

REVIEW OF LIBRARY BYELAWS**REPORT OF EXECUTIVE DIRECTOR OF PEOPLE SERVICES****1. Purpose of the Report**

- 1.1 The purpose of this report is to propose the replacement of the current Library Byelaws by updated model Byelaws which encompass a requirement to use online resources in compliance with the Council's Acceptable Use Policy for such resources.

2. Description of Decision (Recommendations)

- 2.1 Cabinet is requested to recommend to Council that the revised Library Byelaws set out in the Schedule to this report be made by the Council under section 19 of the Public Libraries and Museums Act 1964, in accordance with the procedure for byelaws set out in section 236 of the Local Government Act 1972, and that the Executive Director of People Services be authorised to take all steps in relation thereto.

3. Introduction/Background

- 3.1 The current Library Byelaws, made by the Council under section 19 of the Public Libraries and Museums Act 1964, came into effect on 28 December 1996. They regulate the use of libraries operated by the Council as library authority and any person acting in breach of the byelaws may be excluded from the library and is liable to prosecution. Conviction of an offence involving breach of Library Byelaws carries a maximum penalty of a fine of up to £500.
- 3.2 The Byelaws have been reviewed to ensure that they continue to be relevant and appropriate to the way in which library facilities are currently used by members of the public.

4. Current Position

- 4.1 The Society of Chief Librarians (now 'Libraries Connected') has recently revised the existing model library byelaws for England to reflect changes in how people use libraries whilst maintaining suitable protections. The Secretary of State for Digital, Culture, Media and Sport (DCMS) has approved this new set of model library byelaws.
- 4.2 The new model byelaws are largely identical to this Authority's existing byelaws but the following changes are now incorporated:
- 4.2.1 Byelaws specifically precluding sleeping in the library or engaging in audible conversation in the library has been removed. However, those activities will continue to be controlled under byelaw 10 (no person to remain in a library without making proper use of the library's facilities) and byelaw 11 (no person to disturb, obstruct, interrupt, abuse or annoy any other person using the library) respectively.

- 4.2.2 The current byelaw 17, which provides that “no person shall smoke, light a match or use a cigarette lighter in the library other than in an area (if any) designated as an area where smoking is permitted” is amended to “no person shall bring into or light any flame on library premises” since the activity of smoking in public buildings is now separately controlled by other legislation.
- 4.2.3 The current blanket prohibition on the operation of mobile telephones, portable computers and other sound equipment without the consent of a library officer is removed. Control will continue to be exercisable under byelaw 11, as referred to in sub-paragraph 4.2.1 above.
- 4.2.4 A new byelaw is introduced which prohibits library users from using online resources except in a way that is consistent with any Conditions of Use Policy or similar rules of the library, as advertised or notified by the authority. This gives legal effect to the need to observe any acceptable use policy that is put in place by the Council and which may be amended or updated from time to time.
- 4.2.5 Some minor changes of wording are also made in the new model byelaws that do not affect the overall meaning in any way.
- 4.3 A full copy of the proposed new Byelaws is set out in Appendix 1 to this report.
- 4.4 DCMS have had sight of the draft Byelaws for their initial comment. They have indicated that upon being made by the Council, the revised Byelaws should be submitted to them with an indication as to whether the approved template has been used in its entirety or whether the Council has deviated from it and, if so, in what way. Members are advised that the draft Byelaws set out in Appendix 1 do precisely follow the approved template.
- 4.5 DCMS also require evidence that the appropriate procedure has been followed in agreeing and introducing the new Byelaws ie once made, the making of the Byelaws must be advertised and a sealed copy placed on deposit for public inspection for a period of one month. After that time period, the sealed Byelaws and any comments received must be submitted to DCMS.
- 4.6 The Byelaws do not come into effect unless and until confirmed by the Secretary of State and they will apply only in those libraries that continue to be occupied and operated by the Council and any vehicles which it uses for the purpose of providing a library service.

5. Reasons for the Decision

- 5.1 To update the current byelaws, in particular by the inclusion of a requirement to use online resources in accordance with the Council's Conditions of Use Policy for such resources.

6. Alternative Options

- 6.1 The other option considered and recommended to be rejected is to leave the current Library Byelaws in force in unamended form. This would mean that no sanction could be applied to enforce compliance with any acceptable use policy for online resources.

7. Impact Analysis

- (a) **Reduction of Crime and Disorder – Community Cohesion / Social Inclusion** – The proposed byelaws prohibit violent, disorderly or indecent/insulting behaviour, damage to library property and the abuse or annoyance of other library users. They therefore assist in the reduction of crime and disorder.

8. Other Relevant Considerations / Consultations

- (a) **Co-operative Values:** Sunderland City Council is a co-operative council and in being so will act ethically in all its actions whilst adhering to and actively promoting its co-operative values of self-help, self-responsibility, democracy, equality, equity and solidarity. These values will underpin our decision making and actions.
- (b) **Financial Implications** – the costs associated with the proposal will be contained within existing budgets.
- (b) **Legal Implications** – the Head of Law and Governance advises that these proposals are lawful and appropriate.

9. Glossary

- 9.1 DCMS – Department of Digital, Culture, Media and Sport

10. List of Appendices

- 10.1 Appendix 1 – Proposed Byelaws

11. Background Papers

- 11.1 Libraries Byelaws made on 4/10/1996 and confirmed on 28/11/1996
[Revised Model Library Byelaws for England - DCMS - August 2017](#)

APPENDIX 1

Sunderland City 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 Council of the City of Sunderland;
 - 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 public 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 possible.

21. A person shall use online resources in a way consistent with any Acceptable 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. 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.
23. 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.
24. On the coming into operation of these byelaws, the byelaws relating to libraries which were made by the Council of the City of Sunderland on the 4th day of October 1996 and were confirmed by the Secretary of State for National Heritage on the 28th day of November 1996 shall be revoked.

authority] [Official seal of local

The Seal of the
Council of the City of Sunderland
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 8, 17 and 18 the library authority draws attention to the existence of the *Criminal Damage Act 1971*, the *Health Act 2006 (smoke-free places)* and the *Misuse of Drugs Act 1971*.