

ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	4 March 2015
DIRECTOR	Pete Leonard
TITLE OF REPORT	Update - Camping in Designated Places
REPORT NUMBER:	CHI/15/132

1. PURPOSE OF REPORT

The purpose of this report is to update and advise members on the progress of the Council decision of the meeting on 17 December 2014 on the byelaw on camping in designated places.

2. RECOMMENDATIONS

The Council is recommended to note the progress report.

3. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

4. OTHER IMPLICATIONS

There are no additional implications arising from this report beyond those set out in the report to the Council's meeting on 14 May 2014

5. BACKGROUND/MAIN ISSUES

The Council, at its meeting on 17 December 2014 considered an update report on the proposal to introduce a byelaw which was designed to prevent overnight camping in designated areas. In moving forward with this, Council decided the following;

- i) to note the letter dated 31 October 2014 from the Scottish Government confirming that Scottish Ministers have decided not to confirm the byelaws requested by the Council;
- (ii) to note the East Loch Lomond Camping Byelaws approved by Scottish Ministers on 10 March 2011 which comply with the general duty of the Equality Act 2010;

- (iii) to instruct the Chief Executive to work with all interested parties including those who objected to the byelaws and liaise with the Loch Lomond and the Trossachs National Park Authority to consider the issues experienced in Aberdeen and to report back to the Council at its meeting on 24 June 2015 with all available options to address those issues; and
- (iv) to instruct the Chief Executive to provide a report on the progress made on the implementation of the instruction contained in (iii) above to the Council meeting on 4 March 2015.

East Loch Lomond Camping Byelaws

Aberdeen City Council's legal team have been in contact with a representative at the National Park Authority (NPA).

The NPA is a Non-Departmental Public Body. This means that they have very close links to the Scottish Government. They have a sponsor team within the Rural and Environmental Team at the Scottish Government and this results in close links and a very positive relationship with the Minister for Environment, Climate Change and Land Reform within whose remit National Parks lie. The NPA worked very closely with Scottish Government officials and the Minister gave positive direction at the outset of the consideration of the NPA byelaws. The NPA representative commented that Ministerial support had been vital in the process being successful. The Aberdeen byelaws were considered by the Minister for Housing and Welfare.

The NPA presented evidence to the Minister which included police statistics and factual data. Their application for confirmation of the byelaws was very much a last resort and they presented significant evidence of the measures they had previously implemented which consisted of infrastructure improvements and increasing the public awareness of the issues through education. They also contribute financially to the funding of additional policing within the National Park at the peak times of the year at the busiest locations. They found that these other measures were not working successfully and members of the public were continuing to use the area in an irresponsible way.

The NPA had the support of the Police and of the Procurator Fiscal in the process of applying for the confirmation of the byelaws. The NPA considers that the implementation of the byelaws has been a success in that it has proved a deterrent for unauthorised encampments. There is currently one report of an infringement of the byelaws with the Procurator Fiscal. The NPA are awaiting the outcome of this, however this is the only report since the implementation of the byelaws, and such has been their success. The NPA have continued with the other measures mentioned above throughout and it was highlighted that the implementation of the unauthorised encampment byelaws has been run in tandem with byelaws tackling alcohol use in the area and the feeling is that all of these measures have combined to ensure success.

The NPA made adjustments to the wording of the draft byelaws during the process following comment from stakeholders and the Minister. They had initially been seeking for the byelaws to be operational on a year round basis however this was changed to being seasonal to reflect the times when the most significant problems arise. The NPA did not receive complaints or objections on the basis that their proposed byelaws would discriminate against any particular group.

The NPA is currently undertaking a review of the byelaws. The Minister asked for a review process to be built in when confirmation was granted. The representative from the NPA recognised that the circumstances in the National Park are quite different to the circumstances in Aberdeen; however she commented that she would be happy to have an officer from the NPA come to Aberdeen to offer insight on the NPA experience to Members if they would wish this.

The first consideration when weighing up the Aberdeen City Council proposed byelaws in relation to unauthorised encampments and the Loch Lomond and The Trossachs National Park Authority Camping Byelaws is the reason for the Loch Lomond byelaws being brought into force. The National Park Authority (NPA) wanted to ensure that the experience of all visitors to the National Park is first class. Certain parts of the park suffered from high levels of visitor pressure in key locations. Over a number of seasons this led to an adverse impact being caused to particular areas. Various specific problems were noted, such as litter, toileting, fires, traffic and antisocial behaviour including drunkenness, vandalism, criminal damage and assault. There are clearly similarities in the Aberdeen situation; however the problems within the Loch Lomond situation were not being caused by any particular group or community, which is an important distinction. The NPA noted that it worked closely with a number of stakeholders including the Police and Community Councils to develop proposals and had the support of their stakeholders in the application for the byelaws.

