

Visitor Management Engagement & Enforcement Policy



Visitor Management Engagement & Enforcement Policy

Version: V2_0 February 2017

Owner: Visitor Operations

Contents

1. Purpose
2. Scope
3. Principles
4. Approach
5. Crown Reporting
6. Related policies and procedures
7. Policy Review
8. EQIA

1. Purpose

- 1.1 This policy sets out the principles and approach the National Park Authority (the Park Authority) will follow in order to successfully manage visitor behaviour by means of available legislative powers throughout the Loch Lomond and The Trossachs National Park.
- 1.2 For the avoidance of doubt and the purposes of this policy the term 'enforcement' is used to mean the process from initial engagement to share education messages through to the recording of any contravention of legislation and subsequent reporting to the Crown. All sections of the policy except 4.6 and 5 apply when initial engagement and sharing education messages is being undertaken. Sections 4.6 and 5 apply only when legislation within the remit of the Park Authority to enforce is allegedly contravened.
- 1.3 Engagement and enforcement will seek to achieve the following outcomes:
- To conserve the natural and cultural heritage
 - To contribute to the safety of all visiting, using or residing in the National Park
 - To enhance the quality of the visitor experience
- 1.4 The use of legislative sanction by the Park Authority is the final part of a process that begins with education to influence the behaviour of an individual; however the Park Authority will always reserve the right to proceed straight to legal sanction should the Park Authority consider that, in the circumstances, this is the most appropriate course of action.
- 1.5 The Park Authority will also seek to ensure that partner organisations where appropriate commit themselves to operating under similar principles to ensure a safe, robust and consistent approach to engagement and enforcement where it is undertaken by more than one organisation.

2. Scope

- 2.1 Under the provisions granted under the National Parks (Scotland) Act 2000, the Land Reform (Scotland) Act 2003 and the Environmental Protection Act 1990 the Park Authority has been granted certain powers and has the ability to establish byelaws.
- 2.2 Utilising these primary pieces of legislation the Park Authority has created specific byelaws to tackle a number of Visitor Management issues. Changes to the Environmental Protection Act 1990 in 2014 provided

further powers to tackle littering and fly tipping through the use of fixed penalty notices. The list of the specific relevant legislation is as follows:

- Loch Lomond Byelaws 2013
- Loch Lomond & The Trossachs National Park Camping Management Byelaws 2017
- Sections 33(1) and 87 of the Environmental Protection Act 1990.

3. Principles of engagement and enforcement

- 3.1 The principle of providing a warm and friendly welcome will form the basis of all engagement with the public through the provision of information and advice where requested or required.
- 3.2 Overall compliance with legislation is only possible with the implicit consent of the public. If an acceptable level of compliance is to be obtained then every aspect of Park Authority engagement and enforcement must be exercised to the highest standard. The professional integrity of staff along with a consistent, transparent and accountable approach to engagement and enforcement in conjunction with clear understandable messages is essential in maintaining the trust of the public allowing staff to carry out their duties.
- 3.3 The five principles outlined below underpin the Park Authority's approach to engagement and enforcement. All Park Authority staff undertaking the enforcement of legislation identified in this policy will be expected to abide by these principles.

- (i) Staff Safety** – An element of risk is unavoidable with all interactions with the public, even when involved in positive engagement. It is therefore appreciated by the Park Authority that these risks are likely to increase where interactions with the public are seeking to achieve a change in behaviour or address a breach of byelaws and / or legislation.

No member of staff will be expected to put themselves at any undue risk when undertaking enforcement activities as part of their employment duties.

These risks will be managed through the Park Authority's risk assessment and standard operating procedures and also the Unacceptable Behaviour Procedure.

- (ii) Consistency** – The public can expect to be dealt with in a comparable way when interacting with any member of the Park Authority staff undertaking enforcement activities. Consistency of approach means taking a similar approach in similar circumstances to achieve similar outcomes. In order to

achieve consistency, all staff must be aware of and understand relevant policy statements, strategy and guidance. It is recognised that enforcement decisions are in the majority of cases discretionary with a high degree of judgement resting with those empowered to enforce. As a result of this only staff trained to the appropriate level and authorised by the Park Authority will be permitted to enforce relevant byelaws and / or legislation.

