



**Glasgow City Council**

**Executive Committee**

**Report by Executive Director of Land and Environmental Services**

**Contact: Brian Devlin**

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**Item 7**

**12th December 2013**

**REVIEW OF PARKS MANAGEMENT RULES REGULATING PUBLIC PARKS,  
GARDENS, OPEN SPACES AND PLACES OF PUBLIC RESORT OR  
RECREATION**

**Purpose of Report:**

Following on from the Sustainability and the Environment Policy Development Committee referral of the 27 November 2013, this report seeks approval from Executive for the proposed amendments to the Parks Management Rules and the associated consultation programme.

**Recommendations:**

It is recommended that Committee:-

- i) agrees the revision of the Parks Management Rules;
- ii) agrees the consultation programme;
- iii) notes the signage intended to be erected in parks.

Ward No(s):

Citywide:

Local member(s) advised: Yes  No  consulted: Yes  No

## **1. Background**

- 1.1 The Civic Government (Scotland) Act 1982 confers upon the Council the power to make management rules for the regulation of public parks, gardens, open spaces and places of public resort or recreation under the management or control of the Council. Such rules can regulate the conduct of persons while in said parks, gardens, open spaces and places of public resort or recreation.
- 1.2 The aims and objectives of the Parks Management Rules (the Rules) are to make the City's parks, gardens therein, and open spaces safe and protected environments in order that the citizens of Glasgow can enjoy the facilities.
- 1.3 Unofficial events that resulted in disorder in Kelvingrove Park on the day of the Royal Wedding on 30 April 2011 highlighted the need to address unauthorised use of parks by groups, often organised through social networking media such as Facebook or Twitter.
- 1.4 Since the last review of the Rules, the Council has embarked on a programme of creating Arms Length External Organisations (ALEOs) and it is considered that the Rules should reflect the fact that employees of the Council family may be working in parks and should, therefore, be in a position to enforce management rules.

## **2. Action**

- 2.1 Discussions have taken place with Police Scotland to develop a protocol for enforcing the Rules. Police Officers have the power of arrest, but an offence needs to be committed before they can act and remove people from the park. This protocol will allow any Authorised Officer of Glasgow City Council (including Arms Length Organisations) to work in partnership with Police Scotland to enforce the Rules. This protocol has not yet been finalised, but this process can run in conjunction with the consultation process for the revised Rules.
- 2.2 Consultation has taken place with Community Safety Glasgow in terms of their officers being authorised to enforce the Rules.
- 2.3 Dialogue has also taken place to ensure that the revised Rules are adequate to control trading and commercial activity within parks.
- 2.4 New definitions have been included in the Rules to clarify the terms 'unauthorised gathering' and 'anti social behaviour', making it easier to enforce breaches of the Rules.

- 2.5 An amendment has been made to the definition of 'Authorised Officer of the Council' to include:
- 'any employee of the Council or any of its Arms Length External Organisations (ALEOs) or any organisation that has undertaken to carry out any service relating to any aspect of these Rules under any contractual arrangement or Service Level Agreement'.
- 2.6 As revisions of the Rules can last for 10 years, the opportunity has been taken to review the language used in the Rules and to make them easier to read and understand.
- 2.7 It has been ensured that the Rules are consistent with the requirements of the Scottish Outdoor Access Code, which is the guidance on the Land reform (Scotland) Act 2003.
- 2.8 The revised Rules are attached as Appendix 1.

### **3. Consultation Programme**

- 3.1 Section 112 of the Civic Government (Scotland) Act 1982 sets out the process for consultation on the Rules.
- 3.1.1 At least one month before making park management rules the local authority must advertise the proposed rules in a local news paper stating:
- a. The intention to make rules;
  - b. The general purpose of the rules;
  - c. The place where the proposed rules may be inspected;
  - d. The fact and time by which objections must be made;
  - e. An address for objections;
  - f. Make the proposed rules available for inspection without any charge.
- 3.1.2 In practice this means that before the intention to make Rules is advertised in the newspaper, the rules should be in a form the Council will agree to. They should be in the proposed final form, and should be approved by the Executive Committee prior to undertaking consultation (notwithstanding that they may require to be changed and will require final approval). The Rules will go to the Executive Committee for final approval.
- 3.1.3 Any person within one month after notice has been given may write in objection to the rules but must state a reason for the objection at the same time.

3.1.4 The Council shall take into account any objections received within the time limit and shall give any objector an opportunity to be heard. Any person has an opportunity to be heard once an objection is lodged. This means objectors must be able to address the committee.

3.1.5 It is intended that any objectors make representation to the Sustainability and the Environment Policy Development Committee to allow that Committee to take a view on what should be included within the Rules, taking into account the outcome of the public consultation process.

3.1.6 Thereafter the Council (Executive Committee) will be asked to approve the Rules.

3.2 The proposed communications and approvals timetable is set out below.

<b>ACTION</b>	<b>TIMESCALE</b>
Initial report to Sustainability and the Environment Committee	27 November 2013
Initial report to Executive Committee	12 December 2013
Place advert in newspaper Consultation on Glasgow City Council website Information to Community Councils	13 January 2014
Community Council Discussion Forum	Mid February 2014 (date to be confirmed)
Consultation closes	14 February 2014
Report to Sustainability and the Environment Committee on consultation outcomes and allow any objectors to address committee	30 April 2014
Seek approval from Executive Committee	12 June 2014
Rules to be signed by Chief Executive	June 2014

#### **4. Signage**

4.1 It is intended to erect new signage in parks to support the revised Rules. It is not intended that this signage should replicate the Rules in their entirety, but that it should give a graphical representation of the most important issues, and direct parks users to where they can access the full Rules if required.

4.2 Draft signage is attached as Appendix 2.

## 5. Conclusion

- 5.1 The Parks Management Rules are an essential tool for managing the use of the Council's parks and open spaces.
- 5.2 Revisions have been undertaken, after consultation with stakeholders, to control occurrences like spontaneous unauthorised gatherings and occupations and to allow a wider description of those who are authorised to enforce the Rules.

## 6. Council Strategic Plan Implications

*Economic Impact:* Parks Management Rules and resulting well managed parks provide a structure and context for Glasgow's events programme which makes a consistently positive economic impact on the city.

*Sustainability:* None

*Financial:* The cost of signage is within existing financial provision.

*Legal:* The revised Rules widen the scope of officers who can be authorised to enforce the Rules, and allow for more effective enforcement of the Rules.

*Personnel:* Enforcement duties can be carried out by employees of ALEOs in addition to Council Officers.

*Sustainable Procurement and Article 19:* None

## 7. Recommendations

- 7.1 It is recommended that Committee:
- i) agrees the revision of the Parks Management Rules;
  - ii) agrees the consultation programme; and
  - iii) notes the signage intended to be erected in parks.

**BRIAN DEVLIN  
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LAND & ENVIRONMENTAL SERVICES  
12 DECEMBER 2013**