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<b>Report To:</b>	<b>Inverclyde Council</b>	<b>Date:</b>	<b>26 September 2024</b>
<b>Report By:</b>	<b>Head of Legal, Democratic, Digital &amp; Customer Services</b>	<b>Report No:</b>	<b>LS/062/24</b>
<b>Contact Officer:</b>	<b>Colin MacDonald</b>	<b>Contact No:</b>	<b>01475 712113</b>
<b>Subject:</b>	<b>Management Rules for Parks in Inverclyde – Remit from the Environment &amp; Regeneration Committee</b>		

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## **1.0 PURPOSE AND SUMMARY**

1.1  For Decision  For Information/Noting

1.2 The purpose of this report is to request that the Council consider a remit from the Environment & Regeneration Committee

1.3 The Environment & Regeneration Committee at its meeting on 29 August 2024 considered a report by the Head of Legal, Democratic, Digital & Customer Services (1) advising the Committee that no objections or representations were received in respect of the proposed management rules during the statutory consultation period, and (2) seeking approval for the Parks Management Rules for 2024-2034, in order that the proposed plan be remitted to the next meeting of the Inverclyde Council.

1.4 The Environment & Regeneration Committee decided the following:

Decided: that (a) the Parks Management Rules, as detailed in appendix 2 of the report and taking into consideration minor amendments proposed at the Committee, be approved, and (b) that the said Management Rules be remitted to the next meeting of the Inverclyde Council with a recommendation that they be formally approved and that officers be authorised to formally make the rules in accordance with statutory procedure.

1.5 A copy of the report to the Environment & Regeneration Committee is attached as appendix 1. The proposed Parks Management Rules as amended after the meeting of 29 August 2024 is attached as appendix 2.

## **2.0 RECOMMENDATIONS**

2.1 The Council is asked to (a) approve the Parks Management Rules for 2024-2034; and (b) grant delegated authority to the Head of Legal, Democratic, Digital & Customer Services to formally make the rules in accordance with statutory procedure.

**Lynsey Brown**  
**Head of Legal, Democratic, Digital & Customer Services**

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<b>Report To:</b>	<b>Environment &amp; Regeneration Committee</b>	<b>Date:</b>	<b>29 August 2024</b>
<b>Report By:</b>	<b>Head of Legal, Democratic, Digital &amp; Customer Services</b>	<b>Report No:</b>	<b>LS/58/24</b>
<b>Contact Officer:</b>	<b>Emma Peacock</b>	<b>Contact No:</b>	<b>01475 712115</b>
<b>Subject:</b>	<b>Management Rules for Parks in Inverclyde</b>		

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## 1.0 PURPOSE AND SUMMARY

1.1  For Decision  For Information/Noting

1.2 As local authority, the Council has power to make management rules regulating the (i) use of and (ii) conduct of persons while on or in, any land or premises owned, occupied, managed or controlled by the Council to which the public have access. This is in terms of Section 112 of the Civic Government (Scotland) Act 1982 (the Act).

1.3 Prior to making management rules, the Council is required to conduct a statutory consultation on the proposed management rules. The Committee approved draft Parks Management Rules on 14 March 2024 and authorised officers to conduct the necessary statutory consultation in this connection.

1.4 The purpose of this report is to advise the Committee that no objections or representations were received in respect of the proposed management rules during the statutory consultation period, although minor amendments have been proposed by Officers, and to request the Committee approve the Parks Management Rules 2024-2034, as appended to this report as Appendix 2 and remit them to the next meeting of the Inverclyde Council.

## 2.0 RECOMMENDATIONS

2.1 It is recommended that the Committee approve the Parks Management Rules as appended to this report as Appendix 2, and refer them to the next meeting of the Inverclyde Council recommending that it formally approve the said Management Rules and authorise Officers to formally make the rules in accordance with the statutory procedure.

