

## **Public Library Byelaws**

Joint Report of Head of Services for Communities and County Solicitor

***Please note that the following recommendation is subject to consideration and determination by the Committee before taking effect.***

### **Recommendations:**

- (i) **that the Public Library Service byelaws made by the Council on 4 July 1990 be revoked and;**
- (ii) **that the revised Public Library Byelaws attached to this report adopted and the Council's intention to confirm them advertised.**

### **1. Summary**

This report presents revised byelaws for public libraries under the authority of Devon County Council. The current byelaws were adopted in 1990. They contain clauses which are out of date and inappropriate; they also omit necessary clauses for ensuring appropriate use of library services.

### **2. Proposal**

The Department of Culture, Media and Sport (DCMS) have a model set of Public Library Byelaws which have been modified slightly to include an additional clause restricting use of photography.

The proposed byelaws made under Section 19 of the Public Libraries and Museums Act 1964, set out in appendix 1, have been approved by the DCMS.

### **3. Consultation**

Notice of intention to apply for confirmation of the byelaws will be advertised in one or more newspapers and state where available for inspection. A copy of the byelaws will be placed for public inspection for at least a month after date of publication of newspaper.

### **4. Procedure**

Devon County Council will apply to the Department for Culture, Media and Sport for confirmation once the byelaws have been placed for inspection for at least one month. The Secretary of State will then approve the byelaws and fix a date on which the new byelaws shall come into force.

### **4. Financial considerations**

Financial implications are not a relevant consideration.

### **6. Risk management considerations**

No risks have been identified.

**7. Equality, Environmental Impact and Public Health Considerations.**

Equality, environmental impact or public health implications have, where appropriate under the provisions of the relevant legislation, been taken into account.

**J SMITH**

**J E SHADBOLT**

**Electoral Divisions: All**

Local Government Act 1972: List of Background Papers:

None

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## Appendix 1

### Devon County Council Public Library Byelaws

#### Made under Section 19 of the Public Libraries and Museums Act 1964

1. In these byelaws, unless the context otherwise requires:
  - a. "the Act" means the *Public Libraries and Museums Act 1964*;
  - b. "charge" means any charge imposed in accordance with the Regulations;
  - c. "child" means a person under the age of [ 8 ] years;
  - d. "emergency situation" includes situations where a library or part of a library is required to be evacuated for security reasons or because of threat from fire or other hazard and practices and false alarms in relation thereto;
  - e. "last known address" means the last address held on the library authority's records;
  - f. "the library authority" means the Devon County Council...;
  - g. "library" means:
    - i) any premises which are occupied by a library authority and are premises where library facilities are made available by the authority, in the course of their provision of a public library service, to members of the public;
    - ii) any vehicle which is used by the library authority for the purpose of providing a public library service to members of the public and is a vehicle in which facilities are made available; and includes any part of such premises or vehicle;
  - h. "the library officer" means any officer employed by the library authority in connection with its functions under the Act;
  - i. "library property" includes property owned by or provided for the use of the library authority whether or not it is made available by the library authority for use by the public and property obtained by the library authority for the loan to or use of the public;
  - j. "the Regulations" means *The Library Charges (England and Wales) Regulations 1991* S.I.1991/2712;
  - k. words importing the masculine gender include the feminine, words in the singular include the plural and words in the plural include the singular;
  - l. expressions used, unless the contrary intention appears, have the meaning which they bear in the Act and Regulations.
2. An act necessary for the proper execution of his duty by a library officer shall not be a contravention of these byelaws.

