

Coronavirus, the curtailment of our civil liberties and our National Parks

Description

Restrictions on gatherings

6. During the emergency period, no person may participate in a gathering in a public place of more than two people except—
- (a) where all the persons in the gathering are members of the same household,
 - (b) where the gathering is essential for work purposes,
 - (c) to attend a funeral, or
 - (d) where reasonably necessary—
 - (i) to facilitate a house move,
 - (ii) to provide care or assistance to a vulnerable person,
 - (iii) to provide emergency assistance, or
 - (iv) to participate in legal proceedings or to fulfil a legal obligation.

Last week, without anyone noticing, the Scottish Government followed the UK Government and used the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations to remove our right to protest. What the regulation means is that if health and social care staff or other workers walk out of their workplace to protest against the lack of personal protective equipment as some have been threatening to do, it would be illegal for them to hold an outdoor meeting or protest, even if they observed the social distancing rules.

Yesterday, the Scottish Parliament stopped the Scottish Government from removing further rights and freedom through the Coronavirus (Scotland) Bill. The Scottish Government had wanted to remove trial by jury and effectively stop freedom of information requests by allowing Public Authorities to take months to respond ([see here](#)). It restores one faith in democracy.

Unfortunately, our MSPs had very little time to consider the proposals and, while there were a lot of good things in the Bill (suspension of evictions due to non-payment of rent), they seem to have missed the implications of a provision that means that means that Councils and other Public Authorities can

now meet in secret:

Grounds for exclusion of the public from meetings

- 15
- 14 (1) Section 50A (admission to meetings of 1
modifications in this paragraph.
- (2) Subsection (1) has effect as if, after “(2)”
- (3) The section has effect as if, after subsection
- 20
- “(3A) The public are to be excluded f
is likely that, if members of the
substantial risk to public hea
coronavirus.
- (3B) In subsection (3A), “coronavir
Coronavirus (Scotland) Act 202

While the heading and wording implies these provisions only apply to Councils, provisions about how other Public Authorities conduct their meetings, is also governed by the Local Government (Scotland) Act 1973. So what this new legal provision means is that its up to any public authority in Scotland now whether to take decisions in public or not. That is a drastic reduction in democratic accountability and was totally unnecessary. Many of Scotland’s Councils already webcast their meetings and this should have been an opportunity to force all of them to do so. Instead, the Scottish Government has taken the opportunity to let decision makers become even less accountable.

Further medical and public health evidence on the need for restrictions

Following my post yesterday ([see here](#)), I was pleased to read in the Guardian report this ([see here](#)) from a Cambridge University virologist:

“nobody can breathe the virus on you. Experiments have been done looking at that. But if you are passing too close and an individual coughs on you, then you do stand a chance of being infected.”

and, this from another doctor:

