

ANGUS COUNCIL

MANAGEMENT RULES FOR KEPTIE PARK AND POND, ARBROATH

Angus Council in exercise of the powers conferred on it by Section 112 of the Civic Government (Scotland) Act 1982 ("the Act") has made the following Management Rules, which shall apply to Keptie Park and Pond.

An Authorised Officer of Angus Council may require someone whom they reasonably believe has contravened, is contravening or appears about to contravene a rule, to leave the Park. Failure to leave is then an offence under Section 118 of the above Act and liable on summary conviction, to a fine not exceeding level one on the standard scale. Persistent contravention or attempted contravention of these rules may lead to exclusion from these areas by means of an order under Section 117 of the Act.

A copy of these Rules may be obtained from the Council's Director of Legal and Democratic Services, Angus House, Orchardbank Business Park, Forfar DD8 1AN

PART I DEFINITIONS

Definitions of terms used in these management rules

"Authorised Officer" means any Angus Council employee or any person authorised by the Council to enforce these rules.

"Council" means Angus Council as constituted by the Local Government etc (Scotland) Act 1994.

"Park" means those areas of land maintained by the Council and designated as parkland for the use and enjoyment of the general public at Keptie Park and Pond, Arbroath.

"Recreational and Managed Open Spaces" means landscaped areas provided for the amenity use of the general public including woodland and areas with no defined boundaries.

"Outdoor Sports Areas" means those areas specifically provided for the playing of organised sports.

"Play Areas" means any area specifically provided for children's play.

For the purposes of these rules "Park" means any of the above.

PART II ACCESS

Entrances and Exits from Parks

No person shall enter or leave the park except by the duly appointed gateways or other entrances.

Exclusion when Park is closed

No person shall enter or wilfully remain within the park when such park is closed to the public.

Hours of Opening

The hours when the park shall be opened and closed shall be such hours as may from time to time be determined by the Director of Communities ("the Director").

Refusal of Admission

The Council reserves the right in respect of the park to refuse admission to any person, group, body or organisation and its decision to do so shall be final. The Land Reform (Scotland) Act 2003 ("the

2003 Act”) gives the public the right of responsible access to parks and people are expected to comply with the responsibilities outlined in the Scottish Outdoor Access Code.

Under Section 11 of the 2003 Act, the Council may by order exempt any park or part of a park for a particular purpose specified in the order from the access rights which would otherwise be exercisable during such times as may be specified by the order. In general, such exemptions will be limited to allowing a charge to be levied for admission to a particular event; in the interests of safety and security; and for ensuring the protection of privacy.

Unauthorised Areas

No unauthorised person in the park shall be permitted to enter areas marked “Staff Only” or “Authorised Personnel Only” or with other notices of restriction.

PART III

PROVISIONS AS TO BEHAVIOUR IN PARKS

No person whilst in the park shall:-

By disorderly or improper conduct, disturb, interrupt or wilfully intrude upon, or interfere with, the privacy of any other person in the proper use of any facilities.

Obstruct or cause to obstruct any gateways or other entry in such manner as to impede or restrict access to or from the park.

Pursue an activity, commit any nuisance or behave in any manner which causes annoyance to any other person.

Wilfully or carelessly obstruct, disturb or interrupt any employee or authorised contractor of the Council in the exercise of their duties or in the execution of any work associated therewith.

Wilfully or improperly interfere with any other person using the facilities provided by the Council or behave in such a manner as to endanger his/her own or the other person’s safety.

Disobey any lawful and reasonable instructions given by any employee or authorised contractor of the Council to ensure the safety and wellbeing of all or any persons using the park.

Wilfully or carelessly deface, disfigure, remove, tamper with or improperly damage any grassed area, tree, plant, wall, fence, railing, monument, fountain, statue, building and/or fitting and furnishings or any other structure, article or facility supplied by the Council for the use of the public in the park, Climb upon any tree, shrub, wall, fence or railing or upon any monument, fountain, statue, building or other structure not designed for climbing, enter any shrubbery or flower bed or enclosed plantation, or any land especially enclosed or any part of the park bearing notices of restriction, use any form of metal or mineral detecting equipment nor dig or otherwise interfere with any ground surface.

