

## ABERDEEN CITY COUNCIL

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COMMITTEE	<b>Education, Culture and Sport</b>
DATE	<b>21 November 2013</b>
DIRECTOR	<b>Gayle Gorman</b>
TITLE OF REPORT	<b>Library &amp; Information Services Management Rules</b>
REPORT NUMBER:	<b>ECS/13/066</b>

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### 1. PURPOSE OF REPORT

The Education, Culture and Sport Committee of the 12 September approved the draft Library & Information Services Management Rules 2013 and agreed to allow officers to proceed with the formal process of public notification as required by S112 of the Civic Government (Scotland) Act 1982. This report details the outcome of this public notification

### 2. RECOMMENDATION(S)

- Note the outcomes of the public notification which closed on 28 October 2013
- Agree the form of the annexed draft Library & Information Services Management Rules 2013
- Agree the annexed draft Library & Information Services Management Rules can be signed and sealed on behalf of Aberdeen City Council thus bringing these management rules into force for a period of 10 years from the date of execution;

### 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 has been met from current Education, Culture & Sport budgets.

#### **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. This statutory process has been followed by officers. The public were notified of the library services intention to make Management Rules via the web, notices in all community libraries and a notice in the Press and Journal. Comments were invited from the public and paragraph 5 sets out the response received.

The next step in the process will be to approve the form of the Management Rules as annexed and arrange for them to be signed and sealed on behalf of Aberdeen City Council. These Management Rules will then remain in force for a period of 10 years from the date of execution unless revoked by Aberdeen City Council.

## **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.

The proposed Library Management Rules were available for inspection at all community libraries, the Central Library and online via Library web pages for a period of four weeks from 25<sup>th</sup> September 2013. Public notices were placed on noticeboards of all community libraries, online and in the Press in Journal of the 25<sup>th</sup> September 2013.

No responses, comments or queries regarding the rules have been received. The annexed Library Management Rules therefore will remain unchanged.

## **6. IMPACT**

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

- People feel safe throughout Aberdeen's communities
- Universal literacy
- Effective lifelong learning through vocational and academic training from secondary school
- Every child and young person in Aberdeen enjoys being young and at the same time feels safe, nurtured, healthy, active, included, respected and responsible
- Older people have increased independence
- Aberdeen is digitally connected ensuring equal opportunity of access to services for all people and support for business development
- People from minority communities are supported to fully participate in the economic, cultural and social life of the city
- Services are accessible to all citizens in the ways which meet their needs

## **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**

Library & Information Services Library Management Rules report to Education, Culture and Sport Committee 12<sup>th</sup> September 2013  
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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