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<b>Report To:</b>	<b>Environment and Regeneration Committee</b>	<b>Date:</b>	<b>1 May 2014</b>
<b>Report By:</b>	<b>Acting Corporate Director Environment Regeneration &amp; Resources</b>	<b>Report No:</b>	<b>ERC/ENV/IM/14.195</b>
<b>Contact Officer:</b>	<b>Ian Moffat</b>	<b>Contact No:</b>	<b>715910</b>
<b>Subject:</b>	<b>Parks Management Rules: Civic Government (Scotland) Act</b>		

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## 1.0 PURPOSE

- 1.1 The purpose of this report is to advise the Committee of the present position on the proposed management rules for Inverclyde's parks.

## 2.0 SUMMARY

- 2.1 The September 2013 Committee approved draft Parks Management Rules. The relevant notice was advertised in the local press on 21 November 2013 with a closing date of 10 January 2014 for members of the public to lodge written objections.
- 2.2 Thirty nine written objections to the proposed management rules were received.
- 2.3 Officers have where possible recommended appropriate changes in light of these objections, corresponded with all the objectors on the draft Management Rules in general, and in particular attempted to address any particular issues detailed in the objections.
- 2.4 Following this correspondence:
- 6 objectors have withdrawn their objections;
  - 4 objectors have confirmed their objections are not withdrawn; and
  - 29 objectors have not yet responded,
- these figures being accurate at the time of writing this report and which will be updated as or when further correspondence is received from objectors.
- 2.5 In terms of section 112 of the Civic Government (Scotland) Act 1982 objectors who have not withdrawn their objections are entitled to have their objections heard.
- 2.6 Officers continue to engage with the remaining objectors with a view to addressing their concerns and to determine if they are prepared to withdraw their objections.

## 3.0 RECOMMENDATIONS

- 3.1 It is recommended that the Committee note the present position and that a further report will be brought to committee before the summer recess after further engagement with remaining objectors.

## **4.0 BACKGROUND**

4.1 Under Section 112 of the Civic Government (Scotland) Act 1982 a Local Authority may make management rules in respect of any land or premises owned, occupied or managed by the Authority and to which the public have access in order to regulate:

- the use of such land or premises, and
- the conduct of persons while on or in such land or premises.

4.2 The September 2013 Committee approved draft Parks Management Rules for the purposes of giving notice of the Council's intention to set management rules and to advertise them to the public so that written objections may be lodged in accordance with the requirements of the 1982 Act. A notice was placed in the local press on 21 November 2013 of the Council's intention to make such draft Parks Management Rules. This notice also confirmed where copies could be obtained, that there was a right to object, and how objections should be made.

4.3 In addition to the newspaper notice :

- the draft rules and details of the process for objection were posted on Inverclyde Council's website; and
- copies of the draft rules were also posted in the relevant local parks.

4.4 In terms of the 1982 Act, 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. The period open for written objections was 21 November 2013, the date of the press notice, through to 10 January 2014

4.5 Thirty nine letters or emails were received during the period each raising one or more objections to the draft Parks Management Rules as proposed.

4.6 In light of the objections received, officers have where possible recommended appropriate amendments to the draft management rules. Officers have also written to each of the thirty nine individuals who lodged objections to try to satisfactorily address the issues they raised and seeking withdrawal of their objection(s). At the time of writing this report, 6 objections have been withdrawn, 4 have been confirmed as not withdrawn and 29 of the objectors have yet to respond.

4.7 Officers will continue to engage with the remaining objectors with a view to addressing their concerns and asking them to withdraw their objections.

4.8 Before making management rules, the Council is required take into consideration any objections timeously received by them and give any objector an opportunity to be heard by them.

## **5.0 PROPOSALS**

5.1 Officers continue to engage with the remaining objectors with a view to addressing their concerns and asking them to withdraw their objections and report to Committee on this matter prior to the summer recess.

## **6.0 IMPLICATIONS**

### **Finance**

6.1 There will be costs associated with the supply of new signage to be erected within parks. Costs in question will be contained within existing budgets.

## Financial Implications:

### One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
Grounds Maintenance	Supplies & Services	2014/15	£1,500		Signage

### Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact £000	Virement From (If Applicable)	Other Comments
N/A					

## Legal

- 6.2 As a local authority, the Inverclyde Council has power in terms Section 112 of the Civic Government (Scotland) Act 1982 to make management rules regulating the use of and 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. In accordance with the statutory procedure draft Parks Management Rules have been publicised and objections received. Before making the management rules, the Council must take into consideration any objections timeously received and give any objector who maintains their objection an opportunity to be heard by them. Officers in Legal and Property services will provide advice on the procedures to be followed in giving objectors that opportunity.

## Human Resources

- 6.3 There are no human resources implications associated with the making of these management rules.

## Equalities

- 6.4 Access to parks is an equality issue and these management rules will help to regulate the use of parks and encourage access for all who wish to use parks as a shared environment. The proposed rules have been drafted with due consideration to the Scottish Outdoor Access Code.

## Repopulation

- 6.5 The Council's aims stated in the Corporate Statement 2013-17 are assisted by the recommendations in this report, in that there will be access to leisure opportunities for all life stages and that abundant protected green/open spaces are accessible to all.

## 7.0 CONSULTATIONS

- 7.1 The relevant notice was advertised in the Greenock Telegraph on 21 November 2013 and a closing date of 10 January 2014 was set for members of the public to lodge written objections to the proposed Parks management Rules.

- 7.2 The Head of Legal and Property Services was consulted on the contents of this report.

## 8.0 LIST OF BACKGROUND PAPERS

- 8.1 Section 112 of the Civic Government (Scotland) Act 1982.