

DUNDEE CITY COUNCIL

REPORT TO: Policy and Resources Committee - 28th April 2008

REPORT ON: Outdoor Access Legislation, Core Paths Planning and Management Rules

REPORT BY: Director of Leisure & Communities

REPORT NO: 254-2008

1.0 PURPOSE OF REPORT

1.1 This report is for information on the Council's duties and powers related to the Land Reform (Scotland) Act 2003, to update the Committee of progress on the Core Paths Plan and the update of Parks Management Rules, and to seek approval for these items to go out to public consultation.

2.0 RECOMMENDATIONS

- 2.1 It is recommended that the Committee:
- 2.2 Note the duties and powers placed on the Council relating to the Land Reform (Scotland) Act 2003.
- 2.3 Approve the Core Paths Planning process, procedure and plan and remit the Director of Leisure & Communities to undertake public consultation
- 2.4 Approve the updated Parks Management Rules and remit the Director of Leisure & Communities to undertake public consultation

3.0 FINANCIAL IMPLICATIONS

3.1 It is expected that any financial implications arising from this report will be contained within existing budgets or external grant applications.

4.0 MAIN TEXT

4.1 Reference is made to Article II of the Leisure, Arts and Communities Committee of 18th September 2006 where procedures were agreed for implementing sections of the Land Reform (Scotland) Act 2003, and Article III of the Policy and Resources Committee of 13th February 2006 where the procedures for the Core Paths Planning process were agreed.

4.2 **General information on outdoor access**

Since the commencement of the Part 1 of the Land Reform (Scotland) Act 2003 (the Act) in February 2005 people have had the right of responsible access to be on, above or under most of Scotland's land and inland water. Responsible access is defined in the Scottish Outdoor Access Code. Access rights extend most recreational and educational purposes, examples include, but are not confined to, walking, cycling, horse riding and canoeing. There are some exemptions to these rights.

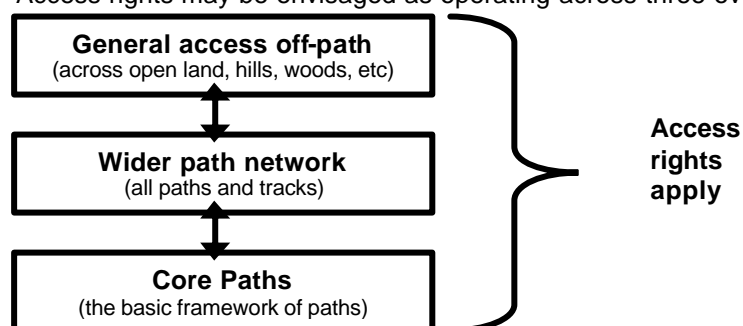
4.2 In general **access rights do not extend to:**

- being on or crossing land for the purpose of doing anything which is an offence;
- hunting, shooting or fishing;
- any form of motorised access (except by people with a disability using a vehicle or vessel adapted for their use);
- anyone responsible for a dog which is not under proper control; or to anyone taking away anything from the land for a commercial purpose.

4.3 Land exempt from access rights includes:

- houses and gardens, and non-residential buildings and associated land;
- land in which crops are growing;
- land next to a school and used by the school;
- sports or playing fields when these are in use and where the exercise of access rights would interfere with such use;
- land developed and in use for a particular recreational purpose and where the exercise of access rights would interfere with such use;
- golf courses (but you can cross a golf course at your own risk, provided you don't interfere with any games of golf);
- places like airfields, railways, telecommunication sites, military bases and installations, working quarries, and construction sites; and visitor attractions or other places which charge for entry.

4.4 Access rights may be envisaged as operating across three overlapping levels:



4.5 Types of path

Core Paths - the basic network of signposted and promoted paths, footways and quiet roads which lead on to the wider path network and access areas. Core paths can include Rights of Way, Safer Routes to School, existing cycle network and bridleways. There is no set path type or minimum standard, core paths can be field margins, desire lines or high specification paths.

Rights of Way (ROW) - ROW still exist, but offer little further to general access rights and core paths. A ROW that was designated for pedestrian use may now also be used by cyclists and horse riders, provided that use is responsible. An exception is where the ROW has been designated in a place where access rights do not exist - such as through a farmyard. In this case the ROW would only give access for its designated purpose unless it had also been designated a core path. Unlike Core Paths, an order is still required to stop up or amend a ROW.

Footpaths, cycle paths/tracks, bridleways, etc - these should all be classified as 'paths' and should be designed to be multi-use in new developments. Signage Guidance from the Paths for All Partnership should be referred to when creating new signs for these paths.

Footways - pavements next to roads retain their legal status as pedestrian only paths, unless they have a shared-use order allowing use by people with bicycles.

4.6 The Council's duties relating to Outdoor Access

The Act placed a number of statutory duties on Local Authorities. These duties are placed on the Local Authority as a whole and should be noted for consistency in approach. The **five main duties** are:

4.7 Upholding Access Rights

The Local Authority has a duty to uphold access rights on most land and inland water in its area, not just on paths. This means that they must assert, protect and keep open any route, waterway or other means by which access rights can reasonably be exercised and has the power to remove barriers blocking access. The Local Authority

should avoid installing any barriers, signs or other access restrictions on its own ground. If a situation arises where there may be a need for restrictions to access it should be discussed with the Access Officer and/or Local Access Forum before any restrictions are put in place.

Scottish Planning Policy 11 confirms that general access rights and core paths plans are a material consideration in determining applications for planning permission and a planning condition relating to access is suggested in official government guidance for Local Authorities on the Act and is provided in Appendix A.

4.8 **Core Paths Planning**

The Local Authority must draw up a draft core paths plan ready for formal consultation within 3 years of the coming into force of the act (February 2008). Core paths may include right of way; paths, footways, tracks, waterways or other means by which persons may cross land. The core paths plan will have regard to the likely usage and desirability of paths, and a balance with landowner interests. There is also a power to maintain core paths and a duty to review and amend the core paths plan.

4.9 **Local Access Forums**

The Local Authority must have at least one Access Forum. The main functions of the Local Access Forum are:

- To advise the Local Authority and other persons or bodies consulting the forum on access rights, rights of way and core path plans;
- To offer assistance to parties in any disputes about access rights, rights of way, core path plans and the use of core paths.

Dundee's Local Access Forum was established in February 2005. The Council or general public may approach the forum for advice on access issues.

4.10 **Publicising the Code**

The Local Authority shares a duty with Scottish Natural Heritage (SNH) to promote the Scottish Outdoor Access Code. Several publications have been developed by SNH to assist with this duty, including educational development packs and promotional leaflets. The Leisure & Communities Department has assisted with the dissemination and promotion of these leaflets locally.

