

EAST RENFREWSHIRE COUNCIL26 April 2023Report by Director of EnvironmentMANAGEMENT RULES – PARKS & OPEN SPACES**PURPOSE OF REPORT**

1. To seek permission from Council to advertise the proposed the revised Parks/Open Spaces Management Rules and thereby consult with and seek the views of members of the public thereon.

RECOMMENDATIONS

2. It is recommended that:

- a) By virtue of the powers conferred on it by the Civic Government (Scotland) Act 1982, the Council has updated its Management Rules for East Renfrewshire Parks and Open Spaces, as set out in Appendix A;
- b) The Council's proposals to make the rules are advertised in accordance with the provisions of said Act, and if no objections are received, authority is given to the Director of Environment to proceed to make said rules; and
- c) The Council notes that if objections are received then a further report containing details of the objections will be made which will allow the Council an opportunity to consider the objections and to allow the objector the opportunity to be heard by the Council before authority is given to make the rules.

BACKGROUND

3. Local Authorities are empowered to introduce management rules for their facilities, listed in Appendix B, under the terms of the Civic Government (Scotland) Act 1982.

4. In addition, it is considered good practice to do so as it provides clarity and a solid basis for the rules which shape the operation of the facility/asset.

5. The purpose of the Management Rules are to regulate the conduct/behaviour of persons attending East Renfrewshire facilities.

6. These Management Rules will replace the previous Management Rules which will now expire.

REPORT

7. The Management Rules, as shown in Appendix A, are intended to provide a clear set of rules for users of Council Parks and Open Spaces, to abide by. The main changes include updates to:

- (k) entry to buildings
- (r) music and radio
- (u) political or religious meetings
- (w) commercial sale of goods/services
- Gala days, fetes and licensed functions have been removed from the rules as they are now dealt with by the Council's Joint Service Events Group.

8. The approval of Management Rules will allow the facilities concerned to operate effectively and safely for those who access them and ensure that East Renfrewshire's parks and open spaces, are respected by users in the most appropriate manner.

9. Should it be required, the enforcement of these Rules will be undertaken by the Council's nominated Authorised Officer.

FINANCE AND EFFICIENCY

10. The Rules will ensure the regulation of behaviour and conduct within the areas concerned and should lead to less officer time being spent on dealing with issues of antisocial behaviour and poor conduct. It is hoped that the Rules will also have a deterrent effect and increase patterns of good behaviour and respect within the facilities resulting in a reduction in manpower required to deal with incidents and complaints.

CONSULTATION

11. Public advertisement of the rules will take place, at least one month prior to the making of the Rules. The public will have the opportunity to object and any objections will be taken into account before making the Rules.

PARTNERSHIP WORKING

12. In order to ensure the effective implementation and application of the Rules, there will be a sharing of the approved Rules with relevant internal teams such as colleagues within Business Operations and Partnerships and within the wider Environment Department, where relevant.

IMPLICATIONS OF THE PROPOSALS

13. The formal update of management rules will provide clarity and a solid basis for the rules which will shape the operation of the facility and the experience of those who access said facilities. The management rules will have no negative impact on staffing, finance, legal, IT or equalities.

CONCLUSIONS

14. East Renfrewshire Council wishes its Parks and Open Spaces to be facilities for users to respect and feel safe when visiting. The introduction of the Rules will ensure that expectations are clear to those visiting such areas and provide the Council with suitable recourse should those Rules be breached.

RECOMMENDATIONS/...

RECOMMENDATIONS

15. It is recommended that:

- a) By virtue of the powers conferred on it by the Civic Government (Scotland) Act 1982, the Council introduces Management Rules for East Renfrewshire Parks and Open Spaces, as set out in Appendix A;
- b) The Council's proposals to make the rules are advertised in accordance with the provisions of said Act, and if no objections are received, authority is given to the Director of Environment to proceed to make said rules; and
- c) The Council notes that if objections are received then a further report containing details of the objections will be made which will allow the Council an opportunity to consider the objections and to allow the objector the opportunity to be heard by the Council before authority is given to make the rules.

