

**ANGUS COUNCIL**

**COMMUNITIES COMMITTEE – 22 NOVEMBER 2022**

**MANAGEMENT RULES FOR PARKS AND RULES AND REGULATIONS FOR BURIAL GROUNDS**

**REPORT BY DIRECTOR OF INFRASTRUCTURE & ENVIRONMENT**

**ABSTRACT**

This report requests the Committee approve updated Management Rules for Parks and the Burial Grounds Rules and Regulations.

**1. RECOMMENDATIONS**

It is recommended that the Committee:

- (i) Authorise the implementation of the attached Parks Management Rules and Burial Ground Regulations (Appendices 1 and 2);
- (ii) Instruct the Director of Legal and Democratic Services to formally execute the Management Rules and Burial Ground Regulations by signing on behalf of Angus Council; and
- (iii) Note that the revised Management Rules and Burial Ground Regulations will come into force on the date of their execution.

**2. ALIGNMENT TO THE ANGUS COUNCIL PLAN**

Delivery of the projects will contribute to the following priorities in the Council Plan:

**Economy:** We want Angus to be a 'go-to' area for business

- support business and economic growth by improving the physical and digital infrastructure

**People:** We want to maximise inclusion and reduce inequalities

- work collaboratively for and with our citizens to keep them safe in resilient communities
- reduce social isolation and loneliness

**Place:** We want our communities to be strong, resilient and led by citizens

- engage with citizens and communities to deliver the right services in the right place at the right time

**3. BACKGROUND**

- 3.1 Management rules should be reviewed every ten years to ensure they remain relative to current use and are in keeping with the requirements and demands of our communities. Our Management Rules for Parks apply to all Country Parks, Play Areas, Recreational Areas and Open Spaces owned or managed by The Council and were last updated in 2010. Our Burial Grounds Rules and Regulations apply to all burial grounds and churchyards owned or managed by The Council and were last updated in 2007.
- 3.2 Report [284/20](#) introduced interim Management Rules for Keptie Park and Pond until management rules could be implemented Angus wide. Following approval, the rules in Appendix 1 will apply across all parks.
- 3.3 Section 112 of the Civic Government (Scotland) Act 1982 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.
- 3.4 Report No [284/20](#) authorised the Director of Vibrant Communities & Sustainable Growth and the Director of Legal and Democratic Services to carry out a public consultation exercise with the view to updating the Management Rules that have been in place since 2010.

3.5 Report No [284/20](#) also highlighted the impact of The Land Reform (Scotland) Act 2003 and Scottish Outdoor Access Code introduced in 2005 in establishing statutory access rights to land and water for recreational purposes. Under the terms of the Act a local authority can introduce byelaws over any land on which the access rights can be exercised to keep order, prevent damage, nuisance, or danger and for the conservation or enhancement of natural heritage. In doing so the authority must follow agreed procedure in regard to publication and consultation. In updating these management rules, The Council is seeking to regulate any form of irresponsible behaviour.

#### **4. CURRENT POSITION**

##### **Reach of Consultation**

4.1 Across the consultation period (6 June to 1 August 2022) the public engagement phase was publicised using the Tell Me Scotland Portal and the Council's social media channels. Public Notices were displayed in parks & burial grounds across Angus and information was also shared directly by email with elected members, community councils and local community groups. The parks consultation attracted 2 representations and 7 comments, and the burial grounds attracted 2 comments. The consultation was also publicised via the "Have Your Say" section of the council's website which recorded 67 views on the parks consultation and 69 on burial grounds.

4.2 Respondents were given the opportunity to comment on the proposals. Appendix 3 Consultation Comments and Responses gives details of all comments received and responses issued in reply.

#### **5. PROPOSALS**

5.1 As detailed in the recommendations, it is proposed that both sets of management rules and regulations, shown in Appendices 1 and 2 are implemented.

5.2 It is proposed that the agreed management rules and regulations are made available from the council web site and that the rules are communicated in a format that is easily accessible.

