



Report of the Culture, Heritage and Libraries Committee

Public Library Byelaws

To be presented on Thursday 16th January 2014

*To the Right Honourable The Lord Mayor, Aldermen and Commons
of the City of London in Common Council.*

Summary

With the concurrence of your Culture, Heritage and Libraries Committee and in accordance with the Public Libraries and Museums Act, 1964, we seek approval to an updated set of byelaws applicable to public libraries. The existing set of byelaws, last updated in 1966, is out of date and a revised set is needed

Recommendation

We **recommend** that the revised set of byelaws be formally adopted by the Court of Common Council, in accordance with the Public Libraries and Museums Act, 1964.

Main Report

Background and Proposal

1. It is a requirement of the Public Libraries and Museums Act, 1964 (the legislation that governs the provision of library services by local authorities) that every such set of services shall have byelaws setting out the rules for their use, formally approved by their parent Council. The byelaws follow a standard formula recommended by the Department of Culture, Media and Sport, and subject to Court endorsement would require further approval by the Department of Culture, Media, and Sport (DCMS).
2. The library byelaws currently in force in the City were approved by the Court in 1966 and are in need of updating. A revised set of byelaws has been drafted and is attached to this report.
3. The byelaws provide a framework which provides the library staff the authority they need to permit (or not) various user activities. The new set of byelaws has been updated in numerous respects where new legislation needs to be referred

to, or where new equipment has been developed since 1966 (e.g. photocopiers, computers, mobile telephones).

4. Clauses in the old rules which are no longer appropriate or necessary have been removed (e.g. a reference in clause 4 to “suffering from an offensive disease”, smoking in any part of the library used as a restaurant and “a fine not exceeding £5”).

Proposals

5. Members are asked to give their formal approval to the new byelaws so that they can be submitted to DCMS. They will then be displayed in all the City libraries, as required by the Act, replacing the outdated set.

Conclusion

6. The approval of the revised set of library byelaws will bring the City Corporation up to date in meeting this obligation of the Public Libraries and Museums Act 1964.

All of which we submit to the judgement of this Honourable Court.

DATED this 4th day of December 2013

SIGNED on behalf of the Committee.

JOHN SCOTT

Chairman

Corporation of London

Public Library Byelaws made under

Section 19 of the Public Libraries and Museums Act 1964

by the Common Council of the City of London

1. In these Byelaws, unless the context otherwise requires:-

"**the Act**" means the *Public Libraries and Museums Act, 1964*;

"**charge**" means any charge imposed in accordance with the Regulations;

"**child**" means a person under the age of 14 years;

"**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;

"**last known address**" means the last address held on the Library Authority's records;

"**Library Authority**" means the Common Council of the City of London;

"**library**" means:

any premises which are occupied by the Library Authority 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, and includes

any vehicle used by the Library Authority for the purpose of providing a public library service to members of the public and in which library facilities are made available; and includes any part of such premises or vehicle,

"**librarian**" means any person appointed, employed or authorised by the Library Authority in connection with its functions under the Act;

"**library property**" means any property owned or provided by the Library Authority (whether or not made available for use by members of the public) and includes property obtained by the Library Authority for the loan to, or use of, the public including: any book, electronic resource, journal, pamphlet, music score, manuscript, picture, print, photograph, engraving, etching, deed, map, chart, plan, gramophone, record, film, museum object, and any other article of a like nature forming part of the contents of the library, as well as any furniture, fittings or any other contents of any library;

"**notice**" means any notice given to a person by the Library Authority whether personally, or by post or electronic format;

"**the Regulations**" means *The Library Charges (England and Wales) Regulations 1991 S.I.1991/2712*;