Director of Environment

Further information can be obtained from Andrew Corry, Head of Service, andrew.corry@eastrenfrewshire.gov.uk

February 2023

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**EAST RENFREWSHIRE COUNCIL
ENVIRONMENT DEPARTMENT
PARKS AND OPEN SPACES MANAGEMENT RULES**

The Council by virtue of the Powers conferred by Part IX of the Civic Government (Scotland) Act 1982 and of all other powers authorising or empowering them in that behalf do hereby make the following Management Rules for the regulation of Parks and Open Spaces situated in East Renfrewshire.

1. INTERPRETATION OF TERMS

Throughout these Management Rules:-

- (a) “the Council” means East Renfrewshire Council as constituted by the Local Government etc (Scotland) Act 1994 and having its headquarters at Eastwood Park, Rouken Glen Road, Giffnock, G46 6UG and its statutory successors;
- (b) “Park” means any of the public parks situated within East Renfrewshire, including associated car parks, open spaces or playing fields and where any of the foregoing are not fully or partially enclosed by boundary features. A plan of the Park, open space or playing field erected at the locus shall define the area of that Park, open space or playing field; or alternatively it may be the area which is designated by the Authorised Officer and identified by relevant signage identifying the management rules in place;
- (c) “Authorised Officer” means the Council Officer duly authorised by the Council to have responsibility for the management of the Park and any other person deriving authorisation from that person. Any such Officer with the authority to exercise such power, will be identifiable by means of a formal identification badge;
- (d) the provisions of the Interpretation Act 1978 shall apply to the interpretation of these Management Rules as they apply to the interpretation of an Act of Parliament.

2. PREVIOUS MANAGEMENT RULES

Any existing Management Rules are hereby revoked.

3. RULES OF ADMISSION

Where any Park is fully or partially enclosed by walls, hedges, railings, fences or other boundary feature;

- (a) No person shall:-
 - (i) Enter or leave any Park except by the entrances and exits provided for that purpose during the hours in which the same is open to the public;
 - (ii) Enter or wilfully remain within any Park except during the hours in which the same is open to the public; and

- (b) The Council also reserves the right to close any Park or any portion of a Park to the public for such time as may be considered necessary or expedient without providing advance notice.

4. PROVISIONS AS TO BEHAVIOUR

(a) Alcohol

Alcohol may only be consumed in connection with a special function or event in the Park for which the required licence for sale or supply of alcohol has been obtained from East Renfrewshire Licensing Board and also with the express consent of the Authorised Officer.

(b) Animals

No person shall:-

- (i) allow any animal, except a dog, to enter any Park without the prior consent of the Authorised Officer. This includes to train or break-in any animal;
- (ii) allow any animal belonging to them or in their charge to enter into any enclosed area of a Park where dogs are specifically prohibited. Such prohibited areas will be notified to the public by a notice placed at or near the prohibited area;
- (iii) allow any animal belonging to them or in their charge to foul in any Park unless they immediately uplift said fouling and remove it from the Park or place it in a receptacle approved or provided by the Council;
- (iv) allow an animal belonging to them or in their charge to be in a Park without being under their control;
- (v) allow an animal belonging to them or in their charge to be a persistent nuisance to any other person or animal in the Park. The Council's Authorised Officer will be the sole judge as to whether any such animal is a persistent nuisance; or
- (vi) in the opinion of the Council's Authorised Officer, contravene any terms of legislation in force from time to time in respect of the ownership, control or behaviour of any dog (or any other animal if consent has been granted for it to enter the Park) such as the Dog Fouling (Scotland) Act 2003 or the Dangerous Dogs Act 1991 which list is illustrative and not exhaustive.

