
Report To:	The Inverclyde Council	Date:	9 October 2014
Report By:	Acting Corporate Director Environment, Regeneration and Resources	Report No:	LP/058/14
Contact Officer:	Sharon Lang	Contact No:	2112
Subject:	Proposed Parks Management Rules - Civic Government (Scotland) Act 1982		

1.0 PURPOSE

- 1.1 The purpose of this report is to request the Council to consider a remit from the Environment and Regeneration Committee.

2.0 SUMMARY

- 2.1 The Environment and Regeneration Committee at its meeting of 5th September 2013 approved proposals contained in a report by the Acting Corporate Director Environment, Regeneration and Resources to promote Management Rules under the Civic Government (Scotland) Act 1982 in respect of Public Parks. This involved a statutory public consultation process, in terms of which objections were received to the proposed Parks Management Rules. Some but not all of these objections were withdrawn following dialogue with Officers.
- 2.2 The Committee at its meeting of 17th June 2014 considered the terms of a report by the Acting Corporate Director Environment, Regeneration and Resources, advising the Committee of the progress of the statutory consultation process on the proposed Parks Management Rules and approved a recommendation to hold a special meeting of the Committee to conduct a public hearing as part of that process.
- 2.3 The Environment and Regeneration Committee held a special meeting on 14th August 2014 at which it:
- a) conducted a public hearing, in accordance with the Rules of Procedure recommended by Officers for the same, to allow objectors who had not withdrawn their objections to be heard, and considered the oral representations of the sole objector who attended;
 - b) considered a report by the Acting Corporate Director Environment, Regeneration and Resources:
 - i) advising of the outcome of a statutory public consultation, including all objections withdrawn, objections not withdrawn, and discussions with objectors undertaken by Officers;
 - ii) providing the updated form of the proposed Parks Management Rules, following those discussions; and
 - iii) asking the Committee, having considered the objections received and representations made at the hearing, to decide **either** to dismiss all outstanding objections and recommend approval of the proposed Parks Management Rules **or** uphold some or all of the outstanding objections and seek changes to the proposed Parks Management Rules.
- 2.4 At the special meeting, following the conduct of the hearing and consideration of the report in terms of 2.3 above, the Committee decided that:

- a) the Remaining Objections be dismissed and that the proposed Parks Management Rules as detailed in said report be approved and referred to the next meeting of the Inverclyde Council with a recommendation that it approve formally the proposed Parks Management Rules and authorise Officers to make formally Parks Management Rules in accordance with the statutory procedure; and
- b) delegated authority be granted to the Head of Legal & Property Services to make minor spelling and grammatical corrections and minor changes to the proposed Parks Management Rules in the interests of consistency of terminology.

2.5 The reports to the Committee of 5th September and 14th August provided background information on and details of the implications of the recommendations, and details of the consultations undertaken.

2.6 The final form of the new Parks Management Rules on which, in accordance with the Committee's decision, the Council's approval is sought is attached as Appendix 1.

3.0 RECOMMENDATIONS

3.1 It is recommended that the Council approve the new Parks Management Rules as detailed in Appendix 1 and authorises the Head of Legal and Property Services to make arrangements for them to be signed by a Proper Officer and sealed with the Council Seal.

Gerard Malone
Head of Legal and Property Services

The Inverclyde Council

Parks Management Rules 2014

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;

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

"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 Order

is **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 hours

must 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.

4. General Behaviour

The Code gives a general overview of activities which are prohibited by statute and by common law. In addition to those prohibited activities and restrictions:-

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

4.3 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

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

Protection of Animals, Birds and their Habitats and Nests

4.5.1 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 Corporate Director.

4.5.2 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 Corporate Director.

Litter

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

Selling Goods

4.7 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 Corporate Director.

Music and Noise

4.8 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

4.9 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) or to take drugs in a Public Park.

Fires etc.

4.10.1 Without the prior written consent of the Corporate 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).

4.10.2 The Corporate Director may exempt appropriate official organisations from this Rule.

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

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

4.10.5 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.

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:

- perambulators;
- 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 Corporate Director.

6.2.4 Only drivers of vehicles with registered disabled markers may use designated disabled parking spaces.

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 Corporate 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 Corporate 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 Corporate 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 Corporate 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 Corporate 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 Corporate 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 Corporate 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 Corporate 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 Corporate 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 Corporate 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 Corporate Director may impose a charge for entry to the Public Park.

Schedule to the Parks Management Rules 2014

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

Gourock:

Gourock Park

Darroch Park

Tower Hill Park

Divert Glen

Kirn Drive Playing Fields

Wemyss Bay

Wemyss Bay Woods