

THE CITY OF GLASGOW DISTRICT COUNCIL

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

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

GLASGOW CITY COUNCIL (hereinafter referred to as “the Council”) by virtue of the powers conferred on it by Section 112 of the Civic Government (Scotland) Act 1982 (hereinafter referred to as “the 1982 Act”) and the City of Glasgow District Council Confirmation Order Act, 1988 (hereinafter referred to as “the 1988 Act”) hereby makes the following 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 and the conduct of persons while in said parks, gardens, open spaces and places of public resort or recreation.

PURPOSE OF THE MANAGEMENT RULES

The aims and objectives of these management rules are to make the City’s parks, gardens, open spaces and places of public resort and recreation, safe and protected environments in order to ensure the full use and enjoyment of them by the people of the City of Glasgow and visitors.

PART I INTERPRETATION

1 Definition of Terms used in these management rules

- (a) The provisions of the Interpretation Act 1978 shall apply to the interpretation of these management rules as they apply to the interpretation of an Act or Parliament.
- (b) In these management rules, unless the context requires otherwise, the following words and expressions shall have the meaning hereby assigned to them, viz:-

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| “the 2003 Act” | means the Land Reform (Scotland) Act 2003 and any Acts extending or amending the same, and any related guidance. |
| “Authorised Officer of the Council” | shall mean any employee of the Council as hereinafter defined who is duly authorised by the Council or the Director to carry out specific duties in relation to any park or building thereon or in terms of these management rules. |
| “Buildings” | shall include all pavilions, planthouses, conservatories, waiting rooms, refreshment rooms, shelters, old persons’ shelters or games rooms or lavatories situated within any park. |
| “the Code” | means the Scottish Outdoor Access Code and any guidance or regulations extending or amending the same. |
| “the Director” | means the Director at any time of Land Services of the Council or the appropriate Department with responsibility for the Parks in the City of Glasgow or his/her nominee or other duly authorised person. |
| “Employee of the Council” | means any person employed by the Council including park keepers and rangers. |

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| “Park” | means any land or premises which is owned, occupied or managed by the Council or is otherwise under the control of the Council and to which the public has access, whether on payment or not and which is used for the purposes of recreation, games, sports or amusements or as a public playground, gardens, open space or path network and all buildings, structures, works, appliances and servitudes, rights, powers and privileges connected therewith and without prejudice to the foregoing generality shall include the area known as and comprising George Square, Glasgow. |
| “Public Meeting or Assembly” | means a meeting or assembly of 20 or more persons. |
| “Notice” | means any notice issued by the Council and signed by or on behalf of the Director. |
| “Vehicle” | means a carriage or conveyance of whatever description whether motor, electrically, manually or steam driven, horsedrawn or otherwise excluding non-motorised cycles. |
| “Written Consent” | means consent in written form granted by the Director and signed and issued by him/her or on his/her behalf. Provided that where such written consent is so granted and issued it must be retained by the person to whom it was issued or by any person acting in accordance with such written consent and must be exhibited on demand to any employee of the Council or police constable. |

PART II ENTRANCE TO AND EXCLUSION FROM PARKS

- 2 Entry to and Exit from Parks**
No person shall enter or leave any park except by the duly appointed gateways or other entrances.
- 3 Exclusion when Park is Closed**
No person shall enter or wilfully remain within any park when such park is closed to the public.
- 4 Hours of Opening**
The hours when any park shall be opened and closed shall be such hours as may from time to time be determined by the Director.
- 5 Refusal of Admission**
The Council reserves the right in respect of any park to refuse admission to any person, group, body or organisation and its decision to do so shall be final. 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 Code.
- 6** 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.

7 Unauthorised Areas

- (a) No unauthorised person in any park shall be permitted to enter areas marked "Staff Only" or "Authorised Personnel Only" or with other notices of restriction.
- (b) Persons visiting any building in any park used wholly or partly as a winter garden, plant house or conservatory shall pass through the building in the direction indicated by the notices therein, and shall not cause any obstruction to other visitors or to employees of the Council. The Director may, by notice, prohibit the entry of any vehicle inside any such building. No person shall enter any propagating or forcing plant house or other house, or other yard or enclosure in any park which is marked "private" or "closed" or upon which is displayed such other notice as may prohibit entry or make some other restriction.

8 Excursion Parties

The Director reserves the right to exclude any excursion or other party entry to any park.