(c) Bathing

No person shall bathe, swim, wade or wash in any pond, lake or river, stream, fountain or any other water in any Park;

(d) Bonfires/Barbecues/Fires

No person is permitted to light any fire, stove, barbecue or bonfire within any Park except in any area specifically designated by the Council for that purpose and on such terms and conditions as may be posted at that specific area;

(e) Charitable Collections

No person, group or organisation is permitted to collect money for a charitable collection in any Park without the prior written consent of the Authorised Officer;

(f) Climbing

No person shall in any Park climb upon any tree, shrub, wall, fence or railing or upon any monument, fountain, statue or other structure, providing always that this rule will not apply to designated climbing frames or similar play equipment in any Park;

(g) Coaching, Training and Organised Games

No person shall in any Park engage in formal coaching, training or organised games in any activity whether in turn for payment or free of charge without the prior written consent of the Authorised Officer and payment of such fee as the Council may from time to time determine;

(h) Skateboarding etc

Skateboards, roller skates and stunt bicycles or similar may only be used in areas designed for such use and only on the terms and conditions posted at or near those sites;

(i) Disturbance

No person shall by any disorderly or improper conduct disturb, interrupt or wilfully intrude upon or interfere with the privacy of any person within the Park;

(j) Prevention of Injury

No person shall:-

- (i) wilfully or improperly or recklessly interfere with any person in the proper use of the Park;
- (ii) wilfully or recklessly behave so as to endanger their own or any other person's safety;
- (iii) disobey any lawful instruction given by the Authorised Officer to ensure the safety and comfort of any persons using the Park at that time or bring into any Park any object or objects which may be considered by the Authorised Officer to be dangerous or improper or offensive;
- (iv) enter any iced pond, lake or river, stream, fountain or any other water in any Park; any person entering upon any said ice does so at their own risk.

(k) Entry to Buildings/Facilities

No person shall whilst in any Park:-

- (i) loiter within the facilities (including the vicinity of facilities) or cause any deliberate damage/vandalism to any facilities;

- (ii) enter at any time into any changing pavilion unless as part of an organised group which has obtained prior written consent and paid the relevant fees to the Authorised officer;

(l) Commercial Filming/Photography

No person is permitted to take photographs or images or shall film in any Park for any commercial or charitable purpose except with the prior written consent of the Authorised Officer and the payment of such fee and under such conditions as the Council may from time to time deem appropriate;

(m) Fireworks

No person is allowed to set off any fireworks in any Park unless prior written permission has been obtained from the Authorised Officer and on such terms and conditions as may be imposed by the Council;

(n) Fishing

No person is permitted to fish in any Park;

(o) Gaming, Betting and Gambling

No person shall in any Park organise or participate in any gaming, betting or gambling activity unless having first obtained the necessary licence from East Renfrewshire Licensing Board and also with the prior written consent of the Authorised Officer and on such terms and conditions as the Licensing Board or Authorised Officer may impose;

(p) Golf

No person shall in any Park engage in or practise golf;

(q) Litter/Flytipping

No person shall deposit litter in any Park except within the designated litter bins. There shall be no fly tipping within any Park area;

(r) Music and Radios etc

No person shall play any musical instrument or play music via any mechanical or electronic device in such a way as to annoy or disturb or be likely to annoy or disturb any other person in the Park. The Authorised Officer shall be the sole judge as to whether or not any person is or may be annoyed or disturbed.

No person shall engage in any public performance or promote, cause or permit any such performance without having obtained the prior written approval of the Council and on such terms and conditions as the Council may impose;

(s) Obstructions of Officers

No person shall:-

- (i) wilfully or carelessly obstruct, disturb or interrupt any officer or employee of the Council in exercise of their duties or in the execution of any work associated therewith; or

- (ii) disobey any proper instructions given by the Authorised Officer to ensure the safety and comfort of all persons using the Park;

(t) Offensive Language and Antisocial Behaviour

No person shall whilst in a Park use any profane, sectarian, sexist, racist or offensive language or behave in an offensive, disorderly, antisocial or insulting manner towards other Park users or towards any Authorised Officer;

(u) Political or Religious Meetings

No person, group or organisation shall hold any political meeting or religious meeting or service or advertise any political party or religious group in any Park without the prior written consent of the Authorised Officer and on such terms and conditions as may be advised by the Authorised Officer or the Council;

(v) Pollution of Water

No person shall pollute, foul or otherwise interfere with any natural water course or artificial water feature of any kind in any Park;

(w) Commercial Sale of Goods/Services

No person, group or organisation shall sell any object, goods, food stuffs, alcohol or services within any Park without:

- (i) a Street Traders Licence or Food Business Registration issued by East Renfrewshire Council or other local authority and/or
- (ii) a licence issued by East Renfrewshire Council Licencing Board for the sale or supply of alcohol
- (iii) prior written consent of the Authorised Officer along with the payment of such fee as the Council may from time to time deem appropriate.