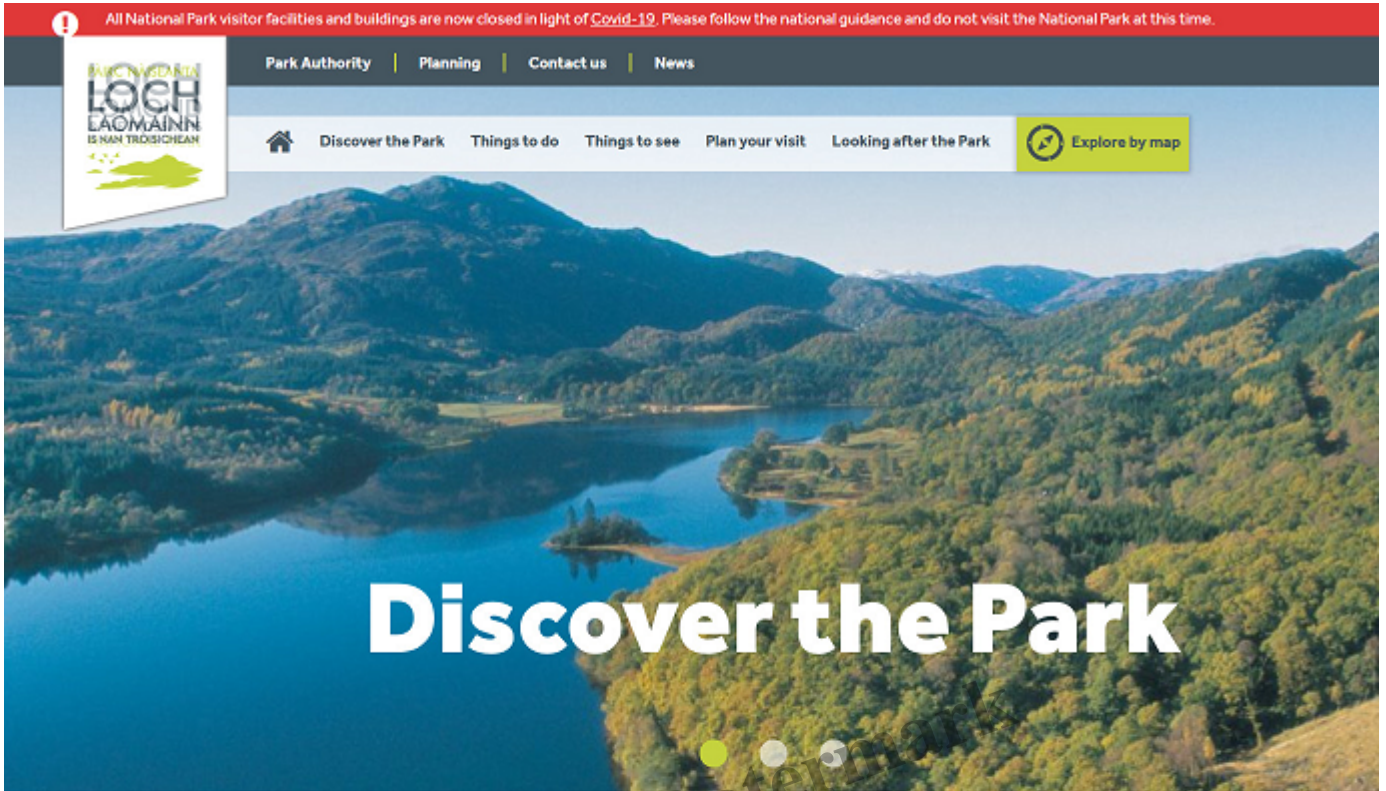
“if someone’s jogging past and they’re suddenly within two metres, you need to understand that it’s not life or death. Someone running past you is not going to pass on the virus. It’s more sustained contact than that.”

What this confirms is there is NO need to curtail people’s liberty to go outdoors, as long as social distancing rules are observed.

While the media today is belatedly in an uproar about the failure of our governments to test people, its important to understand that testing alone WON’T solve the problems. For a fantastic explanation read the editorial in the BMJ about the science behind contact testing and the need for devolved local controls ([see here](#)). The implications of the article is that its not a general curtailment of civil liberties that is going to get us out of this crisis. Couple that with the science about how the virus is passed on, and there is absolutely no need to impose general restrictions on people’s ability to go outdoors (except maybe in London where its very hard to observe social distancing rules).

The curtailment of civil liberties and our National Parks

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Do something brilliant
Find a breathtaking view. An exhilarating ride. Or a moment on the loch shore.
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Unfortunately, the Loch Lomond and Trossachs National Park Authority is telling people not to visit, even if like the good people of Balloch, Helensburgh, Portincaple or Doune, they live just across the boundary and its the sensible place to take exercise. This confirms that all the Loch Lomond and Trossachs National Park Authority's policy documents about the importance of the Park for health and exercise are just meaningless waffle. They are just an adjunct of the Scottish Government. A National Park doing its job would be considering HOW it could enable people to take exercise safely, instead of trying to close it down, and in particular how it could use its enormous ranger service to disperse people through the countryside.

Both our National Park Authorities seem only too happy to justify the curtailment of our right to walk in the countryside by spreading false information:

"The risks of spreading the virus in the countryside are the same as in cities and towns."

No they are not! The reasons for this are explained above and in my last post. First there is far far more space in the countryside, so the chances of people being coughed on are much less. Second, there are very few hard surfaces via which the virus could be transmitted by hand contact.

