

Decision Pathway – Report



PURPOSE: Key decision

MEETING: Cabinet

DATE: 03 September 2019

TITLE	Vehicle Dwelling and Rough Sleeping Encampment Policy		
Ward(s)	All		
Author: Lindsay Hay	Job title: Neighbourhood Services Manager		
Cabinet lead: Cllr Paul Smith	Executive Director lead: Colin Molton		
Proposal origin: BCC Staff			
Decision maker: Cabinet Member Decision forum: Cabinet			
Purpose of Report: To seek approval for the policy for: <ol style="list-style-type: none"> 1. Vehicle Dwelling Encampments on the Highway 2. Rough Sleeping Encampments 			
Evidence Base: <p>Street dwelling has become an increasing problem in Bristol fuelled by the more general housing crisis and by Bristol's attractiveness as a place to live. The attached Appendix A1 includes information about both the increases in rough sleeping in the city and the increase of people living in vehicles parked on city streets.</p> <p>The vehicle dwelling encampment policy Appendix A2 and rough sleeping encampments policy Appendix A3 are new policies which set out how Bristol City Council will respond where people are living in vehicles on the highway or have set up a rough sleeping encampment on council land.</p> <p>The policies seek to provide clarity for people living on the streets and for local residents and businesses as to what action the council will take to assess the impact of an encampment and where appropriate to remove it. The process includes referring people sleeping rough and in vehicles to relevant support services who can provide advice and support with finding appropriate accommodation.</p> <p>The risks from rough sleeping have been well documented. Appendix A1 shows that those who sleep rough experience significantly shorter lives because of the damage to their health caused by living on the streets. Less information is available relating to vehicle dwelling. In Bristol there has been an increase in incidents which pose a potential risk to public health and safety such as: human waste being put down public drains or left in public places, littering, and obstructions left on the highway, noise nuisance and other forms of anti-social behaviour. These have been reported by citizens and councillors and have been witnessed by Neighbourhood Enforcement Officers and the police during the past 18 months.</p> <p>Cabinet are also being asked to approve a revised five year Homelessness and Rough Sleeping Strategy 2019-24 Tackling rough sleeping is one of five key priorities of the strategy, and although it does not specifically refer to vehicle dwelling, anyone living in a vehicle requiring housing advice or is homeless can access services through the Housing Options Service. St Mungo's outreach support is provided for all forms of street dwelling.</p> <p>Consultations on both policies took place between 29 June and 26 August 2018 with 808 responses to the vehicle dwelling encampment questionnaire and 545 to the rough sleeping encampment questionnaire.</p>			

Vehicle dwelling – there were equal numbers of people for and against the proposed approach. Some residents feel the policy does not go far enough and that there should be greater zero tolerance of vehicle dwelling and some residents want the City Council to make provision for those living in vehicles.

Additional measures for managing vehicle dwelling encampments

In addition to questions about when enforcement action should be taken the vehicle dwelling encampments consultation asked if alternative measures should be taken to manage encampments

-a small majority of respondents (413/52%) agreed that facilities such as waste collections and toilets should be provided for encampments assessed as low impact.

Consideration has been given to this feedback. The provision of additional facilities will be considered site by site in the context of the impact assessment.

- a majority of people (475/60%) agreed that parking restrictions could be introduced to enable parking enforcement to manage encampments in certain locations. 219 respondents disagreed (28%)

Purposes for which parking restrictions can be introduced are limited by law and are not considered as appropriate in the management of encampments.

- the most frequently suggested additional measure was that the council provide alternative sites for those living in vehicles. This has been considered but given the concerns about the impact on health and wellbeing of living in a vehicle long term the Council will not be proposing to provide sites for vehicle dwellers to use but will provide support with partner agencies to help people into more sustainable housing options. Appendix A1

Rough Sleeping - there was a majority in favour of the proposed approach which is to ensure that Bristol City Council manages its land so that it can be used as intended by everyone whilst supporting those sleeping rough into accommodation.

However, it should be noted, that there was a marked difference in the responses given by those sleeping rough and other respondents. This is reflected in the Equality Impact Assessment Appendix E

Implementation- The intensification of work in this area will impact on other enforcement work carried out by the Neighbourhood Enforcement Team. This will be monitored and action taken as appropriate.

Related policies -There is a Joint Working Protocol between Avon and Somerset Police and Bristol City Council regarding defined as “encampments of caravans and/or other vehicles on land without the landowner or occupier's consent and constituting trespass”. Appendix A6

Cabinet approval is also being sought for a new Enforcement Policy. This provides the overarching policy that all enforcement activity should comply with, including that referred to in the Vehicle Dwelling Encampments on the Highway and the Rough Sleeping Encampments policies.

Cabinet Member / Officer Recommendations:

That Cabinet approve the policy for:

1. Vehicle Dwelling Encampments on the Highway
2. Rough Sleeping Encampments

Corporate Strategy alignment: This policy and the procedures it contains link very closely to Theme 1 in the Corporate Strategy “Empowering and Caring “and Theme 4 “Wellbeing”. There are policies within the council’s existing Preventing Homelessness Strategy which address rough sleeping but which did not pick up vehicle dwelling.

City Benefits: The policies will provide clarity for people living on the streets and for local residents and businesses what action the council will take to assess the impact of an encampment and where appropriate to remove it. They included processes for ensuring those living on the street are offered help and support.

