

ANGUS COUNCIL

COMMUNITIES COMMITTEE – 24 NOVEMBER 2020

INTERIM MANAGEMENT RULES FOR KEPTIE PARK AND POND, ARBROATH

REPORT BY DIRECTOR OF COMMUNITIES

ABSTRACT

This report requests the Committee to consider Management Rules to regulate conduct within Keptie Park, Arbroath.

1. RECOMMENDATIONS

1.1 It is recommended that the Committee:

- (i) notes the attached proposed Interim Management Rules for Keptie Park and Pond (Appendix 1) ;
- (ii) authorises the Director of Communities with the Director of Legal and Democratic Services to make such further amendments to the proposed interim Management Rules as may be considered appropriate;
- (iii) authorises the Director of Communities with the Director of Legal and Democratic Services to initiate the necessary procedures for public consultations on the proposed interim Management Rules; and
- (iv) notes that a further report on the outcome of consultations will be submitted in due course to Full Council seeking a decision on the making of the proposed interim Management Rules.

2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN AND SINGLE OUTCOME AGREEMENT

2.1 This report contributes to the following local outcome contained within the Angus Community Learning and Development Plan:

PEOPLE

- Improved physical, mental and emotional health and wellbeing

PLACE

- Safe, secure, vibrant and sustainable communities
- An enhanced, protected and enjoyed natural and built environment

3. BACKGROUND

3.1 In 2000 boating was discontinued on Keptie Pond due to the lack of staff welfare facilities and financial burden on the council. In April 2005 Report No. 500/05 approved in principal works to address the ongoing problem of bank erosion and the fluctuating water levels subject to a period of public consultation. Later that same year Report No.1398/05 authorised the work. At that time, it was proposed that the pond should be managed from a sustainable perspective and promoted as a biodiversity asset. Improvements were carried out along the east side of the pond with the existing edging being stabilised and natural planting introduced. In addition, a new footpath was installed to allow a circular walk around the entire pond.

In September 2015 an ecological survey of the pond identified a healthy population of waterfowl including coot, grey heron, mallard duck, moorhen and mute swan. Fish species present included carp, roach, ghost coy and perch whilst aquatic plant life included a number of species now becoming established from these earlier planting schemes including water mint, marsh marigold, water forget me not and yellow iris. The report made several recommendations to improve the water quality including reducing pollutants improving aeration, removal of algae and raising water levels.

Whilst the Council's Parks Service has carried out work to reduce pond contamination local volunteers have been instrumental in the implementation of the report's main recommendations. Keptie Friends have successfully undertaken numerous projects supported by The Council and the common good fund including the installation of a new borehole and circulation system to help maintain water levels and increase aeration, regular clean-ups to remove litter, algae and invasive weeds from both the pond and surrounds and wildflower planting within the park to improve biodiversity. They have arranged several community engagement events to attract new members and increase their range of activities. The water in the pond is now at a sustainable level, the quality and clarity of the water continues to improve, and planting schemes are now becoming established in and around the pond increasing biodiversity and attracting new species of wildlife.

4. CURRENT POSITION

- 4.1 Section 112 of the Civic Government (Scotland) Act 1982 ("the 1982 Act") gives local authorities the power to make management rules to regulate (a) the use of; and (b) the conduct of persons while in or on, any land or premises owned, occupied or managed by the local authority or otherwise under its control and to which the public have access whether on payment or not.

The Land Reform (Scotland) Act 2003 ("the 2003 Act") established statutory access rights for everyone to land and water for recreational purposes whatever their age or ability. The Act also places an obligation on landowners in managing the land to respect these rights.

The 2003 Act and the Scottish Outdoor Access Code introduced in 2005 outline the responsibilities of those exercising these rights and on those managing the land or water. Local Authorities have a statutory duty to uphold access rights and may raise legal proceedings but offences under the 2003 Act are very limited. Whilst legal offences exist for many types of irresponsible behaviour failure to comply with the code is not in itself an offence however anyone exercising these rights must do so responsibly. In making these management rules the Council is seeking to regulate any form of irresponsible behaviour. The 1982 Act allows an authorised officer of a local authority to expel or exclude a person contravening a management rule and failure to comply is an offence.

- 4.2 Management rules covering Libraries, Museums, Theatres, Country Parks, Public Parks, Recreation Grounds and Leisure Facilities are currently under review and will be brought to Full Council for approval separately.
- 4.3 Copies of the proposed Interim Management Rules for Keptie Park are appended. It is proposed that these Rules will be incorporated into the overall Management Rules for Communities when these have been revised.
- 4.4 The procedure to be followed for the introduction or review of Management Rules is laid down in the 1982 Act and is briefly as follows: -
- (i) before making management rules, a local authority must give at least one month's notice of its intention to do so by public advertisement. The notice must state the general purpose of the rules, the place where the public may inspect copies of the proposed rules free of charge and the procedure and time for making objections.
 - (ii) in order to object, a person must notify the local authority and state the grounds of his objection in writing.
 - (iii) any objections timeously received must be considered by the local authority before making the Management Rules and an objector must be given an opportunity to be heard.

- (iv). following the consultation process the Management Rules come into force on the date of their execution and must be reviewed every ten years.

5. RISKS

There are no significant risks associated with this report.

6. FINANCIAL IMPLICATIONS

There are no significant financial implications for the Council arising from this exercise. The cost of advertising the consultation process and the cost of producing and displaying copies of the Management Rules can be met from existing revenue budgets.

7. CONSULTATION

The Chief Executive, Director of Finance and Director of Legal and Democratic Services have been consulted in the preparation of this report.

8. EQUALITIES

The issues dealt with in this report have been the subject of consideration from an equalities perspective.

NOTE: The background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) which were relied on to any material extent in preparing the above report are:

- Report No. 500/05
- Report No. 1398/05

REPORT AUTHOR: Stewart Ball, Director of Communities
EMAIL: BallSL@angus.gov.uk

List of Appendices:

Appendix 1 – Proposed Interim Management Rules