PART III PROVISIONS AS TO BEHAVIOUR IN PARKS**9** No person whilst in any park shall:-

- (a) 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.
- (b) obstruct or cause to obstruct any gateways or other entry in such manner as to impede or restrict access to or from the park.
- (c) commit any nuisance or behave in any way which causes annoyance to any other person.
- (d) enter or use any bath, toilet, shower, changing room or cubicle or use any of the facilities which have been reserved or appropriated by the Council for use by the opposite sex. However, nothing in this rule shall prevent a child under eight years of age using the facilities provided for the opposite sex whilst accompanied by an adult of that opposite sex.
- (e) use any profane or offensive language or behave in an offensive, disorderly or insulting manner.
- (f) 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.
- (g) 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.
- (h) disobey any lawful and reasonable instructions given by any employee or authorised contractor of the Council to ensure the safety and well being of all or any persons using the park.
- (i) wilfully or carelessly break, deface, disfigure, remove, tamper with or improperly damage any grassed area, tree, plant, shrub, 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 any park.
- (j) retain or remove any article supplied by the Council for the use of the public.
- (k) climb upon any tree, shrub, wall, fence or railing or upon any monument, fountain, statue, building or other structure not designed for climbing.
- (l) enter any shrubbery or flower bed or enclosed plantation, or any land especially enclosed or any part of the park bearing notices of restriction.
- (m) enter or remain in any glass house, conservatory or nursery in any park except when such glass house, conservatory or nursery is open to the public.

PART IV CONTROL/EXCLUSION OF ANIMALS, AIRCRAFT AND VEHICLES FROM PARKS

- 10** Unless a notice is posted by the Council at the entrance to, or elsewhere in, any park indicating that dogs are not permitted in the park or any part thereof it shall be permissible to bring a dog into any 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.
- 11** Any person leading, exercising, training, riding or moving any animal in any park may do so as provided under the 2003 Act subject to that person complying with the responsibilities outlined in the Code.
- 12** (a) No person shall use, wheel, propel or drive or cause or allow to be used, wheeled, propelled or driven any vehicle including a caravan except with the prior written consent of the Director other than on such roads or other parts of any 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 any park prohibiting or restricting said use.
- Notwithstanding this rule, the Director may from time to time permit any vehicle to be used within any park for the purposes of participating in any event involving the use of such vehicles.
- (b) 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.
- 13** The provisions contained in the foregoing management rule shall not apply to the use in any park of any perambulator, wheelchair (including motorised) or similar vehicle drawn or propelled for the use by a child or invalid and kept properly under control or to any ambulance, fire engine or police vehicle or to any hearse and attendant vehicles as may be permitted by the Director.
- 14** In any park a driver of any vehicle or rider of any horse, or other animal, which is normally ridden shall be bound to observe such statutes, enactments, rules and regulations for the time being in force or any amendment thereof or extension thereto for the regulation of driving or riding on public streets or roads and for the exhibition of lights on vehicles as are applicable to public streets or roads.
- 15** No person shall use, propel or drive any vehicle in any park at a irresponsible speed, unless directed by an authorised officer, and shall at all times give way to pedestrian users. Declaring that nothing in this management rule shall be in derogation of any enactment relating to the speed of vehicles.
- 16** Any vehicle abandoned, unlawfully parked, parked outwith 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.
- 17** No person shall make use of any park as an aerodrome or landing ground for aircraft, except in an emergency, without the prior written consent of the Director.

PART V PROTECTION OF AREAS OF WATER, FISH, ETC

- 18** (a) Access in any park for swimming or wading in any lake, loch, pond, pool, river, canal or stream, is permitted by the 2003 Act but open water can be dangerous and use should be in accordance with the Code. Signage may be erected to alert the public of potential danger. Swimming or wading shall not be allowed in ornamental ponds or in water bodies specifically managed for horticulture or wildlife.
- (b) No person whilst in any park shall block, dam or obstruct or cause to block, dam or obstruct in any way any lake, loch, pool, river, canal or stream or any drain, except with the prior written consent of the Director.
- (c) No person whilst in any 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.
- 19** (a) Access rights under the 2003 Act extend to non-motorised water based activities such as canoeing, rafting, rowing and sailing. Persons pursuing such activities on any lake, loch, pond, pool, river, canal or stream in any park must do so in a responsible manner. The Director may seek an order or orders to exempt certain water bodies from such use in accordance with Rule 6.
- (b) 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.
- 20** No person in any park shall, other than in an emergency or for other good reason remove, damage, destroy, deface or otherwise interfere with any life saving equipment.
- 21** No person shall go upon any ice formed over a body of water in any park unless a notice intimating that it is safe to do so is displayed at or near the place where the ice has formed.

PART VI PROTECTION OF ANIMALS, BIRDS, GAME ETC

- 22** No person whilst in any park shall:-
- (a) 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.
- (b) spread, set or use or attempt to spread, 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 Agricultural (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 or the eggs of such birds or (b) prevent the holding of properly controlled shows or exhibitions of domestic animals or pets duly authorised in writing by the Director or (c) affect the right of the Director or his authorised officers under Section 129 of the Civic Government (Scotland) Act 1982 to kill or injure dogs worrying livestock in any park.