PART IV

CONTROL OF ANIMALS, VEHICLES AND AIRCRAFT FROM PARKS

Unless a notice is posted by the Council at the entrance to, or elsewhere in, the park indicating that dogs are not permitted in the park or any part thereof it shall be permissible to bring a dog into the park always provided that the owner or person in charge of any such dog shall keep the dog under close control or on a short lead and ensure that any excrement deposited by any dog under his/her control be picked up and removed from the park and the provisions of the Dog Fouling (Scotland) Act 2003 and any Act extending or amending the same shall apply.

Any person leading, exercising, training, riding or moving any animal in the park may do so as provided under the 2003 Act subject to that person complying with the responsibilities outlined in the Scottish Outdoor Access Code.

No person shall use, wheel, propel or drive or cause or allow to be used, wheeled, propelled or driven any vehicle except with the prior written consent of the Director other than on such roads or other parts of the park as are provided or designated for such purposes and during such hours as may be determined from time to time by the Director or in accordance with such Notices which may be erected in the park prohibiting or restricting said use.

Notwithstanding this rule, the Director may from time to time permit any vehicle to be used within the park for the purposes of participating in any event involving the use of such vehicles.

Any person in control of a vehicle on any road as aforesaid shall maintain proper control of the vehicle and ensure that the vehicle does not obstruct or impede or to be driven at such speed as shall cause or risk causing injury or damage to any person or other vehicle using the road.

The provisions contained in the foregoing management rule shall not apply to the use in the park of any wheelchair (including motorised) or similar vehicle drawn or propelled for the use by a child or invalid.

No person shall use or operate any motorised or mechanically propelled toy or model vehicle, aircraft or boat without the prior written consent of the Director.

No person shall release balloons, sky lanterns and/or associated items on or into land, air or water.

Any vehicle abandoned, unlawfully parked, parked out with designated parking areas or causing obstruction to persons, vehicles or employees or authorised contractors of the Council in the execution of their duties will be removed from the park or that part of the park where the obstruction has occurred as the case may be without notice or warning and the Director reserves the right to impose a charge for the removal of any such vehicle upon the owner or any person or persons in control of the vehicle.

No person shall make use of the park as a take-off point or landing ground for aircraft or hot air balloons, except in an emergency, without the prior written consent of the Director.

PART V

PROTECTION OF AREAS OF WATER, FISH, ETC

No person shall swim or wade in ornamental ponds or in water bodies specifically managed for horticulture or wildlife except with the prior written consent of the Director.

No person whilst in the park shall block, dam or obstruct or cause to block, dam or obstruct in any way any lake, loch, pool, river, or stream or any drain, No person whilst in the park shall take, catch, injure, destroy, disturb or interfere with any fish, amphibians or plants of whatever description in any lake, loch, pond, pool, river or stream, except with the prior written consent of the Director. Pond dipping for educational purposes does not require the prior written consent of the Director and anything taken should be returned.

No person shall carry out non-motorised water-based activities such as canoeing, rafting, rowing and sailing in ornamental ponds or in water bodies specifically managed for horticulture or wildlife except with the prior written consent of the Director.

In any park where yachts or boats are available for use or hire by the public or where written consent has been granted as aforesaid, no person shall remove without permission, or wilfully interfere with or obstruct the movement of any such yacht or boat.

No person in the park shall, other than in an emergency or for other good reason remove, damage, destroy, deface or otherwise interfere with any lifesaving equipment.

PART VI

PROTECTION OF ANIMALS, BIRDS, GAME ETC

No person whilst in the park shall:-

Wilfully or negligently displace, disturb, ill-treat, injure, take, destroy or attempt to displace, disturb, ill-treat, injure or destroy any animal, bird, nest or egg.

Set or use or attempt to set or use any net, snare, trap, line, firearm, instrument, weapon or other means for the taking, injury or destruction of any animal, bird or game.

Nothing in these management rules, however shall (a) affect the right of the Director to take such steps as the Scottish Ministers may require in the exercise of their powers under Section 39 of the Agriculture (Scotland) Act 1948 and any Act extending or amending the same for the killing, taking or destruction in any park of any animal or bird to which the said Section applies.

PART VII

REGULATION OF GAMES, ETC

No person shall erect in the park, without the prior written consent of the Director, any post, rail, fence, building, platform, pole, peg, tent, booth, screen, stand, swing or other structure of whatever description whether fixed to the ground, freestanding or moveable.

No person shall recruit, drill or practice military or similar operations in the park without the prior written consent of the Director.

