts itself and with Rule 32. If no mobile phones are allowed then nobody can use a mobile phone in such a way as to distract other Users of the Library, so that part of the rule is impossible. However a phone is also a sound producing device. Moreover, children need to be able to contact their parents and be contactable by their parents unless you're planning to ban children. It would be easier just to say that mobile phones are permitted providing that they are not used to distract other Users.
 15. Must be explicit what nuisance means in this case
 16. How will this be enforced? How will "nuisance to others" be defined?

Q3 – We have said that talking is allowed in libraries as long as it doesn't cause a nuisance. Do you agree with this?

Yes	59	76.62%
No	11	14.29%
Not sure	7	9.091%
Not Answered	0	0%

Comments:

1. What constitutes a nuisance? There should be a quiet area at the very least where silence is still required
2. This is the one thing that should remain as it is the only quiet peaceful place for someone to go and relax in a calm atmosphere. There are plenty of other places to go if conversation or chat is required. I feel very strongly about this.
3. This is somewhat unclear because there is talk in libraries, there always has been. I think libraries should continue to be places where people speak in hushed voices. Who would want to go to the library and hear what some woman was cooking for dinner or ranting about her neighbour and teenagers gossiping about the latest Instagram and Snap Chat post? We unfortunately have to hear that in public everywhere else, on the buss, the train, in stores etc. Let libraries be a free zone!
4. There are very few places where it is quiet and calm. Libraries are one such place. Whilst I am not against talking per se, it would be useful to have a code of practice around what 'talking' is allowed. For instance I would suggest that loud talking should be discouraged, talking on a mobile phone should be restricted to certain areas of the library. I guess it is easy for those who want to talk to cope with those who want some quiet time but the opposite is not true. Would it be possible to have quiet zones and talking zones. After all, what constitutes a nuisance.
5. The library is the last place left to get away from mobile phones etc. Please let common

sense prevail!!!

6. see last response – [“too woolly a definition - likely to lead to problems - libraries should be quiet places with NO distractions”]
7. Request for respectful voice levels displayed should be enough
8. Realistically I think you have to allow conversation. I do, however, think it may be difficult to police. I've had experience of travelling in the "quiet" coach on trains where conversation is disruptive and distracting yet falls beyond the preparedness for those in authority to act even when asked to do so.
9. Our local library is also a contact centre. It is often very embarrassing to be over hearing peoples private conversations regarding council tax etc whilst queuing to take out a book.
10. Mobile phone calls should not be taking in public areas as they are a distraction. Private conversations should be dealt with in a private room. Staff should offer customers this service rather than them having to be requested.
11. lots of people use this place as a study space so talking should be banned from the LRC
12. Libraries should be quiet spaces to read/write/think. If people want a place to chat they can go to a coffee shop. Ridiculous proposal.
13. It should still have an area where no talking is allowed to allow others to concentrate in silence without unnecessary chattering.
14. it depends on what kind of talking, there is always a level of chat in the library, returning books, enquiries and so on.
general chit chat or loud talking or argument would not be appropriate
15. Is there no place on earth left where you can work peacefully. You can lose so much productive time if you are constantly having to try to shut out the chat of other folk. If people must talk, then create a separate talking room for them to go and talk in. Libraries are precious places which allow people to think in a quiet space. Or to read in a quiet space. Or research. Please don't take away the silence. It's important, and creates a useful, productive, creative space. Strongly, strongly, strongly disagree with this policy of letting people talk in libraries.
16. I think talking should be discouraged unless necessary to ask questions of library staff and so on.
17. I think it is nice that you can browse through the library without annoying talk in the background. I have been there when a group of men were talking constantly and it was very distracting.
18. However, mobile phone conversation should be permitted, too.
19. As before, how will "nuisance to others" be defined?

Q4 – Do you have any other comments about the proposed new Management Rules for Public Libraries in the Scottish Borders?

1. In the explanatory paragraphs below each question reference is made to ‘all items and other property owned by Live Borders’. However Live Borders do not *own* any items and property in our libraries. The organisation is described on the Scottish Borders website as ‘an integrated trust providing culture and leisure services on our behalf’ –i.e. it manages community centres, libraries, museums, and sports and leisure facilities on behalf of SBC. It is incredibly important to clarify that it is providing a management service only and that it does not own the buildings and contents. Our libraries and museums contain many historical and valuable artefacts which belong to the people of the Borders and not to the organisation Live Borders.
2. I am aware that currently some libraries are staffed by general customer service / contact centre staff who have no interest in libraries, books or inspiring the public. I think this is unacceptable. Libraries should have separate staff.
3. I think it would be better to have the loan period extended to one full calendar month, e.g. hire on 1st of month due to return 1st of following month. This would be easier to remember

