



REPORT TO THE LIBRARY BOARD
MEETING DATE: SEPTEMBER 23RD, 2010

| | |
|--------------------|---|
| Session: | Public Session |
| Subject: | Fines and Fees Policy: Assumptions and Guiding Principles |
| Prepared By: | Margaret Mitchell, Nancy Collister, Susanna Hubbard Krimmer |
| Presented By: | Margaret Mitchell |
| Purpose of Report: | For Decision: Approval <input checked="" type="checkbox"/> |

Recommendation

It is recommended that the Library Board approve the Fines and Fees Policy: Assumptions and Guiding Principles contained in this report.

Background & Review

The purpose of this report is to aid the Library Board in setting appropriate policy to govern the charging of fines and fees by LPL.

The Library Board approved the London Public Library (LPL) *Lending Services Policy* in June 2010. At that time, the Board was advised that Administration would be presenting a comprehensive *Fines and Fees Policy*, for approval at the September 2010 meeting.

At this time, Administration is putting forward the assumptions and guiding principles upon which we will base the policy. The draft policy and accompanying fines and fee schedule will be presented to the Library Board in October.

Issue/Opportunity

The number, type and complexity of monetary charges at LPL have grown considerably over the past ten years, with the introduction of consumable items and more equipment to support rentals of meeting rooms, etc. "Monetary charges" include all fines, fees and prices established and charged by LPL.

The purpose of the Fines and Fees Policy, as an Operational Linkage policy, is to establish the principles by which the Library develops its monetary charges and establishes its fines and fees structures for all areas of operation.

Definitions

For the purposes of the policy, the following definitions will apply:

- “Monetary charges” include all fines, fees and prices established and charged by LPL.
- “Fines” are defined as monetary charges imposed as a result of breach of Library policies (rules), such as the *Lending Services Policy*.
- “Fees” are defined as monetary charges imposed to generate revenue or cover costs to the Library for specific non-core services or programs, etc.
- “Prices” are the monetary costs charged for goods, products and / or consumables and are imposed to generate revenue.

Schedule of Fines, Fees and Prices

As an adjunct to the Fines and Fees Policy, Administration will provide and maintain a consolidation of all monetary charges of the London Public Library. This type of consolidated schedule of all fines, fees and prices is used by several Canadian public libraries.

In the past, fines and/or fees have been associated with different LPL policies. Policies for lending services, meeting room rentals, printing, programs, etc. all contained regulations that outlined associated monetary charges. Consequently, there was no overall review of charges in a consistent and regular cycle. The intent of using a consolidated schedule is to:

- Provide a convenient list for use by patrons;
- Provide the opportunity for regular oversight of all monetary charges to support accountability;
- Improve the ability to develop and retain consistency amongst monetary charges; and
- Link the review of monetary charges in relationship to the overall impact on revenue in the operating budget.

Public Libraries Act

The *Public Libraries Act* (RS0 1990 P.46) establishes the authority of the Library Board to establish, or delegate the establishment, of fines and fees under certain conditions. (See Table 1 for excerpt of relevant sections of the Act). The *Public Libraries Act* defines some services for which libraries may not charge. It also addresses in very broad terms, the Board’s ability to charge for meeting rooms and services, for services to non-residents and to impose fines for breaches of the rules.

Assumptions/Guiding Principles

It is recommended that the following assumptions and guiding principles be adopted for the development of the Fines and Fees Policy.

- The London Public Library will charge fines and fees in accordance with the *Public Libraries Act*, RSO 1990, Chapter P.46, Sections 23.3 and 23.4.

Table 1: Excerpt from the *Public Libraries Act*, RSO 1990, Chapter P.46, Sections 23.3 and 23.4

Libraries to be open to public

23. (1) A board shall not make a charge for admission to a public library or for use in the library of the library's materials. R.S.O. 1990, c. P.44, s. 23 (1).

Certain library services free

(2) Every board shall allow the public to,

- (a) reserve and borrow circulating materials that are prescribed or belong to a prescribed class; and
- (b) use reference and information services as the board considers practicable,

without making any charge. R.S.O. 1990, c. P.44, s. 23 (2).

Fees

(3) A board may impose such fees as it considers proper for,

- (a) services not referred to in subsections (1) and (2);
- (b) the use of the parts of a building that are not being used for public library purposes; and
- (c) the use of library services by persons who do not reside in the area of the board's jurisdiction. R.S.O. 1990, c. P.44, s. 23 (3).

Rules

(4) Subject to the regulations, a board may make rules,

- (a) for the use of library services;
- (b) for the admission of the public to the library;
- (c) for the exclusion from the library of persons who behave in a disruptive manner or cause damage to library property;
- (d) imposing fines for breaches of the rules;
- (e) suspending library privileges for breaches of the rules; and
- (f) regulating all other matters connected with the management of the library and library property. R.S.O. 1990, c. P.44, s. 23 (4).

- The setting of fines, fees and prices will be consistent with LPL's *Vision, Mission, Value Promise* and *Service Excellence Model*.
- LPL will ensure that costs are reasonable in order to maximize access to the services of the London Public Library by members of the community.
- The Library will endeavour to apply its policy uniformly, equally and fairly.
- Fines, fees and prices will be set system wide and according to established criteria.
- Rates for fines, fees and prices will be established with the following general considerations:
 - The nature of the service, goods, products and/or consumables as "core" or "value-added";
 - Comparison of fines and fees related to collections and lending services with those of comparable public libraries;
 - Comparison with fees for other comparable products or services provided in the community; and
 - The balance between access to/use of resources and Library financial accountability;
 - Recovery of costs incurred by the Library;
 - Rate that the market will bear as an opportunity for revenue generation.
- Monies collected from all monetary charges will go directly into the Library's operating budget.
- Fines and fees will be reviewed regularly to ensure they are reasonable, effective and in line with the costs incurred by the Library.
- The Library is obligated to attempt the recovery of all outstanding debt and/or library materials. To that end, monetary charges that are not recovered through normal billing practices may be submitted to a collection agency for recovery.
- Library patrons may request a review of fines and fees that they feel have been incurred unfairly.
- Monetary charges incurred through direct Library error will be waived.

Next Steps

Following approval of the **Fines and Fees Policy: Assumptions and Guiding Principles**, staff will bring a recommended draft policy to the Board for approval at its meeting of October 28th, 2010.