

CITY OF WESTMINSTER PUBLIC LIBRARIES

BYELAWS AND REGULATIONS



City of Westminster



City of Westminster

PUBLIC LIBRARIES BYELAWS

made under

Section 19 of the Public Libraries and Museums Act 1964 by the Council of the City of Westminster

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. “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;
 - d. “last known address” means last address held on the library authority’s records;
 - e. “the library authority” means the Council of the City of Westminster;
 - f. “library” means:
 - i. any premises which are occupied by the 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;
 - g. “the library officer” means any officer employed by the library authority in connection with its functions under the Act;
 - h. “library properly” 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

8. No person shall, without lawful excuse, destroy or damage any library or 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 a 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, to make proper use of such facilities.
12. No person shall engage in audible conversation in any part of the library set apart as a reference department, study area, or quiet area 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 their duty, or intentionally or recklessly disturb, obstruct, harass, interrupt, abuse or annoy any other person in the proper use of 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 seek to collect money, or canvass or seek signatures for petitions.
16. No person having charge of a child under 8 shall without the consent of a library officer leave the child unsupervised in the library.
17. No person shall smoke, light a match or use a cigarette lighter in the library other than in an area (if any) designated as an area where smoking is permitted.
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, eat or drink 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 or reproduction of sound, to be operated in any part of the library to which the public has access.
- 21.** Except with the consent of a library officer, no person shall lie, stand or climb on the furniture or fittings of the library or sit or lie on the floor thereof.
- 22.** No person who
- a) borrows library property which is returned late, or if returned would be returned late, or
 - b) fails to pay any charge
- shall, unless with the specific consent of a library officer, borrow any other library property.
- 23.a** Any person who has borrowed library property which if returned would be 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 any of the authority's libraries within 14 days from the date the notice was served.
- 23.b** For the purposes of this byelaw, a notice may be served upon any person by delivering it to them, or by leaving it at their usual or last known address, or by sending it by post addressed to them at that place.
- 24.** Except as regards byelaws 8 and 18 in respect of which a prosecution may be brought under the Criminal Damage Act 1971 or the Misuse 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.
- 25.** 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.
- 26.** On the coming into operation of these byelaws, the byelaws relating to libraries which were made by the Council of the City of Westminster on the 13th Day of April 1966 and were confirmed by the Secretary of State for Education and Science on the 16th day of June 1966 shall be revoked.

The Common Seal of Westminster City Council was hereunto affixed this 10th day of April 1997 in the presence of:

J. E. Langley

Assistant City Solicitor

The foregoing byelaws are confirmed on behalf of the Secretary of State for National Heritage by the Head of Libraries Division, Department of National Heritage and shall come into force on 25 July 1997

[signature]

Neville Mackay 25 June 1997

Head of Libraries Division

Department of National Heritage

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.

People who intend to make copies of work 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.



PUBLIC LIBRARIES REGULATIONS

DEFINITIONS

1. In these Regulations:

- a. “the Council” means the Council of the City of Westminster;
- b. “library authority” means the Council;
- c. “Committee” means the Education and Leisure Committee appointed by the Council or such other Committee as the Council may determine to discharge its duties concerning its public library and archives services;
- d. “the Director of Education & Leisure” means the person appointed as such by the Council or, such other person as the Council may determine to discharge duties concerning its public library and archives services, or, in their absence, any other person authorised by the Council (“The authorised officer”) to act on their behalf.
- e. “library facilities” means services and materials made available by the authority in the course of their provision of a public library service;
- f. “library” means:
 - i. any premises which are occupied by the 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;
 - iii. any premises which are occupied by the Council and are premises where archive facilities are made available by the Council, in the course of its provision of an archive service to members of the public;

and includes any part of such premises or vehicle;

- g. “library material” means 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;

- h.** “loan period” means the length of time for which the library authority has permitted a person to borrow an item of library material.
- i.** “registered user” means a person, or corporate body, to whom a membership card has been issued in accordance with these Regulations. The expression “user”, unless the context dictates otherwise, includes a registered user and a person who enters any library owned by the Council.