Regular readers won't be surprised to learn that the LLTNPA has taken on itself to go way beyond even the government's draconian rules:

"We have closed all of our visitor facilities, including car parks, public toilets, camping and motorhome sites and our Duncan Mills Memorial Slipway in Balloch. This is to discourage any further travel or overnight visits to the National Park."

While the Coronavirus Restriction Regulations introduced last week did close down caravan sites and campsites, they didn't shut down car parks and toilets. Indeed, both car parks and public toilets were included on the list of public facilities which were excluded from the lockdown:

PART 3

24. Food retailers, including food markets, supermarkets, convenience stores and corner shops.
25. Off licenses and licensed shops selling alcohol (including breweries).
26. Pharmacies (including non-dispensing pharmacies) and chemists.
27. Newsagents.
28. Homeware, building supplies and hardware stores.
29. Petrol stations.
30. Car repair and MOT services.
31. Bicycle shops.
32. Taxi or vehicle hire businesses.
33. Banks, building societies, credit unions, short-term loan providers and cash points.
34. Post offices.
35. Funeral directors.
36. Laundrettes and dry cleaners.
37. Dental services, opticians, audiology services, chiropody services, chiropractors, osteopaths and other medical or health services including services relating to mental health.
38. Veterinary surgeons and pet shops.
39. Agricultural supplies shops.
40. Storage and distribution facilities, including delivery drop off or collection points, where the facilities are in the premises of a business included in this Part.
41. Car parks.
42. Public toilets.

However, the regulations also required people responsible for managing these services to do so responsibly and to implement social distancing measures:

Further restrictions and closures during the emergency period

4.—(1) A person who is responsible for carrying on a business or providing a service listed in Part 3 of schedule 1 must, during emergency period—

- (a) take all reasonable measures to ensure that a distance of two metres is maintained between any persons on the premises (except between two members of the same household, or a carer and the person assisted by the carer),
- (b) take all reasonable measures to ensure that it only admits people to its premises in sufficiently small numbers to make it possible to maintain that distance,
- (c) take all reasonable measures to ensure that a distance of two metres is maintained between any person waiting to enter the premises (except between two members of the same household, or a carer and the person assisted by the carer).

Keeping facilities open, even those essential for public health like toilets, appears to have been far too much trouble for the LLTNPA. Imagine the LLTNPA management deploying their ranger service to help people by ensuring car parks and public toilets did not get overcrowded? Its easier to shut everything rather than managing risks in a proportionate manner. Instead of setting an example to the rest of Scotland, the LLTNPA are doing the opposite.

What needs to be done

While both the UK and Scottish governments appear to be deaf while the numbers of deaths are increasing, if this crisis is not to end up in complete social and economic collapse, they need to help end the panic and to start to plan and implement measures that might help us get out of the crisis NOW.

By far the most important of those measures is contact tracing and testing, because without this the panic will continue and the pressure will be on politicians to increase the lockdown. If you agree with the BMJ article [link here](#) please send it to all the politicians who represent you, ask them to read it and to respond.

However, enabling people to get back into the countryside is also an important part of this. Walking in the countryside is basically a very safe activity which is good for us all in these difficult times. The only possible problem is where too many people are going to one place. Ranger Services should be the way this is managed. If our National Parks, which do still have rangers, could show how this could be done then I can't see why a wise government wouldn't pay for local councils to employ temporary rangers for use in popular visitor spots across Scotland. Instead the blunt arm of the police is being used. I am sure that some of the many people living in the countryside who have lost their jobs would be very grateful to be offered jobs as rangers.

Once both public health teams and ranger services were up and running, they could work together to help get tourism in the Highlands re-started. It's that of course what is needed to save the rural economy, including the economy in our National Parks, from collapse

Meantime there is no need for either our governments or our National Parks to curtail further our civil liberties to go out and enjoy the countryside. If you agree, please contact your politicians and say so.

Category

1. Cairngorms
2. Loch Lomond and Trossachs

Tags

1. access rights
2. CNPA
3. Freedom of Information
4. LLTNPA
5. Scottish Government
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