

Culture and Communities Committee

10.00am, Tuesday, 26 April 2022

Management Rules for Public Parks and Greenspace 2023-2033

Executive/routine Wards Council Commitments	Executive All 43
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1. Recommendations

- 1.1 It is recommended that Culture and Communities Committee:
 - 1.1.1 Notes that the current Management Rules for Public Parks and Greenspace expire in February 2023;
 - 1.1.2 Notes the proposed amendments and suggested changes to the Management Rules for Public Parks and Greenspace;
 - 1.1.3 Approves commencing a process of public and Elected Member engagement to consider the suggested amendments and to seek additional suggestions; and
 - 1.1.4 Notes that a final draft of the proposed Rules will come back to Committee for approval prior to statutory advertising.

Paul Lawrence

Executive Director of Place

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Report

Management Rules for Public Parks and Greenspace 2023-2033

2. Executive Summary

- 2.1 The current Management Rules for Public Parks and Greenspace expire in February 2023.
- 2.2 The Rules were previously reviewed in 2013 and were brought up to date in line with the Land Reform (Scotland) Act 2003 and as such are now broadly consistent with the Act.
- 2.3 This report seeks Committee approval for proposed changes to the Rules and for engagement with stakeholders and the wider public.

3. Background

- 3.1 Although not a mandatory requirement, for many years the Council has operated a series of Management Rules for Public Parks, made under Section 112 of the Civic Government (Scotland) Act 1982.
- 3.2 Management Rules allow local authorities, without the need for confirmation by the Scottish Ministers, to regulate the use and conduct of persons while in or on land and premises which are owned, occupied, managed or controlled by a local authority.
- 3.3 In line with the Land Reform (Scotland) Act 2003 and the associated Scottish Outdoor Access Code (SOAC), the use of open space and good behaviour in public parks are principally encouraged through awareness and education measures. However, there may still be exceptional circumstances when some level of enforcement is required, and Management Rules provide the legal basis for this.
- 3.4 Management Rules are designed for minor offences in areas such as parks, community halls etc. where a breach would not justify the immediate criminal sanctions of byelaws. However, a breach constitutes an offence if the offender refuses to desist from contravening the management rule, or to leave the grounds or premises when requested to do so by an authorised officer of the local authority. Local authorities can also take out exclusion orders against persistent offenders, a breach of which would be a criminal offence.

4. Main report

- 4.1 The importance of public parks and green spaces to our communities has been widely recognised during both the Coronavirus pandemic and associated lockdowns. Management Rules give clear direction on what is acceptable behaviour for users of these sites and help keep places safe for all to visit.
- 4.2 The current Management Rules (Appendix 1) were a departure from previous lists of rules displayed in all parks. They instead reflect the right of responsible access contained in the 2003 Act and SOAC.
- 4.3 What constitutes responsible behaviour in relation to a variety of activities is instead presented to the public in a series of visual “Smart Way” signs (Appendix 2) which are displayed as required on sites and are designed to persuade people by explaining the effect of certain behaviours.
- 4.4 Preliminary engagement with Council Officers has identified a number of areas for possible amendment, some due to a recognition that further clarity is required in particular situations and some that reflect recently emerging technologies not captured in the existing Management Rules.
- 4.5 Management Rules suggested for amendment are as follows:

Existing category/rule	Proposed amendment
Interpretation:	State that “park” definition includes City of Edinburgh Council owned and managed land within the Pentland Hills Regional Park. (e.g. Bonaly Country Park and Harlaw and Threipmuir Reservoirs).
General:	
4.8 Metal detecting in any park without the written permission of the Scottish Detector Club, subject to an agreement between the Council and the Scottish Detector Club being valid.	The Scottish Detector Club agreement has lapsed, and they do not wish to renew this. Propose ban of metal detecting unless for archaeological research projects or planning related work undertaken via agreed written schemes of investigation (WSI).
Add rule to state following.	Do not release balloons, sky lanterns or any other similar items in or on to land, air or water. Reason: To protect livestock and wildlife.
Add rule to state following.	Do not padlock cycles or attach other items to park railings and gates, only attach cycle to infrastructure provided for this purpose. Reason: To prevent paths being narrowed with associated impact on access and to protect railings from damage.
Dogs and Horses:	

