

Appendix 1 | Background

As a council we have a duty to look after everyone in the city and provide them with opportunities to reach their full potential. The council uses its resources and powers to try to create a truly inclusive and connected city where everyone has a reason for hope and is included in Bristol's success.

Like all cities, Bristol has its challenges and the city's success does not reach everyone - no single solution or organisations can solve these alone.

The council has statutory responsibilities for the public health of its citizens. A significant part of that duty (alongside national government) is to improve the health of our local population. As such we need to ensure that where we are aware of significant risks to the health of local people and that we take steps to mitigate those risks.

We consulted on approaches that could be adopted to mitigate two local health risks. One is for people who are sleeping rough and the other is for people living in vehicles. The proposed approach does not address the needs of gypsies and travellers as this is a long-standing area of work with policies in place to address those needs.

The health risks for people sleeping rough are well documented with rough sleepers having a life expectancy of 42 years (compared to 2002 figures of 74 years for men and 79 years for women). They are also 35 times more likely to take their own lives than the general population. The health implications of living in a vehicle long-term are less well-known as it is a relatively new phenomenon. However, given that there is a lack of basic facilities in some vehicles (no water supply, no washing facilities and no means of dealing with waste, heat or power) it is considered to be a nascent public health risk.

The council's approach is therefore to engage with anyone who is sleeping rough or staying in vehicles to understand their health and well-being needs and seek to help them address those needs.

We also need to balance the differing needs of different communities using public spaces, and who live, run businesses or work in close proximity to encampments. The impact on local communities needs to be considered when considering our future approaches.

Vehicle Dwelling Background

The City has experienced a relatively high level of encampments including those of vehicle dwellers and gypsies and travellers – some of these have caused considerable social tensions and environmental impact which needs effective management. Between January 2016 and November 2017 Bristol City Council had approximately 100 vehicle dwellers living on the Highway at any one time . There were also twenty-one Gypsy, Roma and Traveller encampments across the City. The number of occupied vehicles on the highway is currently estimated to be 200

There is a recognition that the issues surrounding the vehicle dwelling population in Bristol are extremely complex and sensitive for a number of reasons – including;

- a lack of decent affordable housing in the city;
- variations within the vehicle dwelling community from those who are very vulnerable to those who are in employment but can't afford house prices or rents and who see this as a preferred way of living;
- there is not a designated site for vehicle dwellers in the City;
- Bristol is a desirable location in the South West and attracts vehicle dwellers to relocate here, where they can contribute to the economic and cultural life of the city

Vehicle dwelling is increasing and sometimes this comes with a range of welfare needs for those individuals living in vehicles, which need to be considered when deciding on action to be taken in moving people on. There is also a recognition that living in a vehicle brings with it various environmental health concerns for both the individuals and the settled community, businesses and schools due to the lack of water supply, waste (human and general) facilities and potential fire risk.

Proposed approach

The council is proposing to adopt an approach to vehicle dwelling which aims to safeguard the health and wellbeing of those living on the highway and to reduce any negative impact on the wider community that encampments may have. The approach is set out in the policy document which includes a procedure diagram. The policy seeks to provide a framework which can be understood by all interested parties and will make clear the decision making process. The key proposals are:

- We understand that people live in vehicles for a number of different reasons and each case should be treated individually. The aim is to manage encampments through discussions and negotiation with those living in vehicles in the first instance.
- Each encampment will be assessed individually and proportionately – there is no blanket action that will be taken as a number of factors need to be considered. These include welfare needs, impact of the encampment, whether there is associated anti-social behaviour, crime, litter and/or nuisance, size and location.
- Every vehicle dweller will be offered housing and health related support and advice and a welfare assessment.
- Whilst it is legal to park a vehicle on the highway (provided the vehicle has a valid MOT and is taxed) any instance where Bristol City Council establishes a vehicle is being lived in, will be considered an encampment and action will be taken if the vehicle is creating a high impact on the local environment or community. An encampment may include one or more vehicles, caravans or tents.

- A joint protocol will be maintained between Bristol City Council and Avon and Somerset Police to ensure effective partnership and management of encampments citywide.
- The vehicle dwelling encampment policy is designed to reflect discretion, tolerance but also the need for a rapid and a proportionate response.
- **Use of injunctions:** The experience of managing vehicle dwelling encampments has resulted in a proposed change being made to the draft policy which was the subject of last summer's Vehicle Dwelling Encampment public consultation. The policy now refers to the use of injunctions in locations repeatedly affected by 'high impact' vehicle dwelling encampments or which are considered particularly 'vulnerable sites'. In the past 12 months enforcement action has been taken to remove encampments in over 12 locations involving nearly 200 vehicles each were assessed as having a significant impact on public health and safety. In most locations new encampments formed almost immediately once the original encampment had moved or as soon as the court order obtained had expired (3 months). This continuous cycle has had serious implications for some local businesses and has been of major concern to a number of schools and local communities. Injunctions generally apply for 12 months. Within this period more sustainable measures to prevent encampments in specific locations, such as new parking restrictions, can be implemented.

Alternative site provision

The Council is not under a duty to provide designed sites for those living in vehicles, with toilet and waste collection facilities, on which rent and council tax would be payable. Vehicle dwellers do not generally meet the legal definition of Gypsies and Travellers, and therefore local authorities have no specific duties towards finding them alternative sites.

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.

Private land may be used for lived in vehicles .A planning application for such use should be made preferably by the landowner. No use of the land should commence until a planning permission has been granted. The planning application is likely to take between 6-8 weeks for a decision to be made and guidance on the process can be found at this link:-

<https://www.bristol.gov.uk/planning-and-building-regulations/make-a-planning-application>

An application would be tested against the range of planning policies, however some sites will be unacceptable in principle, due to for example a greenbelt designation, or flood risk concerns or proximity to existing residential property.

If an informal opinion is sought on a particular site than a pre-planning enquiry can be made using this link.

<https://www.bristol.gov.uk/planning-and-building-regulations/make-a-pre-application-enquiry>