

ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	5 March 2014
DIRECTOR	Pete Leonard & Angela Scott
TITLE OF REPORT	Unauthorised Camping
REPORT NUMBER:	CG/14/037

1. PURPOSE OF REPORT

The purpose of this report is to update the Council on progression of work on a byelaw to prohibit unauthorised camping on defined sites within the city.

2. RECOMMENDATIONS

The Council is recommended to note the report:

3. FINANCIAL IMPLICATIONS

Should Scottish Ministers in due course confirm a byelaw then costs of approximately £6,000 would be incurred in placing a press advert in accordance with the Local Government (Scotland) Act 1973 and erecting signage in the designated areas. Costs could be contained within existing Housing and Community Safety budgets however future decisions through budget setting process may impact on this.

4. OTHER IMPLICATIONS

Byelaw procedures are set out in the Local Government (Scotland) Act 1973. Section 201 of the Act provides that local authorities "*may make byelaws for the good rule and government of the whole or any part of their area, and for the prevention and suppression of nuisances therein*". Standing order 38 of the Council's Standing Orders and Orders of Reference means that the making of byelaws requires approval at Full Council. Confirmation of the byelaw by the Scottish Ministers would be required before they could come into force. Hence, a camping byelaw cannot be achieved without the Scottish Ministers' agreement.

In December 2013 Legal Services received technical views from officers at the Scottish Government. These were mainly concerned with clarification of defined areas and on the activity sought to be prohibited.

5. PROGRESS

Work within Housing and Environment has progressed to identify and define boundaries of the most sensitive sites vulnerable to problems associated with unauthorised camping. Work on producing maps is underway and final delineation of the precise areas within the byelaw is to be concluded to enable a proposal to be put before Council. Completion of this work is an absolute requirement to enable consultation to be carried out and the EHRIA to be completed. Work has also been ongoing to develop a byelaw to take account of issues raised by members and others and with a focus on equality issues.

Officers have consulted Police Scotland and the Procurator Fiscal on an initial basis regarding a potential byelaw .

Police Scotland would be responsible for enforcing a byelaw and a recent response is non supportive.

The Procurator Fiscal would be responsible for prosecuting offences under any future byelaw. As at the date of writing no response has been received.

Both will need to be consulted on the updated proposed byelaw and defined areas ie including maps prior to submission to Council.

The work as a whole is at an advanced stage and as at the time of writing consultation with relevant stakeholders including communities within the defined areas, primarily through Community Councils, Grampian Regional Equality Council, Procurator Fiscal, Police Scotland, and Gypsies/Travellers is intended. This will inform the EHRIA which is required and the recommendations which will in due course be made to Council..

Members will be aware that there are also clear links between the work that the Council is undertaking in respect of identification of short term halting sites for Gypsy/Travellers and the development of a byelaw and the ongoing review that the Equal Opportunities Committee of the Scottish Government is considering. On the back of the research undertaken – “Where Gypsies/Travellers Live” a Working Group has now been established to take these recommendations forward and the group first met on 16 January 2014. The group are examining the standards that Gypsies/Travellers are subjected to and the approaches taken by each local authority in terms of site provision and quality, tenancy agreements as well as unauthorised encampments. Each representative was tasked with reporting back to the next group meeting (no date set yet but will be during April) on the following;

- a) The total number of Gypsy/Traveller sites in each local authority area;
- b) Of that total, how many are local authority, Registered Social landlord, and privately run;
- c) The combined total capacity of the sites in each local authority area;
- d) Any views on the quality of the sites.

A report with recommendations will be brought to the next Council meeting.

6. IMPACT

Public – The report is likely to generate public interest as the issue of a byelaw has attracted widespread public interest both in the local media and nationally.

Equalities – Equalities and human rights issues need to be considered in the context of the Council's public sector equality duty as set out in s 149(1) of the Equality Act 2010. The issues identified in the reports to Council on 21 August 2013 continue to exist. There is a number of equalities issues involved in this issue and which require to be addressed. A full and updated EHRIA is an essential part of the work being done by officers and will inform any recommendations brought to Council.

MANAGEMENT OF RISK

The issues identified in the report to Council on 18 December 2013 continue to exist.

8. BACKGROUND PAPERS

Update report and minute of Council meeting 18 December 2013.
Update reports and minute of Council meeting 21 August 2013

9. REPORT AUTHOR DETAILS

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