**Lynsey Brown**  
**Head of Legal, Democratic, Digital & Customer Services**

### **3.0 BACKGROUND AND CONTEXT**

- 3.1 The current Management Rules for Parks in Inverclyde came into force on 24 October 2014. However, management rules expire after a period of 10 years.
- 3.2 A local authority may, but is not required to, set management rules to regulate (i) the use of and (ii) the conduct of persons while on or in, any land or premises which is owned, occupied or managed by the authority or is otherwise under their control and to which the public have access, whether on payment or not.
- 3.3 Prior to making any management rules, the Council must conduct a statutory public consultation in terms of which the Council is required to:
- Advertise that it intends to make such rules;
  - Make copies of the proposed rules available for public inspection throughout that period;
  - Allow a period of at least one month from the date of first advertisement for objections to be lodged; and
  - Before the management rules are made, take into account any objection received and give any objector the opportunity to be heard by the Council.
- 3.4 At least one month before making management rules, the Council is required to give notice (by advertising in a newspaper or newspapers circulating in the Council's area) of –
- their intention to do so;
  - the general purpose of the proposed rules;
  - the place where a copy of the proposed rules may be inspected;
  - the fact that and time within which objections may be made; and
  - the address to which objections may be sent.
- 3.5 The Council also must make copies of the proposed rules available for public inspection without payment at their offices and so far as the authority considers practicable at the land or premises to which the rules are to apply. Any person may, within one month after notice has first been advertised by the Council, notify in writing their objection and the ground of their objection to the Council. Before making management rules, the Council is required to take into consideration any objections timeously received by them and give any objector an opportunity to be heard by them.
- 3.6 The Committee approved the said draft Management Rules for Parks 2024-2034 at its meeting of 14 March 2024 and authorised officers to carry out the statutory consultation. A copy of the draft proposed Management Rules for Parks 2024-2034 which were approved by this Committee on 14 March 2024 are attached to this report as Appendix 1. The statutory consultation took place from 15 April 2024 to 15 May 2024. No objections or representations were received during the statutory consultation period. However, Officers have proposed some additional minor amendments following the consultation period. Such amendments are shown as tracked changes on the said draft Management Rules for Parks 2024-2034 as attached to this report as Appendix 2.
- 3.7 Officers now therefore recommend approval of the said Management Rules by this Committee and that this matter be remitted to the next meeting of the Inverclyde Council for approval in order for the said Management Rules to be formally made.
- 3.8 Management Rules made by the Council must, together with a notice stating where copies of the rules may be obtained, be displayed at the entrance to the land or premises to which they apply or elsewhere so that they may be seen by members of the public intending to have access to the land or premises.

3.9 Copies of Management Rules shall be open to public inspection without payment and a copy of them shall on application be furnished to any person on payment of such reasonable charge as the local authority may determine.

#### 4.0 PROPOSALS

4.1 The Committee is asked to note that no objections or representations have been received following the end of the statutory consultation period although minor amendments have been proposed by Officers. The Committee is asked to approve the Management Rules attached to this report as Appendix 2 and to refer same to the next meeting of the Inverclyde Council recommending that it formally approve the said Management Rules and authorise Officers to formally make the rules in accordance with the statutory procedure.

#### 5.0 IMPLICATIONS

5.1 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed:

SUBJECT	YES	NO
Financial		X
Legal/Risk	X	
Human Resources		X
Strategic (Partnership Plan/Council Plan)		X
Equalities, Fairer Scotland Duty & Children/Young People's Rights & Wellbeing	X	
Environmental & Sustainability		X
Data Protection		X

#### 5.2 Finance

##### One off Costs

There will be minor costs associated with the publication of notices and signage which will be contained within existing budgets.

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

##### Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
N/A					

### 5.3 Legal/Risk

The legal implications are summarised in this report. The making of new Management Rules will help mitigate the risk of inappropriate behaviour at the Council's parks, and support the use and enjoyment of them by the public.

### 5.4 Human Resources

There are no Human Resources implications directly associated with the proposal.

### 5.5 Strategic

N/A

### 5.6 Equalities, Fairer Scotland Duty & Children/Young People's Rights & Wellbeing

#### (a) Equalities

This report has been considered under the Corporate Equalities Impact Assessment (EqIA) process with the following outcome:

X	YES – Assessed as relevant and an EqIA has been carried out and can be accessed via the following link . <a href="https://www.inverclyde.gov.uk/council-and-government/equality-impact-assessments/equality-impact-assessments-2024">https://www.inverclyde.gov.uk/council-and-government/equality-impact-assessments/equality-impact-assessments-2024</a>
	NO

#### (b) Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

	YES – A written statement showing how this report's recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.
X	NO – Assessed as not relevant under the Fairer Scotland Duty.

