

WEST DUNBARTONSHIRE COUNCIL

**MANAGEMENT RULES FOR ADMINISTRATION OF PUBLIC PARKS
AND OPEN SPACES**

By virtue of the powers contained in Sections 112-118 of the Civic Government (Scotland) Act 1982, West Dunbartonshire Council, incorporated under the Local Government Etc (Scotland) Act 1994 and having their offices at Council Offices, Garshake Road, Dumbarton, hereby make and enact the following Management Rules for the regulation of all parks and open spaces situated within the boundaries of West Dunbartonshire and which are under the Council's control.

1. INTERPRETATION OF TERMS

“the Act” means the Land Reform (Scotland) Act 2003.

“Code” means the Scottish Outdoor Access Code and any subsequent guidance amending the same.

“Council” means West Dunbartonshire Council.

“Park” means any public park, recreation ground, walkway, play area or any other open space whatsoever, and all buildings or equipment erected therein, belonging to the Council and/or under the Council's management control.

“Open Space” means any area of ground owned or maintained by the Council.

“Proper Officer” means the Director of Housing, Regeneration and Environmental Services of West Dunbartonshire Council or the Director of such other Department of the Council which, from time to time, is responsible for the management of Parks.

“Sport” means any regulated sporting activities in terms of the appropriate laws of that game.

“Notice” shall mean a duly authorised Notice posted at or near the place to which it refers.

“Council Employee” means any person employed by the Council acting in the course of their employment including park keepers and rangers.

“Recreational Activity” means any pastimes, family and social activities including active pursuits and participation in events in terms of 2.7 of the Scottish Outdoor Access Code.

Except where stated otherwise, the Interpretation Act 1978 shall apply to the interpretation of these Rules and Regulations in the same manner as it applies to the interpretation of an Act of Parliament.

2. THE LAND REFORM (SCOTLAND) ACT 2003

The Act provides the public with a statutory right of responsible access to Parks and open spaces. The public are expected to comply with the responsibilities set out in the Code when exercising their rights in Parks and open spaces. In the event that any person, group or organisation fails to comply with these responsibilities the Council reserves the right to refuse them admission to the Parks or open spaces.

3. OPENING/CLOSING TIMES

The Park, or any part thereof, may be closed as and when the Proper Officer considers closure necessary or expedient. Where the Park or any part thereof, is closed then the reasons for the closure will be given or advertised by Notice. No person shall enter or wilfully remain within the said Park when said Park is closed to the general public.

4. REFUSAL OF ADMISSION

- (a) The Council may for any special purpose, use the Park or any part thereof, or may grant the use of it, or any part thereof, to any persons for such a period as the Council considers fit.
- (b) On occasions the Council or the relevant Authority may exercise their power under Section 11 of the Act to exempt a Park, or any part thereof, by order from the access rights which would otherwise be exercisable. No unauthorised persons shall enter a Park or exercise their access rights in terms of the Act or the Code or remain in the Park or any part thereof when it is exempted from access rights by virtue of an Order under Section 11. The use of such an Order will be limited to instances when it is deemed necessary for the proper order of an event or in the interests of public safety or security.

5. ACCESS AND EGRESS

No persons shall enter or leave the Park except by the gates or other designated points.

6. ANIMALS

Subject to the following and the provisions contained in the Act and the Code, no person shall bring any animal into the Park in contravention of the Act or the Code, unless this has previously been agreed with the Council.

7. DOGS

It will be permissible to bring a dog into the Park provided that the person walking the dog keeps it under proper close control or on a short lead in recreation areas or other public places to avoid causing concern to others. Guide dogs are at all times permitted.

8. VEHICLES

No person shall, at any time, except with the consent of the Proper Officer, drive, wheel, or cause to be driven any vehicle or mechanised machinery in the Park. This does not apply to a motorised vehicle which has been constructed or adapted for use by a person with a disability and which is being used by that person. Without prejudice to the foregoing generality the use of motorised vehicles such as mini-motorbikes, quad-bikes is expressly prohibited.

This Rule will not apply to Council employees acting properly in the course of their duties.

9. SWIMMING, BATHING AND WADING IN AREAS WITHIN PARKS AND OPEN SPACES

The Act and the Code specifically provide a right for the public to bathe, swim and wade in any lake, loch, pond, pool, river, canal or stream. Open water within Parks and open spaces can be dangerous and any exercise of such rights and activities should be approached with extreme caution and regard should be given to the guidance given in the Code.

10. PROHIBITED ACTIVITIES

Annex 1 of the Code gives a general overview of activities in terms of the Act that are prohibited by common law and statute and what access rights do not extend to however, without prejudice to those prohibited activities and restrictions on the access rights:-

- (a) No person shall foul or pollute any water by throwing, placing or depositing in any water any object or any substance of any description capable of causing fouling or pollution.
- (b) No person shall take, injure, destroy or disturb any fish in any water or ill-treat birds within the Park.
- (c) No person shall displace or disturb, injure or destroy any birds' nest or take, injure or destroy any birds' eggs.
- (d) No person shall take, injure or destroy any bird or attempt to do so by means of any net, set, snare or any other instrument.

