COUNCIL	Agenda Item 52(f)
28 January 2010	Brighton & Hove City Council

NOTICE OF MOTION

CONSERVATIVE GROUP

VAN DWELLERS IN BRIGHTON & HOVE

"This Council notes with concern the growing problem of "van dwellers" on the City's roads. The only other cities in the U.K. with similar levels of lived in vehicles are Bristol and Blackpool.

This Council does not support "van dwelling" (which is different from gypsies or travellers) as an appropriate or acceptable lifestyle choice for the following reasons:

- It is unlawful to live in a vehicle on a public highway (which is intended for the purposes of passing and re-passing) and on either occupied or unoccupied land without the owners' consent;

- There are serious health and safety concerns for adjacent residents;

- There are serious health and safety concerns for the van dwellers themselves, particularly where children are involved.

Furthermore, this Council notes that van dwellers do not generally meet the legal definition of gypsies and travellers and in the main, have expressed a desire to remain in Brighton & Hove. Unlike gypsies and travellers, local authorities have no specific duties towards van dwellers.

This Council considers that the legal measures available to deal with the problem of van dwellers are both cumbersome and inadequate:

- Section 77 of the Criminal Justice and Public Order Act 1994 enables the Council to move vehicles on from a particular piece of highway but there is nothing to stop those vehicles moving onto the adjacent road immediately afterwards;

- Obtaining an injunction against specified van dwellers is both time consuming and expensive and is possible only when the identity of the occupier is known;

- There are no enforcement powers under current planning legislation that enable the Council to take action.

This Council further notes with regret that the Government still considers that current powers are adequate for local authorities to deal with this problem and that van dwelling will not be amongst the subjects considered suitable for new local flexibility

around making local byelaws under Part 6 of the Local Government and Public Involvement in Health Act 2007.

Therefore, this Council resolves:

1. To ask the Chief Executive to write to the Secretary of State for Communities and Local Government asking him to recognise the unique nature of the van dwelling problem in Brighton & Hove and requesting that Councils be given the power to introduce specific local byelaws to properly address it; and

2. To ask the Council's representative on the Sussex Police Authority to examine, with his fellow members, ways in which van dwelling could be more effectively policed in Brighton & Hove and to report back to the Cabinet as a matter of urgency."

Proposed by: Cllr Mary Mears Seconded by: Cllr Geoffrey Theobald

Supported by: Cllrs Trevor Alford, Dawn Barnett, Vanessa Brown, Maria Caulfield, Denise Cobb, Pat Drake, Ayas Fallon-Khan, Steve Harmer-Strange, Lynda Hyde, Tony Janio, Ted Kemble, Ken Norman, Averil Older, Brian Oxley, Brian Pidgeon, Dee Simson, David Smart, David Smith, Carol Theobald, Geoffrey Wells and Jan Young.