

Report

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Report to:	Community Services Committee
Date of Meeting:	30 October 2012
Report by:	Executive Director (Community and Enterprise Resources)

Subject:	Review of Management Rules for Public Parks
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1. Purpose of Report

1.1. The purpose of the report is to:-

- ♦ request the Committee to consider and approve the Management rules for Public Parks and to authorise the commencement of a public consultation on the Rules

2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s)

- (1) that the Management Rules for Public Parks are approved
- (2) that a process of consultation on the Management Rules is introduced; and
- (3) that following the public consultation exercise, the Executive Director be authorised to consider any objections received and to decide whether the Management Rules should be made with or without, modification, and thereafter to authorise the making of the Management Rules and their introduction in the operation of the Council's Public Parks

3. Background

3.1. South Lanarkshire Council may, in terms of the Civic Government (Scotland) Act 1982, make Management Rules which control the way people use Public Parks and their behaviour while in Public Parks. These rules are essential in order to control the way in which people use Public Parks and to ensure the satisfactory behaviour of such persons who may, for whatever reason, wish to act in an anti social manner. The breaking of the Management Rules does not constitute a criminal offence. However, the Council may expel or exclude anyone who has broken one or more of the rules.

4. Proposal

4.1 The proposed Management Rules for Public Parks are appended to the report. If approved by Committee it is proposed to undertake a consultation exercise which would include placing Notices in local newspapers and at the Public Parks where the Management Rules will apply and granting an opportunity to any objector who may wish to be heard.

4.2 It is proposed that following Committee approval and public consultation the Management Rules for Public parks will be displayed at all 11 Public Parks.

5. Employee Implications

- 5.1. There are no employee implications relative to the report.

6. Financial Implications

- 6.1. The cost of the public consultation and the displaying of the Management Rules in each of the 11 Public parks will be met from existing revenue budgets.

7. Other Implications

- 7.1. None

8. Equality Impact Assessments and consultation Arrangements

- 8.1. An equality impact assessment has been carried out.
- 8.2. Legal Services have been consulted on the proposals contained in the report and further consultation will be carried out as outlined in clause 4.1

Colin McDowall

Executive Director (Community and Enterprise Resources)

2 October 2012

Link(s) to Council Objectives/Values/Improvement Themes

- ◆ Improve Community Safety

Previous References

- ◆ None.

List of Background Papers

- ◆ None

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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CIVIC GOVERNMENT (SCOTLAND) ACT 1982

MANAGEMENT RULES

PUBLIC PARKS

These rules (known as Management Rules) have been made by South Lanarkshire Council and are to control the way people use Public Parks and the behaviour of people while in Public Parks

The Management 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).

These rules do **not** apply to any Public Parks which have their own specific Management Rules, nor to Country Parks, children's play parks or informal open spaces.

A list of the Public Parks to which these Rules apply is annexed to the Rules.

These rules come into force on the date the Rules are signed.

THE RULES

1. MEANINGS OF WORDS AND PHRASES

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

“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.

“Executive Director” means the Executive Director (Community and Enterprise Resources) of the Council, or any officer to whom he has delegated authority.

“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 or of South Lanarkshire Leisure and Culture Limited employed in connection with the management or operation of any Public Park.

“Public Park” means those parks owned 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 Park.

“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.

“Vehicles” 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.

2. 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 these Rules may be expelled from the Public Park.
- 2.3 Any person who is about to break one or more of these 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 these Rules is likely to do so again, they may make an Exclusion Order forbidding that person from entering any Public Park mentioned in the 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**.

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 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 which has been closed.