For the avoidance of doubt and without limitation, services include commercial dog walking and instruction in physical exercise e.g. boot camps.

(x) Tents/Temporary Structures

No person, group or organisation shall erect any tent, post, rail, fence, platform, pole, screen, stand or any other temporary structure in any Park without the prior written consent of the Authorised Officer.

(y) Vehicles

No person shall drive, ride, wheel or be driven, ridden or wheeled in any Park any cart, carriage, motor vehicle, barrow, go-kart, scooter or any other electrical or mechanically propelled vehicles without the prior written consent of the Authorised Officer.

For the avoidance of doubt, this rule shall not apply to a pram used solely for the conveyance of children; a wheelchair - whether propelled by hand or by a motor used solely for the conveyance of a less able person; a scooter, go-kart, electric pedal bicycle or similar which is not motor driven; or any emergency vehicle;

(z) No person shall in any Park without the prior written consent of the Council:-

- (i) carry any firearm or weapon; or

- (ii) discharge any firearm or weapon; or
- (iii) throw, shoot or propel any stone, firework, arrow, knife, missile or other similar article;

and then only on such terms and conditions as specified by the Council in any such written consent;

(aa) Where to Walk

No person shall in any Park walk on any shrubbery or flower bed or enclosed plantation or any land specifically enclosed where it is intimated that access to the public is denied or prohibited;

5. PROTECTION OF PROPERTY AND EQUIPMENT

(a) No person shall:-

- (i) wilfully or carelessly break, damage, deface, disfigure, tamper with or improperly spoil any tree, shrub, planting, wall, fence, railing, monument, fountain, statue, building or other statue in any Park;
- (ii) wilfully or carelessly damage, destroy or improperly spoil any article supplied by the Council for use in the Park; or
- (iii) retain or remove any article supplied for use by the Authorised Officer after the purpose for which same was issued has been served;

6. CAR PARKING FACILITIES

(a) Availability

Car Parking facilities provided by the Council for the convenience of the public are only for use in accordance with the use of these Rules or any Traffic Regulation Order as approved by the Council;

(b) Parking Bays

Where vehicle Parking bays are marked no persons shall Park outwith the marked areas nor on any grassed area;

(c) Restrictions as to Length of Stay

Overnight stays are not permitted in car parking facilities or any part thereof;

(d) Damage to or Loss from Vehicles

The Council will not be held responsible for any damage to, loss of or loss from any vehicle or any property left in a vehicle, however such damage or loss may occur;

(e) Sale of Goods/Services within Car Parks

No person or organisation is permitted to advertise or sell any goods, (including foodstuffs, alcohol or services) within the car parking facilities provided for any Park without (a) a Street Traders Licence or Food Business Registration issued

by East Renfrewshire Council or other local authority , or the East Renfrewshire Council Licencing Board, authorising the sale of any of the foregoing, if required by law, and (b) the prior written consent of the Authorised Officer and the payment of such fee as the Council may from time to time deem appropriate;

No person shall tow, park or otherwise allow to remain, any caravan or motorhome, on any part of any Park other than on such parts of any Park as are provided or designated for such purposes from time to time by the Council or in accordance with such notices which may be erected in any Park regarding said use;

7. VALUABLES, CLOTHING, EQUIPMENT ETC

The Council will not be responsible for the loss of or damage to clothing, valuables, equipment or any other belongings of any person or organisation using the Park;

8. RULES NOT TO AFFECT EMPLOYEES IN THE PERFORMANCE OF THEIR DUTIES

These Management Rules shall not apply to an officer or employee of the Council while acting within the scope of their employment in or about any work in connection with any Park;

9. PERSONAL RESPONSIBILITY FOR SAFETY

Any person using any of the facilities in any Park shall be held to have satisfied themselves as to the condition of the facilities and as to the suitability thereof for the purpose of use.

