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<b>Report To:</b>	<b>Environment and Regeneration Committee</b>	<b>Date:</b>	<b>17 June 2014</b>
<b>Report By:</b>	<b>Acting Corporate Director Environment, Regeneration &amp; Resources</b>	<b>Report No:</b>	<b>ERC/ENV/IM/14.199</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 implementation of proposed new management rules for Inverclyde's parks and to seek approval to progress the matter to the next stage in the process, whereby the remaining objectors will be given an opportunity to be heard by the Committee.

## 2.0 SUMMARY

- 2.1 The September 2013 Committee approved draft Parks Management Rules for the purposes of public consultation on the proposed making of such rules under the Civic Government (Scotland) Act 1982. The proposal was advertised in the local press on 21 November 2013, posted on the Council website and at the parks affected, with a closing date of 10 January 2014 for members of the public to lodge written objections.
- 2.2 39 written objections to the proposed management rules were received.
- 2.3 Officers have corresponded with all the objectors on the draft Management Rules in general, and where possible recommended appropriate changes in an attempt to address their particular objections. Following this correspondence:
- 15 objectors have withdrawn their objections;
  - 7 objectors have confirmed their objections are not withdrawn; and
  - 17 objectors have not yet responded,
- these figures being accurate at the time of writing this report.
- 2.4 In terms of section 112 of the Civic Government (Scotland) Act 1982 objectors who have not withdrawn their objections must be given an opportunity to have their objections heard by the Council, and it is therefore necessary that arrangements now be put in place to give them that opportunity. It is proposed that a special meeting of the Environment & Regeneration Committee be convened solely for this purpose.
- 2.5 In the interim Officers will 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 on the progress of the consultation and note that a special meeting of this Committee will be convened solely to permit remaining objectors to have their objection(s) to the proposed Parks Management Rules heard by Councillors.

**Alan Puckrin**  
**Acting Corporate Director**  
**Environment, Regeneration & Resources**

## 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 make management rules, to advertise them to the public and to invite the written objections, all in accordance with the requirements of the 1982 Act.
- 4.3 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. 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 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 39 letters or emails were received during the period each raising one or more objections to the draft Parks Management Rules as proposed.
- 4.6 Officers have emailed or written to each of the 39 objectors to discuss the terms of their objections and have where appropriate recommended amendments to the draft management rules in an attempt to address those objections. Following this correspondence, as at the time of writing this report:
- 15 objections have been withdrawn;
  - 7 have been confirmed as not withdrawn; and
  - 17 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. Arrangements now require to be put in place to permit the remaining objectors to be heard by Councillors in terms of the recommendations above.
- 4.9 Those objectors who have withdrawn their objections have done so following explanations as to how the proposed rules will be applied and in some instances on the basis of officers proposing amendments to the original draft rules to address their objections.
- 4.10 As the hearing of objections is a statutory entitlement to objectors the Committee will be discharging legal responsibilities at the special meeting effectively as if it were a formal tribunal or Board with the equivalent obligations already familiar to Members for hearings and for continuity of attendance. However, there has not in the past been any necessity for the recourse to the hearing procedure for management rules and as this is a speciality of this legislation, a review with Members of the procedures will be arranged. There has been liaison with other relevant local authorities to assess practices and consideration has been given to determining whether it is competent or advisable to delegate this function to a sub-group of the Committee or to delegate to an appointed officer of the Council or an external reporter for

that purpose.

## 5.0 PROPOSALS

It is proposed that:

- 5.1 officers continue to engage with the remaining objectors with a view to addressing their concerns and securing a withdrawal of their objections.
- 5.2 a special meeting of the Committee be convened in terms of the recommendations, and officers will advise all remaining objectors that they may attend to make oral representations on the terms of their objections as lodged.
- 5.3 there be submitted to the Committee for consideration at the said special meeting a report detailing:
  - the objections received and subsequently withdrawn;
  - the detail of any changes proposed changes to the draft Management Rules as a result of which objectors have agreed to withdraw;
  - the objections which remain at that time, and in respect of which objectors may attend; and
  - the particular procedures that will be followed in the conduct of the meeting.

## 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 this process.

## **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.