## 6.0 CONSULTATION

6.1 A statutory public consultation has been carried out.

## 7.0 BACKGROUND PAPERS

7.1 N/A

# Parks Management Rules

## Civic Government (Scotland) Act 1982: Management Rules for Public Parks

These Management Rules (referred to herein as “the Rules”) have been made by Inverclyde Council and are to control the way people use Public Parks and the behaviour of people while in Public Parks, with a view to ensuring that our Public Parks are able to be enjoyed peaceably by the citizens of Inverclyde and visitors to the area.

The Rules **only apply to Public Parks** which are:-

- a) **owned** or **managed** by the Council (or managed on behalf of the Council); and
- b) to which the **public have access** (regardless of whether any fee or other charge is made on entry).

The Rules do **not** apply to any Public Parks which have their own specific Management Rules, nor to Country Parks, or informal open spaces.

The Rules are made by Inverclyde Council in exercise of the powers conferred on it by Section 112 of the Civic Government (Scotland) Act 1982.

## The Rules

### 1. Meanings of words and phrases

In the Rules certain words and phrases are used and they have the following meanings:

**"the Act"** means the Civic Government (Scotland) Act 1982 (as amended);

**"the Code"** means the Scottish Outdoor Access Code published under the Land Reform Act and any guidance or regulations extending or amending the same, including any Supplementary Guidance endorsed by the National Access Forum;

**"the Council"** means Inverclyde Council, constituted under the Local Government etc. (Scotland) Act 1994;

**"Director"** means the relevant Director of the Council responsible for the enforcement of these Rules, or any person whom he has authorised from time to time to determine applications for consent, authorisation or exemption in terms of the Rules;

**"the Land Reform Act"** means the Land Reform (Scotland) Act 2003 and any Acts or regulations extending or amending the same, and any related guidance;

**"Officer"** means any Officer of the Council employed in connection with the management or operation of any Public Park or any person authorised by the Council to deal with the management or operation of any Public Park;

**"Public Park"** means those parks owned, leased or managed by or on behalf of the Council specified in the Schedule annexed to the Rules, or any part thereof and includes any buildings in the Public Parks;

**"Sign"** means any sign or notice or notice board or plate, and includes, where the context so requires, any pole, mounting or other means of affixing the sign in place; and

**"Vehicle"** means any vehicle regardless of whether it has its own engine or is manually propelled and includes any trailers or caravans attached to or pulled by a vehicle or animal.

### 2. Consequences of Breaking the Rules

- 2.1 The Land Reform Act gives the public the right of responsible access to Public Parks and people should comply with their responsibilities under the Land Reform Act and the Code.

The Council reserves the right to refuse admission to any person, group, body or organisation to any Public Park and its decision to do so shall be final.

- 2.2 Any person who has broken or is about to break any of the Rules may be expelled from the Public Park.
- 2.3 Any person who is about to break one or more of the Rules may be refused entry to a Public Park.
- 2.4 If the Council believes that a person who has persistently broken or attempted to break the Rules is likely to do so again, they may make an Exclusion Order in terms of Section 117 of the Act forbidding that person from entering any Public Park mentioned in the Exclusion Order. The person may be excluded for up to one year.
- 2.5 Any person who:-
  - a) refuses to leave when requested to do so by an Officer;
  - b) enters or attempts to enter a Public Park despite being informed by an Officer that he/she is being refused entry; or
  - c) enters or attempts to enter a Public Park when not allowed to do so because of an Exclusion Orderis **guilty** of a criminal offence and may be liable to a **fine**. Currently, the maximum fine which may be imposed is £200. This maximum level may be increased by Parliament.