The Council shall not be held responsible for any accident or injury to any such person arising from the use of the facilities, however such accident or injury may be caused;

10. PRIOR WRITTEN CONSENT FROM THE COUNCIL

Where prior written consent from the Council is required in terms of these rules, such consent, if granted, may include the imposition of terms and conditions which must be adhered to, failing which any such consent shall be deemed to be withdrawn. The Authorised Officer shall be sole judge as to whether or not the terms and conditions are being adhered to;

11. ARBITRATION

Without prejudice to the right of any Authorised Officer of the Council to ask a person to leave a Park, or expel or exclude that person from any Park in terms of these Rules, any difference or dispute arising as to the true intent, meaning or interpretation of these Rules shall be taken up and disposed of by the Council's Chief Officer – Legal and Procurement, or any other person appointed by them to do so.

The Authorised Officer and any other party disputing the matter shall be invited to make oral or written submissions which shall be considered in reaching a decision and the decision of said officer or person so appointed shall be final.

12. ALTERATION OF RULES

The Council shall be entitled to alter these Rules or any part of them from time to time as they see fit and make and enforce such other rules as they consider necessary for the proper or better management of any Parks.

13. EXPULSION OR EXCLUSION FOR BREACH OF MANAGEMENT RULES

(a) The Authorised Officer may:

- (i) if they have reasonable grounds for believing that a person already in a Park has contravened, is contravening or is about to contravene any of the Management Rules, expel that person from the Park; and
- (ii) if they have reasonable grounds for believing that a person attempting to enter a Park is about to contravene these Management Rules, exclude that person from the Park;

14. EXCLUSION ORDERS

In terms of Section 117 of the Civic Government (Scotland) Act 1982 the Council may decide that a person who has persistently contravened or attempted to contravene these Management Rules and is, in their opinion, likely to contravene them again, shall be made subject to an Exclusion Order;

This decision will only be implemented after having given the person an opportunity to make written or oral representations to the Council. An Exclusion Order may have effect for such a period not exceeding one year as the Council may determine and the Council may at any time reduce that period or revoke an Exclusion Order made by them;

15. OFFENCES

In terms of Section 118 of the Civic Government (Scotland) Act 1982 any person who:-

- (a) on being required to leave the Park by the authorised officer who has reasonable grounds for believing that the person has contravened, is contravening or is about to contravene any of these Rules fails to leave; or
- (b) on being informed by the authorised officer who has reasonable grounds for believing that the person is about to contravene any of these Rules that they are excluded from any Park, or from entering and/or attempts to enter the Park; or
- (c) being a person subject to an Exclusion Order under Management Rule 13 above enters or attempts to enter the Park;

shall be guilty of an offence and liable on Summary Conviction to a fine not exceeding Level 1 under S225 of the Criminal Justice (Scotland) Act 1995, which is presently £200.00.

Made by The East Renfrewshire Council on the day of XXXX 2023.

Signed:

Chief Officer – Legal & Procurement – Authorised Signatory

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**EAST RENFREWSHIRE COUNCIL
ENVIRONMENT DEPARTMENT
PARKS AND OPEN SPACES MANAGEMENT RULES**

Appendix B – List of Parks and Open Spaces

1. Broomburn Park
2. Busby Glen Park
3. Centenary Park
4. Clarkston Park
5. Cowan Park
6. McDiarmid Park
7. Mearns Park
8. The Orry, Eaglesham
9. Rouken Glen Park
10. Woodside Park
11. Crookfur Playing Fields
12. Crossmill Park
13. Eaglesham Playing Fields
14. Huntly Playing Fields
15. Kingston Playing Fields
16. Muirend Playing Fields
17. Netherlee Playing Fields
18. Overlee Playing Fields
19. Thornliebank Playing Fields
20. Uplawmoor Playing Fields
21. Woodfarm Playing Fields

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