PART VII REGULATION OF GAMES, ETC

- 23** No person shall erect in any park, without the prior written consent of the Director, any post, rail, fence, platform, pole, peg, tent, booth, screen, stand, swing or other structure of whatever description whether fixed to the ground, freestanding or moveable.
- 24** No person shall recruit, drill or practice military or similar operations in any park without the prior written consent of the Council.
- 25** (a) (i) Where any notice is exhibited in any 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.
- (ii) Where the playing or practising of any game or sport is permitted in any 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.
- (iii) Except with the prior written consent of the Director and then only at such part of any park as is designated from time to time by the Director for the purpose, no person shall in any park play or practice any organised game or sport.
- (iv) No person shall leave overnight on or within any park, any goal-post or other apparatus or equipment except with the prior written consent of the Director.
- (v) No person shall fly or permit to be flown in, from or to any park, any aircraft whether registered or not or power driven model, except upon the written consent of the Director.
- (vi) No person shall use any metal detectors in any park except with the prior written consent of the Director.
- 26** No person shall use any swing, gymnastic or play apparatus in any park in contravention of any notice exhibited in any park, indicating the maximum age or persons by whom the swing, gymnastic or play apparatus may be used.

Provided that where no such notice is erected, no person over the age of fourteen years shall use any such swing, gymnastic or play equipment.

PART VIII CONTROL OF TRADING

- 27** (a) No person whilst in any park shall, except with the prior written consent of the Director;-
- (i) sell or offer or expose for sale or deal in any commodity, article or thing;
- (ii) carry out any market research, survey or any other activity of a similar kind;
- (iii) let or hire or offer or expose for let or hire any commodity, article or thing;
- (iv) pursue any trading vocation;
- (v) beg for or solicit money or goods.

PART IX REGULATION OF MEETINGS, ETC

- 28** No person whilst in any park shall, without the prior written consent of the Director.
- (a) deliver or utter any public speech, pronouncement or lecture, or
 - (b) hold or cause to be held or take part in any lecture, pronouncement, religious service or public meeting, assembly, procession or demonstration.
- 29** No person in any park shall operate any record player, cassette, radio or television or similar apparatus, sing or play any musical instrument in such manner or to such a degree as may cause annoyance to other persons within the park.
- 30** No person shall in any park solicit or collect money, gifts or subscriptions for any purpose whatsoever except with the prior written consent of the Director.
- 31** No person shall give or take part in or attempt to give or take part in any performance or exhibition of whatever nature in any park except with the prior written consent of the Director.
- 32** No person in any 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

- 33** (a) No person shall bring into, deposit or leave or cause to be brought into or to be deposited or left in any 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.
- (b) No person shall deposit or leave or cause to be deposited or left in any park any material including paper, glass, earthenware, rubbish, soot, filth, refuse or other deleterious matter except with the prior written consent of the Director, unless in containers specifically provided for litter or dog excrement.
- 34** No person shall light a fire, burn or do anything which might cause to be set on fire or burned in any park any paper, rubbish, refuse, fuel or other substance, except with the prior written consent of the Director.
- 35** No person in any park shall hang linen, or other material, beat, shake, sweep, brush or cleanse any carpet, rug, mat or other article except with the prior written consent of the Director.
- 36** Except where a proper licence has been granted in terms of the Licensing (Scotland) Act 1976 and any Act extending or amending the same, no person shall sell or supply or cause to be sold or supplied within any park any alcoholic liquor (as defined in the aforementioned Act).
- 37** 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 any park or buildings therein.
- 38** No person shall in any park or building therein molest or importune any other person and no person shall importune any other person for the purpose of prostitution or loiter for that purpose in any park or building therein.

- 39 No person shall smoke in any playground or other place in any park in contravention of a notice prohibiting smoking.
- 40 No person shall in any park or building therein, organise or participate in any betting or gaming activity or any lottery, except with the written consent of the Director.

PART XI RIGHT TO LEVY CHARGES AND CONDITIONS OF HIRE ETC

- 41 The Director reserves the right to levy a charge or charges for the use (hereinafter referred to as "the hire") of any park or part thereof or any building therein or for any facilities or services provided in any 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 and referred to previously under Rule 6.

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

- 42 All tickets or documentation issued in respect of any hire shall be retained by the hirer for inspection or surrender as required.
- 43 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.
- 44 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.
- 45 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.
- 46 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.
- 47 The hirer must vacate the hired facilities by the end of the hire.
- 48 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.
- 49 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.

- 50** 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.
- 51** 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.
- 52** 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

- 53** No person shall take photographs, including wedding party photographs, film or make video or sound recordings for commercial or promotional purposes in any 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.
- 54** Car parking facilities provided by the Council for the convenience of any visitor to any 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.
- 55** 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.
- 56** The Council shall not be held responsible for loss or damage to any property in any park or buildings therein or while using any services or facilities in any park. Further, the Council shall not be held responsible for any loss, injury or damage suffered by any person in any 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

- 57** 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.
- 58** 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.

- 59** In terms of Section 14 of the 1988 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.
- 60** 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.
- 61** 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.
- 62** Nothing in these management rules shall interfere with the facilities to which the Universities and Colleges of Glasgow are entitled under Section 37(2) of the City of Glasgow Act 1891 for the teaching of botany in the Botanic Gardens.
- 63** The Council may, from time to time, add to or revoke or amend any of the foregoing management rules.
- 64** The foregoing management rules shall come into force on the date of their execution.

The foregoing management rules are sealed with the Common Seal of the City of Glasgow Council and executed by me, *George Black* of the said Council at Glasgow on the *Twenty Ninth* day of March Two thousand and Six.