### 3. Access to Public Parks

- 3.1 The Council may temporarily close a Public Park for such time as is considered necessary. The Council, in doing so, will post notices at the entrance to the Public Park specifying the times of closure.
- 3.2 No person may enter a Public Park that is closed. Any person who is within a Public Park after it has been closed:-
  - a) either at the end of any opening hours fixed by the Council; or
  - b) temporarily within those hoursmust leave the Public Park when requested to do so.
- 3.3 Under Section 11 of the Land Reform Act, the Council may, by Order, for a particular purpose specified in the Order, exempt any Public Park from the access rights which would otherwise be exercisable during such times as may be specified by the Order. Such exemptions may be made to allow a charge to be levied for admission to a particular event, in the interests of safety and security, or for ensuring the protection of privacy.
- 3.4 Children under the age of 5 should be supervised at all times within a Public Park.

### 4. General Behaviour

The Code gives a general overview of activities which are prohibited by statute and by common law:-

#### **Annoyance to Other People**

- 4.1 Nobody is to do any of the following:
  - fight or cause a disturbance or use violent, abusive or obscene language whilst in a Public Park;
  - cause a breach of the peace;
  - bring any weapons of any sort into a Public Park;
  - act in any way that risks causing harm, annoyance or concern to any other person using the Public Park; and
  - act in a way that hinders or obstructs an Officer in the performance of his/her duties.

### **Damaging Council Property**

4.2 Nobody is to damage in any way any Public Park or its contents. This includes damaging, defacing or removing any of the following:-

- any part of any building;
- any fences, gates, walls, fire barriers or railings;
- fountains;
- statues or monuments;
- seats;
- notice boards, signs or plates including any poles;
- trees, shrubs and plants, including grassed areas;
- play equipment or other apparatus;
- any paths, steps, access controls or access information; and
- dog waste bins or litter bins.

### **Putting Up Signs and Notices**

4.3 Nobody is to put up any sign in any Public Park without first obtaining the written consent of the Director.

### **Protection of Animals, Birds and their Habitats and Nests**

4.4.1 Nobody is to move, disturb or destroy any wild birds' nests or eggs or harm, remove or kill any wild bird or animal unless allowed to do so in terms of the Wildlife and Countryside Act 1981, as amended. Prior to doing so, the person must obtain a special licence in terms of the 1981 Act, any other statutory consent required, and the written consent of the Director.

4.4.2 Nobody is to set or use any snare or other means for taking, harming or killing any wild bird or animal unless allowed to do so in terms of the Wildlife and Countryside Act 1981, as amended. Prior to doing so, the person must obtain a special licence in terms of the 1981 Act, any other statutory consent required, and the consent in writing of the Director.

### **Litter**

4.5 Nobody is to drop litter of any sort in a Public Park other than in a bin provided.

### **Selling Goods**

4.6 Nobody is to offer to sell, or to sell, or let or hire any goods or provide any services in a Public Park without prior written consent of the Director.

### **Music and Noise**

4.7 Nobody is to do any of the following in a manner which causes annoyance or disturbance to other users of the Public Park:-

- play any musical instrument;
- sing;
- perform;
- use any amplifier, megaphone or similar apparatus;
- Use any other device which plays music or makes a noise.

### **Alcohol and Drugs**

4.8 Nobody is allowed to drink alcoholic liquor (except as follows and except in premises, or in an area in a Public Park, licensed for the sale of alcoholic liquor). Please refer to the Inverclyde Council Prohibition of Consumption of Alcoholic Liquor in Designated Places Byelaws. Nobody is permitted to take unlawful drugs in a Public Park.

### **Fires etc.**

4.9.1 Without the prior written consent of the Director, nobody is to:

- fire any firearm, airgun or other weapon;



- light any fireworks or fires (including bonfires) or release Chinese Lanterns;
- light any gas cookers or stoves;
- Hold a barbecue (except in any barbecue sites provided by the Council).

4.9.2 The Director may exempt appropriate official organisations from this Rule.

4.9.3 All applications for exemption or authorisation must be made in writing to the Director, prior to the events taking place.

4.9.4 All exemptions and authorisations may be subject to such conditions as the Director considers appropriate.

4.9.5 Nothing in this Rule applies to Officers in relation to the performance of their duties connected with the maintenance of a Public Park.