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:-

Fighting etc

4.1 Nobody is to

- fight or cause a disturbance or use violent, abusive or obscene language whilst in a Public Park nor
- cause a Breach of the Peace
- bring any weapons of any sort into a Public Park

Annoyance to other people

- 4.2.1 Nobody is to act in any way which
- risks causing harm or
 - causes annoyance or concern
- to any other person using a Public Park
- 4.2.2 Nobody is to act in any way which hinders 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:-
- a) any part of any building;
 - b) any fences, gates, walls, fire barriers or railings;
 - c) fountains;
 - d) statues or monuments;
 - e) seats;
 - f) notice boards, signs or plates including any poles,
 - g) trees, shrubs and plants,
 - h) play equipment or other apparatus,
 - i) any paths, steps, access controls or access information, and
 - j) rubbish 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 Executive 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 in writing of the Executive 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 written consent in writing of the Executive 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, or to sell, or let or hire any goods or provide any services in a Public Park without prior written consent of the Executive Director.

Music and Noise

- 4.8 Nobody is to:-
- a) play any musical instrument;
 - b) sing;
 - c) perform;
 - d) play a radio, television, tape recorder, compact disc player, dvd player, mp3 player or other music or media player;
 - e) use any amplifier, megaphone or similar apparatus or any other device which plays music or makes a noise

in a manner which causes annoyance or disturbance to other users of the park.

Alcohol and Drugs

- 4.9 Nobody is allowed to drink alcoholic liquor (except as follows and except in premises, or in a area in a park, licensed for the sale of alcoholic liquor) or to take drugs in a Public Park. Drinking alcoholic liquor will only be allowed provided the written consent of the Executive Director and any licence required under the Licensing (Scotland) Act 2005, as amended or any law replacing this statute.

Fires etc

- 4.10.1 Nobody is to
- fire any firearm, airgun or other weapon, nor
 - light any fireworks or fires (including bonfires)
 - light any gas cookers or stoves
 - Barbecues (except in any barbecue sites provided by the Council)
- in a Public Park without the prior written approval of the Executive Director.
- 4.10.2 The Executive Director may exempt appropriate official organisations from the rule.
- 4.10.3 All applications for exemption or authorisation must be made in writing to the Executive Director prior to the events.
- 4.10.4 All exemptions and authorisations may be subject to such conditions as the Executive 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.

Guide Dogs Excepted

- 5.3 Rule 5.1 does not apply to guide dogs accompanying a blind person.

Annoyance to Others

- 5.4 All animals brought in to a Public Park must not be permitted to:-
- a) worry any animals or birds;
 - b) enter any ornamental pond or pools in the Public Park;
 - c) damage or destroy any flowers, plants, trees, grass or shrubs in a Public Park;
 - d) enter any sports pitch or play area
 - e) annoy other users of a Public Park

Racing

- 5.5 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

- 5.6 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 Park.

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| Dogs | 5.7 | Anyone with a Dog must comply with the Control of Dogs (Scotland) Act 2010. |
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6. VEHICLES

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| 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, 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. |
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| 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 must always give way to pedestrian users. |
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| 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 | Nobody is to park a vehicle overnight except with the prior written consent of the Executive Director. |
| | 6.2.3 | Only drivers of vehicles with registered disabled markers may use designated disabled parking spaces |

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| Emergency Vehicles Excepted | 6.3 | The preceding rules do not apply to ambulances, fire engines or police cars or other vehicles with the prior written consent of the Executive Director. |
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| 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 with 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, |
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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.
- 6.6 While in a Public Park, the driver of any vehicle, the rider of any cycle 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.

7. PONDS, LAKES AND WATER COURSES

Swimming etc

- 7.1 Anyone using any lake, loch, pond, pool, river, canal, stream, fountain or water course does so entirely at their own risk, and must comply with the Code. Swimming or wading is not allowed in ornamental ponds, pools or fountains or in water bodies specifically managed for horticulture or wildlife.

Fishing

- 7.2 Fishing is only permitted with the prior written permission of the person owning the fishing rights to the water in question. Fishing is not permitted in ornamental ponds, pools or fountains.

