



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.

The Council acknowledges that the issues surrounding people dwelling in vehicles 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 has a separate protocol with the police for managing unauthorised encampments on land other than the highway <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 will fall within this policy

Caravans and other structures that are established as not being occupied but are being stored on the highway do not fall within this policy.

Aims of the Policy

This policy is about how the city council will deal with vehicle dwelling encampments on the public highway.

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.

The 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:

Encampment

For the purpose of this policy, a vehicle dwelling encampment will be defined as one or more person living in one or more vehicle or structure on the highway.

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 structure 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. A joint protocol will be maintained between Bristol City Council and Avon and Somerset Police to ensure effective partnership and management of encampments on the highway across the city.
2. Each vehicle dwelling encampment will be individually considered before a decision is taken on whether enforcement action will be taken. Each vehicle dwelling encampment will be assessed and categorised as either 'high impact' or 'low impact' taking into account the following factors:

Relevant factors:

- The welfare needs of the occupants
- The nature, suitability or obtrusiveness of the encampment.
- The level of any nuisance including noise and smoke.
- The number, validity and seriousness of any complaints.
- The level of damage caused by the occupiers.
- Proximity to residential properties
- Proximity to schools, children's play and other 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. The definition of high and low impact follows [government](#) and [police](#) guidance on effective management of encampments.

3. Consideration will be given to obtaining injunctions to prevent vehicle dwelling encampments in locations repeatedly affected by 'high impact' vehicle dwelling encampments or which are considered particularly vulnerable sites.

Definition of high and low impact encampments:

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

High Impact

High impact encampments are those where:

- There are 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
 - a) its nature, suitability or obtrusiveness
 - b) its size and concentration
 - c) proximity to residential properties,

- d) proximity to schools, children's playgrounds and other public amenities;
- e) inappropriate disposal of human and general waste ;
- f) high noise or smoke levels.
- g) the vehicle(s) is/are parked in a way which endangers either those living in the vehicles and/or road users i.e. on a busy road or junction etc.

The council and/or police will take prompt action in relation to vehicle dwelling encampments that are evaluated as 'high impact'.

Low Impact

Low impact vehicle dwelling encampments are those where:

- The person/people dwelling in a vehicle/ 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 against the 8 relevant factors (e.g. noise, waste, ASB, etc.)
- Where the encampment is assessed to be low impact, the council may take the decision to tolerate the encampment and not take legal action, for the time being. The council will ensure that other relevant bodies are informed. Relevant bodies include Cabinet members and relevant ward members, the public, the police complainants and local education, health and/or welfare agencies.

Process to be followed in the event of a high impact vehicle dwelling encampment

The process that will be followed in the event of a high impact vehicle dwelling encampment is outlined in Appendix 3 (page 17 of this document)

Local authority enforcement powers are outlined in Appendix 1 of this document.

Links to other policies

Tackling rough sleeping is one of five key priorities in the revised Homelessness and Rough Sleeping Strategy 2019-24. Although the revised strategy does not specifically refer to vehicle dwelling on the highway, anyone living in a vehicle requiring housing advice or is homeless can access services through the Housing Options Service.

The Neighbourhood Enforcement Team follow the Council's Enforcement Policy for Regulatory Services 2019

Appendix 1: Local authority powers

Local Authority (LA) Powers	
POWER	WHEN CAN THE POWER BE APPLIED?
<p>POWERS OF LA TO DIRECT UNAUTHORISED CAMPERS TO LEAVE</p>	<p>Where people are residing in vehicles (including caravans) on land 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 does not apply to other campers (i.e. those sleeping under canvas).</p>
<p>ADDRESSING OBSTRUCTIONS OF THE PUBLIC</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>

HIGHWAY	<p>It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority, including any roadside waste which forms part of it. Any council may assert and protect the rights of the public to the use and enjoyment of any highway in their area for which they are not the highway authority, including any roadside waste which forms part of it. It is the duty of a council who are a highway authority to prevent, as far as possible, the stopping up or obstruction of the highways for which they are the highway authority, and any highway for which they are not the highway authority, if, in their opinion, the stopping up or obstruction of that highway would be prejudicial to the interests of their area.</p>
<p>THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014</p> <p>PUBLIC SPACE PROTECTION ORDER UNDER SECTION 59</p> <p>COMMUNITY PROTECTION NOTICE UNDER SECTION 43</p>	<p>1. A Public Space Protection Order under Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 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>ANTI SOCIAL BEHAVIOUR INJUNCTIONS</p>	<p>Breach of a PSPO is a summary only offence punishable on conviction to a fine not exceeding £1,000.</p> <p>2. A Community Protection Notice (CPN) under Section 43 of the Anti-social Behaviour, Crime and Policing Act 2014 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> <p>A court can make an anti- social behaviour injunction where there has been conduct that has caused, or is likely to cause, harassment, alarm or distress to any person and it is just and convenient to grant the injunction to prevent anti-social behaviour.</p> <p>The injunction may exclude a perpetrator over the age of 18 from premises or an area specified within the terms of the injunction</p>
<p>POWER TO SEIZE A VEHICLE</p>	<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 Local Authority 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.</p> <p>see Central Government Report on Powers</p>

Appendix 2: Process to be followed in managing vehicle dwelling encampments

Vehicle Encampment on Highways Land

Standard initial Steps- Two weeks

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| <ol style="list-style-type: none"> 1. Report made to council or proactive patrol by Bristol City Council's Neighbourhood Enforcement Team (NET) 2. NET to refer encampments via Bristolstreetconcern@mungos.org/ 0117 4070330 8am-8pm Mon- Fri or www.streetlink.org.uk 3. NET to arrange for welfare assessments to be carried out 4. NET to assess High or Low Impact. | <ol style="list-style-type: none"> 5. Outreach (St. Mungo's) to attempt initial engagement 6. NET to issue/attach warning letter under s.77 Criminal Justice & Policing Order Act'94 7. Administrator to log for all the above on the encampments log spreadsheet. |
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Monitor Phase – Three Weeks

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| <ol style="list-style-type: none"> 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. | <ol style="list-style-type: none"> 3. NET to monitor site for abandoned vehicles, sex and drugs litter and human and general waste. 4. Administrator to update Encampments Log. |
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Scenario 1 – One week

Caravan/van appears abandoned.

Caravan/van appears abandoned.

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

Scenario 2 – Two weeks

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

NET verifies ASB reports, assess vulnerability, and consider any alternative police powers

Eviction/Clear-up
Instruction to legal team by NET to obtain court order for removal of encampment, NET to seek police support to remove remaining vehicles by contractor

Scenario 3 – Up to three months and beyond

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

Extended Monitoring by NET and referrals to St Mungo's

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

Eviction/Clear-up
If an encampment becomes high impact instruction to legal team by NET to obtain court order for removal of encampment. , NET to seek police support to remove remaining vehicles by contractor

Continue Monitoring
Reduce frequency, If low impact