

## ABERDEEN CITY COUNCIL

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COMMITTEE	<b>Education, Culture and Sport</b>
DATE	<b>12 September 2013</b>
DIRECTOR	<b>Gayle Gorman</b>
TITLE OF REPORT	<b>Library &amp; Information Services Management Rules</b>
REPORT NUMBER:	<b>ECS/13/057</b>

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### 1. PURPOSE OF REPORT

The purpose of this report is to present the revised and updated Library & Information Services Management Rules regulating the use and conduct of persons whilst in library facilities provided by Aberdeen City Council.

### 2. RECOMMENDATION(S)

It is recommended that the Committee:

- Approves the annexed draft Library & Information Services Management Rules 2013 to allow officers to proceed with the formal process of public notification as required by S112 of the Civic Government (Scotland) Act 1982
- Notes that a report detailing the outcome of this public notification will be presented to Committee on 21 November 2013

### 3. FINANCIAL IMPLICATIONS

#### **Advertisement Costs/ New Signage**

Under S114 of the Civic Government (Scotland) Act 1982 signs are required to be displayed at the entrance to the land or premises to which Management Rules apply so that the Management Rules may be seen by members of the public intending to have access to the land or premises. The cost of installing appropriate signage will be met from current Education, Culture & Sport budgets. Additionally, before Management Rules can be made a notice informing the public of the Council's intention to make new Management Rules will be required to be published in a local newspaper with the public being given at least one month to inspect the new Management Rules for no cost and raise any objections. The cost of publishing this notice will be met from current Education, Culture & Sport budgets. The outcome of this public notification process will be presented to Committee later in 2013.

#### **Enforcement Costs**

The level of costs stemming from enforcement will be determined by how actively the Council wish to pursue enforcement. It should be borne in mind that where

Management Rules have been introduced, the breach of any rules is not, of itself, a criminal offence but only entitles an authorised officer of the Council to require any person contravening or about to contravene the Management Rules to leave the ground/premises. Should the person fail to do so after being requested to do so this act of refusal is a criminal offence. However, the decision to pursue a criminal prosecution rests with the Procurator Fiscal Service and not with the Council. It should be noted that only punishment that may be imposed is a fine. The fine may not exceed Level 1 on the Standard Scale, which is currently £200.

#### **4. OTHER IMPLICATIONS**

##### **4.1 Legal Implications**

The making of Management Rules is not a mandatory requirement. Section 112 of the Civic Government (Scotland) Act 1982 details the process by which local authorities can make Management Rules and can be summarised as follows. Firstly, the Draft Management Rules will need to be made available for at least a month to comply with the requirements set out in the Civic Government (Scotland) Act 1982. Members of the public will require to be notified by way of a newspaper advertisement where the Draft Management Rules may be inspected and the address to which objections may be sent. Once the notified period for inspection and objection is concluded the Library Service will consider in consultation with officers from Legal Services whether any changes to the Draft Management Rules are required and these findings together with a note of all objections received will be presented to committee.

#### **5. BACKGROUND/MAIN ISSUES**

In terms of Schedule 13, Section 5 of the Local Government etc. (Scotland) Act 1994, Aberdeen City Council acts as the library authority for Aberdeen City.

The Library Management Rules have been drawn up in exercise of the powers conferred on Aberdeen City Council by Section 112 of the Civic Government (Scotland) Act 1982.

#### **6. IMPACT**

This report relates to the Combined Community Plan and Single Outcome Agreement as follows:

- Protecting children and vulnerable adults
- People of all ages take an active part in their own learning to achieve their full potential Learning and training is appropriate and accessible to learner's needs
- Children and young people access positive learning environments and develop their skills, confidence and self esteem to the fullest potential
- Children, young people and their families/carers are involved in decisions that affect them. Their voices heard and they play an active and responsible role in their communities
- Educational attainment in Aberdeen is continuously sustained and improved

- School leavers enter positive destination of employment, training or further and higher education with a focus on and support for young people who require More Choices and More Chances
- Children and young people actively participate in their communities and have optimum involvement in decision making
- All children, young people and their families have access to high quality services when required and services provide timely, proportionate and appropriate response that meeting the needs of children and young people within Getting it Right for Every Child, (GIRFEC) requirements
- Improve the quality of life in our most deprived areas
- Citizens are increasingly more active in their communities regardless of age, gender, sexual orientation, ethnic origin, where they live, disability or faith/religion/belief and contribute to 'active citizenship'
- Develop pathways to participation which enhance the diversity of local representation at and engagement with regional, national and international arts, heritage and sporting events
- Our public services are consistently high quality, continually improving, efficient and responsive to local people's needs

Public - This report will be of interest to current and future users of library & information services.

## **7. MANAGEMENT OF RISK**

Equalities: The content of this report is not relevant to the Equality Act 2010 public sector equality duty. It is considered that the Management Rules support and promote responsible use and enjoyment of the city's library facilities for all users.

## **8. BACKGROUND PAPERS**

Aberdeen City Council (Library & Information Services) Management Rules 2013 (Appendix 1)

Aberdeen City Library & Information Services Customer Service Charter

Aberdeen City Library & Information Services Acceptable Use Policy

[http://www.aberdeencity.gov.uk/Library/general\\_information/lib\\_Library\\_Home.asp](http://www.aberdeencity.gov.uk/Library/general_information/lib_Library_Home.asp)

Civic Government (Scotland) Act 1982

<http://www.legislation.gov.uk/ukpga/1982/45>

## **9. REPORT AUTHOR DETAILS**

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