



BRISTOL CITY COUNCIL'S POLICY FOR VEHICLE DWELLING ENCAMPMENTS ON THE HIGHWAY

CREATED IN PARTNERSHIP WITH BRISTOL CITY COUNCIL AND AVON AND SOMERSET POLICE

Bristol City Council and Avon and Somerset Police both recognise the role that each has to play and will comply with the government recommendations and good practice guidance in order to effectively manage occupied vehicles and caravans

Both organisations are committed to ensuring vehicle dwelling encampments are dealt with in a professional manner, taking into account the needs of all individuals concerned and ensuring, wherever practicable, that their actions are reasonable and proportionate.

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Introduction:

Bristol City Council is aware there are increasing numbers of people living in vehicles parked on the highway in the City of Bristol. There are other cities in the UK with similar levels of lived in vehicles including Brighton and Hove and Blackpool.

The Council acknowledges that the issues surrounding people dwelling in vehicles (vehicle dwelling encampments) in Bristol are complex and sensitive for the following reasons:

- There is a shortage of decent affordable housing in the city and private rent levels are high, with few rental agencies accepting people on benefits or low incomes without substantial deposits or guarantors;
- People dwelling in vehicles are not a single homogenous group. People adopt the way of life for very different reasons (e.g. some for a few years, some for a lifetime, some because they cannot afford to rent and some are very vulnerable and choose to live with a group);
- Many people dwelling in vehicles come to Bristol looking for work and/or a sense of community;
- Many people living in vehicles take part in the economic and cultural life of the City;
- Establishing occupation: some of the adapted vehicles on the city's streets are not lived in; many have road tax and are registered to local people and are simply parked on the street, until needed.

Bristol City Council notes that where people living in vehicles do not self -describe as Gypsies Roma's and Travellers, local authorities have no specific duties towards them such as the provision of a designated transit site. Bristol City Council has a separate protocol with the police for managing unauthorised Gypsy, Roma and Traveller encampments <https://www.bristol.gov.uk/policies-plans-strategies/managing-unauthorised-encampments-policy>

Whilst it is legal to park a taxed and MOT'd vehicle on the highway any instance where Bristol City Council establishes a vehicle is being lived in it will fall within this policy

Aims of the Policy

There is currently no approved policy for how the city council will deal with vehicle dwelling encampments on the public highway, although there are clear policies as to how the city council will deal with serious instances of anti-social behaviour.

The expectations and standards of behaviour that are applied to people living in vehicles should be the same standard as that expected of all of citizens. Anti-social behaviour and criminal activity is not acceptable from any section of the community. Many people living in vehicles find such behaviour as unacceptable as any other person, but they often move on and away from the problems.

Dealing with criminal behaviour is almost invariably the responsibility of the police. Other agencies may be involved, depending upon the nature of the crime.

People living in vehicles also have a right to the protection of the law and to be dealt with in the same way as other citizens and the proposed policy outlines how the city council will manage the growing number of residents living in this way, balancing their needs against those of the wider community.

The council is committed to promoting equality of opportunity for all and it is our commitment to ensure that we consider the needs of individuals and how they can best access support and services.

Links to the Corporate Plan

The policy for vehicle dwellers encamped on the highway and the procedures it contains links closely to:

Theme 1 in the Corporate Strategy: “Empowering and Caring “

- Minimising rough sleeping and homelessness in Bristol and enabling citizens in need of housing to access affordable, appropriate accommodation;
- Making sure that vulnerable people in the city continue to be protected and cared for.

Theme 4 “Wellbeing”.

- Embedding health in all our policies, in order to reduce inequalities that exist across the city and reduce the demand for acute services through the One City Plan by improving the health of Bristol’s population through partnership working and using assets effectively across the city.

Definitions of Terms:

Vehicle

For the purpose of this policy, vehicle will be defined as any vehicle, whether or not it is in a fit state for use on roads, and includes any body, with or without wheels, appearing to have formed part of such a vehicle, and any load carried by, and anything attached to, such a vehicle; and a caravan as defined in section 29(1) of the Caravan Sites and Control of Development Act 1960

Gypsy Roma Traveller

The term Gypsy, Roma and Traveller (GRT) is a collective term used to describe a wide variety of distinct cultural and ethnic groups. Ethnicity can be understood based on certain shared characteristics such as cultural customs, values, language and through self-identification. Defining a person as a Gypsy, Roma or Traveller is a matter of self-description and does not exclude those who are living in houses as the person’s ethnic identity is not lost when members of the communities settle, but it continues and adapts to the new circumstances (NATT, 2010).

