Management Rules

Greenspace and Country Parks

**Management Rules – Greenspace and Country Parks**

North Lanarkshire Council (‘the Council’) in accordance with Section 112 of the Civic Government (Scotland) Act 1982, Land Reform (Scotland) Act 2003, Wildlife & Countryside Act 1981 and the Scottish Outdoor Access Code, hereby make the following Management Rules to regulate the use of and conduct of persons while in land or premises, owned or occupied or managed by the Council or otherwise under their control to which the public have access whether on payment or otherwise.

# Interpretation and General

* 1. Throughout these Management Rules:

a.‘**Chief Officer’** means the Chief Officer for the time being appointed by the Council or any duly designated officer of the Council representing them or acting on their behalf at any time and at any Facility or such other person appointed by the Council to perform this or an equivalent function.

b. **‘Notice’** means a Notice issued by or with authority of the Council and posted on, at or near the place to which it refers.

c. **‘Water Fittings’** includes pipes (other than mains), taps, water stop cocks, valves, ferrules, meters, cisterns, baths, sinks, water closets, soil pans and other similar apparatus used in connection with the supply and use of water.

d. **‘Waterworks’** includes springs, wells, pumps, reservoirs, cisterns, tanks, aqueducts, cuts, sluices, mains, pipes, culverts, engines and all machinery, lands, buildings and things for the supply of water or used for protecting sources of water supply or for other public purposes.

e. **‘Water Course’** includes all rivers, streams, lochs, ditches, drains, cuts, culverts, dykes, sluices and passages through which water flows.

f. **‘Country Park’** means the following parks or pleasure grounds in the Council’s countryside:

* + Strathclyde Country Park
  + Drumpellier Country Park
  + Palacerigg Country Park

g. **‘Facility’** means and includes any:

i. land; premises; open space; Country Park or small park which is owned, occupied or managed by the Council or is otherwise under their control and to which the public have access, whether on payment or not.

ii. landscaped areas, footways or car parks and other land associated with or used in conjunction with any other Facility as defined in these Management Rules.

* 1. Nothing in these Management Rules shall interfere with or prevent the execution of any duties of the Chief Officer and any act of the Chief Officer necessary for the proper performance of his/her duties shall not be deemed or considered to be in contravention of these Management Rules.
  2. The Land Reform (Scotland) Act 2003 gives the public the right of responsible access to most land and inland water. People using any Country Park or Facility in North Lanarkshire should comply with their responsibilities under the Land Reform (Scotland) Act 2003; the Wildlife & Countryside Act 1981 and the Scottish Outdoor Access Code.
  3. The Chief Officer reserves the right to refuse entry to any person entering a Facility where he has reasonable grounds for believing that the person has contravened, is contravening or is about to contravene any management rule applying to the Country Park or Facility.

Any person who:

a. has contravened, is contravening or is about to contravene any management rule applying to the facility shall leave the Facility when asked to leave by the Chief Officer.

b. being a person subject to an exclusion order under Section 117 of the Civic Government (Scotland) Act 1982 (and any amendments made thereto), enters or attempts to enter the Facility 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.

* 1. The Council may decide that a person who has persistently contravened or attempted to contravene these rules is, in its opinion, likely to contravene the rules again. In that event, the Council may decide to make any such person subject to an exclusion order in terms of section 117 of the Civic Government (Scotland) Act 1982.
  2. Any dispute arising as to the real intent, meaning or interpretation of these rules or any schedule of fees and charges shall be adjudicated upon by the Chief Officer whose decision shall be final.
  3. Nothing in these management rules shall permit any action, activity or behaviour which is prohibited by any other rule of law.
  4. The Chief Officer does not accept responsibility for any person who has been injured within a facility whilst engaged in unauthorised activities, or activities that contravene any of these Management Rules.
  5. The Council may, at its absolute discretion, alter these Management Rules or any part of them from time to time, and make and enforce such other Management Rules.
  6. These Management Rules supersede and revoke all previous North Lanarkshire Council Management Rules and Supplementary Management Rules and shall, unless earlier amended or revoked, continue in force for a period of ten years from the date they are approved by North Lanarkshire Council.

