

DUNDEE CITY COUNCIL

REPORT TO: Leisure and Arts Services Committee – 23 March 2009

REPORT ON: Management Rules for Libraries and Art Galleries and Museums

REPORT BY: Director of Leisure and Communities

REPORT NO: 185-2009

1.0 PURPOSE OF REPORT

1.1 To seek Committee approval on the adoption of the documents entitled "Management Rules for Libraries" and "Management Rules for Art Galleries and Museums".

2.0 RECOMMENDATIONS

2.1 It is recommended that the Committee approves the contents of the two documents entitled "Management Rules for Libraries" and "Management Rules for Art Galleries and Museums" (see appendices 1 and 2), to operate within the Leisure and Communities Department.

3.0 FINANCIAL IMPLICATIONS

3.1 There are no financial implications resulting from this report.

4.0 MAIN TEXT

4.1 The proposed Management Rules for Libraries and for Art Galleries and Museums will supersede the existing Management Rules for these services, both of which are due for renewal.

4.2 The Management Rules are required for the regulation of Libraries and Art Galleries and Museums, and conduct of persons while in premises which are under the management and/or control of Dundee City Council.

5.0 POLICY IMPLICATIONS

5.1 This report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management.
There are no major issues.

6.0 CONSULTATION

6.1 The Chief Executive, Depute Chief Executive (Support Services), Depute Chief Executive (Finance) and Head of Finance have been consulted on this report and are in agreement with its contents.

7.0 BACKGROUND PAPERS

7.1 None.

**STEWART MURDOCH
DIRECTOR OF LEISURE AND COMMUNITIES
9 MARCH 2009**

DUNDEE CITY COUNCIL**MANAGEMENT RULES FOR LIBRARIES**

Dundee City Council as the library authority for Dundee in terms of Schedule 13, Section 5 of the Local Government etc. (Scotland) Act, 1994 hereby makes the following Management Rules in exercise of the powers conferred on them by Section 112 of the Civic Government (Scotland) Act 1982 (hereinafter referred to as "the 1982 Act"), which shall apply to the provision of Library Services by the Council in Library Premises in the City of Dundee.

Definitions and Interpretation

In these Management Rules

"Council" means Dundee City Council constituted under the Local Government (Scotland) Act 1994.

"Committee" means the Leisure, Arts and Communities Committee or any other such Committee appointed by the Council for the management of public libraries.

"Library user" means any person having the right, under these rules, to the use of public libraries within the City of Dundee and includes Members.

"Library Premises/Library" means The Central Library, Community Libraries and grounds, or library vehicles, and such other premises as may be used from time to time by the Council for the provision of Library Services, but excludes school libraries.

"Library material" means printed material and other media or articles.

"Member" means any person to whom a membership card or temporary membership card has been issued for the purposes of borrowing library material and accessing computer facilities.

"Chief Officer" means the Director for the time being of the Leisure and Communities Department of the Council or other duly authorised member of staff.

The provisions of the Interpretation Act 1978 shall apply to the interpretation of these Management Rules as they apply to an Act of Parliament.

1. Membership

- a. Any person who is resident or employed in a paid or voluntary capacity or undergoing a course of education in the City of Dundee may make application for membership of the Libraries to permit the borrowing of library material. Membership is subject to completion and signature of an agreement to abide by such rules and regulations as may be prescribed by the Council. On proof of identity and address, a membership card will be issued for the exclusive use of the person named thereon who shall be responsible for any library material borrowed. A signature as guarantor is required from a parent or guardian for persons up to 12 years of age. A parent or guardian in giving this signature shall accept the same responsibility for such items issued to children under their charge as though the items had been issued to them personally.

Unless previously surrendered or cancelled, membership cards shall be valid for a period to be determined by the Council or the Committee. A replacement for a lost card may be obtained on payment of a charge which will be determined by the Council.

- b. Any person may use library material or computer facilities for reference or study within Library Premises. Such use shall not be subject to membership regulation as in (a) above, but shall be subject to identification, in appropriate circumstances, by signature or such other control as may be defined by the Chief Officer.

