

Camping byelaws car crash

Description



A photo from the BBC article which nicely illustrates how the byelaws have failed to deliver. The byelaws were supposedly introduced to prevent scenes like this but the Loch Lomond and Trossachs National Park Authority first failed to apply them to caravans and was then forced to drop them against campervans staying anywhere on the road system with the result that now its only campers who are affected.

Last week, in a welcome development, some of the mainstream media picked up on the Loch Lomond and Trossachs National Park Authority first annual review of the camping byelaws for Scottish Ministers ([see here](#)). Unfortunately neither article picked up on the burnt out caravans, the fact that the National Park is no longer trying to enforce the byelaws against either caravans or campervans or the lack of any proper explanation of this in the report for Roseanna Cunningham, Cabinet Secretary for the Environment.

The focus of the BBC coverage ([see here](#)) and to a lesser extent the coverage in the National ([see here](#)) was on the hundreds of people warned for breaching the byelaws, 828 to be precise. The actual number of people unwittingly committing a criminal offence for breaching the byelaws is likely to be far higher, taking account of cases where no warning was given, but the fact that the LLTNPA is issuing large numbers of warnings should raise alarm bells with Scottish Ministers about how the Park Authority is being governed and about civil liberties.

Who approved the warning system?

On the governance side, there is no provision within the byelaws themselves to issue warnings. What's more, in the Engagement and Enforcement Policy approved by the Board [Engagement-and-Enforcement-Policy](#) there is not a mention of any warning system being introduced. That policy refers to a "*Loch Lomond & The Trossachs Camping Management Byelaws 2017 Enforcement procedures and principles*" which I can find no evidence of having been approved by a Board Meeting and is NOT publicly available on the LLTNPA website. If this is right, the whole warning system has either been agreed in secret by the Board or else introduced by staff without Board approval. This raises some fundamental question about the legitimacy and lawful authority of the whole warning system. Do staff really have delegated authorities to approve such systems?

The warning system and civil liberties

The civil liberties issues are profound. The LLTNPA would appear to be keeping information on people who it believes have breached the byelaws but have decided not to refer to the Procurator Fiscal. Among the more obvious questions this raises are:

- On whose authority are LLTNPA staff holding such data as this has never been put to the Board for approval?
- Who are LLTNPA staff sharing this information with? For example, they appear to be sharing this data with the police – because the 828 figure includes warnings by both police and park rangers – but do they also share this information with others such as the Forestry Commission Rangers?
- What are the consequences of a warning? For example, if you have been issued with a warning and then camp again without a permit is referral to the Procurator Fiscal automatic?
- If being issued with a warning has consequences, how long is the LLTNPA holding this information on file? One year, five, ten years, indefinitely?
- What information is the LLTNPA and police handing out to people issued warnings about their rights? For example, are people being told they have the right to see the information that the Park hold on them and what if any right do people have to appeal about receiving a warning?

Given all these important issues, its interesting that in the report to the September Board Meeting which contained a report on how the byelaws had gone until that date there was not a mention of any warnings being issued:

Byelaws and Fixed Penalty Notices

Our Rangers have been patrolling daily, engaging with visitors proportionally and with discretion in this first season. Our approach is educational approaches first, to ensure good compliance and enforcement action. To date two byelaw cases have been reported to the Local Authority staff and five by Police Scotland. Currently as of 1st of September. Four fixed penalty notices have been issued.

Why?

The LLTNPA has also failed to explain how all these warnings fit with “positive feedback” which Gordon Watson, the Park Chief Executive, claimed to have received in the National:

“From the positive feedback we’ve gathered through the visitor survey, to what our rangers have experienced by talking to campers on the ground during the first season, we are really pleased with how things have gone.

“The approach of our ranger service is always engagement and education first, with enforcement action only being taken as a last resort. That approach has worked well, with the vast majority of campers choosing to adhere to the by-laws.

“While warnings were issued, the number was small in proportion to the overall number of visitors and only a very small number of people were then reported to the procurator fiscal.”

So, Mr Watson, what feedback did you receive from all the people issued warnings? Or did you fail to ask them, just like you failed to mention anything about the complaints that have been received about the application of the byelaws in your Report to Roseanna Cunningham, Minister for the Environment?

What needs to happen

Unfortunately poor campers, as a friend observed, have no lawyers to challenge the Park about this legally (with cuts in legal aid not helping). Meantime various civil liberties and human rights organisations in Scotland have so far taken very little interest in the implications of the camping byelaws. Its time people interested in protecting people's rights started to question the camping byelaws.

Meantime, the LLTNPA needs to provide answers as to who agreed to introduce the warning system, on what authority and what measures they have put in place to protect civil liberties.

Category

1. Loch Lomond and Trossachs

Tags

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3. Camping bye laws
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