

WEST DUNBARTONSHIRE COUNCIL

Report by Chief Executive

Council - 30 August 2006

Subject: Proposed Revision of West Dunbartonshire Council's Management Rules for the Administration of Public Parks And Open Spaces.

1. Purpose

- 1.1** To obtain the Council's approval to revise the current Management Rules for the Administration of Public Parks and Open Spaces.

2. Background

- 2.1** Following on a report of the above subject, which was submitted to Council on 28 June 2006, it was agreed that a further report be submitted to Council on the feasibility of altering the Management Rules to help deal with the problems of anti-social behaviour caused by alcohol consumption and illegal camping in parks and open spaces.

3. Main Issues

- 3.1** Given the terms of the Civic Government (Scotland) Act 1982 and the Land Reform (Scotland) Act 2003, the Council requires to review its Management Rules for the Administration of Public Parks and Open Spaces. The Management Rules' primary function is the proper administration of public parks and open spaces. Accordingly, the Rules have to be viewed in light of existing Police and Council powers to deal with problems of anti-social behaviour.
- 3.2** The West Dunbartonshire Council Prohibition of Consumption of Alcoholic Liquor in Designated Public Places Byelaw 1998 prevents the consumption of alcohol in designated public places. Breach of the byelaw is an offence. The byelaw does not apply to Balloch Park. The Management Rules do however apply to all West Dunbartonshire Council parks and they specifically proscribe the consumption of alcohol in parks. However, breach of the management rules will not normally constitute an offence but rather empowers officers to direct that persons breaching the management rule be removed from the park.
- 3.3** Management Rule 16 provides that camping will be expressly prohibited within Balloch Park and its surrounds unless with the prior written consent of the Council. This management rule addresses the issue of land management

and public safety, taking into account existing police powers and provisions of the Anti-Social Behaviour (Scotland) Act 2004.

- 3.4** The proposed Management Rules, attached as an Appendix to this report, now deal with the problems highlighted at the last Council meeting.

4. Personnel Issues

- 4.1** None.

5. Financial Issues

- 5.1** Apart from the costs of issuing statutory notices and complying with the relevant consultation process, there are only limited financial issues.

6. Recommendation

- 6.1** The Council is asked to approve, in principle, the proposed changes to the Management Rules for Administration of Public Parks and Open Spaces.
- 6.2** The Council is asked to agree to the relevant statutory consultation taking place with a further report being submitted to Council in due course.

Tim Huntingford
Chief Executive

Background Papers:

Report to Council dated 28 June 2006 re Proposed Revision of West Dunbartonshire Council's Bye-law for the Prohibition of the Consumption of Alcohol in Designated Public Places And the Management Rules for the Administration of Public Parks And Open Spaces.

West Dunbartonshire Council Management Rules for the Administration of Public Parks and Open Spaces 2000.

Appendices:

Proposed amendment to the existing Management Rules for the Administration of Public Parks and Open Spaces.

Person to Contact: Stephen Brown, Head of Legal & Administrative Services

Wards: All