

Item No. 3.1	Classification: Open	Date: 21 February 2018	Meeting Name: Council Assembly
Report title:		Adoption of new library byelaws under Section 19 of the Public Libraries and Museums Act 1964	
Ward(s) or groups affected:		All	
From:		Strategic Director of Environment and Social Regeneration	

RECOMMENDATIONS

1. That council assembly agrees to the adoption of new library byelaws under Section 19 of the Public Libraries and Museums Act 1964.

BACKGROUND INFORMATION

2. The current library byelaws were made by the London Borough of Southwark on 1 April 1998 and were confirmed by the Secretary of State for Culture, Media and Sport on 18 June 1998.
3. On 24 August 2017 the Department for Digital, Culture, Media and Sport (DCMS) published new model byelaws that authorities were encouraged to adopt.

KEY ISSUES FOR CONSIDERATION

4. The Society of Chief Librarians 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 has approved this new set of model library byelaws. There is no requirement from DCMS for local authorities to amend their existing library byelaws. However, it is recommended that any local authority wishing to do so should adopt the DCMS model. The byelaws in appendix 1 follow the DCMS model with no changes made.
5. DCMS has authorised the proposed new byelaws and returned them for confirmation by council assembly. This initial authorisation from DCMS is required because authorities are welcome to make any amendments that they feel necessary to the model byelaws. The byelaws will be fully confirmed by DCMS only after being approved by council assembly and after a period of public inspection has taken place.
6. The table below sets out the full process:

1	Authority informs DCMS they would like to adopt new model byelaws and provides a copy of the byelaws to DCMS
2	DCMS provides initial authorisation for the authority to proceed with the adoption of the new byelaws
3	Period of consultation with residents and library users (including joint equality and health analysis)

4	Report to council assembly
5	Byelaws approved and sealed
6	Period of public inspection launched by advertisement in local newspaper
7	DCMS provided with a certified copy of the sealed byelaws and a copy of the newspaper advertisement
8	DCMS confirms byelaws

Policy implications

7. The library byelaws are intended to help libraries in England deliver their service within a safe and comfortable environment, to safeguard library property and to make libraries pleasant places for everyone. They assist the library workforce in their daily role, they can be used when necessary to deal with the more extreme cases of behaviour experienced, and they allow for flexibility in dealing with local concerns. They only apply to statutory libraries operated by or on behalf of local authorities, of which the council has 12.
8. The existing byelaws were last reviewed in 1998 and are in need of updating primarily to reflect the increased and changing use of technology and the different ways in which people interact in and use libraries. For example the existing byelaws prohibit use of mobile phones and audible conversation in libraries. Clearly these regulations are no longer relevant or practical in a modern public library setting.
9. The library byelaws provide the basis for the library service to deliver the fairer future principles and promises:
 - treating residents as if they were a valued member of our own family
 - being open, honest and accountable
 - spending money as if it were from our own pocket
 - working for everyone to realise their own potential
 - making Southwark a place to be proud of.

Community impact statement

10. The revised byelaws will benefit all areas of the community by ensuring library services can be delivered safely and efficiently. With over two million visitors annually, and over one and a half million item loans, the council's libraries are popular and valued by residents. Libraries provide a welcoming space, and free at the point of use services which are available to all in the community. An equality and health and analysis had indicated there will be no negative impact to any community groups as a result of the new byelaws.

Resource implications

11. There are no additional resource requirements other than additional legal advice if these byelaws are approved for implementation.

Legal and financial implications

12. Comments by the director of law and democracy are set out below. There are no financial implications.

Consultation

13. Consultation was undertaken with residents and library users, with the proposed new byelaws advertised in all libraries and on the council website. No comments were received from residents, and a joint equality and health analysis indicated no negative impacts on any specific community groups.
14. A further period of public inspection will take place once the byelaws have been sealed. This will be announced in local newspapers with a sealed copy of the byelaws deposited for public inspection at the offices of the council for one month from the date of the newspaper announcement. After this period has passed the byelaws will be passed to the DCMS to be confirmed.
15. All local authorities must display copies of all their public library byelaws in any library building maintained by them and used by the public

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

16. Section 19 of the Public Libraries and Museums Act 1964 permits a local authority to make byelaws regulating the use of facilities provided by the authority under this Act and the conduct of persons in premises where those facilities are provided.
17. The decision to approve the making of byelaws is reserved to the full Council assembly in accordance with the council constitution.
18. The Council has carried out a period of consultation in relation to the new byelaws but no comments have been received in relation to them.
19. The public sector equality duty applies to this decision. This is set out in section 149 of the Equality Act 2010. In accordance with this duty the council has to give due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their functions, including their decision-making function. An equalities analysis has been carried out and has not found any negative impact on people with protected characteristics as a result of the proposed changes.
20. If approved by the council the new byelaws will then be published for further consultation and then go to the DCMS for confirmation.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Current byelaws	160 Tooley Street London SE1 2QH	Brian Cape 0207 525 1575
Draft proposal for new byelaws		
Equality and health analysis		

APPENDICES

No.	Title
Appendix 1	Draft Byelaws

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director Environment and Social Regeneration		
Report Author	Praveen Manghani, Libraries and Heritage Manager		
Version	Draft		
Dated	30 November 2017		
Key Decision?	Yes		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
	Officer Title	Comments Sought	Comments included
	Strategic Director of Finance and Governance	Yes	Yes
	Director of Law and Democracy	Yes	Yes
	Date final report sent to Constitutional Team		10 December 2017

Draft byelaws

London Borough of Southwark 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 London Borough of Southwark;
 - 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;

- I. 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 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 London Borough of Southwark 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. 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 London Borough of Southwark on the 1 April 1998 and were confirmed by the Secretary of State for Culture, Media and Sport on the 18 June 1998 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 Digital, Culture, Media and Sport by the Deputy Director, Culture Directorate, Department for Digital, Culture, Media and Sport and shall come into force on [].

[Signature]

[Print Name]

[Date]

Deputy Director, Culture Directorate
Department for Digital, 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.