# Behaviour

* 1. No person shall behave in a disorderly or offensive manner in a Facility, or use violent, abusive or obscene language therein, or prevent the proper use or regulation of a Facility.
  2. No person shall wilfully, carelessly or negligently throw, roll or discharge any stone or other missile upon a Facility, so as to cause, or to be likely to cause, injury, danger or annoyance to any person or injury, danger or molestation to any animal or bird.
  3. No person shall throw, or deposit any paper, bottle, glass, rubbish or refuse in a Facility, except in bins specifically provided for that purpose.
  4. No person or company shall pollute any river, stream, loch, pond or other water upon or bounding a Facility, by releasing liquids including, but not limited to, chemicals, sewage and food waste.
  5. No person shall enter an ‘unauthorised area’ without express permission from the Chief Officer to do so.
  6. No person shall enter or remain within any building when such Facility is closed to the public.
  7. No person shall, remain in or use a Facility when asked to leave by the Chief Officer, whether in the event of an emergency or otherwise.
  8. No person shall bring into or leave in any Facility:

1. any substance or article likely to cause injury or damage to any person or property, or
2. any substance or article which might place a child at risk or other person finding or handling same, or
3. any waste or other harmful matter
4. unless required by an Adult for their health or other essential needs and kept out of the hands of children throughout.
   1. Any person who uses a gate within a Facility for the purpose of taking access, should leave it as they find it.
   2. No person shall wilfully obstruct, disturb, interrupt or annoy any other person in the proper use of a Facility or wilfully obstruct, disturb the proper execution of any work in connection with the maintenance of a Facility.
   3. No person shall use any swing or gym apparatus or playpark facilities where they are below the age requirement to do so. All users must observe all Notices in respect of the permitted use of all such equipment.
   4. Fishing is only permitted in designated areas. All visitors wishing to fish must have the relevant permit to do so and observe all notices confirming whether fishing is permitted.
   5. Golfing must only be carried out in the designated areas. No person shall use a golf club or any other equipment to hit a golf ball, in any Facility.
   6. No person shall play any musical instrument, sing or perform or operate any, or other sound producing device, (except for medical aids) in any part of a Facility set apart for the use of the public without the permission of the Council (or using equipment provided by the Council for such use).

# Flora

* 1. No person shall damage, injure, displace, remove, or destroy any part of a Facility including any tree, bush shrub, plant, hedge, fence or building, wall, fence, gate barrier, railing or any other fixture situated in or ancillary to a Country Park or other Facility, or deface or destroy the same by cutting, writing or otherwise. Any person so doing will be held responsible for the cost of any replacement or repair.
  2. No person shall enter or stand, sit or walk in or upon any flower bed, border or shrubbery within any Country Park or in or upon any part of any Country Park or other Facility where prohibitive Notices are displayed.
  3. Except with the express written consent of the Chief Officer no person shall pluck, cut, destroy, remove any flower, flower bed, soil, floral container or grass. No trees (living or dead) must be removed from any Facility by any person without explicit permission or instruction to do so. No shrubs; plants, fruit or fruiting body, may be removed from a Country Park or other Facility by any person without explicit authority from the Chief Officer.
  4. No person shall damage a Country Park or other Facility, any part thereof or anything thereon or therein, including a fence, wall or gate. No person must also dig or otherwise disturb the ground surface, by carrying out activities, including but not limited to using metal detectors or carrying out magnet fishing.

# Animals

* 1. No person in charge of a dog must fail to immediately clean up after their dog has fouled in any Facility.
  2. No person shall cause or permit a dog or any other animal belonging to them or otherwise under their control to enter or remain in a Facility unless such a dog or other animal is under the full control of that person and effectively restrained from causing annoyance to any person, or from disturbing any wild birds or animals or damaging any flower, plant, tree or shrub.
  3. No person shall wilfully kill, take, or disturb any animal or bird or take or injure the nest, eggs or young of any animals or birds within a Country Park or other Facility, except with the written consent of the Chief Officer.
  4. No person shall, train or exercise any horse or other animal within a Country Park or other Facility in a manner which is not consistent with their responsibilities in the Scottish Outdoor Access Code.
  5. No person shall carry or bring any equipment to a Country Park or other Facility, including but not limited to guns, traps and nets, for the purpose of hunting, shooting, snaring, trapping, disturbing, taking or destroying animals, birds, nests, setts or other habitats. No person shall take or destroy animals; birds; their nests, setts or other habitats within any Country Park or other Facility, except with the express written consent of the Chief Officer.
  6. No person shall cause or allow any dog belonging to them or otherwise under their control, within a Country Park or other Facility, to enter any building, shelter, children’s playground, nursery, competition area or arena, ornamental or other water or any place from which the Chief Officer, by Notice conspicuously displayed, has specifically excluded dogs, except for Guide Dogs.
  7. No person shall, without prior written consent of the Chief Officer bring or permit to be brought into a Country Park or other Facility any living creature or the egg of any living creature or any plant or any seed or any other part of any plant in such circumstances that is likely that such a creature or plant will reproduce or propagate itself or that such egg will hatch or that such seed will germinate.
  8. No person shall wilfully or negligently disturb, annoy or injure any animals grazing in a Country Park or other Facility.