## **5. Animals**

### **Control of Animals**

5.1 It is permissible to bring an animal (except a dangerous wild animal as defined under the Dangerous Wild Animals Act 1976) into any Public Park, unless a sign is posted by the Council at the entrance to, or elsewhere in, any Public Park indicating that animals are not permitted in any Public Park always provided that the owner or person in charge of such animal shall keep it under close control or on a short lead.

5.2 Any person with any animal in any Public Park must comply with the responsibilities in the Code.

### **Annoyance to Others**

5.3 All animals brought in to a Public Park must not be permitted to:-

- worry any animals or birds;
- damage or destroy any flowers, plants, trees, grass or shrubs in a Public Park;
- enter any sports pitch or play area;
- annoy other users of a Public Park.

### **Racing**

5.4 Nobody is to train or race any dogs in a Public Park in such a way that it causes annoyance or concern to other users of a Public Park.

### **Dog Fouling**

5.5 When a dog fouls in a Public Park the person in control of the dog must place the waste into either a Dog Fouling bin, or if there is no Dog Fouling bin provided, they must either place the waste in any other waste bin, or remove it from the Public Park.

### **Dogs**

5.6 Anyone with a dog must comply with the Control of Dogs (Scotland) Act 2010 and other relevant legislation.

## **6. Vehicles**

### **Speed Limit etc.**

6.1.1 Nobody is to drive any vehicle in a Public Park except on roadways created by the Council for that purpose. This Rule does not apply to any vehicles operated by the Council in connection with the maintenance of Public Parks. This Rule does not apply to the use of:

- prams/buggies;
- wheelchairs (including motorised wheelchairs and other vehicles being used by disabled persons); or
- similar vehicles drawn or propelled by hand for use by a child or disabled person, where the surface and terrain of the Public Park in question is suited to such use.

- 6.1.2 Nobody is to drive a vehicle in a Public Park at a speed exceeding 10 miles per hour. The driver of a vehicle or bicycle rider must always give way to pedestrian users.
- 6.1.3 While in a Public Park, the driver of any vehicle, the rider of any bicycle or horse or other animal must observe any statutes, rules and regulations in force regulating driving or riding on public streets or roads and for the exhibition of lights on vehicles.

#### **Car Parking**

- 6.2.1 Nobody is to park a vehicle anywhere in a Public Park except in an area designated by the Council as a car park.
- 6.2.2 Designated car parking facilities are for the use only of persons using the Public Park.
- 6.2.3 Nobody is to park a vehicle overnight except with the prior written consent of the Director.
- 6.2.4 Only vehicles displaying a Blue Badge may park in Disabled Persons Parking Places.

#### **Emergency Vehicles Excepted**

- 6.3 The preceding Rules 6.1.1 to 6.2.4 do not apply to ambulances, fire engines or police cars or other vehicles with the prior written consent of the Director.

#### **Bicycles, etc.**

- 6.4 Any person riding a bicycle, scooter, skateboard, roller skates, roller blades or similar equipment in a Public Park must do so in a responsible manner in terms of the Land Reform Act and the Code, and must keep to walkways and areas designated for such use. Those subject to this Rule must not travel at a speed or in a manner or place which injures, disturbs, obstructs, interrupts or annoys any other person.

#### **Caravans**

- 6.5 Nobody is to park, stop or site any caravan, mobile home or similar vehicle in a Public Park unless permitted to do so by an Officer.

## **7. Use of Public Park**

#### **No Access for Public**

- 7.1 Nobody is to go into areas marked "Private" or "Staff Only" or "Authorised Personnel Only" or with similar signs unless authorised so to do by the Director or an Officer.

#### **Use**

- 7.2.1 Nobody is to play or take part in any game, exercise, ball game or other activity in a Public Park in any area where there is a sign prohibiting these activities.
- 7.2.2 Those taking part in activities in terms of the Rules should ensure that they do not disturb, annoy or interfere with or cause injury to other persons in the proper use and enjoyment of the Public Park.
- 7.2.3 Nobody is to deliberately interfere with or obstruct any person playing or taking part in any permitted game, exercise, ball game or other activity in a Public Park.

#### **Meetings**

- 7.3 Nobody is to hold any public meeting, procession, demonstration, exhibition, military event, religious ceremony, service, political rally or lecture in a Public Park without the prior written consent of the Director. This includes the distribution of leaflets or setting up stalls to publicise or support particular political or religious events or points of view.