11. (a) No person shall remove, deface, injure or destroy any board, plate, tablet, bill, placard or notice.
 - (b) No person shall remove, deface, injure, soil or defile any building, artefact or furniture in the Park or any wall or fence enclosing the Park.
 - (c) No person shall pick, damage or destroy flowers, wild plants or other growing material within the Park.
12. (a) No person shall walk upon any grass, lawn or planted area on which a notice is placed requiring persons not to go thereon.
 - (b) No person shall enter any building to which access to members of the public is excluded by Notice marked "Private" or "Closed" or otherwise.

This Rule does not apply to Council employees acting properly in the course of their duties.

13. (a) No person shall deliver or utter any speech, lecture or address or take part in any service, public discussion, procession, parade, demonstration, and no person shall have the exclusive use of Park for any period for other public assembly except by agreement with the Council or with the special permission of the Proper Officer. This rule does not apply to agreed educational, recreational or commercial activities.
 - (b) No person shall distribute any bill, placard, notice or other printed paper or document or place upon or affix to any of the buildings, notice boards, trees, walls or railings of the Park, any bill, placard, notice or document.
 - (c) No person shall solicit or collect money, gifts or subscription or sell any item of any description whatsoever in the Park, without the special permission of the Proper Officer.
14. (a) No person shall consume alcoholic liquor, as defined in the Licensing (Scotland) Act 1976, in the Park in accordance with the West Dunbartonshire Council Byelaws Prohibiting Consumption of Alcoholic Liquor in Designated Public Places (1997).
 - (b) No person shall commit any nuisance in the Park or cause any obstruction or annoyance to, any person using the Park.
15. (a) No person shall throw or discharge any weapon, stone or other missile in the Park to the damage or danger of any person or property.

- (b) No person shall set off or discharge any firework or light any fire in the Park except by agreement with the Council or with the special permission of the Proper Officer.
- (c) No person shall fly any model aircraft or radio controlled device in the Park, except in areas specifically designated for that purpose by the Council or by agreement with the Council or with the special permission of the Proper Officer.

16. MUSIC

- (a) No person in any Park shall play any musical instrument or give or take part in any performance or exhibition to the annoyance of others except by agreement with the Council or with the special permission of the Proper Officer.
- (b) No person shall play any radio, cd player, tape recorder, radio cassette, portable television or any other instrument or similar equipment to the annoyance of other persons using the Park and any such person shall comply with instructions from the Proper Officer to lower the volume or to cease to play such radios etc.

17. CAMPING

The Council recognises the public's statutory right of access and wild camping under the Act, however, in the interest of the land management and public safety, it is deemed to be justified that camping in the grounds of Balloch Castle Country Park, Moss 'o' Balloch and the open space area lying between the River Leven and the Lomond Shores development shall be prohibited unless the prior written consent of the Proper Officer has been obtained.

18. GAMES

No person playing or taking part in any game or sport for which exclusive use of any space in the Park has been set apart shall:-

- (a) Play on that space any game other than that for which it is set.
- (b) Cause undue interference with the use of the Park by other persons.
- (c) When the space is already occupied by other players, encroach on or begin to play thereon without their permission.
- (d) When the exclusive use of the space has been granted by the Council or the Proper Officer for the playing of a match, play on or use of that space will be prohibited for a period of twenty-four hours prior to the match taking place.

- (e) Except where the exclusive use of the space has been granted by the Council for the playing of a match in which he/she is taking part, use the space for a longer period than two hours continuously, if any other player or players make known to him a wish to use the space.
- 19.** No person shall play or practise the playing of any sport in the Park which is prohibited by way of Notice. Golf practice is strictly prohibited in ALL Parks and open spaces.
- 20.** No person shall play or practise the playing of any game or sport in the Park in such a manner as to disturb, annoy, interfere with or endanger other persons in the proper use and enjoyment of the Park. Notwithstanding the foregoing, the Council or the Proper Officer may set apart a space or spaces for the purpose of any specified games or sports to the exclusion of persons other than the players and grant exclusive use by means of a prior booking of the space or spaces or any part or parts thereof.
- 21.** Swings, gymnastic or playing appliances are solely for the use of children under 14 years of age. In addition, no person shall use any swing or gymnastic or playing appliance in contravention of any Notices indicating the age of the persons by whom the swing or gymnastic or playing appliance may be used.
- 22.** No person shall interfere with or prevent the carrying on of any work in the Park by persons authorised so to do.
- 23. CONTRAVENTION OF THE RULES**
- The Council or the Proper Officer may direct that some or all of the Management Rules will not apply to certain persons during a specified period. Any such direction, which must be in writing, must be exhibited to the Proper Officer or any Police Officer upon demand.
- 24.** The Proper Officer may, if he has reasonable grounds for believing that a person has contravened or is about to contravene any of these Management Rules, expel that person and/or exclude that person from the Park.
- 25.** Any person who on being required to leave any Park by the Proper Officer (who has reasonable grounds for believing that the person has contravened or is about to contravene any Management Rule applying to the Park), fails to leave, or having been excluded from the Park, re-enters or attempts to re-enter the Park, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 of the standard scale. Similarly, any person subject to an Exclusion Order under Section 117 of the Civic Government (Scotland) Act 1982, who enters or attempts to enter the Park to which the Exclusion Order relates, shall be guilty of an offence and liable as above.

26. Every person entering the Park shall comply with any reasonable direction or request of the Council or their employees for the maintenance of order and regularity and for carrying these Management Rules into effect. Nothing in the foregoing Management Rules shall limit the powers of a Police Officer nor limit or interfere with the common law powers of the Council as owners or lessees of a Park.

Date:

Signed by

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