

Cork County Library Bye-Laws 2014

Proposed under the Local Government Act 2001, and the Regulations which affect it.

The Members of Cork County Council (hereafter referred to as ‘the Council’) in exercise of the powers conferred on them by section 199 of the Local Government Act 2001 and being of the opinion that it is desirable in the interests of the common good of the local community, hereby make the following Bye-Laws;

1. Title:

These Bye-Laws shall be cited as the ‘Cork County Library Bye-Laws 2014’.

2. Commencement:

These Bye-Laws shall come into operation on the 1st day of September 2014. On their coming into effect, all prior bye-laws are revoked.

3. Definitions:

In these Bye Laws;

‘Agent of the Council’ shall mean any person employed by Cork County Council or any person authorised by the Council to carry out functions under these Bye-Laws.

‘Authorised Officer’ shall mean an officer employed by Cork County Council or any other person authorised by the Council to carry out functions under these Bye-Laws.

‘Council’ shall mean Cork County Council.

‘Child’ shall mean any person under the age of 18 years.

‘Guarantor’ shall mean any person who undertakes to act for and on behalf of a library member.

‘Library Authority’ shall mean Cork County Library.

‘Library’ shall mean any premises, place or vehicle occupied and/or used by the Library Authority to provide a public library service to the general public.

‘Librarian’ shall mean any person employed by Cork County Council and/or designated by it to operate library venues, being an authorised person for the purpose of these Bye-laws.

‘Library Committee’ shall mean the committee either elected, co-opted or appointed by the members of Cork County Council to oversee the operation of Cork County Library.

‘Library Property’ shall mean property owned by or provided by the Council to Cork County Library, whether or not such property is made available to the public.

‘Responsible Adult’ shall mean a person aged 18 years or over, being parent/guardian/person acting *in loco parentis* or otherwise responsible for a child member of a library or a vulnerable adult member of a library, and as appears on the Child Member’s or Vulnerable Adult’s Registration Form.

‘Vulnerable Adult’ shall mean a person aged 18 years or over, who has an intellectual disability or autism and, who is or may be unable to take care of himself/ herself, or unable to protect himself/ herself against harm, serious exploitation or abuse.

4. Application of these Bye-Laws:

These Bye-Laws shall apply to all libraries operated by the Council within the administrative area of Cork County Council.

5. Membership

(a) The name of each person who has completed an application form to become a member will be entered in the members’ register and the librarian will issue a membership card to every person who has been so registered, upon payment of the membership fee as determined.

(b) Members and guarantors must inform the library as soon as possible of any change of address or contact details.

(c) Any person who is a guarantor for a member and wishes to withdraw the guarantee must give notice thereof in writing to the librarian, who shall give a release as soon as he/she is satisfied that there is no indebtedness on the part of the member.

(d) Membership cards are non-transferable. The safe-keeping of membership cards is the responsibility of each member, or in the case of children or vulnerable adults, each guarantor. Notice must be given to the librarian of the loss of any membership card.

(e) Membership cards must be produced: to borrow items from the library, to use IT facilities, or such other facilities within the library as the Librarian may from time to time designate.

(f) Fines will be charged for items not returned by the due date.

(g) All books and/ or other items on loan from the library, and which are removed from the Library, must be held, maintained and returned in the condition in which they were first received/ loaned.

(h) In the event of any item being lost or damaged, the borrower or his/her guarantor shall, in addition to any fine incurred, be required to pay the original cost of the item.

(i) A Guarantor for a child or vulnerable adult shall be obliged to provide contact information to be used by the Library Staff in the event of an emergency.

6. Regulations:

(a) The Library shall be open to the public during such times as the Library Committee shall determine.

(b) The Librarian shall have responsibility for the Library and shall be responsible for the safe keeping of the books and of all other property belonging to the Library.

(c) Notice must be given to the Librarian of the loss of any borrowed item.

(d) Library patrons shall not obstruct, disturb, disrupt or interrupt any staff member or library patron engaged in the proper use, enjoyment and operation of the library facilities, services or premises.

(e) Library patrons shall comply with the directions, instructions and requests of the Librarian, Authorised Officer and Authorised Agent, regarding the use of all library facilities, resources and premises.

(f) The Librarian may designate such areas within the library premises to which access is restricted to members of library staff, authorised officers and agents.

(g) The Council reserves the right to utilise CCTV, make recordings and take photographs of patrons and/ or other library users engaged in library activities for publicity purposes.

(h) The Librarian shall have the power to exclude any person who contravenes the rules and regulations which the Council has in place, including but not limited to the following: Internet Use Policy, Health & Safety Policies, Child Safeguarding Policy and Dignity at Work Policy. Such person has the right of appeal to the County Librarian.

7. Restrictions

A Person shall not:

(a) Give a false name or address for the purpose of entering any part of a library or for the purpose of using any facilities provided therein.

(b) Make and/or persist in making noise, and at such a level so as to cause nuisance to library patrons and authorised officers and agents of the Council.

(c) Use abusive, obscene or profane language, behave indecently, offensively or otherwise interfere and cause annoyance to other patrons of the library.

(d) Smoke or consume intoxicating liquor or other prohibited substances in a library.

A person, who in the opinion of the Librarian/Authorised Officer/Authorised Agent is under the influence of an intoxicant, shall not be allowed to enter or remain in a library.

(e) Without lawful excuse destroy or damage any library property, fixtures, and fittings.

(f) Disturb, obstruct, interrupt, abuse, menace, threaten, intimidate, fight with or otherwise interfere with any member of the library staff, authorised officer or authorised agent of the Council.

(g) Remain in a library without making proper use of the library's facilities, after having been requested by a Librarian/Authorised Officer, to make such proper use of the facilities.

(h) Enter or exit a library other than through the entrances and exits designated and provided for that purpose.

(i) Use, operate, or deploy any camera, or recording device in a library, in the absence of having been granted prior written authorisation from a Librarian or an Agent of the Council.

(j) Engage in sales in a library or provide a service for reward or otherwise without the prior permission of the Librarian/Authorised Officer.

(k) Canvass or seek signatures for petitions.

(l) Engage in inappropriate behaviour, after a warning by a Librarian/Authorised Officer.

(m) Remain in a library after the time fixed for its closing, after reasonable warning by a Librarian/Authorised Officer.

8. Offences

(a) A person who obstructs, impedes, or refuses to comply with a request/instruction of an Authorised Person acting in the exercise of the functions conferred on an Authorised Person by these bye-laws shall be guilty of an offence.

(b) Where an Authorised Person is of the opinion that a person is committing or has committed an offence to which the bye-laws relate, the Authorised Person may demand the name and address of such person and if this demand is refused or the person gives a name or address which is false or misleading, the person shall be guilty of an offence.

(c) It shall be lawful for an Authorised Person, or for any member of the Garda Síochána to enforce these bye-laws and to:

(i) Remove any person committing any breach of the above bye-laws from the library

(ii) Exclude any person committing any breach of the above bye-laws from the library

(iii) Take any other such action as may be deemed necessary in the enforcing of these bye-laws.

(d) Where a member of the Garda Síochána is of the opinion that a person is committing or has committed an offence to which these bye-laws relate, that member may arrest the person without warrant.

(e) Any person who contravenes a provision of these Bye Laws shall be guilty of an offence and shall on summary conviction be liable to a penalty not exceeding €1,904.60.

(f) An offence under these bye-laws may be prosecuted by the Local Authority which made the relevant bye-law, by any other Local Authority acting on its behalf or by a member of An Garda Síochána.