5.3 The revised Management Rules for Parks maintains the objectives of previous versions in seeking to protect infrastructure, regulate behaviour and protect wildlife. Material additions include: -

- Part IV prohibiting the releasing of balloons and Chinese lanterns
- Part IV prohibiting the use of drones without prior permission
- Part V extended protection to areas of water and ponds
- Part VI extended protection of animals and birds
- Part VIII clarification on commercial trading
- Part IX clarification and guidance on events and public meetings
- Part XI guidance on charges and conditions of hire
- Part XIII powers of enforcement and offences

5.4 The revised Burial Grounds Rules and Regulations contain only minor amendments to the previous version. These are: -

- Section 8a has been amended to allow only headstones made of natural stone
- Section 8b now includes clearer details of information to be submitted with an application to erect a memorial and clarification on headstone foundations

## **6. FINANCIAL IMPLICATIONS**

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

## **7. CONSULTATION**

The Director of Finance, Director of Vibrant Communities & Sustainable Growth and Director of Democratic and Legal Services have been consulted in the preparation of this report.

## **8. EQUALITIES IMPACT ASSESSMENT**

The issues dealt with in this report have been the subject of consideration from an equalities perspective and a copy is attached to the Report.

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. [284/20](#)

**REPORT AUTHOR: Kevin Robertson, Acting Service Leader, Environmental Services**  
**EMAIL: [Communities@angus.gov.uk](mailto:Communities@angus.gov.uk)**

List of Appendices:

Appendix 1 - Parks Management Rules  
Appendix 2 - Burial Grounds Rules and Regulations  
Appendix 3 - Consultation Comments and Responses



## Equality Impact/Fairer Scotland Duty Assessment Form

### Angus Council Review of Parks Management Rules and Rules and Regulations for Burial Grounds

#### Step 2

Is this only a **screening** Equality Impact Assessment Yes/No

**(A)** If Yes, please choose from the following options **all** reasons why a full EIA/FSD is not required:

(i) It does not impact on people Yes/No

(ii) It is a percentage increase in fees which has no differential impact on protected characteristics Yes/No

(iii) It is for information only Yes/No

(iv) It is reflective e.g. of budget spend over a financial year Yes/No

(v) It is technical Yes/No

If you have answered yes to any of points above, please go to **Step 16**, and sign off the Assessment.

**(B)** If you have answered No to the above, please indicate the following:

Is this a full Equality Impact Assessment Yes/No

Is this a Fairer Scotland Duty Assessment Yes/No

If you have answered Yes to either or both of the above, continue with Step 3.

If your proposal is a **strategy** please ensure you complete Step 13 which is the Fairer Scotland Duty Assessment.

### Step 3

(i)Lead Directorate/Service: Infrastructure and Environment

(ii)Are there any **relevant** statutory requirements affecting this proposal? If so, please describe.

(iii)What is the aim of the proposal? Please give full details.

To regulate behaviour and conduct in our parks and burial grounds and to advise the public on rules and regulations governing their use.

(iv)Is it a new proposal?      Yes/No      Please indicate      OR

Is it a review of e.g. an existing budget saving, report, strategy, policy, service review, procedure or function?      Yes/No      Please indicate

### Step 4: Which people does your proposal involve or have consequences for?

Please indicate all which apply:

Employees                      Yes/No

Job Applicants                Yes/No

Service users                 Yes/No

Members of the public        Yes/No

**Step 5: List the evidence/data/research that has been used in this assessment (links to data sources, information etc which you may find useful are in the Guidance). This could include:**

**Internal data** (e.g. customer satisfaction surveys; equality monitoring data; customer complaints).

**Internal consultation** (e.g. with staff, trade unions and any other services affected).

**External data** (e.g. Census, equality reports, equality evidence finder, performance reports, research, available statistics)

**External consultation** (e.g. partner organisations, national organisations, community groups, other councils).

A full public consultation exercise was undertaken from 6 June to 1 August 2022 the public engagement phase was publicised using the Tell Me Scotland Portal and the Council's social media channels. Public Notices were displayed in parks & burial grounds across Angus and information was also shared directly by email with elected members, community councils and local community groups.

**Other** (general information as appropriate).

### **Step 6: Evidence Gaps.**

Are there any gaps in the equality information you currently hold?      Yes/No

If yes, please state what they are, and what measures you will take to obtain the evidence you need.