# Vehicles

* 1. No vehicle, whether mechanically propelled or otherwise, shall be permitted or allowed to enter a Country Park or other Facility without the prior written consent of the Chief Officer, except by way of a recognised and approved access route.
  2. All persons using the Facility shall have regard to any traffic management plans which are in place and will comply with all signage, route markings and instructions displayed relative to safe access and egress.
  3. No person shall park any vehicle or caravan in the Country Park or other Facility outwith the car parks provided, except with the express consent of the Chief Officer.
  4. The Chief Officer is permitted to close or restrict use of any route within a Country Park or other Facility, insofar as it does not restrict users’ contractual rights of access.

# Damage

* 1. No person shall stand, walk, skate or otherwise take access over frozen water bodies within the Country Park or other Facility, or attempt to wilfully or negligently break or otherwise damage any ice in any water (other than water or animal water provided by the Council for the purpose of bathing, wading or washing) or throw, place or deposit in any water, any stick or any substance of any description.
  2. No person shall damage or obstruct the flow of any drain or watercourse, or open, shut or otherwise interfere with any sluice gate or other apparatus upon a Country Park or other Facility, except in the case of emergency, or with the explicit authorisation of the Chief Officer.
  3. No person shall wilfully or negligently damage, allow to be damaged or in any way interfere with any Waterworks or Water Fittings within a Country Park or Facility.

# Signs

* 1. No person, except for a person explicitly authorised by the Chief Officer, shall affix or cause to be affixed any advertisement, bill, placard, notice, picture or writing, upon any building, wall, fence, gate, door, pillar, post, tree, rock or stone, in, upon or a butting on a Country Park or other Facility.
  2. No person shall vandalise or deface by cutting, painting or otherwise writing or making words or remarks on any such building, wall, fence, gate, door, pillar, post, tree, rock or stone within a Country Park or other Facility.

# Camping

* 1. No person shall, without prior written consent of the Chief Officer, erect, occupy or use any tent or other structure in a Country Park or other Facility except for the purposes of wild camping as defined by the Scottish Outdoor Access Code.
  2. No person shall either bring onto a Country Park or other Facility any caravan for the purpose of residing there overnight or occupy or use any caravan on a Country Park or other Facility for such purpose, except in such areas designated by the Chief Officer.

# Events

* 1. No person shall, without the prior specific permission of the Chief Officer, hold or cause to be held, site or cause to be sited within a Country Park or other Facility any fair or mechanical amusement, or play on or make or cause to be made any sound with any musical instrument or give or take part in any performance of exhibition of music or of other sound.
  2. No person shall, within a Country Park or other Facility, fly or permit to be flown any model aircraft or drone nor sail or permit to be sailed any model yacht, ship or boat except on such part of a Country Park or the waters as the Chief Officer may by Notice or otherwise set apart for the purpose of the flying or sailing of such models and no person shall wilfully interfere with or obstruct the flying or sailing of any such model belonging to another person.

# Expulsion or exclusion for breach of Management Rules and offences

10.1 The Chief Officer may:-

a. Expel a person from a Facility if they have reasonable grounds for believing that the person has contravened, is contravening or is about to contravene a Management Rule in relation to that Facility

b. Exclude a person from a Facility if they have reasonable grounds for believing that the person is about to contravene a Management Rule in relation to the Facility.

10.2 The Council may decide that a person who has, in respect of a Facility, persistently contravened or attempted to contravene management rules applying to the Facility and is, in its opinion, likely to contravene them again, shall be made subject to an exclusion order under Section 117 of the 1982 Act.

10.2.1 The Council may decide that a person who has persistently contravened or attempted to contravene these rules is, in its opinion, likely to contravene the Rules again. In that event, the Council may decide to make any such person subject to an exclusion order in terms of section 117 of the Civic Government (Scotland) Act 1982.

* 1. Any person who:-
  2. on being required to leave any Facility by the Chief Officer, who has reasonable grounds for believing that the person has contravened, is contravening or is about to contravene any Management Rule applying to the Facility, fails to leave; or
  3. on being informed by the Chief Officer, who has reasonable grounds for believing that the person is about to contravene any Management Rule applying to any Facility that they are excluded from the Facility, enters, or attempts to enter the Facility; or
  4. is subject to an exclusion order under Section 117 of the 1982 Act and enters or attempts to enter the Facility 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.

* 1. An exclusion order shall take effect upon a person on such date as the Council may decide which shall be not less than 14 days after their decision to make the exclusion order. Any person who has been made subject to an exclusion order shall be entitled to make written or oral representations to the Council at any time up to the date when the order would have taken effect upon them. In the event that such written or oral representations are made timeously, the Council shall suspend the effect of its decision, consider the representations and decide whether to confirm its decision or to revoke or amend it.

The foregoing Management Rules are sealed with the Common Seal of North Lanarkshire Council and subscribed on their behalf by Archibald Aitken at Motherwell on the Tenth day of October Two thousand and Twenty three.