- and give users slightly longer to read their books.
4. I don't like the way libraries are going in general
 5. the libraries are a fantastic service with excellent staff so should be protected. new books are coming in now and other services at the library.
 6. I think the library is great, and I think it's particularly great that it is possible to order in books from other libraries: a wonderful service! I would like to know though, how to make suggestions on what the library should buy in terms of new literature.
 7. I don't really feel there is much that is new here
 8. talking should be banned from the LRC unless it is about homework
 9. I don't agree with management rules for public libraries because it can ruin it
 10. Yes, leave well alone!!!
 11. No but silence to allow reading and concentration should be the normal rule with exceptions allowed as appropriate
 12. Just ensure that public libraries continue to serve the community and to move with the times.
 13. With regard to Mobile libraries: What is the policy regarding alternative vehicles in the event of failure of a mobile library? How many mobile libraries are there in the Scottish Borders? How many spare vehicles do you have? What is the planned lifespan of a vehicle prior to replacement?
 14. These are not so much Management Rules as carte blanche for Live Borders and constraints for the members of the public who fund these facilities through their council taxes.
 15. Anyone caught looking at indecent or inappropriate material on the library computers. Should be immediately asked to switch it off, explain themselves then asked to leave if no decent explanation given.
 16. As long as they're kept open, I'm happy
 17. "Talking without disturbing others" should be clarified as "talking quietly so as not to disturb others". If there is a reference section for consultation only in the library, this area should be designated a quiet zone.
 18. A basic annual review should be carried out in each library. A larger region wide review with public consultation should be carried out at least every 4 years so libraries can adapt to a changing society. I was shocked that a review had not been carried out for over a decade in Kelso Library before the merger with the contact centre.
 19. Libraries are a precious resource and anything to keep them popular and open is good - apart from allowing noise.
 20. Be careful. Once rules are relaxed, it's extremely difficult to reinforce them if ever required.
 21. In some ways I think it is great that the libraries are changing with the times but I think it would be nice to keep the tradition of a library being a quiet safe haven
 22. We like our library but would hate it to become yet another place where mobile phones and other gadgetry takes over. Libraries should primarily be for books.
 23. There's no indication about the penalty for committing a nuisance !
 24. These changes are fine as long as the staff are strong enough and are backed if they have nuisance to deal with.
 25. There should be greater consultation with users before changes are made e.g. Peebles library - all the newspapers were withdrawn and the traditional wooden bookshelves were removed without any consultation. Also, how are the books chosen? Why is there more than one copy of certain books sitting on the shelves? Are books "rotated" round the libraries within the Scottish Borders?
 26. I think it would be a good idea to publicise the changes in a digestible, positive way to encourage a broad swathe of the local population to benefit from library usage.
 27. Longer hours opening- ie weekends and evenings
 28. Whilst I think having talking etc, it is unclear how this will be defined or enforced.
 29. the rules need to be written in plain English so it easier to understand the new "Management Rules "!

Appendix 2

Management Rules

Scottish Borders Council

Civic Government (Scotland) Act 1982

Management Rules for Public Libraries throughout the 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 15/05/2018 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.

Glossary

2. The following words and expressions in these Management Rules mean:-
 - a) **"Area"** means the area of the Scottish Borders Council, as defined in the Local Government etc. (Scotland) Act 1994;
 - b) **"Assistance Dog"** means an assistance dog as defined in Section 173 of the Equality Act 2010;
 - c) **"Authorised Officer"** means an officer of the Council authorised to enforce these Management Rules;
 - d) **"Child"** means a person under 16 years of age, and the word **"Children"** shall be construed accordingly;
 - e) **"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;
 - 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, including any digital content, forming part of the contents of the Library whether the property of Live Borders or not, or lent therefrom to any person in terms of these Management Rules by or on behalf of Live Borders, and the word **"Items"** shall be construed accordingly;
 - g) **"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;
 - h) **"Libraries Manager"** means libraries manager employed by Live Borders or any duly authorised member of staff;
 - i) **"Library"** means any public library owned, occupied or managed by the Council, or occupied or managed on behalf of the Council by Live Borders, 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;

- j) **“Live Borders”** means Live Borders Limited, a company incorporated under the Companies Acts (Company Number SC243577) and having its Registered Office at Borders Sport and Leisure Trust, Melrose Road, Galashiels, Selkirkshire, TD1 2DU, or any employee of Live Borders Limited;
- k) **“Parent”** shall include guardian and any person who is liable to maintain or has parental responsibilities (within the meaning of section 1(3) of the Children (Scotland) Act 1995) in relation to, or has care of a child or young person, being the meaning ascribed to it in Section 135 of the Education (Scotland) Act 1980;
- l) **“User”** means any person or institution to whom a Membership Card has been issued in accordance with these Management Rules for the purpose of borrowing Items, accessing public access computers; or any person making use of any Library facility, and the word **“Users”** shall be construed accordingly;
- m) **“Membership Card”** means a card issued by Live Borders in terms of these Management Rules and includes a junior Membership Card or other variants as may be issued, and the term **“Membership Cards”** shall be construed accordingly.

General

- 3. The Libraries 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 Council or Live Borders 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 Live Borders may from time to time determine.

