

ANGUS COUNCIL

NEIGHBOURHOOD SERVICES COMMITTEE – 19 NOVEMBER 2009

MANAGEMENT RULES FOR NEIGHBOURHOOD SERVICES

REPORT BY DIRECTOR OF NEIGHBOURHOOD SERVICES

ABSTRACT: This report requests the Committee to consider the revised Management Rules to regulate conduct within the different service areas owned, occupied or managed by Angus Council's Neighbourhood Services Department.

1. RECOMMENDATIONS

1.1 It is recommended that the Committee

- (i) Gives initial approval to the attached revised [draft Management Rules](#) for Neighbourhood Services
- (ii) Authorises the Director of Neighbourhood Services with the Head of Law and Administration to make such further amendments to the draft Management Rules as may be considered appropriate
- (iii) Authorises the Director of Neighbourhood Services with the Head of Law & Administration to initiate the necessary procedures for public consultations
- (iv) Notes that a further report on the outcome of consultations will be submitted in due course.

2. BACKGROUND

2.1 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 whether on payment or not.

2.2 There are currently separate management rules for:-
Sports Services, Caravan Parks and Outdoor Recreation Areas
Public Parks, Gardens, Recreation Grounds, and Open Spaces.
Cultural Facilities

2.3 Management Rules must be reviewed every 10 years and were last reviewed during 2004.

2.4 Copies of the proposed Management Rules are appended. These Management Rules cover Archives, Libraries, Museums, Theatre, Country Parks and Open Spaces, Public Parks, Gardens, Recreation Grounds and Leisure Facilities, Caravan Parks and Outdoor Recreation Facilities

3. CURRENT POSITION

3.1 The procedure to be followed for the introduction or review of Management Rules is laid down in the Act and is briefly as follows:-

- a. before making management rules, a local authority must give at least one month's notice of its intention to do so by advertisement in a local newspaper. The notice must state the general purpose of the rules, the place where the public may inspect copies of the proposed rules free of charge and the procedure and time for making objections.

- b. in order to object, a person must notify the local authority and state the grounds of his objection in writing.
- c. any objections timeously received must be taken into account by the local authority before making the Management Rules and an objector must be given an opportunity to be heard by the authority.
- d. following the consultation process the Management Rules must be formally executed by being sealed with the Common Seal of the local authority and signed by the proper officer and come into force on the date of their execution.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no significant financial implications for the Council arising from this exercise. The cost of advertising the consultation process and the cost of producing and displaying copies of the Management Rules at all locations to which they apply can be met from within existing revenue budgets.

5. HUMAN RIGHTS IMPLICATIONS

- 5.1 The proposals associated with this report are not incompatible with Human Rights.

6. EQUALITIES IMPLICATIONS

- 6.1 The issues dealt with in this Report have been the subject of consideration from an equalities perspective (as required by legalisation). An equalities impact assessment has been undertaken for each set of rules. ([Countryside](#), [Cultural](#), [Leisure](#), [Parks](#))

7. CONSULTATION

- 7.1 The Chief Executive, the Director of Law and Administration and the Director of Finance have been consulted in the preparation of this report.

RON ASHTON
DIRECTOR OF NEIGHBOURHOOD SERVICES

NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information), were relied on to any material extent in preparing this report.

LS/NS/AW