4.11 **Reviewing byelaws**

It is the duty of all authorities having existing byelaws relating to public access land in respect of access rights to review those byelaws, and modify them to remove any inconsistencies with the new access rights. Advice from the Scottish Government and SNH states that management rules should also be reviewed.

4.12 **The Council's powers relating to Outdoor Access**

Local Authorities have been given new powers under the Act to allow them to achieve the duties placed on them.

4.13 **Exempting land from access rights**

The Local Authority may exempt land by Order from access rights, either on application to it or on its own initiative, for a particular purpose. An Order is only needed to exempt land for 6 days or more. The Local Authority has a duty to consult the landowner and the Local Access Forum and any other persons they think appropriate, and give public notice, before making an Order. Ministers must approve the Order. A Minister-approved exemption order can last a maximum of 2 years.

If the exemption is to last for five days or less, Local Authorities need only give public notice. There are also powers and procedures to revoke, amend and re-enact orders.

4.14 **Creating byelaws in relation to land over which access rights are exercisable**

Local Authorities can make byelaws over access land for various purposes, e.g. preserving public order, preventing damage or nuisance, conserving natural or cultural heritage. Byelaws made under this section may prohibit restrict or regulate the exercise of access rights; facilitate access; protect and further the interests of

persons who are exercising or who might exercise access rights.

- 4.15 **Removing prohibition signs, obstructions, and dangerous impediments:**
Landowners must not prevent or deter access users by erecting any signs or notices; putting up fences, walls, hedges; positioning at large any animal; undertaking agricultural or other operations, or any other actions. Local Authorities can remove any such notices or carry out other remedial action if needed at the cost of the landowner.
- 4.16 **Implementing measures for safety, protection etc.**
Local Authorities can warn of hazards, and can require that any fences, walls etc which may be a risk of injury (e.g. barbed wire, sharp material, electric) should be remedied to remove risk of injury. Local Authorities can install and maintain gates, stiles, seats, toilets, moorings, launch sites etc anywhere with landowners' agreement. In exercising powers under this section, Local Authorities shall have regard to the extent to which existing facilities assist persons to exercise access rights, and have regard to the needs of persons with disabilities.
- 4.17 **Creating Path Agreements**
Local Authorities have the power to enter into a path agreement with landowners for the delineation, creation and maintenance of a path.
- 4.18 **Creating Path Orders**
Local Authorities have the power to make path orders which delineate existing or new paths, in circumstances where path agreements are impracticable, and must maintain existing paths and create and maintain new paths delineated in this way.
- 4.19 **Powers of Entry**
Local Authorities are empowered to authorise persons to enter land, at reasonable times and giving notice to the landowner, unless for an emergency or to do with a core path, and to take relevant equipment with them.
- 4.20 **Management Rules**
It is recommended that Management Rules are brought into line with the new legislation and in response to this, and that the rules due to be reviewed within the next year in any case, a review of the Parks Management Rules and Cemeteries Management Rules has been undertaken. A number of changes are proposed including changes relating to outdoor access legislation. Parks and open spaces will become accessible to a larger variety of users, provided that the use is responsible in the terms of the Scottish Outdoor Access Code. Where irresponsible use is occurring or it is clear there is a problem managing use, local management measures will be adopted on a site by site basis. The proposed new rules are included in Appendix B of this report. A statutory period of a month is required for public consultation.
- 4.21 **Core Paths Planning**
Background
As outlined above, the Local Authority has a duty to prepare a Draft Core Paths Plan for Formal Public Consultation. The core paths plan is defined in the Act as a plan showing 'a system of paths sufficient for the purpose of giving the public reasonable access throughout their area'. To be sufficient the core paths plan should provide the basic framework of paths that people require for both recreational and functional (e.g. getting to work, school, and shops) purposes.
- 4.22 The Core Paths Plans will show routes that will cater for a variety of uses, including walking cycling, horse riding and for use by people with disabilities, although not every path will be designed or managed for every type of user. Core paths may be any sort of path, including desire lines, field margins and waterways, as well as high specification paths. There is no required or expected standard that all core paths will adhere to. All core paths will be mapped and it is expected that they will also be signposted.

- 4.23 The Core Path Plan is designed to deliver the following objectives:
- To provide a basic framework of routes for leisure and everyday journeys throughout the Dundee City area
 - To connect homes, workplaces, schools, services, greenspaces, communities and the wider countryside.
 - To help Dundee become a healthy and sustainable city.

4.24 **Consultations**

In developing the Draft Core Paths Plan a number of consultations have taken place. In 2006 there were 27 separate consultation events, including attending events and Community Council meeting. This was the first phase of consultation where the public were asked where they like to, or would like to walk, horse ride, cycle, etc. The results of this consultation were used to develop the Draft Plan. Key Criteria were used to select the paths that would be put forward in the Draft Plan. These criteria are:

1. Fit for multi-use
2. Creates/enhances routes and wider path network
3. Allows access to cultural and natural heritage sites, parks and visitor facilities
4. Links community facilities (e.g. schools, shops, workplaces) and transport links
5. Avoids/mitigates negative environmental impact and land management issues
6. Level of public demand (from consultations)
7. Value for money

The paths in the plan should meet most of these criteria.

- 4.25 A second round of informal consultation was undertaken in November 2007. The public were invited to comment on the proposals for the Draft Plan. This was to ensure that we had met people's expectations in preparing the plan and to ensure that there were no important paths missing or gaps in the plan. Comments received have helped to refine the Draft Plan.

- 4.26 The sufficiency of the plan to meet the needs of people across Dundee will be a key concern for the Scottish Government. In the November consultation the Draft Plan received mostly positive comments on its sufficiency including the following comment from the Paths for All Partnership (PFAP):

The proposed network appears relatively extensive with the principal communities having reasonable overall connectivity. Generally, recreational users prefer circular routes; however, the network must also take into account functional access - which will favour 'there and back' paths. The proposals seem to cater for both recreational users with good links to areas such as Camperdown and Caird Park; as well as adequate functional access to local facilities like Ninewells Hospital and the University (PFAP, Comments on the Draft Core Paths Plan, Dec 07).

- 4.27 There were, however, a minority of respondents who felt that the Draft plan was not sufficient and should include more paths, particularly to increase the network for cyclists. After technical assessment and in light of the comments received from the PFAP officers' the draft plan, with some amendments, could be viewed as sufficient. It is unlikely that this would be the case if paths were to be removed from the plan.