REGULATIONS

General

- 2.** An authorised officer shall have the general charge of the library building, and shall be responsible for the safe custody of all library materials.
- 3.** Any person, unless specifically prohibited by the authorised officer under these Regulations or the Byelaws, may enter the Reference Libraries, City Archives and other study areas. Entry into these premises shall be deemed to be an undertaking to comply with the Regulations in force for the time being.
- 4.** No person shall interfere with arrangements for providing the library service or use the library for any unauthorised purpose.
- 5.** Library materials provided by the Council are intended for the personal use of users and their loan by the Council shall not confer on any user any right or licence in respect of copyright, reproduction or public performance.
- 6.** No person may tear, deface or mark any library materials. All defects, accidental marking or damage shall be reported immediately to the authorised officer. No person shall lean on any library materials or place paper to be written on or any piece of equipment on them.
- 7.** Subject to Regulations 5, 6, 28 and 31, copying and note taking are permitted in the libraries, but the authorised officer may stop any act which in his or her opinion may cause damage to any library materials.

Membership

Categories of membership

8. Subject to completion and signing of the appropriate application form for membership and the provision of acceptable written proof of a permanent home or workplace address, or a current City of Westminster "Rescard", the following persons have the right to become registered users and to borrow library material Is:
- (a) any person of 16 years of age or over;
 - (b) any person under 16 years of age on the recommendation of a parent or guardian;
 - (c) any person under 16 years of age attending an educational institution within the City of Westminster on the recommendation of the Head Teacher of that institution;
 - (d) any business firm, shop, institution, school or other corporate body in the City of Westminster whose application is signed by a Director, Manager, Secretary, or other authorised person, who shall in turn, nominate a person to whom correspondence can be addressed. Any change in circumstances affecting the nominee must be notified in writing immediately to the authorised person.
 - (e) any person who is unable to qualify for a registered user's membership card under the above paragraphs and who pays a deposit the amount of which shall be determined from time to time by the library authority.

Signing of the application form will be deemed to be an undertaking to comply with these Regulations and any amendment or extension thereof

Anyone with the right to borrow library materials under the terms of this regulation (i.e. regulation 8) shall be deemed a registered user for the purpose of the Regulations and shall abide by these regulations.

Membership cards

9. Membership cards are not transferable between addresses. Any change of home or work address must be notified immediately to the authorised officer. All membership cards remain at all times the property of the Council and must be surrendered to the authorised officer on demand.
10. Any registered user losing a membership card must notify the authorised officer as soon as possible after the loss. A charge may be

made for replacement of a lost membership card, which charge shall be determined from time to time by the Committee.

11. Registered users shall be responsible for library materials issued or their membership cards. No registered user shall knowingly permit any other person to use the membership cards issued to him or her other than at the discretion of the authorised officer.
12. The range and number of items of library material which may be borrowed at any one time, the period of validity of membership cards, and the procedure for applying for such tickets shall be such as the Director of Education & Leisure may from time to time determine.

Borrowing library materials

13. Library materials borrowed as described under Regulation 12, are issued at the discretion of the Council. Issue of library materials may be terminated at any time without notice or may be refused without stated reason

Issues

14. No person shall remove any library materials from the library without them being stamped by an authorised officer with the date on which they are due for return.

Renewals

15. The loan periods for library materials shall be in accordance with current policies. If items of library material are not required by another registered user, loans may be extended for a further period from the date on which such a renewal is requested, either in person, in writing, or by telephone, to the authorised officer. No library materials may be renewed more than six times without being returned to the library for examination. These provisions notwithstanding, the authorised officer may refuse a loan, alter the period of loan or refuse a renewal or allow a renewal for a different period of time as he or she thinks fit.

Overdue items

16. A registered user retaining library materials beyond the date due for return, unless an extension has been granted, shall pay such amounts as the Committee from time to time shall determine and advertise. Any such sum shall be a debt due from the registered user and recoverable at law at the discretion of authorised officer. Any liabilities incurred by a registered user in the non-return of library materials must be discharged before any other library materials are issued subject to permission otherwise by the authorised officer. Habitual late returns of library materials may lead to the suspension or cancellation of membership cards.

Returns, loss, damage

17. Returned library materials must be delivered to the authorised officer at the proper desk or counter or by post. If any library materials are lost or on examination found to have sustained any damage the registered user may be required to pay up to the cost of the replacement of the library materials, or at the discretion of the authorised officer to compensate the Council for the damage or loss sustained and staff time expended according to the scale agreed by Committee. When library material lost or damaged is one volume of a set or series the person responsible may be required to defray the cost of replacing the whole set. Library materials found to be damaged when presented for issue must be reported by the registered user to the authorised officer and in the event of failure to report any damage, such damage will be deemed to have occurred whilst the library materials were on loan to the registered user. Neglect to pay for any loss or damage of library materials or the staff time expended on the matter shall be a debt due from the registered user concerned and recoverable at law at the discretion of the authorised officer. These conditions apply also to library materials obtained for registered users under the terms of the Inter-Library loan scheme.

