

ABERDEEN CITY COUNCIL

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COMMITTEE	Council
DATE	18 December 2013
DIRECTOR	Angela Scott
TITLE OF REPORT	Update – Camping in Designated Areas
REPORT NUMBER:	CG/13/134

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1. PURPOSE OF REPORT

The purpose of the report is to update the Council as instructed at its meeting of 21 August 2013 on progress or otherwise on the consultation with the Scottish Government on the potential byelaw regarding camping in designated areas and to seek approval of a timeline.

2. RECOMMENDATION(S)

The Council is recommended to

- i) note the report, and
- ii) approve the indicative timeline

3. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

4. OTHER IMPLICATIONS

There are no other implications arising from this report.

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5. BACKGROUND/MAIN ISSUES

At the Council meeting of 21 August 2013 members considered the report by the Director of Housing and Environment which recommended that the Head of Legal and Democratic Services pursue

dialogue with the Scottish Government on the principle of a proposed byelaw to prevent camping on sensitive areas such as public parks, instructed such dialogue and that officers report back to every Council meeting on the progress or otherwise on the consultation.

An update was provided to the Council meeting of 31 October 2013 advising that Legal Services have written to officers at the Scottish Government as instructed. A preliminary response had been received advising that the proposal cuts across a range of issues, that a number of colleagues with the Scottish Government require to be consulted and that they will get back to us when that has been done. This report is an update. A further report will be provided to the next Council meeting.

#### Update

A formal response from Scottish Government officials was received. This contained no technical advice. A further request for technical comment/advice was sought and telephone advice has now been received.

Members are reminded of the procedure for the making of byelaws as set out in the Local Government (Scotland) Act 1973 and appended to the report to Council on 1 May.

Arising from members' debate of the issues the Housing and Environment Service has been progressing work and further work is required. This includes identification of boundaries and areas, clarity on what activity is sought to be prohibited, consideration of whether a byelaw is required to be in place all year round, whether any part of the year should not be included, and whether any there should be any exceptions to a general prohibition on camping. Technical advice from officials in the Scottish Government has confirmed the need for clarification on defined areas and on activity to be prohibited eg meaning of term "use of caravan". Any proposal will also require to be the subject of an EHRIA.

Given the range of work to be done it is considered feasible to bring a proposed byelaw for consideration by Council at its March 2014 meeting. After any decision, a period of at least one month's notice of intention to approach the confirming authority (ie Scottish Government) must be advertised locally to allow objections. Thereafter application for confirmation can be made to the Scottish Government. The Scottish Government requires to take objections into account and may if considered necessary or desirable hold an inquiry. The confirming authority may confirm with or without modification or refuse to confirm any byelaw. There is no timescale in the legislation for the confirming authority to reach its decision.

## 6. IMPACT

Public – The report may generate public interest as the issue of a byelaw has attracted public interest.

Equalities – there are no equalities implications arising from this report.

7. BACKGROUND PAPERS

Council report – 21 August 2103

8. REPORT AUTHOR DETAILS

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