The NPA carried out a 12 week public consultation at the outset of their consideration of whether to propose the byelaws which received 286 responses. They received responses from many individuals, organisations and other bodies including the police. The feedback was on the whole positive, however 36% did not support the byelaws mainly for the reason that it was felt that the responsible majority would lose out on opportunities to enjoy Loch Lomond because of a minority of irresponsible people. The reasons for the objections received in relation to the Aberdeen proposals were mainly focussed on the following:

- Concerns that the proposed byelaws would directly or indirectly discriminate against a particular community;
- Lack of provision being made for a halting site;
- Concerns that unauthorised encampments would be displaced to private landowners;

- Police and Procurator Fiscal views that existing legislation gave powers to deal with any problems without the introduction of the byelaws; and
- Scottish Government guidance in relation to unauthorised encampments relating to Gypsy/Travellers that stated that there was a presumption against prosecution in relation to unauthorised encampments.

The NPA notes that the camping byelaws are not the answer to all of the problems at Loch Lomond but that they are another tool in their box which need to complement continued enforcement and patrolling, education and awareness raising activity, traffic management, investment in sites, designated informal camping areas, car park charging and others. As in Aberdeen, the NPA notes that there are serious resource implications in having to deal with the issues. One of the motivations of the byelaw proposal at the NPA was to shift the resource allocation from dealing with the problems after they have started to prevent the situations from arising.

The NPA chose the areas for the byelaws based on the evidence of where the main hotspots are for informal camping in the area. The proposed designated areas in Aberdeen sought to do the same. The NPA presented statistical evidence in graph format for the 3 preceding years showing the level of overnight vehicles and tents in 3 key locations where there were no facilities for camping. A key part of the proposal by the NPA was that they worked with all stakeholders to identify a site for informal camping provision within the designated area. The NPA made it clear as part of their proposal that they would not support the proposal for the byelaws without making provision for informal camping within the designated area. The NPA acknowledges the need for a balance between restricting camping to improve the wider visitor experience and to allow better management of the area and restricting camping to the extent that opportunities to experience the countryside are reduced. It is noted that there are 2 formal camp sites within the designated area which will be able to continue to operate as before following the introduction of the byelaws.

The NPA acknowledged that the introduction of the byelaws would be likely to lead to displacing some elements of informal camping activity to other areas. This was also a concern noted within letters of objection submitted regarding the Aberdeen proposed byelaws. In response to this concern, the NPA noted that if there was an increase in problems in other locations they would look to allocate resources to help to deal with any issues. It is important to note that the Loch Lomond and Trossachs byelaws were made under a different statute than the proposed Aberdeen City Council byelaws. The Loch Lomond byelaws were made under the National Parks (Scotland) Act 2000 which provided that the NPA could make byelaws for the National Park provided that they were for the purposes of:

- Protecting the natural and cultural heritage of the National Park;
- Preventing damage to the land or anything in, on or under it; or
- Securing the public's enjoyment of, and safety in, the National Park.

The Aberdeen City Council proposed byelaws were promoted under the Local Government (Scotland) Act 1973 Section 201 which provides that the Local Authority 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.

Interested Parties

The Gypsy Traveller Team have contacted each of the stakeholders who objected to the Byelaw to gauge their view and have only received one response to date from the Motor home Tourism Organisation – appendix I. Any additional feedback from other stakeholders will feature within the June Council report.

Ongoing Scottish Government/COSLA Review

The Scottish Government is currently in the process of producing a strategy and action plan for Gypsy/Traveller in Scotland. The Gypsy/Traveller Site Working Group is one of three working groups, which will feed into the strategy and action plan. The site working group held its final meeting recently and a range of next steps were agreed around site provision, site quality, tenancy agreements and unauthorised encampments.

COSLA hosted a meeting on 15 January 2015 to discuss next steps regarding unauthorised encampments and site quality. Aberdeen City Council was represented at that meeting which was a brainstorming session and Officers contributed fully to the discussions based on their experiences. The two areas of work discussed at this meeting were:

- A review of the Scottish Government guidance on unauthorised encampments *Guidelines for Managing Unauthorised Camping by Gypsies/Travellers in Scotland*; and,
- A proposal to develop minimum standards that should apply to accommodation on sites and ensuring adherence to these. This will include looking at whether such standards should be included in the Scottish Social Housing Charter in its next review.

Further such meetings will be programmed and it is expected that Aberdeen City Council will once again be represented at these meetings with any updates being included in June's Council report.

6. IMPACT

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

Equalities – The issues identified in the report to Council on 14 May 2014 continue to exist.

7. MANAGEMENT OF RISK

The issues identified in the report to Council on 14 May 2014 continue to exist.

8. BACKGROUND PAPERS

Council report and minute of meeting 14 May 2014.
Council report and minute of meeting 17 December 2014.

9. REPORT AUTHOR DETAILS

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