

## SCAN Networking Day, 8<sup>th</sup> March 2007

### Notes from second Q&A session

1. It was suggested that Keep Scotland Beautiful are of the view that agricultural land is included as a public place where dog fouling fixed penalty notices apply, but the general view at the meeting was that this is not the case, given the specific exemption in section 2(2) of the Dog Fouling (Scotland) Act.
2. Some Acts have fixed penalty (FP) provision within them. The Anti-Social Behaviour Act added a table to enable FP notices to be served under other legislation, eg, vandalism is an offence under another Act, but FPs can be served under ASB Act.
3. Serving FPs: how do you get offenders to pay them? There is a need to verify identity when serving them, and it is an offence to give a false name and address. If the penalty is unpaid, the police prepare a report and send to the Procurator Fiscal, as it is also an offence for non-payment of a fine. In a Tayside Police trial, 80% of FPs were paid.
4. Lighting fires – it is an offence under the Civic Government Act 1982 to lay or light a fire in a public place so as to endanger any other person, to give reasonable cause for alarm or annoyance or to endanger any property. This is separate from the Land Reform Act provisions for lighting a fire when camping.
5. Parking is covered by the Road Traffic Act. You can drive 15 yards from a public road, but that does not necessarily give you permission to park.
6. It might be useful to publicise FP notices as a deterrent, in the same way that dangerous roads publicise number of accidents, eg, “X people have been charged for dog fouling at this site since ...”.
7. Professional dog walkers are causing problems in many areas, as they cannot always clean up after their dogs.
8. Putting a sign saying “no overnight parking or fires around the lochside” at Clunie Loch gives the perception among landowners and residents that camping is not allowed. A managed community “wild” campsite might be an answer, but need a willing landowner.
9. To help with education, police can carry out multi-agency road checks and stop all vehicles to identify cars, eg, at Lochearnhead. Looking for no tax/ no insurance, known drug dealers’ cars, drugs checks, etc, but an opportunity to talk to drivers about responsibilities.
10. Tackling anti-social behaviour – police and community wardens don’t put themselves in positions of risk, eg, police will wait for back up before tackling people, so rangers should not take any risks themselves.

11. Byelaws relating to seizing of drink have not been considered in rural areas, but could, eg, in Clunie Loch if it is deemed to be a “public place”. Does the Land Reform Act make it a public place?

12. Need an advertising campaign to target wild campers. SOAC/ NAF looking at wild camping and guidelines for campsite provision. This needs to be a long-term strategy, eg, leaflet all campers one year and tell them of changes coming in the future.

13. In the USA national parks, wild camping is defined as being at least one mile from the road if no campsite exists. Norway’s camping guide gives a specific distance from a building, but this does not always work in Scotland. National Trust for Scotland and MCofS worked to resolve the Glencoe issue by displacing campers into either a paying campsite near the pub or to free roadside camping in Glen Etive.

14. ACPOS could ask the Scottish Executive to look at the deployment of police priorities and resources to give more focus on outdoor access issues.

15. Reporting problems – community wardens pass on all information to the police, but the police do not necessarily contact community wardens about problems unless they need their help. Access Officers should get to know their local community warden team, but should continue to report incidents to the police as they hold all information. There is some room for interplay with LAFs and the police. Each call for the police is given a despatch code to signal its urgency. There is no universal recording system, but any particular issue can get a short term code. These incidents can then be mapped using GIS to show where to focus on community consultation, etc, to resolve them.

16. Closing access on the grounds of anti-social behaviour – in East Renfshire residents have closed urban paths between and behind houses. The council has refused permission for this on the basis of Development Control Policy 1 (loss of general amenity) but residents are appealing. In West Lothian, the council is going to refuse all further requests for closures and trying to reopen closed paths.

17. There has been a closure of a riverside car park used by canoeists because of evening anti-social behaviour, leading to the loss of a recreational facility. Closing access may be the easy option but not the right one.

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*Further note from Rob Garner, SNH*

*The byelaw powers for prohibiting the public consumption of alcohol in designated localities use the Local Government (Scotland ) Act 1973, section 201. This is for the 'prevention or suppression of nuisances', and can be applied to the whole of an authority's area or to parts of it. Following a drive by the Exec since 1993 encouraging the use of such byelaws for the control of outdoor drinking, about 30 of the 34 local authorities have now enacted this kind of byelaw, with over 400 areas being specified. ( In fact, 'nuisances'*

*is a pretty broad term, so could be used for a range of behaviours beyond drinking?)*

*The powers for confiscating alcohol from persons under 18 come from the Crime and Punishment (Scotland) Act 1997, section 61. As Gerry said, these are very wide ranging powers, as the constable only has to 'suspect' the person is under 18 and in possession of liquor, or is over 18 but supplying to someone under 18. They require the liquor to be surrendered, and for a name and address to be given. It can be used virtually anywhere, since it is either in a 'public place' to which the public have access for the time being, whether with payment or not, or a non-public place to which access has been unlawfully gained.*