

**REVIEW OF LOCAL STATUTORY PROVISIONS
LOCAL GOVERNMENT ETC (SCOTLAND) ACT 1994: SECTION 59
APPLICATION FOR EXEMPTION OR POSTPONEMENT FROM REPEAL**

1. **Title of Provision**
Management Rules for the Management of Public Halls under the Civic Government (Scotland) Act 1982.
2. **Effect and extent**
These Rules came into effect on 1st April, 1994 and regulate the admission and conduct of the public within Public Halls throughout Moray.
3. **Has the Council reviewed this provision and concluded that it is still required beyond 31 December 1999?**
The Council has reviewed the position and concludes that the Management Rules are required beyond 31st December, 1999.
4. **Does the Council seek (i) exemption from repeal or (ii) postponement of repeal of the provision?**
The Council seeks exemption from repeal.
5. **Is the content of the provision appropriate to contemporary needs?**
The Rules have been drafted recently and their provisions are up-to-date and work in practice.
6. **Does the provision apply to the whole of the Council's area? If not, why is it considered appropriate to continue to limit its application to the area in question?**
The Rules apply to the whole of The Moray Council area.
7. **Is it confirmed that the provision does not duplicate matters in public statute?**
It is confirmed that the Rules do not duplicate matters contained within public statute.
8. **If exemption is sought, why is it considered inappropriate to re-enact the provision, e.g. no changes required to existing legislation?**
The provisions within the Rules are up-to-date and work in practice. There is no need to re-enact the provisions.
9. **If postponement is sought, when will a Provisional Order be deposited re-enacting the provision?**
N/A.
10. **Any other factors or information which the Council considers relevant.**
N/A.

MORAY DISTRICT COUNCIL

RULES FOR THE MANAGEMENT OF PUBLIC HALLS

By virtue and in terms of the powers conferred on them by Section 112 of the Civic Government (Scotland) Act 1982, Moray District Council hereby makes the following rules for the management of Community Centres.

1. INTERPRETATION OF TERMS

In the construction of these Rules of Management, the following expressions shall have the meanings hereby assigned to them, that is to say:-

- (i) The "Council" means the Moray District Council as constituted by the Local Government (Scotland) Act 1973.
- (ii) The "Public Halls" means any Public Hall within the District of Moray maintained by and under the control and management of the Council.
- (iii) "Authorised Officer" means the Director of Leisure and Libraries or any other person appointed by the Director of Leisure and Libraries as an Authorised Officer.

2. REGULATION AND ADMISSION OF THE PUBLIC

- (a) The hours of opening and closing the premises shall be fixed by the Council who reserve the right to alter same at any time.
- (b) Every person, except a duly authorised member of the Council shall, before entering any hall, room, viewing or spectator area, obtain by payment, a Confirmation of Let for said hall, room, viewing or spectating area or grounds to which the holder shall be entitled to be admitted and the holder of such Confirmation of Let shall, upon the application of any person appointed or acting as an attendant at such hall, room, viewing or spectator area or grounds (hereafter called the facilities) deliver such Confirmation of Let to such attendant. The term "hall" covers main halls, lesser halls and large general activity areas.
- (c) No person shall, by forcible or improper means, seek admission to any facilities before any person who, by priority of Confirmation of Let shall be entitled to prior admission to the facilities.
- (d) Members of the public taking part in individual pursuits offered by the District Council should report to the Reception or similar offices to obtain permission to enter the Public Hall and render any payment required to the Authorised Officer empowered to undertake such transactions.

- (e) Members of the public taking part in activities controlled or co-ordinated by groups or individuals, not the District Council, should report to the organiser of said group and place themselves in the control of said organiser.
- (f) Organisers of group activities should report to Reception or such similar offices of the Authorised Officer in charge of the Public Hall and ascertain availability of facilities for their use and any restrictions or recommendations.
- (g) Participants in any activity whether District Council directly controlled or otherwise shall be subject to the rules and regulations laid down from time to time for the safe conduct of activities and personal well being of both staff and participants; and
- (h) All participants will require to follow oral instructions issued by the Authorised Officer and/or the Authorised Officer in Charge of the Public Hall during the period of let in respect of any matter of safety within the Public Hall (e.g. fire evacuation or use of equipment).

3. **EXCLUSION OF THE PUBLIC**

- (a) No person shall enter, without the permission of the Authorised Officer on duty, or wilfully remain within the Public Hall at any time when same are closed to the public.
- (b) Members of the public are excluded from all areas so designated by appropriate signs, regulations and verbal instructions as are in force from time to time; and
- (c) Members of the public are excluded from all areas of participation where said members of public are not participants or spectators approved for that activity.
- (d) The Council reserves the right to refuse admission to any individual, group or organisation.

4. **EXCLUSION OF VEHICLES**

No member of the general public may bring any bicycle or other wheeled vehicle or conveyance into the Hall except with the consent of the Authorised Officer and in such circumstances, the member of the general public is required to carry out any instructions of the Authorised Officer as to where the bicycle, wheeled vehicle or conveyance requires to be situated and any other instructions relative thereto. In the case of an invalid wheelchair, the Authorised Officer will permit such access to the Hall as is practical.