Consultation Details: Consultations regarding the proposed approach to rough sleeping encampments (RSE) and vehicle dwelling encampments (VDE) were carried out between 29 June 2018 and 26 August 2018. The consultations were an intensive process with discussions held with people sleeping rough and people living in vehicles, partner

agencies and the general public. The information from the consultation is detailed in two separate reports available on the council's consultation hub. Appendix A4 and Appendix A5

Vehicle Dwelling Encampment Consultation summary of results:

- Of the 808 people who responded to the survey similar numbers (2 in 5) agree and disagree that the proposed approach balances the needs of those living in vehicles and members of the wider community; Responses were similar across all housing situations, including those living in vehicles, with the exception of those describing themselves as living in 'other' who more strongly disagreed.
- A clear majority of respondents agreed with each of the ten proposed criteria for assessing whether an encampment is high or low impact.
- More people agreed that facilities should be provided for tolerated encampments (52%) than disagreed (43%) There was a marked variation in response to this question between different housing situations. For example of those describing themselves as home owners 45% agreed, whilst 96% of people living in a vehicles agreed
- A majority of people (60%) agreed that parking restrictions could be introduced to enable parking enforcement to manage encampments in certain locations. 28% disagreed. There was a marked variation in response to this question between different housing situations. For example of those describing themselves as home owners 72% agreed but only 12% of those living in a vehicle agreed
- 59% of respondents provided further comments on the draft policy. The greatest number of comments were on the following themes:
 - 148 (31%) stated that VDEs should not be tolerated;
 - 85 (18%) thought BCC should provide designated sites;
 - 51 (11%) said BCC should build more affordable houses and or cap rents.

Rough Sleeping Encampment (RSE) consultation summary of results:

- Of the 545 people who responded to the RSE consultation, 309 (58%) agreed or strongly agreed, with 24% disagreeing or strongly disagreeing that the draft policy balances the needs of people sleeping rough in encampments with the needs of other members of the community
- 214 (39%) respondents made comments or suggestions about the draft policy on Rough Sleeping Encampments. 18% (66) said that they thought that not enough is being done to address rough sleeping. 13% (50) said that there is not enough accommodation and more needs to be provided.13% (48) said that they did not think the policy balanced the needs of the whole community

The police and homelessness support agencies, in particular St Mungo's, City Centre BID and colleagues in the Streetwise team have been closely involved in the preparation of both policies.

Background Documents: Managing Unauthorised Encampments – Joint Working Protocol of Avon and Somerset Police and Bristol City Council (Appendix A6)

Revenue Cost	£none	Source of Revenue Funding	n/a
Capital Cost	£none	Source of Capital Funding	n/a
One off cost <input type="checkbox"/>	Ongoing cost <input checked="" type="checkbox"/>	Saving Proposal <input type="checkbox"/>	Income generation proposal <input type="checkbox"/>

Required information to be completed by Financial/Legal/ICT/ HR partners:

1. **Finance Advice:** This report sets out for approval Bristol City Council's proposed policies with regards to people who are living in vehicles on the highway or who have set up rough sleeping encampments on the street. There are no financial benefits linked to this proposal. Whilst no financial costs are forecast to arise as a direct consequence of approving these policies the Neighbourhood and Communities Service does advise that there will be a consequent increase in demand on their Enforcement Team. The agreement is to manage operational demand pressures from within existing resources. If demand rises above a manageable level, after a detailed assessment, a report will be brought back to Cabinet outlining recommended further action including any need for additional resources or reprioritisation

of existing ones.

Finance Business Partner: Kayode Olagundoye, Interim Finance Business Partner, Growth and Regeneration, 05/07/19

2. Legal Advice: The proposed policies are both lawful. Consultation has taken place in relation to the decision to be taken. The responses to the consultation must be taken into account by Cabinet when taking the decision. Cabinet should also be satisfied that proper consultation has taken place in that (i) proposals were consulted on at a formative stage (ii) sufficient reasons have been given for the proposals and (iii) adequate time has been allowed for consideration and response. Appendices 4 and 5 of this report sets out the process that was undertaken. Officers should be able to demonstrate to Cabinet how responses have been taken in to consideration when developing the proposals for final decision

The Public Sector Equality duty requires the decision maker to consider the need to promote equality for persons with “protected characteristics” and to have due regard to the need to i) eliminate discrimination, harassment, and victimisation; ii) advance equality of opportunity; and iii) foster good relations between persons who share a relevant protected characteristic and those who do not share it.

The Equalities Impact Assessments completed in relation to both these policies are designed to assess whether there are any barriers in place that may prevent people with a protected characteristic benefiting from a policy. The decision maker must take into consideration the information in the assessment before taking the decision.

A decision can be made where there is a negative impact if it is clear that it is necessary, it is not possible to reduce or remove the negative impact by looking at alternatives and the means by which the aim of the decision is being implemented is both necessary and appropriate

Legal Team Leader: Sarah Sharland 25/6/2019

3. Implications on ICT: There are no identifiable IT implications in the policies identified in this report. It is also unlikely that their implementation will have any IT implications, but should these materialise, then appropriate and timely engagement with IT Services would be required

ICT Team Leader: Ian Gale 05/02/2019

4. HR Advice: There are no identifiable HR implications in the policies identified in this report

HR Partner: Celia Williams 08/07/2019

EDM Sign-off	Colin Molton	3 rd July 2019
Cabinet Member sign-off	Cllr Paul Smith	16 th July 2019
For Key Decisions - Mayor's Office sign-off	Mayor's Office	5 th August 2019

Appendix A – Further essential background / detail on the proposal	YES
Appendix B – Details of consultation carried out - internal and external	YES
Appendix C – Summary of any engagement with scrutiny	NO
Appendix D – Risk assessment	NO
Appendix E – Equalities screening / impact assessment of proposal	YES
Appendix F – Eco-impact screening/ impact assessment of proposal	YES
Appendix G – Financial Advice	NO
Appendix H – Legal Advice	NO
Appendix I – Exempt Information	NO
Appendix J – HR advice	NO
Appendix K – ICT	NO