4.28 **Timeframe**

The timeframe for producing the Core Paths Plan is as follows:

April 2008	Report to Council Committee for approval to start the formal consultation process on the Draft Core Paths Plan and associated Strategic Environmental Assessment (SEA).
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May 2008	Formal consultation process begins and lasts for a period of 12 weeks. Representations on the Plan and SEA are invited. Access Officer should aim to resolve any objections within the consultation period.
August 2008	Formal consultation process ends. If there are no objections to the plan, or if objections have been withdrawn or judged incompetent the Council may adopt the Core Paths Plan, publish it, and send copies to Scottish Ministers. If competent objections are not withdrawn there will be a 3 month negotiation period to resolve any outstanding objections. If these are resolved the Council may adopt the plan as above, if not Scottish ministers will request a Local Inquiry.
Ongoing	Revision of the Core Paths Plan alongside the Local Plan. Improvements to the Core Paths Network where funding allows. Development of the 'aspirational links'.

4.29 **Management, Maintenance and Monitoring**

The Land Reform Act gives local authorities the power to "do anything which they consider appropriate for the purposes of maintaining a core path; keeping a core path free from obstruction or encroachment; providing the public with directions to, or with an indication of the extent of, a core path".

- 4.30 Although local authorities do not have a duty to maintain these paths, there is an expectation from the public that Core Paths will be maintained to a reasonable standard. In fact, many of the paths which have been put forward as candidate Core Paths are already managed and maintained by Dundee City Council and the Core Paths designation may help to draw in additional external funds to improve these paths.
- 4.31 A range of Council Services have, and will continue to have, a key role in maintaining, developing and promoting Core Paths. The departments this is most likely to affect are Leisure & Communities, Planning & Transportation, and Dundee Contract Services. Other paths are owned and managed by agencies or individual land owners. Core Path status will not change the underlying ownership or management arrangements.
- 4.32 Management arrangements for the Core Paths system will therefore depend on a wide range of services, organisations and managers carrying out activities on different parts of the system in which they are involved. The aspiration is to work towards a situation where each Core Path is safer; appropriately signposted; accessible; and well maintained. A maintenance regime for the Green Circular route has been developed, see Appendix C, which provides an example of standards that could be developed and adopted for the Core Path network in the longer term.
- 4.33 The Core Paths Plan will help inform local decisions about resource allocation for paths maintenance and development, whether in the form of Council services provision or attracting support from external funding agencies.
- 4.34 In addition to the proposed Core Paths network a number of 'aspirational' paths have been suggested. To be considered for Core Paths status and to be included in future revisions of Core Paths Plans these paths will be required to meet the majority of the Core Paths key criteria.
- 4.35 In order to effectively allocate resources strategic decisions will need to be made on whether to upgrade core path or to create one of the aspirational path links. This decision will be based on a number of factors including, the key criteria for Core Paths, the SEA objectives and how the proposed work will contribute to the sufficiency of the Core Path network as a whole.

4.36 The Core Path system will be monitored on an ongoing basis for: capital investment, maintenance, environmental effects, known local access issues, and suggestions for future revisions of the Core Paths Plan. The monitoring system will be taken forward and reported through the Council's Outdoor Access Strategy Group in partnership with the Dundee Local Access Forum.

4.37 The Draft Core Paths Plan has been attached at Appendix D.

5.0 POLICY IMPLICATIONS

5.1 This report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management

5.2 The major issues identified are:

5.3 Sustainability

The contents of this report supports the following sustainability indicators:

- Support the Council's emerging Travel Plan particularly in respect of journeys to and from work and during office time.
- Promote opportunities for sustainable transport and encourage citizens to walk, cycle or use accessible public transport to reduce private car dependency.
- Protect, enhance and manage the city's open space and woodlands in a sustainable manner to enhance environmental quality, promote leisure and access opportunities and encourage healthy living.
- Protect the quality and diversity of the city's built heritage
- Protect and enhance the city's unique biodiversity
- Provide opportunities for citizens and visitors to enjoy and learn more about Dundee's natural heritage resources and the benefits of environmental stewardship.

5.4 Strategic Environmental Assessment

A Strategic Environmental Assessment has been undertaken for the Core Paths Plan. There are implications in relation to the SEA topics of Biodiversity, Flora and Fauna, Cultural Heritage and Landscape. A copy of the full Environment Report has been distributed to Group Leaders and Bailie Borthwick.

6.0 CONSULTATION

6.1 The Chief Executive, Depute Chief Executive (Support Services), Depute Chief Executive (Finance), Head of Finance, Director of Planning and Transportation, Director of Housing, Director of Economic Development and Director of Dundee Contract Services have been consulted on this report and are in agreement with its contents.

7.0 BACKGROUND PAPERS

7.1 Article II of the Leisure, Arts and Communities Committee of 18th September 2006
Article III of the Policy and Resources Committee of 13th February 2006
Dundee Core Paths Plan-Strategic Environmental Assessment-Environmental Report

STEWART MURDOCH
DIRECTOR OF LEISURE AND COMMUNITIES DEPT
DATE

Appendix A

Suggested Planning Condition -

Prior to the commencement of works... (if attached to a full planning permission)

or

As part of the detailed application... (if attached to an outline consent)

...a detailed plan of public access across the site (existing, during construction and upon completion) will be provided for the approval of the council as planning authority. This will show:

- a) all existing paths, tracks and rights of way, and any areas currently outwith or excluded from statutory access rights*;
- b) any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage, in relation to proposed buildings or structures;
- c) all paths and tracks proposed for construction, for use by walkers, riders, cyclists, all-abilities users, etc.
- d) any diversions of paths - temporary or permanent - proposed for the purposes of the development.

* Under Part One of the Land Reform (Scotland) Act 2003

Appendix B

DUNDEE CITY COUNCIL

MANAGEMENT RULES

REGULATING

PARKS, OPEN SPACES AND PLACES OF PUBLIC RESORT OR RECREATION

DUNDEE CITY COUNCIL (hereinafter referred to as “the Council”) by virtue of the powers conferred on them by Section 112 of the Civic Government (Scotland) Act, 1982 (hereinafter referred to as “the 1982 Act”), hereby makes the following Management Rules for the regulation of parks, open spaces and places of public resort or recreation and conduct of persons while in the parks, open spaces and places of public resort or recreation under the management or control of the Council.

PART I

Interpretation

1. Definition of terms used in Management Rules

- (i) The provision of the Interpretation Act 1978 shall apply to the interpretation of these Management Rules as they apply to the interpretation of an Act of Parliament
- (ii) In these Management Rules, unless the context requires otherwise, the following words and expressions shall have the following meanings:-

“**The Director**” means the Director of the Leisure & Communities Department or the Director of the Dundee Contract Services Department of the Council or other duly authorised person.

