

Negotiated Stopping Protocol for Unauthorised Encampments in [your town/city] and [your town/city] City

Why a Protocol?

1) The Local Government Association has highlighted that the lack of appropriate accommodation (long-term accommodation, transit sites etc...) means that unauthorised encampments are inevitable. This leads into the 'vicious cycle identified by the Commission for Racial Equality of unauthorised encampments leading to heightened community tension and negative reporting, pressure not to grant planning permission resulting in a shortage of authorised sites and continued and increased unauthorised encampments.

2) These views reflect the current evidence experienced in [your town/city/shire] which has seen a significant increase in Unauthorised Encampments. It is to address these issues, and ensure that the welfare of both Travellers and the settled community are protected and that all parties are clear what their responsibilities are; that this Protocol has been developed. Gypsies and Travellers have been part of the community in [your town/city/county] for hundreds of years and for the purposes of this Protocol the definition for Gypsies and Travellers includes those recognised as a racial group under the Equality Act 2010. These are Romany Gypsies and Irish Travellers and other Gypsies and Travellers who are ethnic or national in origin who would come in the definition of a racial group such as Scottish Travellers. Throughout this strategy, the term 'Travellers', has been used to include all of these groups.

3) The Government recommends the use of joint protocols between the local authority, the police and other relevant agencies. This means that each partner is clear on their roles and responsibilities and how they work together. [your town/city/county] Council, [your town/city] City Council, District Council's and [your town/city/county] Police have taken advice and guidance from the Dealing with Illegal and Unauthorised Encampments: a summary of available powers issued by the Home Office in March 2015 and Guidance on Managing Unauthorised Camping published by the DCLG in 2006

The guiding principles of the Protocol are:

- Balanced consideration of all encampments on their own merits
- Equal consideration to the rights of Travellers and the settled community
- Proportionality of all actions.

In addition good practice advice has been incorporated into the protocol from the Leeds GATE model of working which has provided clear evidence of the benefits of the 'Negotiated Stopping' concept (Negotiated Stopping & ABCD Final evaluation report prepared by De Montfort University, Leicester 17th July 2017)

Responsibilities of Protocol Partners

4) All partners involved in the Protocol are concerned with the need to build trust and confidence in local communities and therefore the need to evict will be balanced against the need of those involved in, and affected by an encampment.

City, County and District Council's

5) Council's will respond to reports of unauthorised encampments in a timely manner, with the appropriately authorised officers visiting within 24 hours during normal working hours (Monday to Friday). The Council also has an obligation to carry out welfare assessments on unauthorised encampments, ensuring that where need is identified the appropriate agencies and services are alerted. Council's will identify need through an information sharing process, with the informing partner agencies of all encampments and their constituents

6) The relevant Council will ensure that a copy of the Protocol is available to the Travelling community in written format along with any other appropriate material,

[your town/city/county] Police

7) On many occasions the police would be the first agency called when a new unauthorised encampment is found. The police do have a duty to uphold the law, but must take into account humanitarian considerations when deciding on appropriate action. Where there are reports of violence, threats of intimidation or criminal damage the police will risk assess the situation, whether the threats emanate from the Travellers or the settled community. [Link to the Police Procedure/Protocol](#)

Children's Services

8) Both the County and City Council Education Services have a role to ensure that children and young people from Traveller communities have equal access to education, training and learning opportunities where they feel safe and are able to enjoy learning, to achieve and to succeed. The appropriate Education service will be notified as soon as encampments arrive so that children can receive continuity in their educational experience and records of missing children can be updated.

Health Services

9) Health professionals within [your town/city/county] have a remit that includes working with Traveller families. It is expected that the visiting officers will contact the relevant health service where unauthorised encampments are identified and support is required for the families.

Provision in [your town/city/county]

10) The table below outlines the existing site and pitch provision for each district in [your town/city/county] along with the results of their latest Gypsy and Traveller Needs Assessment as per their Local Plan process. However many of these sites are privately owned and not necessarily available for Travellers who are 'on the road'.

Area	Number of sites/ Total pitches	Pitches required for GT Identified Need

11) Government guidance states that local authorities should try to identify possible emergency stopping places where Travellers would be allowed to camp for short periods. Protocol partner Council's recognise the important role that site provision plays as an essential corollary to tackling unauthorised camping and to that end will adopt the principles of negotiated stopping to facilitate such provision.

Local Authority Procedure for Managing Unauthorised Encampments

The Decision to apply Negotiated Stopping Principles

12) Protocol partners recognise that there are opportunities in both the County and City for temporary encampments for Travellers and others who have a genuine reason for staying on a site, for example for welfare reasons, in locations which can cause minimum disruption to other communities. Many of these sites are in local authority ownership and include large highways verges, lay byes etc

13) In line with Government advice the local authority will follow the principles of 'Negotiated Stopping' and tolerate an unauthorised encampment subject to the site meeting certain acceptability criteria and the Travellers agreeing to comply with rules for behaviour and use of the site.

(Suggested) Appendix A – Negotiated Stopping Site Risk Assessment

(Suggested) Appendix B – Negotiated Stopping Site Behaviour Contract

14) The period of the Negotiated Stopping will be for a maximum of x weeks with no return to the site within a x month period. A s77 notice will be issued to the group when confirming in advance the day of expected departure. Any breach of rules of behaviour, use of the site

or exceedance of the departure date would result in eviction proceedings being taken using the most appropriate enforcement tool.