5.3 Failing to keep a dog under close control in any Park.	Strengthen Rule to require dogs be kept on leads when in sites with strong botanical interest/heavily cultivated areas e.g. Princes Street Gardens, Lauriston Castle formal garden areas and Saughton Winter Garden.
5.4 Failing to keep a dog under close control, etc	Reword to make it clear that SOAC definition of Close Control includes “Under close control means that the dog responds to your commands and is kept close at heel.”
Dogs and Forest Kindergarten / Forest School sites	Add rule to enable Forest Kindergarten and Forest School sites to be maintained as “dog free” whilst in use.
BBQ, Fires and Camping:	
6.4 Camping	Improve wording of this rule to allow camping to be managed at more remote sites in the Pentlands (e.g. Bonaly Reservoir and any sensitive sites) should the need be required.
Consider rule to clarify following.	BBQ use on beaches areas.
Cycling:	
7.2 Cycling off the paths in woodland and other areas sensitive to environmental damage	Expand definition to include cycling off paths in Princes Street Gardens.
	Include rule to prevent cycling within Saughton Winter Garden and Lauriston Castle formal garden areas as these sites are not appropriate for cycle use.
Motor Vehicles:	
8.1 Driving or using or leaving any car, motorbike, quad bike, mini moto, or other vehicle, or parking a caravan, except on roads and in car parks provided by the Council for cars and vehicles, unless the Council’s permission has been obtained first. This rule does not apply to prams and wheelchairs used for carrying children or people with a disability.	Re-word to include electric scooters, hoverboards and any electrically assisted pedal cycle not meeting the Electrically Assisted Pedal Cycles – EAPC – (Amendment) Regulations 2015.
Add to motor vehicles rules	Launch or land a powered, remote controlled plane or drone obtaining without first obtaining written permission.
Events and Other Activities:	

<p><i>The following acts are prohibited unless the Council's written permission has been obtained first:</i></p> <p>9.1 Holding an event, performance, ceremony in any Park, or a demonstration or public meeting in any Park except East Meadows, Calton Hill or Leith Links.</p>	Amend to state any Park or Open Space.
9.3 Playing any organised game or sport on pitches provided by the Council.	Clarify that this rule only applies to bookable, marked pitches. The use of areas adjacent to pitches in parks for informal training by clubs or others does not require written permission.
Add rule to state following.	Swim, wade or carry out other recreational activities in ornamental ponds or in water bodies and wetland areas specifically managed for horticulture or wildlife.
Add rule to state following.	Keep off frozen bodies of water.

5. Next Steps

- 5.1 If Committee approve the report recommendations, officers will:
 - 5.1.1 Initiate a public and Elected Member engagement exercise on the rule change suggestions identified above and seek opinions on other changes which should be considered;
 - 5.1.2 Seek legal advice regarding any proposed revisions to current rules; and
 - 5.1.3 Seek approval for proposed amended Management Rules.

6. Financial impact

- 6.1 Suggestions made during public engagement may require legislative or regulatory investigation by our solicitors before changes can be included within the new Management Rules. It is estimated that such legal costs will not exceed £6,000 and these costs will be met from the Place revenue budget for 2022/23.

7. Stakeholder/Community Impact

- 7.1 Revised rules will clarify what is appropriate behaviour on our sites and also address emerging technologies, allowing better management of our sites which ultimately will lead to them being safer places for all to enjoy.

