

Meeting Date: Tuesday 23 June 2020
Location: Online Audio Visual Meeting
Time: 7.00pm

Council Meetings will be recorded on audio tape for minute-taking purposes as authorised by the Local Government Act 1993. Council Meetings will also be webcast.

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LATE ITEM

16 NEW LIBRARY MEMBERSHIP FEES

Report prepared by: Acting Manager - Library Services
File No.: GRP/15/1/6 - BP20/585

REPORT SUMMARY

At its meeting held on 23 September 2019, Hunter's Hill Council resolved to terminate the Joint Use Agreement for access to library services with the City of Ryde following the conclusion of the current agreement which expires on 30 June 2020.

The cessation of the Joint Use Agreement with Hunter's Hill Council will also see the end of the Joint Library annual contribution which was scheduled to be \$771,000 for 2020/21, and contributed extensively towards funding a proportion of the City of Ryde Library support services and programs, in particular the service provided at Gladesville Library.

The financial burden of COVID-19 has also brought about the need to address the budget impact from the termination of the Joint Library Services agreement from Hunter's Hill Council as a priority.

As Hunter's Hill Council does not have a reciprocal borrowing agreement with the City of Ryde, Hunters Hill residents can be charged an Out of Area Membership fee to access the City of Ryde library collections.

RECOMMENDATION:

- (a) That Council endorses the establishment of a proposed new 'Out of Area Membership' fee for Hunters Hill residents to join Ryde Library Service at a cost of \$120 per annum.
- (b) That Council endorses a proposed new Children's category 'Out of Area Membership' fee that is free of charge for children up to 5 years of age with access limited to only borrowing from the children's collections.
- (c) That Council place the proposed new Fees and Charges on public exhibition for a period of 28 days as per Section 610 (F) of the Local Government Act (1993).
- (d) That a further report be tabled to the July 2020 Council meeting to outline the submissions received during the public exhibition period and adoption of the proposed fees placed on public exhibition.

ITEM 16 (continued)

ATTACHMENTS

There are no attachments for this report.

Report Prepared By:

Kathleen Allen
Acting Manager - Library Services

Report Approved By:

Angela Jones-Blayney
Director - Customer and Community Services

ITEM 16 (continued)**Discussion**

Anyone can enter a public library and utilise the facilities without requiring membership. Library Memberships provide members with borrowing privileges for the collections. Library Memberships are essentially for residents and rate payers and are provided free of charge under the 1939 NSW Library Act. Most council's extend this free membership to include non-residents that either work or study in their council areas.

There are however those that wish to use a library service that are not a resident or rate payer, nor do they work or study in the area. The Act provides the option to charge for non-residents in these categories. Alternatively a reciprocal membership between councils provides non-residents with free membership with reciprocating councils.

Below provides further detail of the relevant sections of The Act, and more detail on Reciprocal Membership.

A) Free access to library services

Any persons under the provisions of the 1939 NSW Library Act section 10(b) are entitled to access any NSW public library free of charge.

The relevant section of the Library Act states:

10 (b) Any person (whether or not a member of the library) is entitled free of charge to access any library material of the library and any information forming part of the information service of the library (other than information excepted from free access by guidelines issued by the Council) for use on the library premises.

B) Free membership and membership fees

Whilst Councils are required to provide free access to anyone as part of the "information service", this does not include membership or borrowing rights. Section 10A 3 (b) of the Library Act state:

[The service] must not differ, or have effect so as to differ, in its operation between members and non-members of the library (except as regards the payment of a charge by non-members).

The intention of this provision is to ensure that membership of the library for residents and ratepayers is provided free. The Library Act and Regulations allows the City of Ryde to refuse membership or charge for membership if a person is not a resident or ratepayer, and there is not a reciprocal borrowing arrangement in place with the person's home council.

ITEM 16 (continued)**C) Reciprocal Membership**

Reciprocal membership is enabled by the Library Act s10(3), which sets out that councils may enter into voluntary agreements with other councils to offer reciprocal library membership. A reciprocal agreement allows free membership to residents of other councils and visa-versa.