2. In these Byelaws:
 - a. words importing the masculine gender include the feminine, words in the singular include the plural and words in the plural include the singular;
 - b. expressions used, unless the contrary intention appears, have the meaning which they bear in the Act and/or the Regulations.
3. An act performed in connection with the proper execution of his duty by a librarian shall not be a contravention of these Byelaws.
4. No person shall give a false name or address for the purpose of entering the library or for the purpose of using any library facility.
5. No person who in the reasonable opinion of a librarian is offensively unclean in person and/or clothing shall remain in the library after having been asked by a librarian to leave the library.
6. Except with the consent of a librarian, no person shall:
 - a. cause or allow any dog (other than a working dog accompanying a disabled person or under training for the same) 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 a wheelchair, pram, pushchair or shopping trolley;
 - c. enter or remain on any part of the library which, a reasonable person would or should know, is prohibited to the public; or
 - d. remain in the library after the time fixed for its closing.
7. No person shall, unless specifically permitted by a librarian, take or attempt to take any library property from the library or past a check-out or security point.
8. All personal possessions may be subject to opening and inspection and users must present their bag, papers and/or other possessions for inspection if requested to do so by a librarian.
9. No person shall remain in the library after an emergency situation has been made known to him.
10. No person shall, unless specifically permitted by a librarian, make a tracing, take any photograph of or film, or save where permitted, any photocopy of any or any portion of library property.
11. No person shall, without lawful excuse, destroy damage deface soil or injure any library property, whether doing so intentionally or being reckless as to such destruction or damage etc.
12. No person shall behave in a disorderly manner in the library, use violent, abusive or obscene language therein, or intentionally or recklessly cause or do anything likely to cause injury to any other person or property.
13. No person shall lie on any furniture or fittings or any part of the library, or sleep in the library after having been requested not to do so by a librarian.

14. No person shall remain in a library without making proper use of the library's facilities after having been requested, by a librarian, to make such proper use of the facilities.
15. No person shall engage in persistent audible conversation in any part of the library (and particularly in any part of a library set apart as a reference department, study area, or for reading) or where such conversation is prohibited by notice, or after having been requested not to do so by a librarian.
16. No person shall intentionally or recklessly obstruct any librarian in the execution of his duty or intentionally or recklessly disturb, obstruct, interrupt, abuse or annoy any other person properly using the library.
17. No person shall without the consent of a librarian, intentionally, display, distribute, or leave any bill, placard, notice or other document in the library.
18. No person shall, without the consent of a librarian, offer anything for sale in the library or canvass or seek signatures for petitions.
19. No person having supervision or responsibility for a child shall without the consent of a librarian leave the child unsupervised in the library.
20. No person shall smoke, light a match or use a cigarette lighter in the library (other than in an area, if any such area is so designated, where smoking is permitted).
21. No person shall inhale any toxic substance for the purpose of causing intoxication or take any controlled drug as defined by Schedule 2 of the *Misuse of Drugs Act 1971* in any part of the library, other than drugs dispensed for and pursuant to a prescription issued for him by a doctor under and in accordance with the aforesaid Act.
22. No person shall, except with the consent of a librarian, partake of refreshment in the library, except in any part thereof which is for the time being used as a restaurant or in which, when it is being used for an educational, cultural or other event under section 20 of the Act, the Library Authority allows refreshments.
23. No person shall, except with the consent of a librarian, cause or allow any mobile telephone, portable computer, or other electrical equipment, or apparatus for the reception of sound broadcasting or for the reproduction of sound, to be operated in any part of the library.
24. No person who:
 - a. borrows library property which is returned late or, if returned, would be returned late, or
 - b. fails to pay any charge shall, unless with the specific consent of a librarian, borrow any other library property.
25. 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:
 - a. shall return the library property to the library from which it was borrowed within 14 days from the date the notice was served;

- b. for the purposes of this Byelaw, a notice may be served upon any person by delivering it to him personally, or by leaving it at his last known address, or by sending it by post addressed to him at that address.
26. Any person who contravenes any of these Byelaws shall be liable to prosecution by the Library Authority, and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale in respect of each offence. In any case involving breach of byelaws 10 or 20, a prosecution may be brought under the *Criminal Damage Act 1971* or the *Misuse of Drugs Act 1971* respectively.
27. A librarian may exclude or remove any person who contravenes any of the foregoing Byelaws from any library maintained by the Library Authority under the Act.
28. On the coming into operation of these Byelaws, the Byelaws relating to libraries which were made by the Mayor and Commonalty and Citizens of the City of London acting by the Mayor, Aldermen and Commons in the Common Council assembled on the 21st day of July 1966 and confirmed by the Secretary of State for Education on the 7th day of October 1966 shall be revoked.

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].

[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 10 and 20 the Library Authority draws attention to the existence of the *Criminal Damage Act 1971* and the *Misuse of Drugs Act 1971*.]

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.