8. Background reading/external references

8.1 None.

9. Appendices

9.1 Appendix 1 – Current Park Management Rules.

9.2 Appendix 2 – Current suite of 'Smart Way' signs.

Appendix 1 – Current Park Management Rules

Edinburgh The City of Edinburgh Council Services for Communities

Management Rules for Public Parks and Greenspace

The City of Edinburgh Council in exercise of the powers conferred on them by Section 112 of the Civic Government (Scotland) Act 1982 hereby make the following Management Rules for the Council's Parks, Gardens and open spaces:-

Interpretation

In these management Rules the following words have the meanings given to them:-

“Council” means The City of Edinburgh Council;

“Park” means any land provided, owned, leased, occupied or managed by the Council within the City of Edinburgh and used as a recreation ground, public playground, public open space, public walk, walkway, woodland, ornamental or pleasure ground or gardens and all buildings and works connected therewith;

“Council Official” means an employee of the Council or of Edinburgh Leisure, or any person authorised by the Council to enforce these rules;

“Code” means the Scottish Outdoor Access Code, the guidance on the Land Reform (Scotland) Act 2003

Summary

Any person who appears to be breaking, has broken or is about to break any of the following rules may be asked by a Council Official to leave the Park. Any person refusing to leave will be guilty of an offence and liable on summary conviction, to a fine not exceeding level 1 on the standard scale.

1. No person shall in any park wilfully obstruct, interrupt, verbally insult or annoy employees or agents of the Council in carrying out their duties.
2. Any written permission required by these rules must be shown on request to a Council Official.
3. The Council may decide to waive any particular Rule at any time.

General

The following acts are prohibited:

- 4.1 Behaviour which causes (or in the opinion of a Council Official is likely to cause) annoyance, offence, alarm or distress to any other park user.
- 4.2 Any wilful or careless act which damages or removes any plant, tree, shrub, building, structure, equipment, furniture or fitting.
- 4.3 Depositing litter except in litter bins provided for the purpose.
- 4.4 Pursuing any activity which endangers (or in the opinion of a Council Official is likely to endanger) any person or property.
- 4.5 Ball games in Princes Street Gardens Saughton Walled Gardens and Lauriston Castle Gardens.
- 4.6 Fishing in any water course without permit.
- 4.7 Depositing or leaving any substance or article which is likely (in the opinion of a Council Official) to cause injury or damage to any person or property.
- 4.8 Metal detecting in any park without the written permission of the Scottish Detector Club, subject to an agreement between the Scottish detector Club and the Council being valid.

The following acts are prohibited unless the Council's written permission has been obtained first:

- 4.9 Entering into or wilfully remaining in a park when it is closed to the public.
- 4.10 Selling, hiring or offering for sale or hire any items or goods or services.
- 4.11 Displaying or handing out advertisements, conducting surveys or giving any displays or performances
- 4.12 Begging or busking
Engaging in any commercial activity whatsoever (including, without limitation, dog walking services, photography, filming and fitness training services).

Dogs and Horses

The following acts are prohibited:

- 5.1 Allowing a dog to enter in or on a children's play area or area of the park that is designated as a 'dog free area.'
- 5.2 Allowing dogs to foul in a public park unless the person in charge of the dog immediately removes the fouling (within the provisions of the Dog Fouling (Scotland) Act 2003).
- 5.3 Failing to keep a dog under close control in any park.
- 5.4 Failing to keep a dog under close control, at heel or on a short lead when near young farm animals and at nesting time (April – July) in woodlands, grasslands, moorland and at the seashore.
- 5.5 Allowing a dog to run onto sports pitches when these are in use.
- 5.6 Leading, riding, training or exercising a horse in a manner which falls short of the responsibilities in the Code.

BBQs, Fire and Camping

The following acts are prohibited:

- 6.1 Lighting barbecues outwith designated barbecue sites, where these are provided, or in areas or in a manner likely to burn or scorch the ground or cause danger or nuisance to other park users or neighbouring residents.
- 6.2 Failing to remove litter associated with BBQs and picnics.

The following acts are prohibited unless the Council's written permission has been obtained first:

- 6.3 Lighting an open fire in any park.
- 6.4 Camping within one mile of a public road.

Cycling

The following acts are prohibited:

- 7.1 Cycling in a manner which falls short of the responsibilities in the Code.
- 7.2 Cycling off the paths in woodland and other areas sensitive to environmental damage.

