

# WEST DUNBARTONSHIRE COUNCIL

## Report by Chief Executive

Community Safety and Environmental Services Committee – 7 February 2007

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

### 1. Purpose

- 1.1 To obtain the Committee's approval of the proposed revised Management Rules for the Administration of Public Parks and Open Spaces.

### 2. Background

- 2.1 Following a Report to Council on 1 August 2006, West Dunbartonshire Council's proposed revised Management Rules for the Administration of Public Parks and Open Spaces were publicly advertised on 4 October 2006. In addition, other interested parties were asked for their views on the proposed Rules. Four responses were received. All parties that have submitted comments have been invited to attend the Committee and be heard on the objections/representations which they have submitted.

### 3. Main Issues

- 3.1 Following consideration of the responses received after public advertising there have been some slight technical changes made to the Rules. The following is the response to the comments received:-

<u>Comments</u>	<u>Response</u>
<u>National Park Authority</u>	
Definition of "park" within Rules is not sufficiently clear.	The definition of "park" in the Rules is felt to be sufficiently clear.
<b>Rule 4(b) –</b> The Council would not be in a position to make an Order under Section 11 (Closing the "park" for a period greater than six days) in relation to land within the National Park area.	Amend the Rules to reflect situations where the relevant "Authority" other than the Council may utilise this power. Full consultation will be made in terms of the Act before a Section 11 Order is sought.

<p><b>General:</b></p> <p>Length of Rules and requirement to advertise them at areas to be enforceable.</p>	<p>Rules are not viewed to be of excessive length in comparison to other Local Authorities – Advertising requirement will be complied with.</p>
<p><b><u>Scottish National Heritage</u></b></p> <p><b>General:</b></p> <p>Some paragraphs are not rules but a statement of access rights allied to the guidance in the Code. It should be clear what the Management Rule is.</p>	<p>Given the terms of the Code it was felt appropriate to refer as guidance to the Code in the Rules where appropriate. The Code sets out the public's guide to access rights. When the original Management Rules were drafted such guidance did not exist and there has been an attempt to incorporate same.</p>
<p><b>Rule 3 –</b></p> <p>Opening and closing times (also raised by West Dunbartonshire Access Forum).</p>	<p>Amended Rule to include reasons given where such access rights will be restricted.</p>
<p><b>Rule 4 –</b></p> <p>Refusal of admission – 4(a) of Rules (also raised by West Dunbartonshire Access Forum).</p>	<p>No change proposed to Rules. The right of responsible access by the public as stated will be upheld. Emphasis on the Rule being on special purpose will prevent any unnecessary restrictions on responsible access.</p>
<p><b>Rule 6 –</b></p> <p>Clarity of Rules with regard to animals including walking dogs. (also raised by West Dunbartonshire Access Forum).</p>	<p>Rule reworded and amended to include reference to guide dogs.</p>
<p><b>Clause 9 – Prohibited Activities</b></p> <p>Concern that prohibited activities are restated and where legislation already exists to cover this. Should they be repeated in Rules?</p>	<p>Yes, we feel that this is necessary. Rules amended to reflect guidance in Annex 1 of Code as to what prohibited activities are in law.</p>
<p><b>Rule 9</b></p> <p>Should there be a stronger consideration given to safety considerations for swimming in local areas?</p>	<p>Specified in Rules that extreme caution should be exercised. However, the activity is permitted in terms of the Code.</p>

<p><b>Rule 12(a)</b></p> <p>Walking upon any grass lawn or planted area where a notice is placed (also raised by West Dunbartonshire Access Forum).</p>	<p>Rule not viewed as overly restrictive. Access rights will be restricted for protection of grass and other areas only.</p>
<p><b>Rule 13(a)</b></p> <p>Wording should be amended to include access rights extending to educational and commercial activities.</p>	<p>Rules amended.</p>
<p><b>Rule 15</b></p> <p>Access rights extend to wild camping only.</p>	<p>Rule reworded.</p>
<p><b>Rule 18(d)</b></p> <p>Access rights of individual over prepared surface prior to match starting (also raised by West Dunbartonshire Council Access Forum).</p>	<p>Rule not amended. Rule required for protection of prepared playing surfaces.</p>
<p>Definition of sport in definition section.</p> <p><b><u>West Dunbartonshire Access Forum</u></b></p>	<p>Amended.</p>
<p><b>Rule 18</b></p> <p>Exclusive use of park area for sport and other activities. Section 11 Order where exclusive use could not be done solely through the proper officer.</p>	<p>Not felt necessary to amend given the terms of Rules with regard to Section 11 Orders restricting access.</p>
<p><b>Rule 15(b)</b></p> <p>Flying model aircraft or radio controlled devices except in specifically designated areas. This could be reasonable recreation.</p> <p><b><u>Scotways</u></b></p>	<p>Recreation right accepted but for safety consideration it should be exercised in specifically designated areas.</p>
<p><b>General:</b></p> <p>No mention of rights of way. To close such would require a legal process.</p>	<p>All public rights of way will be protected. Any necessary restriction on such will be carried out through proper procedure.</p>

**3.2** In terms of the duties under the Civic Government (Scotland) Act 1982, the Rules will be reviewed from time to time and consideration will be given to any proposed revisions thereto. As stated in previous reports, the Rules have to be viewed in light of existing Police and anti-social behaviour powers to deal with problems of anti-social behaviour.

**4. Personnel Issues**

**4.1** There are no personnel issues.

**5. Financial Issues**

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

**6. Risk Analysis**

**6.1** A detailed risk assessment was not required for this report. Some risk analysis may be required depending on decisions taken by the Committee.

**7. Recommendation**

**7.1** The Committee is asked to consider the foregoing objections/representations, hearing from the parties as necessary and thereafter:-

- (i) Approve the proposed changes to the Management Rules for the Administration of Public Parks and Open Spaces.

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**David McMillan**  
**Chief Executive**  
**Date: 23 January 2007**

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**Appendix 1:** Appendix 1 – proposed amendment to the existing Management Rules for the Administration of Public Parks and Open Spaces.

**Background papers:**

1. E-mail from Scotways dated 19 October 2006.
2. Letter from West Dunbartonshire Access Forum dated 2 November 2006.
3. Letter from the Scottish National Heritage dated 7 November 2006.
4. Letter from Loch Lomond and the Trossachs National Park Authority dated 30 November 2006.

**Wards Covered:** All