15) Upon the Travellers signing the Negotiated Stopping Behaviour Contract the relevant district Council will arrange for the provision of the following facilities on the site

- A waste receptacle for the storage of domestic waste only
- One porta loo (subject to the payment of a deposit)

16) Encampments subject to 'Negotiated Stopping' will be kept under review and regularly visited by local authority officers, the frequency of which will depend on the location and circumstances of the encampment. If a camp is remotely sited a decision will be taken on the lead agency i.e. Police or Council after the initial assessments, otherwise visits will occur no more than daily but no less than weekly. Changed and deteriorating circumstances such as nuisance or environmental damage, justified complaints from the local community or an unacceptable increase in the size of the encampment are likely to precipitate eviction action.

17) Importantly Protocol partners will not tolerate unauthorised encampments which result in criminal or anti-social activity. In such circumstances the Council working with key partners such as the Police will utilise the most appropriate enforcement tool to secure the removal of the encampment.

The Decision Not to apply Negotiated Stopping Principles

18) There are locations where immediate action to move on Travellers must be taken, either because the site is likely to endanger the health and safety of the group or because the encampment seriously disrupts the ability of the settled community to go about their business for example 'in season' sport pitches, Leisure Centre car parks etc . In addition there may be other factors relating to the Unauthorised encampment where it would not be inappropriate to apply the Negotiated Stopping principles including

- The Unauthorised Encampment has already caused damage to the land or property on the land,
- The Unauthorised Encampment causes, or is likely to cause, a serious Health and Safety risk,
- Unauthorised campers have used threatening, abusive or insulting words or behaviour to the land owner, Council officer, Police or other Protocol partner
- The Unauthorised Encampment is causing an obstruction
- Has more than six trailers on the land

- Where Travellers or others have moved from one site to another within the same locality having caused nuisance or environmental damage at any previous site without exceptional reasons for doing so.

19) If the results of the risk assessment are such that it is only the site that is not suitable for a Negotiated Stopping Agreement the Council or protocol partner may direct an encampment to an alternative known Negotiated Stopping Place. These locations will have already been risk assessed against a set of criteria detailed in appendix A.

Encampments on Privately Owned Land

20) In cases of unauthorised encampments on privately owned land the Protocol partners will expect the relevant landowner to decide on the appropriate action, including seeking eviction if appropriate. Council partners can assist a private landowner if requested acting on their behalf including adopting the Negotiated Stopping approach and an Unauthorised Encampment Charging Policy will be followed to support the delivery of this service.

21) For encampments on land registered as common land or village green and where the public has a lawful right of access the County Council (including Parish Councils) the protocol for Negotiated Stopping will be followed in the first instance.

Government Guidance

22) Advice on managing unauthorised encampments is contained in the Guide to Effective Use of Enforcement Powers, Part 1: Unauthorised Encampments issued by the Home Office on February 2006. This document stresses that criminal or anti-social activity that might be associated with an unauthorised encampment should not be tolerated in any circumstances. By contrast toleration such as that achieved through negotiated stopping may be appropriate where an encampment is not causing a level of nuisance which cannot be effectively controlled and in such cases local authorities should consider providing basic services such as (toilets, a refuse skip and a supply of drinking water).

23) The guidance states that local authorities should not use their powers to evict Travellers or others needlessly but they should act in a humane and compassionate way; taking into account the rights and needs of the Travellers and others, the landowners and the wider community whose lives may be affected by the situation.

24) In all cases local authorities are required to take careful account of their statutory obligations under other legislation e.g. to make appropriate educational provision, to provide support for children and their families, and in relation to housing the homeless. Local authorities should also liaise with other relevant authorities e.g. health authorities. As a consequence in every case where eviction is being considered local authorities must consider welfare issues when deciding whether to proceed and therefore they are advised to undertake welfare assessments.

Appendix A – Negotiated Stopping Site Risk Assessment (Example)

This would work in tandem with the Welfare Assessment

Number	Factor	Risk rating Satisfactory/ Unsatisfactory	Supporting Notes
1	The number of caravans / trailers to be accommodated	S/U	
2	The locations of any occupied housing within 200 metres of the site	S/U	
3	the provision of facilities and services within 2 miles of the site	S/U	
4	Easy access to an A Class Road	S/U	
5	Land ownership	S/U	
6	Accessibility of site by emergency services and council vehicles	S/U	
7	The location of any Special Scientific Interest / Historic Conservation area	S/U	
8	If the area is gated or able to be secured outside of seasonal need	S/U	
9	The level of flood risk on site and the predicted weather pattern	S/U	

Decision Outcome (Delete as appropriate)

Proceed with Negotiated Stopping

Refuse Negotiated Stopping

Officer Completing

Date

Appendix B – Example of a Negotiated Stopping Site Behaviour Contract

Negotiated Stopping Site Behaviour Contract

THIS CONTRACT is made on the [date]

BETWEEN [name and address of lead agency/agencies]

AND [name of individual]

[name of individual] AGREES the following in respect of future behaviour

- 1) No large open fires
- 2) No more than six caravans or motor homes
- 3) No depositing of human or animal waste on the site or adjacent land
- 4) All domestic waste to be placed in the wheeled bin
- 5) No trade waste or fly tipping to be left on the site
- 6) No criminal or anti social behaviour acts to be committed
- 7) Minimise noise from any on site activity

IN RELATION TO THE FOLLOWING ENCAMPMENT SITE (Location details)

Breach

Any breaches of this contract by any member of the relevant encampment will result the Negotiated Stopping Agreement being withdrawn and eviction proceedings being taken

WITNESSED

SIGNED _____

[name of Council Officer for example]

DATE.....

SIGNED _____

[name of Council Officer (2), for example]

DATE.....