NET

Bristol City Council’s Neighbourhood Enforcement Team

NEO

Bristol City Council’s Neighbourhood Enforcement Officer

The Policy

When to intervene:

1. In considering any vehicle dwelling encampments a balance will be maintained between the rights of those encamped and the rights of the landowner, including the Highways Authority, those lawfully entitled to use the public highway and the local community. Each encampment will be considered on its own merits and officers will act in a neutral, objective and open way. Avon and Somerset Police officers will not proactively seek out encampments but will wait until the Local Authority contacts them. A joint protocol will be maintained between Bristol City Council and Avon and Somerset Police to ensure effective partnership and management of encampments citywide.
2. Each encampment will be individually considered before a decision is taken on whether enforcement action will be taken. Each encampment will be assessed and categorised as either 'High Impact' or 'Low Impact' taking into account the following factors:

Relevant factors:

- The nature, suitability or obtrusiveness of the encampment.
- The level of any nuisance including noise.
- The number, validity and seriousness of any complaints.
- The level of damage caused by the occupiers.
- Proximity to residential properties; schools, children's play and public amenities
- The size and concentration of the encampment
- Human and domestic waste management
- General crime and public order offences.

Full assessments of welfare, education and health needs of the people living in the encampments will be conducted before any action is taken. The occupiers will be signposted to sources of support and advice including St Mungo's outreach service

Definition of High and Low impact encampments:

Bristol City Council in partnership with Avon and Somerset Police will determine whether the encampment is evaluated as a high impact or low impact based on the following.

High Impact

High impact encampments are those where:

- There are other activities in the encampment, such as serious breaches of the peace, disorder, criminal activity or anti-social behaviour (ASB) which would necessitate police involvement under their wider powers;
- The encampment has an unacceptable impact on the environment and the local community because of
- the size and concentration of the encampment;
- its location in close proximity to residential properties, schools, children's play and amenities;
- how waste (human and general), is disposed of;
- high noise or smoke levels.
- If the vehicle is parked in what is considered to be a dangerous location to either or both the vehicle dwellers and road users i.e. on a busy road or junction etc.
- The council and/or police will take prompt action for every encampment evaluated as 'high impact'.

Low Impact

Low impact encampments are those where:

- The people dwelling in vehicles indicate that it is their intention to stay in an area for a short period, and they are unlikely to cause disruption or damage during their stay. (A departure date should be agreed with the stipulation that staying beyond the stated date may trigger legal action);and
- The encampment does not cause significant impact to the local environment or community (e.g. noise, waste, ASB, etc.)

Where the encampment is assessed to be Low Impact, the local authority may take the decision to tolerate the encampment and not take legal action, for the time being. The local authority will ensure that other relevant bodies are informed. (Relevant bodies include elected members and relevant ward members, the public, complainants and local education, health and/or welfare agencies). The definition of high and low impact follows [government](#) and [police](#) guidance on effective management of encampments.

Process to be followed in the event of an encampment:

Bristol City Council has a separate protocol with the police for managing unauthorised encampments on public land other than the highway:

<https://www.bristol.gov.uk/policies-plans-strategies/managing-unauthorised-encampments-policy>

Local authority enforcement and police powers: these are outlined in Appendix 1 and 2.

The process that will be followed in the event of an Encampment is outlined in Appendix 3.

Links to other policies

There are existing policies within the council's Preventing Homelessness Strategy 2013-18 which address rough sleeping. This does not specifically refer to vehicle dwelling on the highway; however, anyone living in a vehicle who requires housing advice or is homeless can access services through the Housing Options Service.

Appendix 1: Local authority powers

Local Authority Powers	
POWER	WHEN CAN THE POWER BE APPLIED?
LOCAL BYELAWS	<p>Councils can make byelaws for the good rule and governance of the whole and any part of the district and for the suppression and prevention of nuisances. Such byelaws include noise in streets and other public places, urinating in public place, etc.</p> <p>Section 150 of the Police Reform and Social Responsibility Act 2011 enables LAs to attach powers of seizure and retention of any property in connection with any breach of a byelaw made under Section 235 and enables the courts to order forfeiture of any such property on conviction for contravention of any byelaw. LAs could use this byelaw as a pre-emptive tool to prohibit encampments, if the LA considers it has an area at risk of encampment protest. This will save having to go through costly injunctions after any encampments have been set up. LAs should consider this option as part of their local risk assessment and mitigation plan; as such a byelaw would still be required to go through the normal processes for amending or introducing new byelaws.</p>
POWERS OF LA TO DIRECT UNAUTHORISED CAMPERS TO LEAVE	<p>Where people are residing in vehicles (including caravans) on land the Section 77 of the Criminal Justice and Public Order Act 1994 gives LAs in England and Wales power to give a direction to leave the land. The power applies only to land forming part of a highway, any other unoccupied land or occupied land on which people are residing without the consent of the occupier.</p> <p>It is an offence to fail to comply with such a direction. If the direction is not complied with, the LA can apply to a magistrates' court for an order requiring the removal of vehicles and any occupants from the land (Section 78). Responsibility for eviction lies with the LA. Officers or agents of the LA may use reasonable force to evict. It is usually recommended that the police attend such evictions in order to prevent a breach of the peace. Please note this power</p>