“**Park**” means any land whether owned or leased by or under the control of the Council and used for the purpose of recreation, games, sports or amusements or as a public playground (other than a school playground and/or school playing fields), open spaces, public walk, caravan park and ornamental or pleasure ground or place of public resort or recreation and all buildings works, appliances and servitudes, rights, powers and privileges connected therewith.

“**Vehicle**” means a carriage or conveyance of whatever description. For the avoidance of doubt this excludes non-motorised cycles and motorised vehicles or vessels adapted for use by a person with a disability and which are being used by that person, provided the user complies with the 2003 Act and ensures that their non-motorised cycle is fitted with a bell.

“**Caravan**” means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether being towed or being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted.

“**The 2003 Act**” means the Land Reform (Scotland) Act 2003 and any Acts extending or amending the same, and any related guidance.

“**The Code**” means the Scottish Outdoor Access Code and any guidance or regulations extending or amending the same.

Part II

Entrance 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 entrance

3. Exclusions when park is closed

No person shall enter or wilfully remain within any park when such park is closed to the public.

4. Entry to buildings etc

No person shall, without prior written consent of the Director: -

- (i) enter or be within any building, glasshouse or nursery in any park when such building, glasshouse or nursery is closed to the public: or
- (ii) use any building, glasshouse or nursery in any park otherwise than for the purpose or purposes for which it is provided

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. Damage to trees, erections etc

No person shall in any park:-

- (i) wilfully or negligently deface, remove, displace, injure or destroy any board, plaque, tablet or any bill, placard or notice exhibited on such board, plaque, tablet or any support, fastening or fitting on any board, plaque or tablet used in exhibiting any bill placard or notice;
- (ii) wilfully or negligently deface, injure, destroy or soil any wall, fence or railing in or enclosing any park or any shelter, barrier, railing, post, seat, erection or ornamental structure situated in any park.
- (iii) climb any building, wall, fence, tree, barrier, railing, post, monument, fountain, shelter or other erection situated in any park.

8. Persons not to climb over walls etc

No person shall walk, stand, climb, or step on or over any wall, railing, fence, hedge or verge whether temporary or permanent, enclosing or within any park.

9. Persons not to enter or injure plantations etc

- (i) No person shall enter or stand, sit or walk in or upon any flower bed, verge, border or shrubbery within any park or in or upon any part of any park which bears notices of restriction.
- (ii) No person shall cut, displace, or injure any turf or uproot or displace any plants of whatever description or anything growing in any park.

10. Protection of grass etc

No person shall lay or deposit on the grass or in or upon flowerbed, verge, border or shrubbery, or any part of any park, any substance of whatever description likely to be injurious to such part of any park.

11. Firearms etc

No person shall, in any park without the prior written consent of the Director: -

- (i) carry any firearm or weapon; or
- (ii) discharge any firearm or weapon; or
- (iii) throw, shoot or propel any stone, fireworks, arrow, knife, missile, or other similar article; or
- (iv) fly or otherwise put into motion any mechanically propelled model aeroplane or similar device, except in such part of any park designated for such purpose by the Council.

Notwithstanding the foregoing provisions of this Management Rule the Council may permit a firework or other similar display or entertainment within any park on such terms and conditions as they may prescribe

PART III

Exclusion etc of Vehicles, Aircraft and Animals

12. Exclusion of animals etc from parks

Unless a notice is posted by the Council at the entrance to, or elsewhere in, any park indicating that animals are not permitted in the park or any part thereof it shall be permissible to bring an animal (except a dangerous wild animal as defined under the Dangerous Wild Animals Act 1976) into any park always provided that the owner or person in charge of any such animal shall keep it 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 any Act extending or amending the same shall apply.

- 13.** Any person leading, exercising, training, riding or moving any such 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. Owners are asked act responsibly and to avoid crossing marked out sports pitches.

14. Greyhounds, coursing dogs etc

Notwithstanding the foregoing Rules no person shall take into or permit to be in any park any greyhound or coursing dog which is not on a lead and not led by such person, except with the prior written consent of the Director or in such areas as may be designated for the racing and exercising of such dogs, from time to time by the Council.

15. Assistance Dogs (Guide Dogs)

Assistance dogs are exempt from the foregoing Rules when under the control of their handlers, with the exception of the Wildlife Centre in Camperdown Country Park, from which all dogs are prohibited.

16. Vehicles etc in parks

No person shall use, propel or drive 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 Council or in accordance with such notices which may be erected in any park prohibiting or restricting said use.

17. Exempt from restriction

The provision contained in Management Rule 16 hereof shall not apply for the use in any park of any perambulator or similar vehicle drawn or propelled by hand for the use by a child or invalid or of any ambulance, fire engine, police vehicle, hearse and attendant vehicles as may be permitted by the Director.

18. Rules as to driving lights etc in parks

In any park a driver of any vehicle, or rider of any cycle or 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 on public street or roads and for the exhibition of lights on vehicles as are applicable to public streets or roads.

19. Speed Control of Vehicles

No person shall use, propel or drive any vehicle on any road in any park at a speed exceeding ten miles per hour or such other speed as may be determined from time to time by the Council; declaring that nothing in this Management Rule shall be in derogation of any enactment relating to the speed of vehicles.

20. Aircraft

No person shall make use of any park as an aerodrome or landing ground for aircraft or hot air balloon without the prior written consent of the Director, except in an emergency.

21. Kites at Riverside

It is not permitted to fly kites on the open space adjacent to Riverside Drive.

PART IV

Caravans

22. Caravans in parks

No persons shall tow, park or otherwise allow to remain, any caravan on any part of any park otherwise than on such parts of any park as are provided or designated for such purposes from time to time by the Council or in accordance with such Notices which may be erected in any park prohibiting or restricting said use.

PART V

Protection of Ponds, Fish etc

23. Pollution of water, protection of fish etc

- (i) Access in any park for swimming or wading in any reservoir, 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.
- (ii) No person shall take, injure, destroy, disturb or interfere with or attempt to take, injure, destroy, disturb or interfere with any fish, amphibians or plants of whatever description in any pond, pool, river or stream in any park, 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.

24. Yachts, boats etc

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 and

must comply with the responsibilities outlined in the Code. The Director may seek an order or orders to exempt certain water bodies from such use in accordance with Rule 6.

PART VI

Protection of Animals, Birds, Game etc

25. Protection of animals, birds, games etc

No person shall in any park:-

- (i) wilfully or negligently displace, disturb, ill-treat, injure, take, destroy or attempt to displace, disturb, ill-treat, injure, take or destroy any animal, bird, game, nest or egg;
- (ii) 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 affect the right of the Council, The Director or other person duly authorised by the Council to take such steps as the Secretary of State may require in the exercise of his power under Section 39 of the Agriculture (Scotland) Act 1948 and any Act extending or amending the same for the killing, taking or destruction in any park of any animal or birds to which the said Section applies or the eggs of such birds.