- c. Persons, ineligible for membership to permit borrowing as in (a) above, may obtain temporary membership on surrender of a valid library membership card in their name for any public library in the United Kingdom.
- d. Any person failing to abide by such rules and regulations as may be prescribed by the Council, shall, at the discretion of the Chief Officer, be subject to exclusion from membership of the Libraries for such reason and time as will be notified in writing.
- e. Members are required to notify the Library staff of changes of name or address and supply proof of such changes as soon as possible. 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.

2. Borrowing

- a. Library material available for loan may be borrowed by Members for a period or periods of time to be determined by the Council.
- b. Charges for loan of items may be made in respect of certain library materials.
- c. Failure by Members to observe the regulations regarding period of loan will incur a financial penalty to be determined by the Council, and such penalty may include administrative charges as appropriate.
- d. Members are liable to pay the replacement value, as determined by library staff, of any library material which is lost or damaged while issued on a membership card bearing their name, together with any expenses incurred by the Council.
- e. Sound and multi-media recordings borrowed from libraries are issued on the understanding that they are used for private, domestic or educational purposes only. Recordings should not be copied, even for private domestic use, as this would be an infringement of copyright.
- g. All pre-recorded library materials are issued on the express condition that the Council shall not be responsible for any damage caused to reproducing equipment due to the condition of or any defect in such library materials.
- f. Members shall make available any library material retained beyond the agreed loan period to an authorised collector acting on the Chief Officer's instructions at their home address.
- h. It shall be the responsibility of the Member to see that any library materials to be borrowed are in good physical condition and to report any defects prior to borrowing to a member of the library staff, who will record such defects. Failure to do so may result in the Member incurring liability for damage.
- i. The Council shall determine the maximum number of library materials which a Member may have on loan at any one time.
- j. Lending materials may be reserved at a charge determined from time to time by the Council.
- k. On receipt of a request from a Member the loan period may be extended for any library material on loan, other than when the material concerned has been requested by another Member.
- l. Children borrowing items in accordance with rule 2 shall only be permitted to borrow items from the children's section of the library unless with the discretion of the Chief Officer who may require the consent of the child's parent or guardian in respect of any particular item.

3. Access to Library Premises and Library Material

- a. The Library shall be open to the public on such days and during such hours as the Council or Committee may from time to time determine and the Council or Committee may close the library wholly or partially during such times as they may think fit.

- b. The normal standards of good conduct in public places will apply in libraries. Undue noise or disturbance will not be permitted. The Council reserve the right to refuse admission or to expel any persons or persons from the Library Premises for any reason.
- c. Any person who in the reasonable opinion of library staff is under the influence of alcohol or drugs, or who is unclean in person or dress so as to cause offence will be expelled or excluded in terms of Rule 3 (b).
- d. Except with the consent of the Chief Officer, no person shall cause or allow any dog (other than a working dog accompanying a disabled person) or other animal belonging to him or under his control to enter or remain in the library. No person will be permitted to bring in any wheeled vehicle or conveyance other than wheelchairs, mobility scooters, pushchairs or prams.
- e. No person shall enter or remain in any part of the library which a reasonable person would or should know is prohibited to the public or remain in the library after the time fixed for its closing.
- f. No person shall remain in the library after an emergency situation has been made known to them.
- g. Any member of the public may refer to the materials held in the library, whether lending or reference stock, but no materials may be removed from the library unless duly authorised.
- h. Any member of the public may consult information delivered via digital sources. Where a fee is payable for any service or facility, the Library user must abide by the terms of use prevailing at the time.
- i. Library users using Internet and computer facilities must abide by the terms of use pertaining at the time. They should not access, download, transmit or print any obscene, offensive or illegal material. Library staff reserve the right to terminate any Internet connection, which, in their reasonable opinion, does not meet this requirement.

Any contravention of these terms of use may result in access to Internet and computer facilities being withdrawn. Where it is suspected that a criminal act or acts have taken place the Council shall immediately refer an internet user to the police and shall provide details to the police of all information accessed.