5. **EXCLUSION OF ANIMALS**

With the exception of guide dogs for the blind under the control of their owners no person shall cause or allow any dog or other animal belonging to him or under his control to enter or remain in the Public Hall, or unless otherwise permitted to do so by the Authorised Officer and in such circumstances the person must carry out any instructions of the Authorised Officer as to where the dog or other animal may be situated and the means by which it must be kept in that situation.

6. **PROVISIONS AS TO DRESS**

- (a) No person shall participate in any activity unless suitably attired to the satisfaction of the duty Authorised Officer. In particular, no person who, in the opinion of the Authorised Officer, is offensively unclean in person or in dress shall enter or remain in the Public Hall.
- (b) No person shall remove from the Public Hall any item of attire provided or hired for use within the Public Hall.

7. **PROTECTION OF PRIVACY**

- (a) No person shall, at any time interrupt, disturb or wilfully intrude upon or interfere with the privacy of any person engaged in any activity or the preparation for any activity.
- (b) No person shall, by forcible or improper means, seek admission to any hall, room, viewing or spectator area at any time when the same shall be occupied by the full number of persons authorised to use, at one and the same time, such hall, room, viewing or spectator area.
- (c) No male, unless under six years of age and accompanied by a responsible adult female, shall enter or use any toilet, bathroom, changing room, dressing accommodation, room or area so designated for such purpose or any passage thereto which shall be reserved or appropriated by the Council for the use of any female; and
- (d) No female, unless under six years of age and accompanied by a responsible adult male, shall enter or use any toilet, bathroom, changing room, dressing accommodation, room or area so designated for such purpose or any passage thereto which shall be reserved or appropriated by the Council for the use of any male.

8. **PREVENTION OF DAMAGE**

- (a) Every person shall, at all times, exercise reasonable and proper care in the use of any hall, room, dressing room, toilet, bathroom, shower room, viewing or spectators' gallery, tea-room or cafeteria and the furniture and fittings therein.

- (b) No person shall, at any time, wilfully, carelessly or negligently break, or injure or improperly interfere with the use and efficient action of any lock, valve, pipe work, machinery or other equipment in connection with any hall or room or wilfully, carelessly or negligently injure, deface, disfigure or defile any hall, room, dressing room, toilet, bathroom, shower room, viewing or spectators' gallery, tea-room, cafeteria or any other part of the building or grounds thereof, or any furniture and fittings therein.
- (c) No person shall, at any time, wilfully, carelessly or negligently injure, destroy or improperly soil or defile any equipment, materials or other articles supplied for his/her use; and
- (d) No person shall remove from the Public Hall any equipment, materials or other articles supplied for his use and every person shall return these to the attendant as soon as his purpose therewith has been served.
- (e) The Council will not accept any responsibility for the loss or theft of, or any other damage to the property of any persons using the premises.

9. **PREVENTION OF NUISANCES**

- (a) No person shall, at any time, within the Public Hall, use obscene, indecent or offensive language or spit or behave in an obscene, indecent, offensive or disorderly manner.
- (b) No person, unless otherwise authorised, shall bring, or cause to be brought, into the Public Halls any alcoholic liquor and no person who is in a state of intoxication due to alcohol, drugs or solvent shall enter or remain in the Public Halls.
- (c) The playing of ball, or other games shall be at the discretion of the Authorised Officer on duty.
- (d) Other than with the express permission of the Authorised Officer and or hirer the public use of radios, compact disc or cassette players and other such sound emitting equipment is forbidden within the premises unless used with a personal headset.
- (e) No person shall display, distribute, affix or post any bill, placard or notice into or upon any part of the Public Hall except with the consent of an Authorised Officer.
- (f) No person shall offer anything for sale in any part of any Public Hall except with the consent of an Authorised Officer.
- (g) No person shall smoke except in a designated area.

- (h) No person shall deposit papers or other rubbish except in the receptacles specifically provided for this purpose.

10. **USE AND CONTROL OF SPECIALISED EQUIPMENT**

- (a) The use and control of specialised equipment such as stage lighting the audio visual presentation equipment in Public Halls must be under the direction of the Authorised Officer in charge. The Officer may, at his discretion, instruct individuals in the use and control of said equipment or may insist that said equipment remain under the control of persons designated by the Officer in charge.
- (b) Persons so instructed in the use of specialised equipment shall require to satisfy the Authorised Officer of their suitability to operate said equipment.
- (c) Any person permitted to operate or control specialised equipment shall advise immediately and without fail any difficulty, fault or reason to suspend use of said equipment to the Authorised Officer; and
- (d) Any person, following the use of any item of specialised equipment, shall return same or the control of same to any designated area of state in which the equipment was found and should not return any equipment to an unsafe area or leave in an unsafe condition.