	<p>does not apply to other campers (i.e. those sleeping under canvas).</p>
<p>ADDRESSING OBSTRUCTIONS OF THE PUBLIC HIGHWAY</p>	<p>If tents and other structures are erected on the public highway, so as to constitute a ‘nuisance’, the relevant highway authority may serve a notice requiring their removal under the Highways Act 1980 (England and Wales only). If the recipient fails to comply, the highway authority can apply to the Court for a removal and disposal order. The key issue is the need to demonstrate that the tents, etc. that are deposited on the highway are causing a clear, actual obstruction (a ‘nuisance’).</p> <p>Under Section 137, it is the duty of the highway authority to protect the rights of the public regarding the use and enjoyment of the highway and to prevent the obstruction of the highway. This allows the authority to seek an injunction in relation to the protests on the highway that restrict public use or create an obstruction.</p>
<p>PUBLIC SPACE PROTECTION ORDER UNDER SECTION 59 OF THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014.</p>	<p>1. The Public Space Protection Order under Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 means that PSPO’s can be made if the local authority is satisfied on reasonable grounds that two conditions are met.</p> <p>I. The first condition is that:</p> <ul style="list-style-type: none"> a. Activities carried on in a public place within the authority’s area have had a detrimental effect on the quality of life of those in the locality; or b. It is likely that activities will be carried on in a public place within that area and that they will have such an effect <p>II. The second condition is that the effect, or likely effect, of the activities:</p> <ul style="list-style-type: none"> a. Is, or is likely to be, of a persistent or continuing nature b. Is, or is likely to be, such as to make the activities unreasonable, and c. Justifies the restrictions imposed by the notice

	<p>The PSPO can restrict access to public spaces where that space is being used to commit anti-social behaviour. So an order restricting the overnight parking of a caravan or vehicle converted for living purposes are restrictions which could be imposed assuming there is clear evidence linking those caravans/vehicles to anti-social behaviour.</p> <p>Breach of a PSPO is a summary only offence punishable on conviction to a fine not exceeding £1,000.</p> <p>2. An additional power that can be used by a local authority is a Community Protection Notice under Section 43 of the Anti-social Behaviour, Crime and Policing Act 2014. A CPN can be issued to a person over the age of 16 if an authority is satisfied on reasonable grounds that:</p> <ul style="list-style-type: none"> i. The conduct of the individual is having a detrimental effect, of a persistent nature or continuing nature, on the quality of life of those in the locality; and ii. The conduct is unreasonable. <p>The individual can be required take or refrain from certain actions which are linked to the anti-social behaviour. Failure to comply with a CPN is a summary only offence punishable on conviction to a fine not exceeding £2,500.</p>
POWER TO SEIZE A VEHICLE	<p>From 6th April 2015 where a vehicle is suspected of being involved in the commission of an offence relating to the illegal deposit of waste or other waste offences (e.g. breach of duty of care, carrying controlled waste while unauthorised to do; operating an illegal waste site), a LA or the Environment Agency or Natural Resources Wales may instantly seize a vehicle and its contents in accordance with the provisions of the Control of Pollution (Amendment) Act 1989 / the Environmental Protection Act 1990 and the Control of Waste (Dealing with Seized Property) (England and Wales) Regulation 2015. Move to LA powers</p> <p>The power can be used where a vehicle is suspected of having been involved in the commission of an offence but there is insufficient information concerning who committed the offence. It can also be used to ‘flush out’ owners where it is unclear who is the registered keeper and to disrupt and prevent illegal waste activities, reducing the impact of waste crime on the environment.</p> <p>see Central Government Report on Powers</p>