### **Step 7: Are there potential differential impacts on protected characteristic groups?**

Please complete for each group, including details of the potential impact on those affected. Please remember to take into account any particular impact resulting from **Covid-19**.

**Please state if there is a potentially positive, negative, neutral or unknown impact for each group. Please state the reason(s) why.**

Age

#### **Impact**

Neutral, there are no identified positive nor negative impacts to this group.

Disability

#### **Impact**

Neutral, there are no identified positive nor negative impacts to this group.

Gender reassignment

#### **Impact**

Neutral, there are no identified positive nor negative impacts to this group.

Marriage and Civil Partnership

**Impact**

Neutral, there are no identified positive nor negative impacts to this group.

Pregnancy/Maternity

**Impact**

Neutral, there are no identified positive nor negative impacts to this group.

Race - (includes Gypsy Travellers)

**Impact**

Neutral, there are no identified positive nor negative impacts to this group.

Religion or Belief

**Impact**

Neutral, there are no identified positive nor negative impacts to this group.

Sex

**Impact**

Neutral, there are no identified positive nor negative impacts to this group.

Sexual orientation

**Impact**

Neutral, there are no identified positive nor negative impacts to this group.

**Step 8: Consultation with any of the groups potentially affected**

If you have consulted with any group potentially affected, please give details of how this was done and what the results were.

A full public consultation was undertaken covering all groups.

If you have not consulted with any group potentially affected, how have you ensured that you can make an informed decision about mitigating action of any negative impact (Step 9)?

**Step 9: What mitigating steps will be taken to remove or reduce potentially negative impacts?**

**Step 10: If a potentially negative impact has been identified, please state below the justification.**

**Step 11: In what way does this proposal contribute to any or all of the public sector equality duty to:** eliminate unlawful discrimination; advance equality of opportunity; and foster good relations between people of different protected characteristics?

**Step 12: Is there any action which could be taken to advance equalities in relation to this proposal?**

### **Step 13: FAIRER SCOTLAND DUTY**

This step is only applicable to **strategies** which are key, high level decisions. If your proposal is **not** a strategy, please leave this Step blank, and go to Step 14.

Links to data sources, information etc which you may find useful are in the Guidance.

**Step 13(A) What evidence do you have about any socio-economic disadvantage/inequalities of outcome in relation to this strategic issue?**

**Step 13(B) Please state if there are any gaps in socio-economic evidence for this strategy and how you will take measures to gather the evidence you need.**

**Step 13(C) Are there any potential impacts this strategy may have specifically on the undernoted groupings?** Please remember to take into account any particular impact resulting from **Covid-19**.

**Please state if there is a potentially positive, negative, neutral or unknown impact for each grouping.**

**Low and/or No Wealth** (e.g. those with enough money to meet basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future.

#### **Impact**

**Material Deprivation** (i.e. those unable to access basic goods and services e.g. repair/replace broken electrical goods, warm home, leisure and hobbies).

#### **Impact**

**Area Deprivation** (i.e. where people live (e.g. rural areas), or where they work (e.g. accessibility of transport).

#### **Impact**



**Socio-economic Background** i.e. social class including parents' education, people's employment and income.

**Impact**

**Other** – please indicate

**Step 13(D) Please state below if there are measures which could be taken to reduce socio-economic disadvantage/inequalities of outcome.**

**Step 14: What arrangements will be put in place to monitor and review the Equality Impact/Fairer Scotland Duty Assessment?**

Our rules and regulations are constantly reviewed

**Step 15: Where will this Equality Impact/Fairer Scotland Duty Assessment be published?**

A supporting document as part of the Angus Council report to 22nd November 2022.

**Step 16: Sign off and Authorisation.** Please state name, post, and date for each:

Prepared by: Kevin Robertson, Acting Service Leader, Environmental Services, 21 October 2022

Reviewed by Doreen Phillips 21 October 2022

Approved by: Graeme Dailly, Director of Infrastructure & Environment, 21 October 2022

NB. There are several worked examples of separate EIA and FSD Assessments in the Guidance which may be of use to you.

---