Boats

- 7.3.1 Access rights under the Land Reform Act extend to non-motorised water based activities such as canoeing, rafting, rowing and sailing. Persons pursuing such activities on any lake, loch, pond, pool, river, canal, stream, fountain or water course in any Public Park does so at their own risk, and must do so in a responsible manner and in accordance with the Code. The Executive Director may seek an order or orders to exempt groups and certain water bodies from such use in accordance with the Land Reform Act.
- 7.3.2 Nobody is to sail any motorised or radio controlled boats on any lake, loch, pond, pool, river, canal, stream, fountain or water course in a Public Park without the prior written permission of the Executive Director.

Stones etc	7.4	Nobody is to throw or put sticks, stones or objects of any kind in any pond, pool, fountain or water in a Public Park.
Pollution	7.5	Nobody is to do anything or put anything into any lake, loch, pond, pool, river, canal, stream, fountain or water course in a Public Park which pollutes that water.
Life Saving Equipment	7.6	Nobody is to remove, damage, destroy, deface or generally interfere with any life saving equipment other than in an emergency.
Ice	7.7	Nobody is to go onto any lake, loch, pond, pool, river, canal, stream, fountain or water course in a Public Park which has frozen into ice.
Drains	7.8	Nobody is to block the flow of any water course or drain in a Public Park
Pond Life	7.9	Nobody is to disturb, injure, damage or kill any pond life (including plants, fish, amphibians and insects) living in or around any pond, pool, fountain or water course in a Public Park

8. USE OF PUBLIC PARK

No Access for Public

- 8.1 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 Executive Director or an Officer.

Use

- 8.2.1 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.
- 8.2.2 Those taking part in activities in terms of these 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.
- 8.2.3 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.

Swings

- 8.3 Nobody is to use any swing or other play apparatus in a Public Park in such a way that could be dangerous to other users of the Public Park or cause damage or injury to other users of the Public Park, or their property or the Council’s property.

Meetings

- 8.4 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 Executive Director.

Ornamental Flower Beds etc

- 8.5.1 Subject to Rule 8.5.2 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 Executive Director.

	8.5.2	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 Executive Director.
Radio Controlled Equipment	8.6.1	Nobody may use any radio controlled equipment including radio controlled cars, aeroplanes, boats or robots in a Public Park without the prior written permission of the Executive Director.
	8.6.2	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	8.7	Nobody is to use a metal detector in a Public Park without the prior written permission of the Executive Director.
Tents etc	8.8	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 Executive Director.
Camping	8.9	Nobody is to camp, or sleep overnight in any Public Park except where authorised by the Council
Photography	8.10	Nobody is to take any photographs for publication or for commercial use without the express written permission of the Executive Director.

9. SUPERVISION AND FEES

Supervision

- 9.1.1 Every person in a Public Park must follow the instructions of any signs erected by the Council.
- 9.1.2 Every person in a Public Park must follow the instructions of an Officer.
- 9.1.3 This includes leaving the park when requested to do so and to stop doing anything when instructed to do so.

Fees and Conditions

- 9.2.1 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.
- 9.2.2 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 park or equipment.
- 9.2.3 The Executive Director may waive any fees at his discretion.
- 9.2.4 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. The Executive Director may alter such charges without notice.
- 9.2.5 The Council may make Orders under Section 11 of the Land Reform Act exempting any Park or part of a Park from access rights under the Act, and when an Order is in effect the Executive Director may impose a charge for entry to the Park.

**Made by South Lanarkshire Council on the
Thousand and twelve.**

day of

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Proper Officer

This is the List of Public Parks referred to in the foregoing Management Rules

Public Park	Location
Stonefield Park	Blantyre
Strathaven Park	Strathaven
Alexander Hamilton Memorial Park	Stonehouse
Bothwell Rd Public Park	Hamilton
Overtoun Park	Rutherglen
Cambuslang Park	Cambuslang
Biggar Public Park	Biggar
Lanark Loch	Lanark
Castlebank Park	Lanark
Town Centre Park	East Kilbride
James Hamilton Heritage Park	East Kilbride