

Decision taken by:	Councillor Emrys Wynne, Lead Member for Welsh Language, Culture & Heritage
Date of decision:	31 August 2022
Decision:	Abolition of punitive fines for late return of borrowed books and other items.

- 1.1. Abolishing the charging of punitive fines to library members who return their books or other items after the due date.

2. What is the reason for making this report?

- 2.1. A decision is required on the abolishing of library overdue fines in Denbighshire's public libraries.

3. What are the Recommendations?

- 3.1. That the Lead Member approves the abolishing of punitive library overdue fines charged on the late return of borrowed books and other items.

4. Report details

- 4.1. Libraries are well placed to support people during the current cost of living crisis and in the post-pandemic recovery, and to help tackle poverty and inequalities. In order to be inclusive, we propose to remove a significant remaining perceived barrier to library use – overdue fines.
- 4.2. The Denbighshire Library Strategy 2019-2022 includes the intention to “seek opportunities to reduce any real or perceived barriers which prevent people from accessing and using their local library”. Library overdue fines are widely regarded as significant barriers to library use – the experience or fear of incurring fines leads to people not joining or returning to use library services.

- 4.3. Fines, and the fear of accruing fines, exclude people from using and benefitting from the library's services, impacting their access to resources and facilities to support their literacy, learning, skills and wellbeing. It could be said that in reality fines punish people for using the service.
- 4.4. Fines disproportionately impact people on lower incomes, and penalise people who borrow physical books (there are no penalties relating to digital borrowing of e-resources).
- 4.5. Imposing fines can cause conflict between customers and staff, and fines could put people off returning their overdue items as they fear being charged large fines (in reality there is a cap of £8.00 per item).
- 4.6. In common with all libraries across Wales, Denbighshire has not charged overdue fines to children and young people for many years. The abolishing of fines for adults would provide equity for all library members.

Service recovery post-pandemic

- 4.7. When libraries were required to close due to the Covid-19 pandemic in March 2020, our system was adjusted so that no customer was charged overdue fines. This arrangement is still in place for Denbighshire – the decision to abolish fines would mean we would not reintroduce them.
- 4.8. Following the disruption of the pandemic, we are rebuilding the physical in-person library offer and encouraging people to visit and use their local library and its wide range of services.
- 4.9. Further background information on library fines, billing, replacement charges, unrecoverable accrued fines and unreturned items, and the national context can be found in Appendix 1.

5. How does the decision contribute to the Corporate Priorities?

- 5.1. Tackling poverty and inequalities: the decision will remove a barrier to library use which disproportionately impacts on people on lower incomes. It will also treat all library members equitably by not charging fines to adult borrowers,

many of whom are older people and people with disabilities, or the borrowers of physical printed books.

- 5.2. Net Carbon Zero: Borrowing and returning library books encourages people to share and re-use resources, indirectly reducing carbon emissions.

6. What will it cost and how will it affect other services?

Impact on Library Service budget

- 6.1. The budget line for anticipated income from fines has been removed from our budget as no income has been received since March 2020, and the loss of income has been absorbed by the service. Abolishing fines will therefore have no direct impact on our budget.
- 6.2. Income from overdue fines had been reducing as we developed more accessible means for people to renew their books (online, by phone and in person). In 2019-20 the total income from fines was £7,031 (similar to the preceding few years).
- 6.3. If the decision is made, no further overdue fines will be charged on items borrowed from Denbighshire's libraries.
- 6.4. Replacement charges will remain for items which are not returned. These are different to fines and are levied when an item is either not returned, lost or damaged by the borrower. It is the only intervention to prevent people borrowing with no intention of returning an asset which belongs to the community. When accrued charges reach a threshold, the member's access to further borrowing will be restricted. (Further detail in Appendix 1).
- 6.5. Most library fines are paid in small amounts of cash. Abolishing fines would reduce costs relating to cash-handling and administration.

Impact on other services

- 6.6. An engagement campaign to inform current and potential library members of the policy change will be led by the Library Service, with some advice and support from Corporate Communications.

7. What are the main conclusions of the Well-being Impact Assessment?

Sub-heading (delete as needed)

- 7.1. Library fines, and the fear of fines, are a punitive and significant barrier to library use - their removal will have a positive impact on the wellbeing of library members, current and potential by enabling them to use their local library free from the fear or possibility of being fined for returning their books late. The WBIA demonstrates the wide range of areas in which using libraries helps to achieve the WB goals - removing a barrier to that use will therefore have a positive impact overall. Score 31/36.
- 7.2. The WBIA was undertaken by the Principal Librarian and informed by previous discussions with the Library Management, SCL Cymru and Heads of North Wales Libraries. It is attached as Appendix 2.

8. What consultations have been carried out with Scrutiny and others?

- 8.1. None

9. Chief Finance Officer Statement

- 9.1. It is important that all services review their charges regularly. From a financial perspective the preference would be re-instate the issuing of fines in order to maximise our fees which help the Council deliver core services across the Council in these very challenging financial times. However it is obviously recognised that other factors need to be considered when fees and charges are reviewed. Ultimately this is a decision for the service in managing their budgets, while maintaining the ability to contribute to savings targets as and when required.

1. What risks are there and is there anything we can do to reduce them?

- 1.1. There is a low risk that abolishing fines leads to some borrowed items being returned later or not at all if the threat of a fine is removed. A replacement charge for unreturned items will remain in place and when the threshold is

reached, that customer will be blocked from any further borrowing until the item is returned or payment is made.

2. Power to make the decision

- 2.1. The **Public Libraries and Museum Act 1964** Section 7 subsection 1 places a duty on library authorities “to provide a comprehensive and efficient library service for all persons desiring to make use thereof”
- 2.2. Section 7 subsection 2 (b) requires that “In fulfilling its duty under the preceding subsection, a library authority shall in particular have regard to the desirability of encouraging both adults and children to make full use of the library service”
- 2.3. Section 8 places restrictions on charges for library facilities, but subsection 3 (d) states “this subsection shall not prevent any regulations under this section from authorising the making of charges in respect of the use of any facility for the reservation of written materials or in respect of borrowed materials which are returned late or in a damaged condition.”
- 2.4. In summary, the charging of fines on overdue items is allowed under Act but is not required. Authorities are required to encourage full use of the library service.