PART VII

Regulation of Games etc

26. Control of Structures, erections etc

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 erection.

27. Obligation to perform sports, games and active pursuits safely

Any person taking part in leisure activities which may be dangerous to themselves or to others within the park shall ensure that they do so in a safe manner, have regard to other park users, and use recommended safety equipment. Staff appointed by the Council to supervise parks shall have the authority to determine that an activity is potentially dangerous and should be suspended.

28. Military Operations in Parks

No person shall drill or practice military or similar operations in any park without the prior written consent of the Council.

29. Regulation of cricket, football etc

- (i) No person shall play cricket, football, rugby, hockey or similar sport in any park except in such areas and during such a period or periods as the Director may determine from time to time.
- (ii) No person shall play any game or practise any sport or play golf (including putting) in any park:-
 - (a) otherwise than in such part of any park set aside for such purposes; or
 - (b) in such a manner as to disturb or annoy or interfere with other persons in the proper use and enjoyment of any park; or
 - (c) except with the prior written consent of the Director; or
 - (d) in contravention of any notice exhibited in any park prohibiting the playing of such games or the practise of such sports.

- (iii) No person shall leave overnight on or within any park any goalpost, apparatus or equipment except with the prior written consent of the Director

30. Use of play apparatus

No person shall use any swing, gymnastic or play apparatus in any park in contravention of any notice erected in any park indicating the use of such apparatus.

PART VIII

Protection of Person

31. Prohibition of molestation etc

No person shall in any park:-

- (i) Wilfully obstruct, disturb, interrupt or annoy any other person in the proper or authorised use of any park; or
- (ii) Wilfully obstruct, disturb, interrupt or annoy any officer, servant or employee of the Council or person duly authorised by the Council in exercise of his duty or in the execution of any work in connection with any park.

PART IX

Control of Trading etc

32. Control of Trading

No person shall in any park 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; or
- (ii) let or hire or offer or expose for let or hire any commodity, article or thing; or
- (iii) Pursue any trading vocation

PART X

Regulations of Meetings etc

33. Control of speeches, meetings, performances etc

- (1) No person in any park:-
 - (i) deliver or utter any speech, lecture or address or preach; or
 - (ii) hold or cause to be held or take part in any public meeting, lecture, religious service, public discussions, procession, demonstration or public assembly without the prior written consent of the Council.
- (2) No person in any park shall:-
 - (i) sing or play any instrument; or
 - (ii) operate any cassette, radio, television, compact disc player, apparatus or similar instrument

in such a manner or to such a degree as may cause annoyance to other persons within the park.

34. Control of collections etc

No persons shall in any park solicit or collect money, gifts or subscriptions for any purpose whatsoever except with the prior written consent of the Director

35. Control of performances and exhibitions

No person shall give or take part in or attempt to give or take part in any performances or exhibition in any park except with the prior consent of the Director.

PART XI

Prevention of Danger, Nuisance etc

36. Dangerous articles - litter, refuse etc

No person shall deposit or leave or cause to suffer or fall 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 child or other person finding or handling same; or
- (iii) any paper, glass, earthenware, rubbish, soot, filth, refuse or other deleterious matter; or
- (iv) any other material.

Except with the prior written consent of the Director.

37. Control and Prevention of fires etc

No person shall light a fire, burn, or do any action 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.

38. Nuisance

No person shall in any park:-

- (i) commit a nuisance of any act of indecent behaviour; or
- (ii) use any profane, obscene, abusive, indecent or insulting language.

39. Public conveniences, etc

No person shall in any park enter any public conveniences or similar accommodation which is not appropriate to the sex and age of such person.

40. Alcohol liquors etc

No person shall sell or consume or cause to be sold or consumed any spirit or other alcoholic liquor without the prior consent of the Council.

41. No person shall enter or remain in any park in a state of intoxication.

42. Control of Smoking

No person shall smoke in any building, pavilion, erection, enclosure or place in any park in contravention of the Smoking, Health and Social Care (Scotland) Act 2005 (Prohibition of Smoking in Certain Premises) Regulations 2005 or a notice prohibiting smoking.

PART XII

Miscellaneous

43. Expulsion or exclusion for breach of rules

The Director may:-

- (i) if he has reasonable grounds for believing that a person has contravened, is contravening or is about to contravene any of the foregoing Management Rules, expel the person from the park.
- (ii) if he has reasonable grounds for believing that a person is about to contravene any of the foregoing Management Rules, exclude that person from the park

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.

44. Offences

Any person who:-

- (i) on being required to leave the park by an authorised Council Officer who has reasonable grounds for believing that such person has contravened, is contravening or is about to contravene any of the foregoing Management Rules, fails to leave;
- (ii) on being informed by the authorised Council Officer who has reasonable grounds for believing that such 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;
- (iii) 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 one of the standard scale, currently TWO HUNDRED POUNDS (£200) STERLING in terms of Section 118 of the 1982 Act.

45. Date of Operation

The foregoing Management Rules shall come into force on **DD/MM/YYYY** or the date of their execution, whichever is the later.

Dated at Dundee this day of , Two Thousand and Eight.

Signed _____ Chief Executive
DUNDEE CITY COUNCIL

DUNDEE CITY COUNCIL

MANAGEMENT RULES

FOR THE REGULATION OF CEMETERIES

Dundee City Council (hereinafter referred to as 'the Council') by virtue of powers conferred on them by Section 112 of the Civic Government (Scotland) Act 1982 (hereinafter referred to as 'the 1982 Act') hereby make the following Management Rules for the regulation and the use of cemeteries and conduct of persons while in the cemeteries under the control of Dundee City Council.

PART I

In these Management Rules unless the context requires otherwise, the following words or expressions shall have the meanings hereby assigned to them, videlicet:-

'Council' means the Local Authority for the Dundee City Council in terms of the Local Government (Scotland) Act 1973, the Local Authorities (Property etc) (Scotland) Order 1975, Section 15 of the Local Government etc (Scotland) Act 1994, and Article 3 of the Local Authorities (Property Transfer) (Scotland) Order 1995 and their statutory successors.

'Director of Leisure and Communities' means the Director for the time being of the Leisure and Communities Department of the Council or other duly authorised person.

'Lair' means a piece of ground 2.74 metres in length and 0.92 metres in width and no greater in depth than 2.14 metres and no less in depth than 1.53 metres.

'Register' means the Register Book of Sales of Ground, held by the Director of Leisure and Communities.

