

**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 Sports and Leisure Centres under the Civic Government (Scotland) Act 1982.

2. Effect and extent

The Rules were promoted by the former Moray District Council and are effective from 1st April, 1994. They regulate admission of the public, and conduct of the public within the facilities.

3. Has the Council reviewed this provision and concluded that it is still required beyond 31 December 1999?

The Council has reviewed the Management Rules and concludes that they will be 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 were drafted recently and their contents are up-to-date.

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 all sports and leisure facilities under the control and management of The Moray Council.

7. Is it confirmed that the provision does not duplicate matters in public statute?

The Management 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?

See comments at 5 above.

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 SPORTS AND LEISURE CENTRES

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 make the following Rules for the Management of Sports and Leisure Centres.

INTERPRETATION OF TERMS

1. 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 Sports and Leisure Centres" means all Sports and Leisure Centres within the District of Moray under the control and management of Moray District Council and covers all facilities within and pertaining to such Centres.
 - (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.
 - (iv) "Facilities" means playing area(s), shower or changing area(s), toilets, spectators' area or gallery, cafeteria or grounds.

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) Other than with the consent of the Authorised Officer every person, or group of people, except a duly authorised member of the Council shall, before using any Sports or Leisure Centre's facilities either (a) obtain from reception, by payment of the current rate, a ticket authorising the use of an area which has been designated as suitable for the activity requested, or (b) produce a valid ticket relating to special activity prices or schemes as may be determined from time to time by the Council entitling such person to admission to such Sports or Leisure Centre's facilities and the holder of such ticket shall, upon the application of any person appointed or acting as an attendant at such Sports or Leisure Centre's facilities deliver such ticket to such attendant.
- (c) No person or groups of people shall, by forcible or improper means, seek admission to any facilities before any person who, by priority of ticket; entry in the case of a valid ticket relating to special activity prices or schemes as may be determined from time to time by the District

Council, or with the consent of the Authorised Officer shall be entitled to prior admission to the facilities.

- (d) No person shall, except at the discretion of an Authorised Officer remain in any of the facilities for a longer period than that for which the facility has been booked. Unless upon the expiration of that period such person shall, upon demand being made by an Authorised Officer, pay to such Authorised Officer a sum equal to the amount due for the extended period at the current rate.
- (e) The Council reserves the right to refuse admission to any person, group or organisation without giving a reason.

3. **EXCLUSION OF THE PUBLIC**

- (a) No person shall enter, without the permission of an Authorised Officer or wilfully remain within a Sports or Leisure Centre at any time when the same is closed to the public.
- (b) Members of the public are excluded from all areas so designated by appropriate signs, regulations and oral instructions as are in force from time to time.

4. **EXCLUSION OF VEHICLES**

No member of the general public may bring any bicycle or other wheeled vehicle or conveyance into the premises 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 premises 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/her or under his/her control to enter or remain in the Sports or Leisure Centre or 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 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 enter any sports playing area unless he/she is properly attired to the satisfaction of the Authorised Officer.

- (b) No person shall wear shoes within the area of the games area which an Authorised Officer may consider to be harmful to the floor surface.
- (c) Any articles that have been hired or supplied for the use of the facilities, must be returned before leaving the relevant premises.

7. **PROTECTION OF PRIVACY ETC.**

- (a) No person shall, at any time, by any disorderly or improper conduct, disturb, interrupt or wilfully intrude upon or interfere with the privacy of any other person in the proper use of any Sports or Leisure Centre, playing area, shower or changing area, spectators' area or gallery, closet, box or compartment, or grounds.
- (b) No person shall, by forcible or improper means, seek admission to any Sports or Leisure Centre's facilities, at any time when the same shall respectively be occupied by the number of persons authorised to use, at one and the same time, such Sports or Leisure Centre's facilities.
- (c) No male unless under six years of age and accompanied by a responsible adult female shall enter or use any shower or changing area, closet, box, toilet compartment or any passage thereto which shall be reserved or appropriated by the Council for the use of any female.
- (d) No female unless under six years of age and accompanied by a responsible adult male shall enter or use any shower or changing area, closet, box, toilet compartment 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 Sports or Leisure Centre's facilities, 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 Sports or Leisure Centre, or wilfully, carelessly or negligently injure, deface, disfigure or defile any Sports or Leisure Centre facility or any furniture and fittings therein.
- (c) No persons shall, at any time, wilfully, carelessly or negligently injure, destroy or improperly use any item of equipment supplied or hired for his/her use.
- (d) No person shall remove from a Sports or Leisure Centre any item of equipment either hired from or provided by the Council for

participation in or playing of any sport or activity and where appropriate, every person shall return these to the reception office as soon as his/her purpose therein has been served.