3. A person shall not supply an age, name, address or other means of identification which is false or misleading for the purpose of entering any part of the library premises or for the purpose of using any library facility.
4. No person who in the reasonable opinion of a library officer is offensively unclean in person or clothing or both shall remain in the library, after having been asked by a library officer to leave the library.
5. Except with the consent of a library officer, no person shall:
  - a. cause or allow any dog (other than an assistance dog) or other animal belonging to him or under his control to enter or remain in the library;
  - b. bring into any part of the library a wheeled vehicle or conveyance [other than those necessary for the assistance of people with limited mobility];
  - c. enter or remain in any part of the library which a reasonable person would or should know is prohibited to the public; or
  - d. access or remain in the library outside of the times fixed for its opening.
6. No person shall remain in the library after an emergency situation has been made known to him.
7. No person shall, unless specifically permitted by a library officer, take or attempt to take any library property from the library or past a check out or security point.
8. No person shall, without lawful excuse, destroy or damage any library property intending to destroy or damage such property or being reckless as to whether such property should be destroyed or damaged or act with intent or recklessness that such property should be destroyed or damaged.
9. No person shall behave in a violent, disorderly or indecent manner in the library, use violent, abusive, offensive, insulting or obscene language therein, or intentionally or recklessly cause or do anything likely to cause injury to any other person.
10. No person shall remain in a library without making proper use of the library's facilities after having been advised or requested, by a library officer, to make such proper use of the facilities.
11. No person shall intentionally or recklessly obstruct any library officer in the execution of his or her duty or intentionally or recklessly disturb, obstruct, interrupt, abuse or annoy any other person properly using the library.
12. No person shall, without the consent of a library officer, intentionally display, distribute, or leave any bill, placard, notice or other document on library premises.
13. No person shall, without the consent of a library officer, offer anything for sale or seek donations on library premises or canvass or seek signatures for petitions.
14. No person having charge of a child shall without the consent of a library officer leave him unsupervised in the library.
15. No person shall bring into or light any flame on library premises.
16. No person in any part of the library shall supply, take or be under the influence of alcohol or any toxic substance for the purpose of causing intoxication; or supply, take or be under the influence of any controlled drug as defined by Schedule 2 of the *Misuse of Drugs Act 1971* other than drugs dispensed for and pursuant to

prescription issued for him by a doctor under and in accordance with the aforesaid Act.

17. No person shall, except with the consent of a library officer, partake of refreshment in the library.
18. No person who
  - a) borrows library property which is returned late or if returned would be returned late, or
  - b) fails to pay any chargeshall, unless with the specific consent of a library officer, borrow any other library property.
19. Any person who has borrowed library property which if returned would be returned late and who has been served with a notice by the library authority demanding return of the library property shall return the library property or pay the appropriate replacement cost and charges [to a library provided by the library authority] within 14 days from the date the notice was served.
20. Any library user whose personal details change must notify a library officer as soon as reasonably possible or take responsibility for updating their own customer account.
21. A person shall use online resources in a way consistent with any Conditions of Use Policy or similar rules of the library, as advertised or notified by the authority. Breach of any such policy shall, without prejudice to any other legal sanction or remedy available to the library authority, lead to the barring of the use of such online resources.
22. No person shall take photographs or film any part of the library premises or persons within except with the consent of a library officer.
23. Any person who contravenes any of these byelaws shall, without prejudice to any other legal sanction or remedy, be liable to prosecution by the library authority for contravention of the byelaws, and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale in respect of each offence.
24. A library officer may exclude any person who contravenes any of the foregoing byelaws from any library maintained by the library authority under the Act.
25. On the coming into operation of these byelaws, the byelaws relating to libraries which were made by Devon County Council on the fourth day of July 1990 and were confirmed by the Office for Arts and Sport on the sixth day of September 1990 shall be revoked.

[Official seal of local authority]

The Common Seal of [ ] was hereunto affixed in the presence of [ ].

The foregoing Byelaws are confirmed on behalf of the Secretary of State for Culture, Media and Sport by the Deputy Director, Culture Directorate, Department for Culture, Media and Sport and shall come into force on [ ].

[Signature]

[Print Name]

[Date]

Deputy Director, Culture Directorate  
Department for Culture, Media and Sport

The date of coming into force is one month after date of signature.

The following is an optional note at the end of the Byelaws.

This note is not part of the byelaws.

Users of the library and library facilities are reminded that the provisions of the general law apply at all times. In particular as regards the activities referred to in byelaws 8 and 18 the library authority draws attention to the existence of the *Criminal Damage Act 1971* and the *Misuse of Drugs Act 1971*.

Something to this effect should also be displayed on or in the vicinity of the photocopy machines.

People who intend to make copies of works are advised that they may only do so in accordance with the provisions of the *Copyright Designs and Patents Act 1988* and are liable to prosecution under that Act if they fail to observe its provisions.