Motor Vehicles

The following acts are prohibited unless the Council's written permission has been obtained first

- 8.1 Driving or using or leaving any car, motorbike, quad bike, mini moto, or other vehicle, or parking a caravan, except on roads and in car parks provided by the Council for cars and vehicles, unless the Council's permission has been obtained first. This rule does not apply to prams and wheelchairs used for carrying children or people with a disability.

The following acts are prohibited:

- 8.2 Operating any motorised or mechanically propelled toy or model vehicle, aircraft or boat so as to disturb wildlife, endanger or give annoyance to other people or if asked by a Council Official not to do so.

Events and Other Activities

The following acts are prohibited unless the Council's written permission has been obtained first:

- 9.1 Holding an event, performance, ceremony in any park, or a demonstration or public meeting in any park except East Meadows, Calton Hill or Leith Links.

**Short Hole
Golf Courses**

- 9.2 Carrying, or discharging any firework or firearm.
- 9.3 Playing any organised game or sport on pitches provided by the Council.
The following acts are prohibited for those not engaged in the game of golf:
- 10 Going onto playing surfaces when these are in use and onto greens at all times.

Expulsion and Exclusion from Parks

- 11.1 Where a Council Official has reasonable grounds for believing that a person has contravened, is contravening or is about to contravene any of these Management Rules, they may expel that person from the Park.
- 11.2 Where a Council Official has reasonable grounds for believing that a person is about to contravene any of these Management Rules staff may exclude that person from the Park
- 11.3 Where a person has persistently contravened or attempted to contravene these Management Rules and in the Council's opinion is likely to contravene them again the Council may decide to make that person subject to an exclusion order for a specified period of up to one year.
- 11.4 An exclusion order made under Rule 11.3 shall take effect on such date as the Council may decide, being not less than 14 days after the decision to make that person subject to an exclusion order. A person who has been made subject to an exclusion order:
 - i) shall be entitled to written notice of the decision to make the exclusion order, containing a statement of the reasons for that decision: and
 - ii) shall be entitled to make written or oral representations to the Council at any time up to the time that the order would have taken effect but for the representation being made.

February 2013

Appendix 2 – Current suite of ‘Smart Way’ signs

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The **smart** way to enjoy Saughton Walled Garden

Saughton Walled Garden with its award winning rose garden, winter garden, Italian garden, yew hedges, sensory garden and flower and heather beds is a very special area. It therefore has some special rules.

- Keep your dogs on a lead.
- Respect other park users and protect the plants and monuments by not playing ball games.
- The gardens need to be closed at night – please co-operate with Park Rangers when they ask you to leave.

Do your bit by following the Park Management Rules –
www.edinburgh.gov.uk/parkrules

Remember, littering and dog fouling are offences which could lead to fines, and if you don't act safely and consider others, you could be asked to leave the park.



Enjoy our parks and help keep them clean, green and safe

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The **smart** way to enjoy Princes Street Gardens

Princes Street Gardens is in the very centre of Edinburgh's World Heritage Site so this special park has some special rules to help make sure it is safe and enjoyable for all:

- Keep your dogs on a lead.
- Respect other park users and protect the plants and monuments by not playing ball games.
- The gardens need to be closed at night – please co-operate with Park Rangers when they ask you to leave.

Do your bit by following the Park Management Rules –
www.edinburgh.gov.uk/parkrules

Remember, littering and dog fouling are offences which could lead to fines, and if you don't act safely and consider others, you could be asked to leave the park.



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The **smart** way to enjoy a Natural Heritage Site

These sites are vital in supporting the city's rich variety of wildlife. To help preserve their special plants and animals:

- Take extra care if you have a dog. Keep it on a lead (especially at nesting time April-July) or under very close control.
- Keep to the main paths and tracks, especially if you're cycling, and follow seasonal diversions and signage that may be in place.

To protect the park environment, neighbouring properties and park users, there is **no camping** and **no fires** allowed.

Do your bit by following the Park Management Rules –
www.edinburgh.gov.uk/parkrules

Remember, many plants and animals have their own legal protection and disturbance or damage could result in fines, and if you don't act safely and consider others, you could be asked to leave the park.