9. **VALUABLES AND CLOTHING**

The Council shall not accept any responsibility for the loss of or damage to wearing apparel property or valuables left in the dressing rooms or any other part of the relevant premises.

10. **PREVENTION OF NUISANCES**

- (a) No persons shall, at any time, anywhere within a public Sports or Leisure Centre use obscene, indecent or offensive language or behave in an obscene, offensive or disorderly manner.
- (b) No person, unless otherwise authorised, shall bring or cause to be brought into any Sports or Leisure Centre any alcoholic liquor and no person who is in a state of intoxication due to alcohol, drugs or solvents shall enter or remain in a public Sports or Leisure Centre.
- (c) Other than with the express permission of the Authorised Officer the public use of radios, compact discs or cassette players and other such sound emitting equipment is forbidden unless used in such a manner that only a person in close proximity to the radio, etc. can hear it.
- (d) No persons shall, at any time, wilfully or improperly obstruct, disturb, interrupt or interfere with any officer or servant of the Council in the exercise of his duty in connection with any Sports or Leisure Centre or any person or servant of any person employed by the Council in the execution of any work in connection with any Sports or Leisure Centres.
- (e) Spitting on any playing surface is strictly forbidden.
- (f) No person shall smoke tobacco or any like substance unless in a designated area.
- (g) No person shall deposit papers or other rubbish except in the receptacles specifically provided for this purpose.

11. **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.

12. **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 Health and Safety and 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.
- (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.

13. **SPECIAL PROVISIONS**

- (a) Any person wishing to give instructions in sport or other activity for any monetary or financial gain must make an application in writing to the Council for the Council's written permission and such permission will be subject to any conditions the Council may wish to impose.
- (b) Any person wishing to organise games or competitions must make an application to the Director of Leisure and Libraries for permission and such permission will be subject to any conditions the Council may wish to impose.
- (c) 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.

14. **MISCELLANEOUS**

- (a) No child or group of children under eight years of age will be allowed to book or use the facilities unless accompanied by a responsible person or attending a properly organised and supervised club, class, coaching session or private recreational activity.
- (b) No person under 16 years of age will be permitted to enter or use the weight training facilities unless attending a properly organised training or coaching class or club and supervised by an instructor with a recognised appropriate and current coaching qualification.
- (c) Other than with the consent of the Authorised Officer all bookings must be either paid for or ticket relating to special activity prices or schemes as may be determined from time to time by the District Council shown at reception before entering the Sports or Leisure Centre.
- (d) For cancellation of normal bookings (bookings made not more than seven days in advance), 48 hours clear notice must be given, otherwise payment for the booking must be made in full.
- (e) For cancellation of special bookings (bookings made more than seven days in advance), eight clear days notice must be given, otherwise any time not let on the day the event was to have taken place must be paid for in full.
- (f) For cancellation of any advanced tickets relating to special activity prices or schemes as may be determined from time to time by the District Council 48 hours clear notice must be given, otherwise payment for the booking must be made in full.
- (g) No person shall carry out instruction of martial arts skills without the permission of the Sports or Leisure Centre Manager and must at all times be properly supervised by a qualified instructor in possession of a current coaching certificate from the appropriate National Governing Body approved and recognised by the Scottish Sports Council.
- (h) Use of trampolines will be at the sole discretion of the Sports or Leisure Centre Manager and must at all times be properly supervised by a qualified instructor in possession of a current coaching certificate from the appropriate National Governing Body approved and recognised by the Scottish Sports Council.
- (i) No person shall carry out instruction in gymnastics skills without the permission of the Sports or Leisure Centre Manger and must at all times be properly supervised by a qualified instructor in possession of a current coaching certificate from the appropriate National Governing Body approved and recognised by the Scottish Sports Council.

- (j) The charges for admission and for hire and purchase of items are as published by the Council and may be varied without notice from time to time.

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 premises or land. A person may also 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 facilities when requested to do so by an Authorised Officer will be committing a criminal offence and may be fined on summary conviction.
- (c) No refund will be given to any person expelled or excluded for breach of these rules.

16. RIGHT OF APPEAL

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

17. 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 Sports & Leisure Centre.

Any person contravening any of these Management Rules shall be subject to the penalties imposed by Section 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