'Memorial' means any gravestone, headstone or other monument erected at the head of the Lair in the headstone border or plaque in designated areas such as a memorial wall.

'Proprietor' means the person who purchases the Exclusive Right of Burial to the Lair and to whom the Title Deed Certificate is granted and his successors in terms of Rule 2 below who are registered in the Register.

'the Access Code' means the Scottish Outdoor Access Code and any guidance or regulations extending or amending the same drawn up under the Land Reform (Scotland) 2003.

The provisions of the Interpretation Act 1978 shall apply to the interpretation of these Management Rules as they apply to an Act of Parliament.

PART II

1. Each purchaser of a Lair in a cemetery will, on payment of the price, be granted an Exclusive Right of Burial and be furnished with a Title Deed Certificate describing the Lair so purchased. The Lair in which the right is exercised remains wholly in the ownership of the Council. The Title Deed Certificate must be recorded in the Register and the name of the person so recorded shall be held to be the Proprietor of the Lair so purchased.
2. (i) Only one person shall be recorded as the Proprietor of a Lair and joint proprietorship is specifically prohibited. For the avoidance of doubt the order of succession to a Lair will be decided in terms of the Succession (Scotland) Act, 1964 as amended. Notwithstanding the foregoing, the Proprietor shall

have it in his power to bequeath the Lair to any member of his family or to any unrelated person.

- (ii) No person who claims right to succeed to a deceased Proprietor shall be recognised or have his name inserted in the Register as Proprietor, without adducing evidence that he is entitled to succeed all to the satisfaction of the Council. When application is made by a party who claims to succeed, the Council may order such public or other notice of the application to be made as they judge proper, and the expense in that event shall be paid by the applicant.
 - (iii) No transfer by an inter vivos deed shall have any strength or effect unless sanctioned by the Council, who shall have the right of pre-emption and shall have the power to accept the Lair in the case where a transfer by way of sale is intended.
 - (iv) No party claiming a Lair either by succession or transfer shall be recognised or have their name inserted in the Register without production of the Title Deed Certificate or document granted to the original Proprietor, or such other evidence as may satisfy the Council.
 - (v) Assignations or bequests by a now deceased Proprietor of any Lair, must be recorded in the Register within twelve months of the death of the said deceased Proprietor, otherwise the deed, in so far as regards such Lair, shall be ineffectual. However the Council reserves the right to give effect to any assignation or bequest if it sees fit.
3. Failing interment in or transfer of a Lair for a period of 100 years, the Council may terminate the Exclusive Right of Burial therein, provided that such notice of intention to terminate will be advertised once in a national newspaper and twice in two local newspapers and a period of twelve months allowed to elapse, following the publication of the last advertisement, whereupon, failing any claimant, the Council may, by simple resolution duly minuted, declare such Right of Burial to be terminated and may grant the Exclusive Right of Burial of the Lair anew if no persons are interred in the Lair.
 4. No interment can take place without production to the Director of Leisure and Communities of the Title Deed Certificate or by the completion and submission of a Form of Indemnity.
 5. Notice of interment must be given to the Director of Leisure and Communities by the parties, or by the undertaker of the funeral as early as possible and no less than 24 hours notice preceding the time fixed for the interment and in the case of Monday funerals no later than 3pm on the Friday preceding. Interments may take place from Monday to Friday inclusive and between 9am and 11am on Saturdays. Outwith these times, funerals are not permitted except in necessitous cases, on a Doctor's Certificate and with the authority of the Director of Leisure and Communities. Notice of interment shall be made by completion and subscription of the prescribed form (obtainable at the office of the Director of Leisure and Communities). Form 14 or Form 15 or a Certificate of Cremation, or a Coroner's Report must be submitted with the aforementioned interment form. When the bottom of the ground is known to be formed of rock, earlier notice must be given, so as to ensure that the work is properly and timeously completed. Undertakers are not to give directions to, or in any way interfere with, the employees of the Council after the coffin is laid in the grave.
 6. Where all coffins are of a maximum depth of 0.38 metres and where the Lair is 2.36 metres in depth, three full size coffins may be interred, where the Lair is 1.98 metres in depth, two full sized coffins may be interred and where the Lair is 1.53 metres in depth, only one full sized coffin may be interred. If any coffin is of a greater depth than 0.38 metres then the amount of interments allowed will be reduced. No Lair in

which a coffin has been laid so near as 1.22 metres from the surface shall be allowed to be opened. Provided always that in addition to each full sized coffin the coffin of a child under two years of age may also be interred in the Lair provided that the child's coffin is interred prior to each full size coffin.

7. (i) No plants, shrubs or trees of any description are permitted other than in the headstone border and only with the prior approval of the Director of Leisure and Communities. No planting, Memorial, inscription, or erection of any kind whatsoever shall be permitted to be placed on the Lair outwith the headstone border.
- (ii) No Memorial shall be erected in the headstone border unless it meets the standards set out in the Council's Headstone Memorial Installation and Repair Registration Scheme. All Memorials must be constructed and erected in accordance with the recommendations laid down by this Scheme. Any Memorial Mason wishing to work within the Council's cemeteries must be registered with the Council under this Scheme.
- (iii) Permission will be granted for the erection of a Memorial for an initial period of thirty years on payment of an Inspection fee. At the expiry of the thirty year period an extension for a further thirty years may be applied for on payment of a fee equivalent to the Inspection fee at that time.
- (iv) No monument or other erection shall be built or fitted in any wall of the cemetery, nor if erected near any wall shall such erection exceed the height of the wall unless approved by the Director of Leisure and Communities. The erection of tombs, kerbing, lair rails, fences and walls is not permitted except within the headstone border and subject to the prior approval of the Director of Leisure and Communities. The Director of Leisure and Communities shall be entitled to require the removal of any such tombs, kerbing, lair rails, fences or walls erected without his consent and in the event of the Proprietor failing to remove such items, the Director of Leisure and Communities shall be entitled to remove the items at the Proprietor's expense and recover the cost of so doing.

Notwithstanding the foregoing, the Proprietor may make minor improvements within the headstone border by placing small personal tributes or momentos thereon provided that the Director of Leisure and Communities shall be entitled to require the removal of any such items as he considers inappropriate and in the event of the Proprietor failing to remove the item(s) as required, the Director of Leisure and Communities shall be entitled to remove the item(s) at the Proprietor's expense and recover the cost of so doing.