Children under the age of 12 wishing to use the computer facilities and internet in the library shall only be permitted to do so with the prior written authorisation of their parent or guardian.

- j. Copying of certain items of stock may be arranged within the terms of current Copyright Legislation and payment for this work will be charged at the prevailing rate set by the Council. Members of the public should not violate copyright laws by unauthorised reproduction or distribution of copyright or licensed materials in any format.
- k. The Chief Officer shall have discretion as to the conditions under which members of the public may consult rare, valuable or fragile library materials which are deemed unsuitable for general use.
- l. A library user shall not retain any current newspaper or periodical displayed in any library for public use for more than 15 minutes after that newspaper or periodical is requested by another library user.

4. Use of Library Premises

- a. Library users must comply with all directions given to them by library staff in the course of their duties.
- b. At the discretion of the Chief Officer, appropriate areas of Library Premises may be used for community, cultural, educational or social purposes. Such uses shall be controlled by means of a written agreement between the user and the Council.

- c. Except as may be specifically authorised in connection with use as defined in Rule 4 (b) above, or in areas provided by the Council for that purpose, food or drink must not be taken into and consumed upon Library Premises.
- d. Smoking is not permitted in any Library Premises.
- e. The consumption of alcohol is not permitted on Library Premises except as may be specifically authorised in connection with use as defined in Rule 4 (b).
- f. Photography, video or sound recording in libraries may be undertaken only with the prior permission of the Chief Officer.
- g. Mobile telephones must only be operated in the foyer areas of Library Premises.
- h. The use of equipment such as personal stereos or mobile telephones should not cause inconvenience or disturbance to others in the reasonable opinion of library staff.
- i. Bills, notices or leaflets may be displayed or distributed in any part of the library only with the consent of the Chief Officer.
- j. Disorderly, violent or insulting behaviour including the use of indecent or offensive language towards other library users or staff by any person will result in that person being removed and excluded from the library. If the person is aged under 16, their parent or carer will be informed.
- k. The Chief Officer may from time to time regulate the use of accommodation, resources and equipment in great demand in order to ensure equal opportunity of use.
- l. In the event of the structure, furniture, fittings or other contents of the library being damaged or destroyed, the person responsible shall be liable for the cost of making good the damage or for replacing the articles destroyed.
- m. The Council shall have no liability in respect of the loss or theft of any item belonging to a library user.
- n. No trading or sale of goods shall take place in any part of any library except with the consent of the Chief Officer.
- o. At the discretion of the Chief Officer, adults may use a children's library or area to seek information, select and borrow library materials and to supervise their own children.
- p. Parents and carers are responsible for the supervision and behaviour of their children at all times within library premises. Children aged eight years and under must be accompanied by a parent or carer when visiting the library. Children between the ages of 8 and 12 must not be left unaccompanied by parent or carer for any period exceeding one hour unless part of an organised activity.
- q. Parents and carers must undertake to ensure that their children behave in an appropriate manner if attending an organised activity. The library staff reserve the right to remove a child from an organised activity if they are misbehaving.

5. Contravention of Management Rules

- a. The Chief Officer may:-
 - (i) if he has reasonable grounds for believing that a person has contravened , is contravening or is about to contravene any of the foregoing Management Rules, expel that person from the Library Premises
 - (ii) if he has reasonable grounds for believing that a person is about to contravene any of the foregoing Management Rules, exclude that person from the Library Premises.

A person who persistently contravenes or attempts to contravene the foregoing Management Rules and is, in the opinion of the Council, likely to contravene them again shall be liable to be made the subject of an Exclusion Order by the Council for a period not exceeding one year, in terms of section 117 of the 1982 Act.

b. Any person who

(i) on being required to leave the Library Premises by the Chief Officer who has reasonable grounds for believing that the person has contravened, is contravening or is about to contravene any Management Rules, fails to leave;

(ii) on being informed by the Chief Officer who has reasonable grounds for believing that the person is about to contravene any Management Rules, that he is excluded from the Library Premises, enters or attempts to enter the Library Premises:

(iii) being a person subject to an Exclusion Order under section 117 of the 1982 Act enters or attempts to enter the Library Premises to which the Exclusion Order relates

shall be guilty of an offence and liable on summary conviction to a fine not exceeding Level 1 on the Standard Scale of Fines (the current maximum fine at the time of making these Management Rules being £200 Sterling) or such other amount as may from time to time be fixed by statute in terms of section 118 of the 1982 Act.