Where any notice is exhibited in the park prohibiting the playing of any game or any sport in that park, then no person shall play or practice any game or sport in contravention of the notice except with the prior written consent of the Director.

Where the playing or practising of any game or sport is permitted in the park, it shall be pursued in such a manner so as not to disturb or annoy or interfere with or cause injury to other persons in the proper use and enjoyment of the park.

Except with the prior written consent of the Director and then only at such part of the park as is designated from time to time by the Director for the purpose, no person shall in the park play or practice any organised game or sport.

No person shall leave overnight on or within the park, any apparatus or equipment except with the prior written consent of the Director.

No person shall fly or permit to be flown in, from or to the park, any aircraft whether registered or not or power-driven model, except upon the written consent of the Director.

No person shall use any metal detectors in the park except with the prior written consent of the Director.

No person shall use any swing, gymnastic or play apparatus in the park other than for its intended purpose and only for the numbers of persons and age groups for which the equipment has been designed.

All persons must act responsibly in regard to others including younger users when using play areas, paddling pools and sports areas.

PART VIII

CONTROL OF TRADING

No person whilst in the park shall, except with the prior written consent of the Director;-

Sell or offer or expose for sale or deal in any commodity or article;

Carry out any market research, survey or any other activity of a similar kind;

Let or hire or offer or expose for let or hire any commodity, article or thing;

Pursue any trading vocation;

Beg for or solicit money or goods.

PART IX

EVENTS AND PUBLIC MEETINGS

No person whilst in the park shall hold or cause to be held or take part in any public speech, lecture, pronouncement, religious service or public meeting, assembly, procession or demonstration without the prior written consent of the Director

No person in the park shall operate any amplified sound apparatus, sing or play any musical instrument in such a manner or to such a degree as may cause annoyance to other persons within the park.

No person shall in the park solicit or collect money, gifts or subscriptions for any purpose whatsoever except with the prior written consent of the Director.

No person shall give or take part in or attempt to give or take part in any performance or exhibition of whatever nature in the park except with the prior written consent of the Director.

No person in the park shall distribute or exhibit or affix to any wall, tree, fence or any other surface any hand bill, tract, advertising material or any written or printed paper or document, except with the prior written consent of the Director.

PART X

PREVENTION OF DANGER, NUISANCE ETC

No person shall bring into, deposit or leave or cause to be brought into or to be deposited or left in the park:-

(i) Any substance or article likely to cause injury or damage to any person or property; or (ii) any substance or article which might occasion risk of any kind to any person finding or handling same. No person shall deposit or leave or cause to be deposited or left in the park any form of litter anywhere other than in fixed containers specifically provided for the disposal of litter and dog excrement.

No person shall light a fire, set off fireworks, burn or do anything which might cause to be set on fire or burned in the park any paper, rubbish, refuse, fuel or other substance.

Except where a proper licence has been granted in terms of the Licensing (Scotland) Act 2005 and any Act extending or amending the same, no person shall sell or supply or cause to be sold or supplied within the park any alcohol or alcoholic drink (as defined in the aforementioned Act).

No person who, in the opinion of any authorised officer of the Council, is under the influence of alcohol, drugs or solvents shall enter or remain in the park or buildings therein.

No person shall smoke in any playground or other place in the park in contravention of a notice prohibiting smoking.

PART XI

RIGHT TO LEVY CHARGES AND CONDITIONS OF HIRE ETC

The Director reserves the right to levy a charge or charges for the use (hereinafter referred to as “the hire”) of the park or part thereof or any building therein or for any facilities or services provided in the park or building therein (hereinafter referred to as “the hired facilities”) and the Director shall have the right to alter such charges without notice. The exemption thus required from the access rights under the Code will be subject to an order under Section 11 of the 2003 Act.

Any person, organisation or body hiring the hired facilities shall hereinafter be referred to as “the hirer”.

All tickets or documentation issued in respect of any hire shall be retained by the hirer for inspection or surrender as required.

The Director may, upon request by the hirer in writing authorise the hirer of any hired facilities to impose a charge or charges for the attendance of spectators at any event to be held in or in connection with the hired facilities and any person obtaining a ticket or other documentation issued in respect of any such event shall retain said ticket and display it on demand for inspection by any employee of the Council or other person authorised for the purpose.

Where the Council operates an advance booking system for the hire of any hired facilities, the hirer shall be required to observe all rules and regulations applicable to the hire as are provided by the Director from time to time.