#### **Ornamental Flower Beds etc.**

- 7.4.1 Subject to Rule 7.4.2 nobody is to pick, cut, destroy, remove or damage any flower, flowerbed, soil, tree, shrubs or plants and fungi in a Public Park, without the prior written consent of the Director.

7.4.2 The picking of wild flowers or plants protected by the Wildlife and Countryside Act 1981 as amended is forbidden, unless the person has first obtained a licence granted in terms of that Act and the prior written consent of the Director.

**Radio Controlled Equipment**

7.5 Nobody is to use any radio controlled equipment in a Public Park in such a way that it annoys or frightens any other users of the Public Park or any animals in the Public Park.

**Metal Detectors**

7.6 Nobody is to use a metal detector in a Public Park without the prior written permission of the Director.

**Tents etc.**

7.7 Nobody is to put up any posts, rails, fences, poles, tents, stands, marquees or any other structures in a Public Park without the prior written permission of the Director. Small, temporary structures such as windbreaks will be allowed away from sports areas so long as they do not cause a nuisance to other park users and are dismantled and taken away when the person or persons using them leave the Public Park.

**Camping**

7.8 Nobody is to camp, or sleep overnight in any Public Park except where authorised by the Director.

**Photography**

7.9 Nobody is to take photographs or film in a Public Park in such a manner as may interfere with the use and enjoyment of the Public Park by other park users.

**8. Supervision and Fees**

**Supervision**

8.1.1 Every person in a Public Park must follow the instructions of any signs erected by the Council.

8.1.2 Every person in a Public Park must follow the instructions of an Officer. This includes leaving the Public Park when requested to do so and to stop doing anything when instructed to do so.

**Fees and Conditions**

8.2.1 Nobody is to use any part of a Public Park or any equipment in the Public Park without paying any fee fixed by the Council for such use.

8.2.2 Nobody is to use any part of a Public Park or equipment in a Public Park in any way which breaks any conditions fixed by the Council in connection with the use of that part of the Public Park or equipment.

8.2.3 In accordance with the Council's Policy, the Director may waive any fees.

8.2.4 The Council may levy a charge or charges for the use of any Public Park or any building thereon or for any facilities or services provided in any Public Park or building thereon all in accordance with the Council's Policy on charging of fees. The Director may alter such charges without notice.

8.2.5 The Council may make Orders under Section 11 of the Land Reform Act exempting any Public Park or part of a Public Park from access rights under the Act, and when an Order is in effect the Director may impose a charge for entry to the Public Park.

These Management Rules are, together with the attached Schedule forming part thereof, made by being sealed with the Common Seal of the Inverclyde Council and signed by ###, Proper Officer of the Inverclyde Council, at Greenock on the ### of ### Two Thousand Twenty Four.

## Schedule to the Parks Management Rules 2024

The following Parks will be subject to the Rules:-

**Kilmacolm:** Birkmyre Park; West Glen Park

**Port Glasgow:** Parklea Playing Fields; Kelburn Park; Newark Park; Birkmyre Park; Coronation Park

**Greenock:** Lady Octavia Park; Lauriston Park; Wellpark; Whinhill Golf Course; Broomhill Park; Murdieston Park; Lady Alice Park; Lyle Park; Rankin Park; Ravenscraig Stadium; Battery Park; Clyde Muirshiel Regional Parks – Greenock Cut Visitors Centre.

**Gourock:** Gourock Park; Darroch Park; Tower Hill Park; Divert Glen; Kirn Drive Playing Fields; Lunderston Bay.

**Wemyss Bay:** Wemyss Bay Woods

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A copy of these rules can be viewed or downloaded at [www.inverclyde.gov.uk/parkrules](http://www.inverclyde.gov.uk/parkrules) (scan the QR Code below using a smartphone to visit this web page).

Alternatively, a copy can be obtained at the Council's Customer Contact Centre  
Clyde Square, Greenock.

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Director of Environment & Regeneration  
Municipal Buildings, Clyde Square, Greenock. Tel: (01475) 712764