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The **smart** way to enjoy Lauriston Castle Gardens

The Japanese and Italian gardens at Lauriston Castle are very special areas and therefore have some special rules.

- Keep your dogs on a lead.
- Respect other park users and protect the plants and monuments by not playing ball games.
- The gardens need to be closed at night – please co-operate with Park Rangers when they ask you to leave.

Do your bit by following the Park Management Rules –
www.edinburgh.gov.uk/parkrules

Remember, littering and dog fouling are offences which could lead to fines, and if you don't act safely and consider others, you could be asked to leave the park.



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The **smart** way to play in Edinburgh's Parks

Parks provide large open spaces for everyone to enjoy but some popular activities can cause problems.

- **Ball Games:** If there is no damage to the grass, no threat of damage to neighbouring properties and no threat of damage or injury to other people, then there's no problem.
- **Flying kites and operating model aeroplanes and boats:** If there is no disturbance to wildlife and no threat of nuisance or injury to other people, then there's no problem.

Do your bit by following the Park Management Rules –
www.edinburgh.gov.uk/parkrules

Remember, damage and injury to a third party are offences which could lead to fines, and if you don't act safely and consider others, you could be asked to leave the park.



Enjoy our parks and help keep them clean, green and safe

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The **smart** way to cycle in Edinburgh's Parks

- Choose your speed based on:
 - Your experience of the park and its hazards.
 - The width of the path.
 - When the park is busy or when children are walking to school.
 - The conditions – looking out for ice, wet leaves and surface water.
- Keep to the left side of the path and be aware of walkers and dogs crossing in front of you.
- Avoid wet and muddy ground and keep to the paths in woodlands.

Do your bit by following the Park Management Rules –
www.edinburgh.gov.uk/parkrules

Remember, damage and injury to a third party are offences which could lead to fines, and if you don't act safely and consider others, you could be asked to leave the park.



Enjoy our parks and help keep them clean, green and safe

The **smart** way to barbeque in Edinburgh's Parks

- Use the BBQ area if one is provided. If not, choose somewhere away from play areas, golf courses, sports pitches and footpaths.
- Position your BBQ so it doesn't scorch the grass and remember to dispose of your BBQ safely, ensuring you don't put hot coals in the bin.

Do your bit by following the Park Management Rules –
www.edinburgh.gov.uk/parkrules

Remember, littering and deliberate damage are offences which could lead to fines, and if you don't act safely and consider others, you could be asked to leave the park.



Enjoy our parks and help keep them clean, green and safe

The **smart** way to walk your dog in Edinburgh's Parks

- Pick up your dog's poo and use the bins provided.
- Only let your dog off the lead if you're sure you can call it back to heel. Choose a quiet area to run your dog off the lead, away from children and play areas.
- Remember, dogs running out of control can frighten other people, disturb wildlife, and can cause cyclists to have serious accidents.

Do your bit by following the Park Management Rules –
www.edinburgh.gov.uk/parkrules

Remember, dog fouling, and being in charge of a dangerous out-of-control dog are offences which could lead to fines, and if you don't act safely and consider others, you could be asked to leave the park.



Enjoy our parks and help keep them clean, green and safe

The **smart** way to walk other people's dogs in Edinburgh's parks

Register as a professional dog walker with the Council (www.edinburgh.gov.uk/parkrules). This is now a requirement of the park rules and gives you official permission to walk your dogs here.

When you register, we'll send you a Code of Conduct including some good advice from other professional dog walkers:

- Walk in and out of the park with your dogs on leads
- Choose quiet parks away from children's play areas
- Display your business name and contact details
- Only exercise as many dogs as you can control or your insurance allows. The biggest cause of complaint against professional dog walkers is dogs being out of control!

Do your bit by following the Park Management Rules –
www.edinburgh.gov.uk/parkrules

Remember, dog fouling, and being in charge of a dangerous out-of-control dog are offences which could lead to fines, and if you don't act safely and consider others, you could be asked to leave the park.



Enjoy our parks and help keep them clean, green and safe