11. **HIRE OR USE OF KITCHEN FACILITIES**

- (a) The use and control of specialised equipment such as cookers, ovens and ancillary items and equipment in kitchen facilities must be under the direction of the Officer in charge. The Officer may, at his discretion, instruct individuals in the use and control of said equipment or may insist that said equipment remain in the control of persons designated by the Officer in charge.
- (b) Any group or individual hiring or using any kitchen facilities shall require to comply with any legislation currently in statute at time of use or hire appertaining to Health & Safety Regulations and the preparation, handling, cooking and serving of foodstuffs and related items under their control.
- (c) Any group or individual hiring or using the kitchen facilities shall further require to comply with any instructions, oral or written, issued by the Duty Officer or his nominee in regard to use of said facilities.
- (d) Any group or individual, following the hire or use of kitchen facilities, shall return or leave said facilities in a safe and clean condition on cessation of hire or use; and

- (e) It is the responsibility of users of kitchen facilities to remove, within an agreed timescale, any or all equipment or materials belonging to said user, brought in for the sole purpose of the function catered for, and any storage of materials or equipment awaiting use or uplift shall be at the risk of the user.

12. PREVENTION OF INJURY

- (a) No person shall wilfully or improperly interfere with any other person using the facilities provided by the Council or behave in such a manner as to endanger their own or other persons' safety.
- (b) No person shall disobey any lawful instructions given by a member of the staff to ensure the safety and comfort of all persons using the premises.
- (c) No person shall bring into the premises any object or objects which may be considered by any member of the staff to be dangerous.

13. LICENSED FUNCTIONS

- (a) Any group or individual hiring or using any facilities for the purpose of a licensed function require to comply with any legislation currently in statute at time of use or hire, appertaining to the preparation, handling and serving of alcohol and related items under their control.
- (b) Any group or individual hiring or using the facilities shall further require to comply with any instructions, verbal or written, issued by the Duty Officer or his nominee in regard to use of said facilities.
- (c) Any group or individual, following the hire or use of facilities, shall return said facilities in a safe and clean condition on cessation of hire or use; and
- (d) It is the responsibility of users of facilities for licensed functions to remove any or all equipment or materials belonging to said user, brought in for the sole purpose of the function catered for, within an agreed timescale and any storage materials or equipment awaiting use or uplift shall be at the risk of the user.

14. LETS FOR USE

- (a) Where any organisation is granted the use of a Public Hall that organisation shall be solely responsible for the control and safety of those using the Public Hall during the period of use.
- (b) All persons using the facility shall comply with these Management Rules.

- (c) The Office Bearers of the organisation shall have the powers given by these Management Rules to the staff in any Public Hall during the period of the let subject always to the provisions of 13(c) above.
- (d) Any organisation granted the use of a facility shall:-
 - (i) ensure that these Management Rules are complied with during the period of use.
 - (ii) indemnify the Council against any claims which might arise during or as a result of their use of the Public Hall.
 - (iii) in the absence of the organiser holding a Performing Rights Society (P.R.S.) licence and/or a Public Phonographic Licence (P.P.L.) shall require to meet all fees, as determined from time to time, relating to P.R.S. and/or P.P.L. levies and administration costs thereof.
 - (iv) make good any damage to the property of the Council caused during the period of use.
- (e) All persons and organisations must vacate the area of hire by the end of their period of allocation, regardless of the state of play of any event.

15. **CONTROL AND REMOVAL OF OFFENDERS**

- (a) Where an Authorised Officer of the Council has reasonable grounds for believing a person has contravened, is contravening or is about to contravene a Management Rule, he/she may expel that person from the Public Hall. A person may be served an exclusion order by the Council and may be liable, on summary conviction, to a fine if that order is contravened.

- (b) A person failing to leave the Public Hall when requested to do so by an Authorised Officer will be committing a criminal offence and may be fined upon summary conviction.

16. **RIGHT OF APPEAL**

Any person wishing to appeal against a decision taken in terms of paragraphs 14 (a) & (b) above must do so in writing to the Director of Administration and Law within 14 days of that decision.

17. **MISCELLANEOUS**

- (a) No child under eight years of age shall be permitted to enter the Public Halls unless accompanied by a responsible adult.
- (b) No refund will be given to any person expelled or excluded for breach of these rules; and
- (c) Any person wishing to give instructions in sport or other activity in any Public Hall for any monetary or financial gain must make application in writing to the Council for the Council's written permission and such permission shall be subject to any conditions the Council may wish to impose.

18. **RULES NOT TO AFFECT EMPLOYEES IN THE PERFORMANCE OF THEIR DUTIES**

Any act necessary to the proper execution of his/her duty in the premises by any Officer of the Council or by any person employed by the Council shall not be deemed an offence against these rules.

NOTES

Copies of these rules can be inspected free at the Council's Department of Administration and Law, District Headquarters, Elgin, any Area Office, Public Library or Council owned Public Hall.

Any person contravening any of these Management Rules shall be subject to the penalties imposed by Sections 116, 117 and 118 of the Civic Government (Scotland) Act 1982 exigible from time to time in terms of the relevant Sections of the aforementioned Act.

Certified that these Management Rules are a true copy of those made by Moray District Council and are effective from 1st April, 1994.

Director of Administration and Law
Moray District Council