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## Appendix

### 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 15/04/2018 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 35 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 the 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 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 the 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 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 the 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 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 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 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 15<sup>th</sup> of May 2018 and shall remain in force for a period of ten years thereafter, unless earlier revoked or amended.

Made this 15<sup>th</sup> day of April in the year 2018

Signed ..... (Sealed)  
xxxx  
Scottish Borders Council,  
Council Headquarters,  
Newtown St Boswells,  
Melrose, TD6 0SA