



BYELAWS

Rules and Regulations

made by the

COUNCIL

of the

BOROUGH OF TORBAY

with respect to

Libraries



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LIBRARIES
BYELAWS

made under

**Section 19 of the
Public Libraries and Museums Act 1964
by**

The Council of the Borough of Torbay

1. In these byelaws, unless the context otherwise requires:

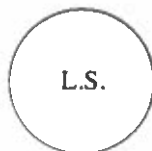
- (a) "the Act" means the Public Libraries and Museums Act 1964;
- (b) "charge" means any charge imposed in accordance with the Regulations;
- (c) "child" means a person under the age of 16 years;
- (d) "emergency situation" includes situations where a library or part of a library is required to be evacuated 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 Borough of Torbay;
- (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 performed in connection with the proper execution of his duty by a library officer shall not be a contravention of these byelaws.
 3. 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.
 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 a working dog accompanying a disabled person) 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 a wheelchair, pram, pushchair or shopping trolley;
 - (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) remain in the library after the time fixed for its closing.
 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 checkout 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.
9. No person shall behave in a disorderly manner in the library, use violent, abusive or obscene language therein, or intentionally or recklessly cause or do anything likely to cause injury to any other person or property.
10. No person shall sleep in the library after having been requested not to do so by a library officer.
11. No person shall remain in a library without making proper use of the library's facilities after having been requested, by a library officer, to make such proper use of the facilities.
12. No person shall engage in audible conversation in any part of the library set apart as a reference department, study area, or for reading after having been requested not to do so by a library officer.
13. 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.
14. No person shall, without the consent of a library officer, intentionally display, distribute, or leave any bill, placard, notice or other document in the library.
15. No person shall, without the consent of a library officer, offer anything for sale in the library or canvass or seek signatures for petitions.
16. No person having charge of a child shall without the consent of a library officer leave him unsupervised in the library.
17. No person shall smoke, light a match or use a cigarette lighter in the library.
18. No person in any part of the library shall inhale any toxic substance for the purpose of causing intoxication or take 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.

19. No person shall, except with the consent of a library officer, partake of refreshment in the library.
20. No person shall, except with the consent of a library officer, cause or allow any mobile telephone, portable computer, or other electrical equipment, or apparatus for the reception of sound broadcasting or for the reproduction of sound, to be operated in any part of the library to which the public has access.
21. 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.
22.
 - (a) 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 to the library within 14 days from the date the notice was served.
 - (b) For the purposes of the byelaw, a notice may be served upon any person by delivering it to him, or by leaving it at his last known address, or by sending it by post addressed to him at that address.
23. Except as regards byelaws 8 and 18, in respect of which a prosecution may be brought under the Criminal Damage Act 1971 or the Misuses of Drugs Act 1971 respectively, any person who contravenes any of the foregoing byelaws shall be liable to prosecution for contravention of the byelaws by the library authority and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale in respect of each offence.
24. 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.
25. On the coming into operation of these byelaws, the byelaws relating to libraries so far as they relate to the area of Torbay which were made by the Devon County Council on the 18th day of September 1992 and were confirmed by the Secretary of State for National Heritage on the 30th day of December 1992 shall be revoked.

THE COMMON SEAL OF
THE COUNCIL OF THE
BOROUGH OF TORBAY
was hereunto affixed on the
Eighth day of April 1998
in the presence of:-



A.J. HODGKISS
Chief Executive

Pursuant to Section 238 of the Local Government Act, 1972

I HEREBY CERTIFY THAT

- (a) the foregoing Byelaws were made by Torbay Borough Council;
- (b) this is a true copy;
- (c) the Byelaws were confirmed on behalf of the Secretary of State for Culture, Media and Sport by the Head of Libraries Division, Department for Culture, Media and Sport and shall come into force on 3rd July, 1998.

A handwritten signature in black ink, appearing to read "A.J. Hodgkiss".

Chief Executive

Rules and Regulations

1. GENERAL

- (a) These Rules and Regulations may be revoked or amended at any time by Torbay Council, the Library Authority.

- (b) In these Rules and Regulations, unless the context otherwise requires:

“Library” means any library for the time being maintained by the Library Authority and includes a vehicle when being used for this purpose.

“The Librarian” means the person appointed as such by the Library Authority or, in his absence, any other person authorised to act on his behalf.

“Library Officer” means the Librarian or any other person employed by the Library Authority.

“Book” includes every book, journal, pamphlet, music score, manuscript, picture, print, photograph, engraving, etching, deed, map, chart, plan, gramophone record, cassette, compact disc, video cassette, and any other article of a like nature forming part of the contents of the Library or lent or hired to any person by or on behalf of the Library Authority.