Appendix 2: Police Powers

Police Powers	
POWER	WHEN CAN THE POWERS BE APPLIED?
ASB POWERS	<p>Tackling anti-social behaviour</p> <p>Action against anti-social behaviour may be particularly difficult where problems are being caused by short-term unauthorised encampments.</p> <p>Effective management of issues as may arise will depend on strong, local partnerships that have the expertise to address complex problems within and in company with, the affected communities.</p> <p>In order for this policy to be used most effectively, it must be supported by a co-ordinated strategy.</p> <p>In particular:</p> <p>There needs to be good co-operation between local authorities and the police, the Environment Agency and others, supported where appropriate by this protocol so that appropriate action can be taken to address or prevent anti-social behaviour and also criminal behaviour when the line between the two is crossed, such as in cases of hate crime, untaxed vehicles, fly tipping and unlicensed waste carriage.</p> <p>This policy in no way effects the responsibility on the Police to deal with reports of Crime and disorder in the same way regardless of whether the location may be an unauthorised, authorised or settled community of any description.</p> <p>The Police responsibility to all communities in regard to recording and investigating crime and criminality remain unchanged.</p> <p>Relevant Authorities will need to regard issues as a whole with the involvement of housing, planning, education, health, social services, and environmental health/ protection in conjunction with any Police Enforcement Action</p> <p>http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted</p> <p>The above link offers guidance and information around legislation Police and Partners can use in issuing Acceptable Behaviour Contracts (ABC) Crime Prevention Warnings(CPW) and Crime Prevention notices (CPN) as a graduated response</p>

	to issues as may arise and can lead to or assist with obtaining an injunction at Court if necessary
OBSTRUCT THE HIGHWAY	The main point required to prove an offence of unlawful obstruction of the pavement is that the obstruction is actual and not merely perceived
POWER TO SEIZE A VEHICLE	<p>The main point required to prove an offence of unlawful obstruction of the pavement is that the obstruction is actual and not merely perceived</p> <p>Offences of unnecessary and wilful obstruction sit in the Police domain.</p> <p>Proceedings for obstructing the highway (including pavements) can be instituted under the following legislation:</p> <p>Wilful Obstruction of the Highway</p> <ul style="list-style-type: none"> • Section 137 Highways Act 1980 <p>https://www.legislation.gov.uk/ukpga/1980/66/section/137</p> <ul style="list-style-type: none"> • Fixed Penalty Summary Offence. <p>Unnecessary Obstruction</p> <ul style="list-style-type: none"> • Section 42 Road Traffic Act 1988

<https://www.legislation.gov.uk/ukpga/1988/52/section/42>

- Fixed Penalty Summary Offence.

Leaving Vehicles in Dangerous Position

- Section 22 Road Traffic Act 1988

<https://www.legislation.gov.uk/ukpga/1988/52/section/22>

- Fixed Penalty Summary Offence that carries 3 penalty points and requires service of a Notice of Intended Prosecution.

Vehicle Encampment on Highways Land

Standard initial steps – Two weeks

- 1 Report made to the council or proactive patrol by Bristol City Council's Neighbourhood Enforcement Team (NET).
- 2 NET to report encampment via bristolstreetconcern@mungos.org or www.streetlink.org.uk
- 3 NET to arrange for welfare assessments to be carried out
- 4 NET to assess High or Low Impact.
- 5 Outreach (St. Mungo's) to attempt initial engagement then report back to NET when complete.
- 6 NET to issue/attach warning letter under S.77 Criminal Justice & Policing Order Act'94
- 7 Administrator to log details for all the above on the Encampments Log spreadsheet.

Monitor phase – Three weeks

- 1 Administrator to update Encampments Log with St Mungo's progress on engagement.
- 2 NET to monitor site for ASB based on staff visits and public reports.
- 3 NET to monitor site for abandoned vehicles, sex and drugs litter and human and general waste.
- 4 Administrator to update Encampments Log.

Scenario 1 – One week

Caravan/van appears abandoned.

NET serves 24hr Abandoned Vehicle Notice on caravan/van.

Clear-up

Contractor to remove van/caravan from highway.
Vehicles stored for 7 days.
Caravans disposed of.

Scenario 2 – Up to three weeks

High Impact (e.g. Levels of ASB, public nuisance, drug activity, proximity to schools, human waste, size of encampment)

NET verify ASB reports and liaise with St Mungo's

Eviction / Clear-up

Highways instruct legal team for eviction by bailiff.
Contractor/BWC instructed to remove vehicle & waste.

Scenario 3 – Up to three months & beyond

Low Impact (no indication of ASB, public nuisance, not in proximity of facilities, well managed waste etc.)

Extended monitoring and engagement attempts on case-by-case basis (NET/ St Mungo's / welfare)

Monthly hotspot meeting to consider need for intervention based on site behaviour and engagement

Eviction / Clear-up

If encampment becomes high impact, Highways instruct legal team for eviction by bailiff. Contractor/BWC instructed to remove vehicle & waste.

Continue Monitoring

Reduced frequency, if low impact.