Any hirer who fails for any reason to honour any advance booking will be rendered an account by the Director if the hire cannot be reallocated within the time available at no loss to the Council, which charge shall include any additional administrative charges incurred. On good cause being shown by the hirer, the Director reserves the right to waive the charge for any cancelled hire.

The charge imposed for any hire shall include the whole time required to prepare, construct and dismantle equipment in, upon or in connection with the hired facilities.

The hirer must vacate the hired facilities by the end of the hire.

The Director reserves the right to agree to the hire of the hired facilities for the exclusive use of the hirer during and outwith normal opening hours.

In the case of any hire, the Director reserves the right to require the hirer to provide such details relating to the organisation of any event which is the purpose of the hire, including details of all admission charges and any ancillary charges and on the basis of such information the Director may cancel the hire, always provided that any such cancellation is notified to the hirer in writing within fourteen days from the date when the details hereinbefore referred to were supplied by the hirer.

In the case of the hire of any hired facilities for the playing of any organised sport or game, in the interests of safety and proper conduct within or in connection with the use of the hired facilities, any person or persons participating in any such organised game or sport shall abide by such rules and regulations as are laid down by the respective associations, governing bodies or societies pertaining to the sport or game being played in the course of the hire.

The hirer shall be solely responsible for the good conduct, control and safety of those persons using the hired facilities and shall indemnify the Council against any claims for loss, injury or damage arising from the hire.

The hirer shall be responsible to the Council for reimbursing the cost of any damage to the hired facilities, fair wear and tear excepted, arising from the hire

PART XII

MISCELLANEOUS AND GENERAL

No person shall take photographs, including wedding party photographs, film or make video or sound recordings for commercial or promotional purposes in the park or building therein without having obtained prior written permission from the Director. The Director reserves the right to levy a charge for any of the foregoing activities and to require any party undertaking such activity to sign and return to the Department any form of indemnity as may be required.

Car parking facilities provided by the Council for the convenience of any visitor to the park or building therein shall be available only during such times as the park and buildings are open and being used by such visitor. The Council reserves the right to impose a charge for such parking.

The Council shall not be held responsible for any loss or damage to any vehicle (as defined in Rule 1 hereof) or any other property left in the car parking facilities, or in any vehicle.

The Council shall not be held responsible for loss or damage to any property in the park or buildings therein or while using any services or facilities in the park. Further, the Council shall not be held responsible for any loss, injury or damage suffered by any person in the park where such loss, injury or damage was occasioned by conduct on the part of any person in contravention of these management rules or by failure to take proper and reasonable care whether on the part of the person who suffered such loss, injury or damage or such other person who was at the relevant time responsible for that person.

PART XIII

POWERS OF ENFORCEMENT AND OFFENCES

In terms of Section 116 of the 1982 Act any authorised officer of the Council may:-

(a) if he/she has reasonable grounds for believing that a person has contravened, is contravening or is about to contravene any of the foregoing management rules, expel that person from the park; or (b) if he/she has reasonable grounds for believing that a person is about to contravene any of the foregoing management rules, exclude that person from the park.

A person who persistently contravenes or attempts to contravene the foregoing management rules and is, in the opinion of the Council, likely to contravene them again, shall be liable to be made the subject of an exclusion order by the Council for a period not exceeding one year in terms of Section 117 of the 1982 Act.

The Council shall from time to time appoint such officers or employees as they shall think fit to act as rangers for the purpose of enforcing or securing compliance with these management rules.

In terms of Section 118 of the 1982 Act, any person who:-

(a) on being required to leave the park by an authorised officer of the Council who has reasonable grounds for believing that the person has contravened, is contravening or is about to contravene any of the foregoing management rules, fails to leave; or (b) on being informed by an authorised officer who has reasonable grounds for believing that a person is about to contravene any of the foregoing management rules that he is excluded from the Park, enters or attempts to enter the park; or (c) being a person subject to an exclusion order under Section 117 of the 1982 Act, enters or attempts to enter the park to which the exclusion order relates shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding Level 1 on the standard scale.

The foregoing management rules shall not apply to an employee or authorised officer or contractor of the Council while acting within the scope of their employment within any park or building therein.

The Council may, from time to time, add to or revoke or amend any of the foregoing management rules.

The foregoing management rules shall come into force on the date of their execution.

The foregoing management rules are executed by me, _____ of the said Council on the
day of Two thousand and _____ .