6. Date of Operation

The foregoing Management Rules shall come into force on the date of their execution.

Dated at Dundee this day of 2009.

**Alex Stephen
Chief Executive
Dundee City Council**

MANAGEMENT RULES FOR ART GALLERIES AND MUSEUMS

Dundee City Council as the MUSEUM authority for Dundee hereby makes the following Management Rules in exercise of the powers conferred on them by Section 112 of the Civic Government (Scotland) Act 1982 (hereinafter referred to as "the 1982 Act), which shall apply to the provision of MUSEUM Services by the Council in Museum Premises in the City of Dundee.

Definitions and Interpretation

In these Management Rules

"Council" means Dundee City Council constituted under the Local Government (Scotland) Act 1994.

"Committee" means the Leisure, Arts and Communities Committee or any other such Committee appointed by the Council for the management of art galleries and museums.

"Museum user" means any person having the right, under these rules, to the use of Museums within the City of Dundee.

'Museum/Museum premises' shall be taken to mean any public Art Gallery and Museum and shall include The McManus: Dundee's Art Gallery and Museum, Broughty Castle Museum, the Mills Observatory, Camperdown House, the Old Steeple and the McManus Collections Unit and such other premises as may be used from time to time by the Council for the provision of Museums Services and includes any land surrounding or used in connection therewith.

"Chief Officer" means the Director for the time being of the Leisure and Communities Department of the Council or other duly authorised member of staff.

The provisions of the Interpretation Act 1978 shall apply to the interpretation of these Management Rules as they apply to an Act of Parliament.

1. Access to Museums

- a. The Museum shall be open to the public on such days and during such hours as the Council or Committee may from time to time determine and the Council or Committee may close the Museum wholly or partially during such times as they may think fit.
- b. The normal standards of good conduct in public places will apply in Museums. Undue noise or disturbance will not be permitted. The Council reserve the right to refuse admission or to expel any persons or persons from the Museum for any reason.
- c. Any person who in the reasonable opinion of museum staff is under the influence of alcohol or drugs, or who is unclean in person or dress so as to cause offence will be expelled or excluded in terms of Rule 1 (b).
- d. Except with the consent of the Chief Officer, no person shall cause or allow any dog (other than a working dog accompanying a disabled person) or other animal belonging to him or under his control to enter or remain in the Museum. No person will be permitted to bring in any wheeled vehicle or conveyance other than wheelchairs, mobility scooters, pushchairs or prams.
- e. No person shall enter or remain in any part of the Museum which a reasonable person would or should know is prohibited to the public or remain in the Museum after the time fixed for its closing.
- f. No person shall remain in the Museum after an emergency situation has been made known to them.
- g. Any member of the public may view the displays held in the Museum but no materials may be removed from the Museum unless duly authorised.

- h. Any member of the public may consult information delivered via digital sources. Where a fee is payable for any service or facility, the user must abide by the terms of use prevailing at the time.
- i. Museum users using Internet and computer facilities must abide by the terms of use pertaining at the time. They should not access, download, transmit or print any obscene, offensive or illegal material. Museum staff reserve the right to terminate any Internet connection, which, in their reasonable opinion, does not meet this requirement.

Any contravention of these terms of use may result in access to Internet and computer facilities being withdrawn. Where it is suspected that a criminal act or acts have taken place the Council shall immediately refer an internet user to the police and shall provide details to the police of all information accessed.
- j. Photography of certain items may be arranged within the terms of current Copyright Legislation and payment for this work will be charged at the prevailing rate set by the Council. Members of the public should not violate copyright laws by unauthorised reproduction or distribution of copyright or licensed materials in any format.
- k. The Chief Officer shall have discretion as to the conditions under which members of the public may consult rare, valuable or fragile museum artefacts which are deemed unsuitable or too delicate for general display.