For convenience most Councils have signed up to a state-wide reciprocal agreement. This was originally written in the 1960's, and has been renewed at least once. Ryde first signed the agreement on 14 November 1963, and reconfirmed on 27 May 1980. Only a few Councils did not sign the agreement these being Lithgow, City of Sydney and Hunters Hill.

A reciprocal agreement was binding between Councils with library services to allow free membership and borrowing privileges between residents of the other signatory councils. In this reciprocating agreement there was considered equity in exchange for the mutual benefits of each council's residents in accessing the others Library services. It is presumed that as Hunters Hill Council did not have a council owned and operated library service, they most likely were not in the position to offer reciprocal membership. Under the City of Ryde Joint Service Use agreement the residents of Hunters Hill were afforded joint use borrowing privileges.

At the Hunters Hill Council meeting held on 23 September 2019, a report was considered which articulated there was an expectation that City of Ryde will continue to provide reciprocal membership to Hunters Hill residents after the termination of the Joint Library Services Agreement. This expectation was also referred to in a Hunters Hill Council letter dated 15 July 2019 to the City of Ryde that announced their Expression of Interest process.

With Hunters Hill establishing a new Joint Library Use agreement with Lane Cove Council, the State Library of NSW has confirmed that the City of Ryde is within their rights to charge a Non-Residents fee under the provisions of the 1939 Library Act. The City of Ryde has confirmed that an agreement between City of Ryde and Hunters Hill is required for reciprocal borrowing in the Expression of Interest response to Hunters Hill.

In addition the State Library has advised that if in the future Hunters Hill Council seeks to join the NSW Reciprocal Membership Agreement or produced evidence that they signed the Agreement, Ryde could amend the Agreement to exclude Hunter Hill residents from becoming reciprocal members at Ryde Libraries. Historically other metropolitan councils with similar exclusions included Camden and Campbelltown, and Waverly and Randwick.

ITEM 16 (continued)

Under the Library Act Councils are not required to offer membership to residents outside of their LGA. It therefore would be reasonable to charge a non-resident membership fee (Out of Area Membership fee) where the City of Ryde's Library Services are being extensively used by Hunters Hill residents and their Council is not contributing to the operational costs.

Examples of other Councils charging non- membership fees:

Council	Type of fee
Blue Mountains Council	Non-resident
City of Sydney	Non-resident Special Membership
Penrith City Council	Non-resident joining fee
Central Coast Council	Temporary non-reciprocal
Richmond Tweed Regional Libraries	Reciprocal membership Visitor Membership

D) Fee calculation

The new Joint Use Agreement between Hunters Hill and Lane Cove Councils as specified in the Hunters Hill Council meeting held on 23 September 2019 bases their contributions to Lane Cove Council on the 3,200 residents of Hunters Hill currently holding Library memberships with the City Of Ryde. This report also outlines the total contribution to that Hunter Hill Council will be paying Lane Cove Council to be approximately \$380,000 annually. The proposed fee of \$120 is derived from the total contribution divided (\$380,000) by the number of residents holding membership (3,200).

The new Out of Area Membership fee is outlined as follows:

Out of Area Membership fee	\$120.00 per annum (=\$2.29 per week)
Out of Area membership fee - 5 years and under (Children's collections only)	Free of Charge

Libraries play an essential role in early literacy for communities. The Out of Area Membership fee - 5 years and under, clearly demonstrates the City of Ryde's ongoing advocacy for early literacy. This will allow families to still access and use the children's collections when visiting one of the free storytime sessions across the City of Ryde.

Furthermore, the City of Ryde is a large employment hub as well as home to a large number of schools. It follows that it would be unfair to exclude residents of Hunter's Hill that work or study in the City of Ryde from any membership charges.

ITEM 16 (continued)**Financial Implications**

The total loss of annual revenue from Hunters Hill Council represents \$771,000 which has been partially offset by a reduction in expenditure. These financial implications have been factored into the draft 2020/21 budget.

If endorsed by Council in July 2020, an additional revenue stream will be generated through the 'Out of Area Membership' fees commencing in August 2020. Due to the pending nature of this fee, no income forecasts have been incorporated into the draft 2020/21 budget.