- (iii) Transparency** – Transparency relates to the efforts by which the public is made aware of their obligations under the byelaws or other relevant legislation. The public will be provided with clear messages about their expected behaviour and the level of service they can expect from the Park Authority and, where appropriate, partner organisations. The Park Authority will seek to regularly inform and update the public.
- (iv) Accountability** – Park Authority staff are accountable for all their actions whilst undertaking enforcement activities. The Park Authority has a Complaints Handling Procedure in place to effectively deal with complaints against the organisation and its staff. All staff undertaking enforcement activities will be appropriately trained and expected to adhere to the Standard Operating Procedures covering enforcement processes, expected levels of delivery and, where appropriate, chain of evidence protocol. All personal data collected will be processed in accordance with the Data Protection Act 1998.
- (v) Professionalism** – The public can expect that they will be treated in a professional manner at all times. This requires staff to adhere to agreed standards and codes of conduct.

4. Approach

- 4.1 Two different but complementary approaches to engagement and enforcement will be used by the Park Authority;
- Preventative
 - Escalated
- 4.2 Greater emphasis will be placed on preventative rather than escalated approaches as the key means by which visitor behaviour will be managed. This reflects the fact that the majority of visitors to the Park are receptive to these messages with only a small proportion of people contravening byelaws and / or legislation that the Park Authority is able to enforce.
- 4.3 This two pronged approach recognises the strengths of Park Authority staff in the fields of education, interpretation and communications, the enforcement experience accrued to date by staff and reflects the positive approach favoured by the Park Authority.

4.4 Strong professional relationships will be nurtured and promoted in such a way as to meet the engagement and enforcement aims of all partner organisations. New ways of working will be explored that seek to capitalise on existing or newly identified opportunities to deliver messages effectively, efficiently and consistently.

4.5 The Preventative Approach

4.5.1 Key parts of the preventative approach will be: positive information messages; improvements to countryside infrastructure; clear messaging on personal responsibility and the effect of negative behaviour on the environment and others; and the consequences of contravening the byelaws and the different pieces of legislation

4.5.2 The Park Authority will employ the use of all appropriate methods to make information available in such a fashion as to allow people to appreciate the special nature of the National Park and how they can minimise their potential impact. Provided with this information, the public will hopefully be less likely to contravene byelaws and / or legislation within the National Park.

4.6 The Escalated Approach

4.6.1 When byelaws and / or legislation that it is the responsibility of the Park Authority to enforce is allegedly contravened this approach will be taken. The primary goal is to prevent the continuation or repetition of the contravention.

4.6.2 Park Authority staff empowered and trained to enforce alleged contraventions of byelaws and / or legislation will, in the main, do so through direct face-to-face contact in order to seek a voluntary resolution by helping people become compliant through the provision of information and advice.

4.6.3 During face to face encounters, when all alternative means and reasoning to remedy the situation have been exhausted in relation to an alleged offence then the appropriate escalation procedure will be adopted.

4.6.4 Park Authority staff will be responsible for and will make initial judgements in the field in determining whether a relevant byelaw and / or piece of legislation has been contravened and that there is sufficient evidence to issue a Fixed Penalty Notice or consider submitting a report to the Crown Office.

- 4.6.5 The final decision as to whether a report is made to the Crown Office will rest with officers designated under the relevant scheme of delegation.

5. Crown Reporting

- 5.1 In Scotland, the Crown Office and Procurator Fiscal Service are responsible for the prosecution of crime. The Park Authority is designated as one of over 50 Specialist Reporting Agencies (SRA's) who, other than the Police, report cases to the Procurator Fiscal Service. Other examples of SRA's include the Maritime Coastguard Agency, Local Authorities and the Scottish Environmental Protection Agency.
- 5.2 The Park Authority's legal team will support and ensure that best practice is being followed and assist in the review of evidence provided to determine whether the case will be taken forward. Cases in the main will be submitted to the Crown Office electronically. To facilitate this process, staff will be trained in the use of the appropriate reporting systems.

6. Related Policies and procedures

- 6.1 This policy should be read in conjunction with the following policies and procedures;
- Loch Lomond & The Trossachs Camping Management Byelaws 2017 Enforcement procedures and principles
 - Fixed Penalty Notice Policy and Procedure
 - Lone and Remote Working - Operating Procedure
 - Risk Assessment Policy and relevant risk assessments
 - Dress Code and Personal Appearance Policy
 - Vehicle Use
 - Your Safe Driving Policy
 - Unacceptable Behaviour Policy
 - Procedure for Managing Unacceptable Behaviour
 - Complaints Handling Procedure
 - Data Protection Policy

7. Policy Review

- 7.1 This implementation of this policy will be monitored and reviewed as necessary to reflect any changes in organisational requirements and statutory powers or obligations relating to visitor management.

8. EQIA

- 8.1 An initial screening process was carried out and no discriminatory effects were identified for any particular group. This will be monitored on an on-going basis.