2. Use of Museum Premises

- a. Museum users must comply with all directions given to them by Museum staff in the course of their duties.
- b. At the discretion of the Chief Officer, appropriate areas of Museum premises may be used for community, cultural, educational or social purposes. Such uses shall be controlled by means of a written agreement between the user and the Council.
- c. Except as may be specifically authorised in connection with use as defined in Rule 2 (b) above, or in areas provided by the Council for that purpose, food or drink must not be taken into and consumed in the Museum premises.
- d. Smoking is not permitted in any Museum premises.
- e. The consumption of alcohol is not permitted in Museum premises except as may be specifically authorised in connection with use as defined in Rule 2 (b).
- f. Photography, video or sound recording in Museums may be undertaken only with the prior permission of a senior member of museum staff. However the use of digital cameras for informal social shots is permitted.
- g. Mobile telephones must only be operated in the foyer areas of Museum premises and are not permitted to be used in galleries within the Museum.
- h. The use of equipment such as personal stereos or mobile telephones should not cause inconvenience or disturbance to others in the reasonable opinion of museum staff.
- i. Bills, notices or leaflets may be displayed or distributed in any part of the Museum only with the consent of the Chief Officer.
- j. Disorderly, violent or insulting behaviour including the use of indecent or offensive language towards other museum users or staff by any person will result in that person being removed and excluded from the Museum. If the person is aged under 16, their parent or carer will be informed.

- k. The Chief Officer may from time to time regulate the use of accommodation, resources and equipment in great demand in order to ensure equal opportunity of use.
- l. In the event of the structure, furniture, fittings or other contents of the Museum being damaged or destroyed, the person responsible shall be liable for the cost of making good the damage or for replacing the articles destroyed.
- m. The Council shall have no liability in respect of the loss or theft of any item belonging to a museum user.
- n. No trading or sale of goods shall take place in any part of any Museum except with the consent of the Chief Officer.
- o. Parents and carers are responsible for the supervision and behaviour of their children at all times within the Museum premises. Children aged eight years and under must be accompanied by a parent or carer when visiting the Museum. Children between the ages of eight and twelve must not be left unaccompanied by a parent or carer for any period exceeding one hour unless part of an organised activity.
- p. Parents and carers must undertake to ensure that their children behave in an appropriate manner if attending an organised activity. The Museum staff reserve the right to remove a child from an organised activity if they are misbehaving.

3. Contravention of Management Rules

- a. The Chief Officer may
 - (i) if he has reasonable grounds for believing that a person has contravened, is contravening or is about to contravene any of the foregoing Management Rules, expel that person from the Museum Premises
 - (ii) if he has reasonable grounds for believing that a person is about to contravene any of the foregoing Management Rules, exclude that person from the Museum Premises

A person who persistently contravenes or attempts to contravene the foregoing Management Rules and is, in the opinion of the Council, likely to contravene them again shall be liable to be made the subject of an Exclusion Order by the Council for a period not exceeding one year, in terms of section 117 of the 1982 Act.

- b. Any person who
 - (i) on being required to leave the Museum Premises by the Chief Officer who has reasonable grounds for believing that the person has contravened, is contravening or is about to contravene any Management Rules, fails to leave;
 - (ii) on being informed by the Chief Officer who has reasonable grounds for believing that the person is about to contravene any Management Rules, that he is excluded from the Museum Premises, enters or attempts to enter the Museum Premises;
 - (iii) being a person subject to an Exclusion Order under section 117 of the 1982 Act enters or attempts to enter the Museum Premises to which the Exclusion Order relates

shall be guilty of an offence and liable on summary conviction to a fine not exceeding Level 1 on the Standard Scale of Fines (the current maximum fine at the time of making these Management Rules, being £200 Sterling) or such other amount as may from time to time be fixed by statute in terms of section 118 of the 1982 Act.

4. **Date of Operation**

The foregoing Management Rules shall come into force on the date of their execution.

Dated at Dundee this day of 2009.

**Alex Stephen
Chief Executive
Dundee City Council**