8. (i) The Proprietor must keep the Memorial or other erection in good order and repair; and should he fail to do so the Director of Leisure and Communities may either instruct the repair or may cause the Memorial or other erection to be removed at the Proprietor's expense and may then recover the cost of so doing. No interment shall be permitted until the said expense is first paid.
- (ii) The Director of Leisure and Communities has the power to remove damaged and/or dilapidated Memorials, if after complying with all the current legislation on removal of such Memorials the last known owner cannot be traced. Thereafter, if the said damaged and/or dilapidated Memorials are not claimed within one year from the date of removal the Director of Leisure and Communities will have power to dispose of the same as he sees fit.
- (iii) The Director of Leisure and Communities reserves the right to prune all planting and even remove such, if it shall be in his opinion that by the spreading of the roots, branches or otherwise, injury may be caused to the

adjoining grounds. Proprietors are prohibited from removing or disposing of any plants or shrubs without the consent of the Director of Leisure and Communities.

9. The hewing or dressing of stones, or operations of any other description, except in the dressing of lairs, will on no account be permitted within the cemeteries, or in the approaches thereto. All rubbish or refuse remaining after the erection of Memorials or other duly sanctioned operations must immediately be removed from the site under the direction of the Director of Leisure and Communities and at the expense of the Proprietor, or of the person executing the work. The dressing and decorating of burial places shall be carried out only by the employees of the Council and at the expense of the Proprietors.
10.
 - (i) Visitors to the cemeteries shall walk on the paths (where possible) and shall on no account pull the flowers, or in any way injure the shrubs or trees. No person shall enter or depart from the cemeteries by any other way than the designated entrances. Children under 14 years of age must be accompanied by a parent or guardian.
 - (ii) It shall be permissible to bring a dog into a cemetery provided that the owner or the person in charge of any such dog shall keep the dog under his/her close control or on a short lead (two metres or less) and that the provisions outlined in the Access Code and the provisions of the Dog Fouling (Scotland) 2003 are complied with.
 - (iii) Cars, excepting those attending funerals, will not be admitted to any cemetery unless an occupant of the car is in possession of and displaying a current permit issued by the Director of Leisure and Communities and only for the purpose of people with disabilities visiting graves. Such permits shall require to be renewed annually and shall be in possession of the person with the disability for the visit and shown to any employee of the Council on request.
 - (iv) No person shall deposit or leave or cause to suffer or fall or to be deposited
 - (a) any substance or article likely to cause injury or damage to any person or property: or
 - (b) any substance or article which might occasion risk of any kind to any child or other person finding or handling same: and
 - (c) any paper, glass, earthenware, rubbish, soot, filth, refuse or other deleterious matter; or
 - (d) any other material
 - (v) No person may play any game or practice any sport in any cemetery.
11. No person shall in any cemetery:
 - (i) commit a nuisance or any act of indecent behaviour; or
 - (ii) use any profane, obscene, abusive, indecent or insulting language.
12. The cemeteries shall be open to the public every day during such hours as the Director of Leisure and Communities may fix and determine. The Director of Leisure and Communities shall be entitled to remove any person or persons who may conduct themselves improperly and may also prevent persons entering at prohibited times.

- 13 No employee of the Council shall be entitled to accept any gratuity whatsoever, on pain of dismissal.
- 14 Semi Private Ground
- The Council has allocated sections in certain cemeteries to be used as semiprivate ground, the same to be regarded as free ground pure and simple. No right of property can be acquired thereto and when a funeral takes place it shall be attended to in all respects as a private funeral. No erection of Memorials, no planting of shrubs, flowers, or decorating of the ground shall be allowed (except as provided for in Clause 23). Notice of interments therein must be given in the same way as for private funerals.
- 15 Perpetuity fees must be paid on purchase of ground or at a reopener if not previously paid.
- 16 A scale of current interment dues and other burial charges may be obtained from the Director of Leisure and Communities, Head Office, Level 3, Wellgate Centre, Dundee DD1 1DB
- 17 The Director of Leisure and Communities may, if he 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 cemetery.
- 18 Any person who:
- (a) on being required to leave the cemetery by the Director of Leisure and Communities 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;
 - (b) on being informed by the Director of Leisure and Communities 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 cemetery enters or attempts to enter the cemetery;
 - (c) being a person subject to an exclusion order under Section 117 of the 1982 Act enters or attempts to enter the cemetery to which the exclusion order relates; shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding Level 1 in terms of Section 118 of the 1982 Act.
- 19
- (i) All vehicles allowed in the cemetery must keep to the approved roads and must keep off the grass at all times. Car parking will only be allowed in the designated car parking area/s.
 - (ii) On arrival, funeral parties will be met by the Duty Officer or his representative at the appropriate entrance specified by the Director of Leisure and Communities before commencing the burial service.
- 20 This clause, in addition to the above clauses, will apply only to Birkhill Cemetery:-
- (i) Access for funeral parties will be at the southern gate and exit will be by the northern gate to allow for a circular route.
 - (ii) Only the erection of Memorials and planting will be allowed in the headstone border. The grass areas must be kept free of all obstructions. Memorials of no more than 1.53 metres high, 0.92 metres width and 0.46 metres depth will be permitted and must be within the boundaries of the headstone border.

- (iii) The Memorial may take the form of a tablet or plaque at ground level, headstone, tablet or plaque above ground level.
- (iv) Each Memorial erected must be doweled into a concrete foundation provided in each headstone border.

Woodland Burial Grounds

21 This clause in addition to the clauses numbered 1 to 19 above will only apply to Woodland Burial Grounds which may be designated by the Council.

- (i) Memorial planting - all trees to be provided and planted by the Director of Leisure and Communities. Wildflowers may be planted on lairs subject to the approval of the Director of Leisure and Communities.
- (ii) Memorial plaque - for the purpose of allowing the public to place memorial plaques, a series of memorial walls will be created, allowing the bereaved to place upon the wall a memorial plaque, with an inscription commemorating the deceased. Plaques will be from a selected range approved by the Director of Leisure and Communities and be uniform in size, colour and material. No conventional memorials can be placed on graves.
- (iii) Placing of flowers - The bereaved upon initial burial will be allowed to lay flowers upon the grave. Thereafter, all flowers will be laid at the base of the memorial wall.
- (iv) Lairs - each lair will be 1.53 metres depth and immediately adjacent to each other without footpath and allows for only one interment per lair.

Lairs cannot be purchased in advance Lairs shall be allocated by the Director of Leisure and Communities at the time the funeral arrangements are made.

A Title Deed Certificate shall be issued but not against a specific lair. The name of the person so recorded shall be held to be the proprietor of the lair so purchased.

- (v) Coffins - all coffins shall be of a type approved by the Director of Leisure and Communities taken from the following approved list. Coffins should not be deeper than the standard 0.38 metres without the approval of the Director of Leisure and Communities.
 - (a) Standard coffin constructed from chipboard, plywood or wood with a minimum plastic content.
 - (b) Card coffins which are biodegradable made to an approved standard.
 - (c) Shrouds and body bags are acceptable but must be made of biodegradable material.