Membership of the library

- 6. Live Borders shall have powers in their sole discretion to determine which Items may be borrowed and the persons to whom and the conditions under which Membership Cards 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 Membership Card, subject to Rule 14.
- 8. Such signature referred to in Rule 7 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:-
 - a) an obligation to replace or pay the value of any Items which may be lost, destroyed or damaged while in the User's possession;
 - b) an obligation to pay any fines owed for retaining Items beyond the period for which they are issued; and
 - c) an obligation to pay any expenses, including, without prejudice to the generality of the foregoing obligation, any expenses relating to stationery and postage utilised recovering or attempting to recover such Items or the fines thereon, or any charge made under this Management Rule.
- 9. Live Borders 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 in addition be required to accept any 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 of their Parents who shall thereby undertake to ensure timeous return in good condition of

any Items borrowed. Parents 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 Libraries Manager, who may require the consent of any Child's Parent 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, 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.

Membership Cards

14. No Membership Card will be issued until such time as the Libraries Manager is satisfied as to the identity and address of the applicant.
15. Membership Cards are not transferable.
16. Unless previously surrendered or cancelled all Membership Cards shall be valid for such period as is from time to time determined by Live Borders. Users must report changes of address to the Libraries Manager immediately.

Period of borrowing

17. Items borrowed shall be returned to the Library within the lending period determined by Live Borders from time to time.
18. Notwithstanding Rule 17 the Libraries 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 Libraries Manager.

Reservation of Items

19. Any Item which Live Borders 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 Live Borders from time to time.

Charges

20. Live Borders 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 Libraries Manager may take such steps as he/she may deem appropriate for its recovery and may suspend or cancel the Membership Cards of habitual offenders under this Rule.
22. Further Live Borders 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 Live Borders. 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 reasonably determined by Live Borders) 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 Membership Card in their name except that in the case of Children such responsibility shall belong to the Parent 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 Libraries 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 Libraries Manager.
27. The loss of a Membership Card shall be notified immediately to the Libraries Manager, who shall be empowered to make a charge for its replacement.

Genealogical research and other service charges

28. Live Borders shall have power to make charges for research carried out in respect of genealogical, archival, or local history enquiries.
29. Live Borders shall further have power to make charges for provision of business, historical, or similar information by means of online 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 commit any nuisance in any part of the Library. Without prejudice to the foregoing generality, no person shall engage in conversation or use a mobile phone in such a way as to distract other Users of the Library. The use of a mobile phone to make or receive a phone call in the Library shall constitute a nuisance. For the avoidance of doubt, conversation is not prohibited provided those conversing keep an appropriate tone, language, and volume level.
32. No person shall cause or allow any radio, or other sound-producing equipment or devices, to be operated in any part of the Library without the consent of the Libraries Manager. Without prejudice to the foregoing generality, a person may use such equipment or devices along with headphones, earphones, or other such hardware restricting the audio output of said equipment or devices, provided the audio output is so restricted and audible only to the person operating the device or equipment.
33. 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 Libraries Manager for this purpose. Notwithstanding the foregoing generality, the Libraries Manager may make regulations regarding a Library's food and drink policy permitting the consumption of certain food or drink or classes of food or drink.

Offensive behaviour

34. No person who is under the influence of drink or drugs or offensively unclean in person or dress shall enter or use the Library.
35. No person shall behave in an offensive or abusive manner or commit a breach of the peace or use offensive language in any Library.
36. The Libraries Manager shall have power to refuse to lend 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

37. No person shall bring into or allow to remain in any Library any dog or other animal belonging to them or under their control, other than an Assistance Dog, except with the consent of the Libraries Manager.

Vehicles

38. The Libraries 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 always ensure that duties under the Equality Act 2010 are met, including making any reasonable adjustments to facilitate access for any disabled person.

Notices

39. 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 Libraries Manager.

Photocopies etc.

40. Any portion of any book, magazine, newspaper, map, or other such material, physical or otherwise, may be reproduced or photocopied at the discretion of the Libraries 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 Libraries Manager, shall sign a guarantee that such a reproduction shall not be used in contravention of the aforesaid Act.
41. Live Borders shall have power to make an appropriate charge for this service.

Photography

42. No photographs may be taken in any Library without the consent of the Libraries Manager.

Audio-visual materials

43. No audio-visual materials borrowed from the Library shall be used at any performance for which there is a charge for attendance. The use of any such audio-visual material which is the property of the Council or Live Borders 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 Libraries Manager beforehand and give a written undertaking indemnifying Live Borders and 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.

44. Live Borders 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

45. 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

46. 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 any Authorised Officer, when they have reasonable grounds 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 Libraries Manager or any other Authorised Officer, when they have 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.

Citation and commencement

47. These Management Rules shall be cited as the Scottish Borders Council (Library and Information Services) Management Rules 2018. These Management Rules shall come into force on the 15th of May 2018 and shall remain in force for a period of ten years thereafter, unless earlier revoked or amended.

Made this xx day of xx in the year 2018

Signed (Sealed)

xxxx

Scottish Borders Council,
Council Headquarters,

Executive Committee - 1 May 2018

Newtown St Boswells,
Melrose, TD6 0SA