Reservations, requests

18. At the discretion of the authorised officer, any library materials in the stock of the library may be requested by a registered user on completion of the appropriate form and on payment of the cost of a fee (where the Committee determines a fee is appropriate). The user will be notified when requested materials are available and will be given a date by which they must be collected. The fee does not guarantee the reservation of the library materials requested. The authorised officer shall have the right to limit the number of items of library material requested by a user. Registered users may also request materials not currently in stock using the same procedure, but the library authority does not guarantee that such items will be provided.

Notifiable diseases

19. Registered users who know they are suffering from a notifiable disease as defined in the relevant legislation shall not take any library materials, or cause any library materials to be taken for their use, or use any library materials taken. Registered users shall not permit any library materials under their control to be used by any person whom they know to be suffering from a notifiable disease. Registered users shall not return any library materials which they know to have been exposed to infection from a notifiable disease, or permit any such library materials under their control to be so returned, but shall give notice to the authorised officer that the library materials have been exposed to infection. ("Notifiable diseases" under the Public Health (Control of

Disease) Act 1984 are: Cholera, Plague, Relapsing fever, Smallpox and Typhus. Additional diseases under the Public Health (Infectious Diseases) Regulations 1988, regulation 3 and Schedule 1 are: Rabies, Tuberculosis of the respiratory tract in an infectious state, and Viral haemorrhagic fever).

Materials for reference use only

20. Except as provided in regulation 21, library materials designated for reference use only may not be removed from library premises. Visitors will be held responsible for the safety of such library materials used by them, and for any loss of or damage to such items. Should loss or damage occur, Regulation 17 shall apply. If required by the authorised officer, application to see or use reference only library materials shall be made on a prescribed form and in accordance with current practice.
21. In special circumstances the authorised officer may at his or her discretion permit library materials designated for reference use only, to be borrowed for a limited period. In cases of urgency, registered users shall return library materials so borrowed within twenty-four hours or such period as the authorised officer specifies.
22. No person shall continue to use any item of library material, after they have been notified by the authorised officer that the item has been applied for by another person, for longer than such a period as the authorised officer specifies. A user shall not be entitled to retain any items of library material other than those he or she is actually using, or to use the Reference Libraries or reading or study areas for purposes other than of using library materials provided by the Council.

Supplementary Regulations for users of the City of Westminster Archives

23. Users shall write their name and address and the purpose of their visit in the visitors' book. By doing so they shall be deemed to have agreed to observe both the main and these supplementary regulations.
24. Visitors must leave bags (except small handbags) and briefcases in the lockers, and outdoor coats on the coat rack located in the ground floor cloakroom.
25. The Search room is designated as an area for quiet study and visitors are requested to observe this.
26. Pencils only shall be used to take notes. Regulation 6 is also applicable.
27. Items are for reference use only. Photographs and photocopies can be obtained subject to copyright regulations, payment of appropriate fees

and the condition of the original material. If the authorised officer so requires, copying shall be done by staff and a fee charged.

28. The Search room supervisor, or other authorised officer, may refuse permission to photocopy fragile items, large or tightly-bound volumes and photographs which might be at risk of damage in the process.
29. Items must be requested on the forms provided. A limit may be placed on the number of items which can be consulted at one time, at the authorised officer's discretion. Such requests may be placed at any time during opening hours except for the last 20 minutes before closure.
30. The arrangement of loose papers must be maintained. Any appearing to be out of order or damaged should be reported to an authorised officer.
31. An authorised officer may refuse access to fragile, uncatalogued or unstamped material, or to material which, for legal reasons are not in the public domain, or may impose special conditions to ensure its safety and preservation.
32. Where microfilm or microfiche copies of material exists, these are to be used in place of the original.
33. Documents and other original material must not be published either in full or in extract without prior written permission.
34. Privately owned records are normally produced only for historical research purposes. The written consent of the owner must be obtained before consulting any document with a view to its use in legal proceedings.

DATE OF OPERATION

These Regulations shall come into force on and from the 25th day of July 1997 and all previous regulations are hereby revoked.

Made and adopted at a meeting of the Education and Leisure Committee held on the 5th day of February 1997.

By order:

Name: J. E. Langley

Title: Assistant City Solicitor