- (c) General conduct in the library is governed by the Department of Culture, Media and Sport Byelaws made under section 19 of the Public Libraries and Museums Act 1964.
- (d) Each library shall be open on such days and during such hours as the Library Authority may from time to time determine.
- (e) The Librarian shall have the general charge of each library and shall be responsible for the safe custody of the books and all other property belonging thereto.
- (f) The Librarian shall have the power to deny the use of library facilities to any person who fails to comply with the Byelaws and or the Rules and Regulations.

- (g) The interpretation of the Rules and Regulations shall be at the discretion of the Librarian and any of them may be waived or varied at his discretion.
- (h) No material may be reproduced on library premises or elsewhere except as permitted under current legislation.
- (i) No person shall deliberately or negligently damage the contents, furniture, fittings or fabric of the Library.
- (j) Any person having, or being in contact with a person having, a notifiable disease shall not make use of the Library without the permission of the Librarian. At his discretion the Librarian may require the prior consent of the District Community Physician or an appropriate representative before allowing the return of books that have been in contact with a notifiable disease.
- (k) Members of the public shall not enter parts of the library which are marked "staff only" or words to a similar effect.
- (l) Disclosure of personal data is subject to the requirements of the Data Protection Act 1984.
- (m) All persons shall vacate the library immediately at the discretion of a library officer in the course of an emergency evacuation procedure or drill.
- (n) Users of the library and library facilities are reminded that the provisions of the general law apply at all times. In particular, the Library Authority draws attention to the existence of the Criminal Damage Act 1971 and the Misuse of Drugs Act 1971.
- (o) 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.

2. **LENDING FACILITIES**

(a) **Membership**

- (i) The loan of books and hire of other items is open to anyone registering as a member of the Library.

- (ii) Permanent or temporary membership of the Library is available to any person subject to registration on producing acceptable proof of name and address. In the case of temporary members and visitors, proof of both the current and permanent addresses will be required. In the case of young persons under the age of 16, a guarantor will be required, usually a parent or guardian.
- (iii) Members who cease to use their library tickets for lengthy periods may be required to re-register.

(b) Loan and hire of items

- (i) The number of items that can be borrowed or hired is as follows:
 - Members are entitled to a total loan of 8 books and hire of 4 recorded sound items per person, subject to a restriction of 4 books and 2 recorded sound items for first time borrowers. Visitors are restricted to the loan of four books only.
 - Registered blind or partially-sighted members are entitled to hire 8 recorded sound items with a restriction of 4 such items for first time borrowers.
 - Video cassette hire is restricted to four per adult member at any one time.
- (ii) All members may borrow or hire items from any Public Library in Torbay on presentation of a relevant library ticket.
- (iii) Members or their guarantors are responsible for all items taken out on their tickets. Library tickets are not transferable between members.
- (iv) Loss of tickets or change of address must be notified immediately, normally to the library where membership was originally registered. Proof of change of address is required.
- (v) Tickets temporarily not in use must be retained by members. However, members are advised to return tickets to the library of registration for cancellation should they cease to borrow or hire items.

- (vi) Members are required to report without delay any lost or damaged items to staff at the library from which they were borrowed or hired.
- (vii) Members are required to take care of books and other items on loan or hired to them, to protect them from damage, and to refrain from marking them or from folding or tearing pages. Members or their guarantors are responsible for the cost of replacement or repair, by or on behalf of the Library Authority, of any item lost, damaged or destroyed while in the member's care. A list of current replacement charges is available in the Library.
- (viii) Membership tickets remain the property of the Library Authority and a charge may be made for their loss or damage.

(c) **Issue of Books, Recorded Sound Items and Video Cassettes**

- (i) Books are normally issued for a period of 21 days. Consideration will be given to a request for an extended period of loan at the discretion of the library officer.
- (ii) Book loans may be renewed by bringing the book to the library or by telephone or post. When renewing by telephone or post, the date due for return must be given together with the book barcode number and author and title.

After three renewals by telephone or post, the book must be brought to the library for return or further renewal.
- (iii) Sets of plays and music scores may, by agreement, be loaned for extended periods.
- (iv) Recorded Sound items are usually issued on hire for 1 week in the first instance, up to a total of 7 weeks. Extended hire periods apply to special sets.
- (v) Video cassettes are issued on hire for one week only.
- (vi) Books and other items must be returned to a library officer by the end of their loan, hire or renewal period.

(vii) Shorter periods of loan or hire and renewal restrictions may apply to items in demand or on loan from another library service.

(d) Library Charges

(i) The various charges for overdue loans and the hire and replacement of items are to be paid by members or their guarantors at the current rates available in the Library. These are subject to annual review by the Library Authority.

3. REFERENCE AND INFORMATION SERVICES

(a) Certain items are not available for loan and may only be used on Library premises.

(b) Books shall not be removed for loan from a Reference Library or Section except at the discretion of the Librarian and for such period as the Librarian may decide.

(c) A newspaper or periodical shall not be retained by any person for longer than 15 minutes after it has been requested by another person. No person shall be entitled to retain more than one newspaper or periodical at any one time.