Maintenance

An area immediately adjacent to roads and paths shall be of a standard amenity maintenance. The woodland areas shall be cut twice per year.

22 Cremated Remains Areas

This clause, in addition to the clauses numbered 1 to 19above, will only apply to the Cremated Remains Areas.

- (i) The area(s) of ground designated by the Council will be known as the Cremated Remains Garden(s). These Garden(s) shall be for the sole purpose of the interment of cremated remains.
- (ii) For the purpose of interring cremated remains the Council shall offer the public a section of ground.
- (iii) The lair shall measure no more than 1.5m x 1m to a depth of 600 mm.
- (iv) A maximum of four interments of caskets or urns will be allowed in each lair, one in each corner.
- (v) Headstones will be permitted to a maximum size of 900 mm x 1m x 0.46m within the headstone borders.

23. Scattering of Cremated Remains

Cremated remains may be scattered in any cemetery upon written application to and permission from the Council. All applications must be accompanied by a certificate from the Crematorium. The Council reserves a right to charge a fee in the event that a record requires to be kept of the scattering of Cremated Remains.

24. Baby Memorial Gardens

This clause, in addition to the clauses numbered 1 to 19 above, will only apply to Baby Memorial Gardens.

- (i) The areas of ground designated by the Council will be known as Baby Memorial Gardens. Baby Memorial Garden shall be designated for stillborn and for babies up to, and including, two years old.
- (ii) For the purpose of interring a baby or stillborn baby, the Council will offer the parent(s) a section of ground.
- (iii) The ground will measure no more than 1.5m x .91m at a depth of approximately 1200mm.
- (iv) Interment will take place in the next available space as determined by the Director of Leisure and Communities with one interment per space.
- (v) Small memorials set on a plinth with optional flower holders - maximum height 350mm x 450mm long and 300mm wide will be permitted in headstone borders. The choice of materials will be in stone, the type and finish to be a matter of individual choice. The construction of the plaque and plinth shall be to the Council's specifications.
- (vi) Plaques, in addition to memorials in headstone borders will be permitted. A wall has been provided by the Council for the purpose of allowing parents to erect a plaque in memory of the deceased baby.
- (vii) Plaques will be standard, made from stainless steel approximately 3mm gauge and 175mm x 100mm fitted with stainless steel screws. A maximum of two colours of type may be used.
- (viii) Floral tributes will only be allowed on the grave at the time of burial and remain for approximately two weeks. Thereafter any tributes will be placed around the memorial wall. Alternatively, flowers will be placed within the flower holder attached to the memorial stone.

- (ix) Any parent(s) having a stillbirth or baby interment at another location, on production of relevant documentation, may be permitted to erect a memorial plaque.

25 The foregoing Rules shall come into force on the date of their execution.

Dated at Dundee this day of , Two Thousand and Eight.

Chief Executive.

Appendix C

Green Circular Maintenance Plan

Background

Dundee's Green Circular is the major route linking the city's greenspaces. The route is widely used for recreational activities such as walking, cycling, jogging and, in some places, horse riding. It is also one of the main routes used by those commuting to work or school by bicycle or foot. It is, therefore, important that this flagship route is kept to the highest standard possible.

In recent years there has been a programme of upgrading the route, with assistance from the Cycling, Walking and Safer Streets Fund, the Vacant and Derelict Land Fund, and Sustrans.

An audit of the route is undertaken by the Countryside Ranger Service twice a year. The purpose of this audit is to identify any maintenance issues that have not been picked up as part of routine maintenance and to identify any problems with the surface, signage or any potential barriers to use.

The adopted lengths of the route are routinely maintained by the Planning & Transportation Department and the Waste Management Department. The Leisure & Communities and Dundee Contract Services Department have the responsibility for the unadopted lengths. Each department will be responsible for replacing signage, filling potholes and emergency repair works on the route.

Signage & interpretation

Signage along the route should be consistent, clear and easy to follow. This is checked as part of the Countryside Rangers audit where missing and damaged signs are reported. Missing and damaged signs should be replaced annually. Graffiti should be removed from signs as soon as possible by Waste Management's Rapid Response Team.

Interpretation boards installed along the route are used to give people information about the area as well as a reminder of where the route leads to. Boards of this style are often targets for graffiti. There should be regular checks and swift removal of any graffiti on the boards.

Surface

The route is primarily comprised of a bitmac surface. In some areas, particularly those used by horse riders, the surface is made of whindust. Whindust is more suitable for this type of use and will not require gritting in the winter. It does, however, require topping up and patching from time to time. This will be picked up within the Countryside Rangers audit and actioned through the maintenance budget.

There will be regular sweeping up glass and litter from the route. Leaves cause a serious slip hazard for all users, but especially cyclists, and there should be clearances during the autumn in park areas. This will be the responsibility of the Leisure & Communities Department and Dundee Contract Services on the unadopted lengths and the Planning & Transportation Department on the adopted lengths.

As mentioned above the route is used by many for commuting, this is true even in the winter. Maintenance budgets will not allow for all bitmac lengths of path to be gritted regularly. It is recommended that, if funds become available, the sections used most heavily by commuters (Tay Bridge to Technology Park, and the section between Drumgeith Road and the Arbroath Road/Claypotts Road junction) are gritted when necessary by the Planning & Transportation Department. It should be noted that this is not achievable under the current maintenance regime.

Barriers

Dundee City Council has a statutory duty to uphold access rights and to assert, protect and keep open routes by which access rights may reasonably be exercised. The Green Circular route should be accessible to as many people as possible. A review of accessibility of the

route is to be undertaken with respects to the current access restrictions on the route such as motorcycle barriers. This will inform a future programme of work on the removal of barriers along the route.

Verges & Overhead

Bushes/hedges should be cut back from the path. Any loose material should be thoroughly swept up immediately, particularly where there are thorny bushes next to the path. To assist access for horse riders, any overhanging branches or obstructions below 3.5m should be cleared. Giant Hogweed is growing along the sides of the path near the Dighty Burn. This is a hazardous to health and should be tackled through a programme of removal. Again, the Leisure & Communities Department and Dundee Contract Services shall be responsible for the unadopted lengths and the Planning and Transportation Department shall be responsible for the adopted lengths of the route.

Lighting

At present the majority of the route is not lit due to the large amounts of both capital and revenue that it would take to install and maintain lighting. Lighting would undoubtedly make the route more user friendly, particularly in the winter months. Criteria for lighting sections of the route will be developed, but this will only be capable of being implemented if additional capital and revenue funding can be identified.