

NEGOTIATED STOPPING POLICY AND TEMPORARY TRANSIT AGREEMENT

1. This policy has been developed in order to be deployed alongside an injunction obtained by the Council, which prevents named and unnamed individuals from entering onto defined land within the Borough and setting up encampment and/or occupying the land for residential purposes including the occupation of caravans/mobile homes, storage of vehicles, caravans and residential paraphernalia. A copy of the injunction order can be found at:

<https://www.redbridge.gov.uk/media/6042/final-order.pdf>

2. The injunction has been obtained as a proportionate response to an increasing number of 'unauthorised encampments' which have occurred within the Borough and which have been accompanied by one or more of the following aggravated factors:
 - a. Aggressive and/or violent and/or threats and/or intimidation and/or anti-social behavior by occupants of the encampment to residents, businesses and visitors to the Borough;
 - b. Criminal damage;
 - c. 'Commercial' fly tipping;
 - d. Open human defecation/open deposit of use nappies and soiled tissue paper;
 - e. Loose dogs and animals;
 - f. Obstruction of highways;
 - g. Breaking and entering into private and/or public land;
 - h. Open fires;
 - i. Abandoned gas cannisters; and
 - j. Interruption to business/sporting events/community events.
3. The Environment Agency has also identified a 'modus operandi' which is deployed by a small, but highly impactful, criminal fly tipping organisation, which involves:
 - a. The breaking/entering into land by the group, including changing of locks and display of 'Legal Aid, Sentencing and Punishment of Offenders Act' notices;
 - b. Bringing onto the land of vans, caravans, cars or other vehicles;
 - c. Deploying children to act as 'guards' to the site; and
 - d. Filling the site with fly tipped material until either moved on by the authorities, or the site becomes full.
4. The Council acknowledges that:
 - a. The injunction will have an impact on the Gypsy and Traveller community.
 - b. The Human Rights Act 1998 and the Equality Act 2010 recognise and protect individuals with those protected characteristics, and there are consequent obligations on the Council as a Public Body as a result of this protection;
 - c. The aggravating factors identified at paragraph 2 above are in no way representative of the Gypsy and Traveller community generally, and, to the extent that those individuals who engage in this activity identify as Gypsy or

Traveller, that they are a small and non-representative minority within those groups.

- d. The Council has an obligation to support genuine cases of need.
 - e. The Council must always take into account the best interests of the child, which is a primary consideration.
5. In light of the above, the Council recognises the need to find an appropriate and balanced and proportionate response to the issues outlined in paragraph 2 above, to minimise the impact on the settled community and Council owned land of those unauthorised encampments of the nature described above, whilst at the same time ensuring it protects the rights of Gypsies and Travellers in accordance with the Equalities Act 2010 and the Human Rights Act 1998.
 6. The injunction is founded on the basis that it is only those encampments which are present 'without lawful permission' of the land owner and/or planning permission which are prevented. Therefore, there will, and must, be a clearly communicated basis upon which that permission will be granted, so as to satisfy any individual who wishes to 'stop up' for a period that they are doing so in such a way as to not amount to a contempt of court.
 7. This policy represents the basis upon which a person or persons may seek lawful permission from the Council to 'set up camp' within its Borough. The Council may only grant lawful permission as a landowner in respect of land which it owns. Therefore, if an individual or group of individuals wishes to use a piece of private land for the purposes of encamping for a period, they **must** obtain the prior permission of the land owner, and if requested, provide evidence of this to the Council. If such permission is not obtained and evidenced, the encampment will be considered a breach of the injunction if it is on land protected by the injunction. It is preferable for a person or persons to contact the Council prior to setting up camp on land which is owned by Redbridge Council. The relevant contact details will be advertised on the Council's website and on relevant notice. If the individual or individuals are unaware of this policy at the time they form an encampment, they will be advised of the policy and any request to remain on the land will be dealt with in accordance with the policy.
 8. In addition to the landowner's consent, the individual or individuals that wish to form an encampment on the land will also need to ensure that they have either planning permission from the Local Authority, or they benefit from 'General Permitted Development' rights, as defined in the General Permitted Development Order 2015. For the avoidance of doubt, the circumstances in which Permitted Development will exist are set out in Schedule 1 of this policy.
 9. The Council will consider any application for negotiated stopping in line with the following considerations. The applicants will need to sign (or indicate their consent, which will be recorded in writing by a Council officer) to the 'Negotiated Stopping Agreement' which can be found at Schedule 2.

In determining an application, the Council will consider the following:

- a. Is the site suitable? The officer will assess whether the site is one which can reasonably accommodate an encampment, regard will be had to:
 - i. Whether the presence of vehicles will interrupt local amenities;
 - ii. Whether there is free and easy access to the site, for example, to enable emergency services to attend if necessary, and for delivery and removal of portable toilets;
 - iii. Whether the site is sensitive, for example, in a wholly or mainly residential neighbourhood, near schools, or care homes, or if it is a Site of Special Scientific Interest, or a nature reserve;
 - iv. Proximity to highways, or other features which may present as a hazard to the proposed occupants of the encampment; and
 - v. The size of the encampment.
 - b. Does the encampment benefit from planning permission? The nature of the encampment will need to benefit from the General Permitted Development Order 2015, or have obtained specific consent from the Local Authority.
 - c. Has the welfare checklist been completed? This will need to be undertaken for all encampments that come into the Borough and have any steps necessary arising out of the welfare checks been taken and has the best interests of any children on the encampment been considered.
 - d. Do the vehicles have functional toilet facilities, if not the Council will need to direct persons to the nearest appropriate facilities and where appropriate portable toilets may be able to be provided by the Council for a small fee.
10. During the currency of an encampment, Council officers will attend to ensure that there are no issues being either directed toward, or caused by, the encampment. The aim of the Council is to facilitate a harmonious balance between the rights and needs of the settled community and the Gypsy and Traveller community.

Schedule 1 – General Permitted Development

The Town and Country Planning (General Permitted Development) (England) Order 2015

PART 5

Caravan sites and recreational campsites

Class A – use of land as caravan site

Permitted development

A. The use of land, other than a building, as a caravan site in the circumstances referred to in paragraph A.2.

Condition

A.1 Development is permitted by Class A subject to the condition that the use is discontinued when the circumstances specified in paragraph A.2 cease to exist, and all caravans on the site are removed as soon as reasonably practicable.

Interpretation of Class A

A.2 The circumstances mentioned in Class A are those specified in paragraphs 2 to 10 of Schedule 1 to the 1960 Act (cases where a caravan site licence is not required), but in relation to those mentioned in paragraph 10 do not include use for winter quarters.

Class B – development on caravan site required by conditions

Permitted development

B. Development required by the conditions of a site licence for the time being in force under the 1960 Act.

Class C – use of land by members of certain recreational organisations

Permitted development

C. The use of land by members of a recreational organisation for the purposes of recreation or instruction, and the erection or placing of tents on the land for the purposes of the use.

Development not permitted

C.1 Development is not permitted by Class C if the land is a building or is within the curtilage of a dwellinghouse.

Interpretation of Class C

C.2 For the purposes of Class C, “recreational organisation” means an organisation holding a certificate of exemption under section 269 of the Public Health Act 1936 (power of local authority to control use of moveable dwellings)(1).

(1) 1936 c. 49; relevant amendments are made by section 30(1) of, and Schedule 4 to, the Caravan Sites and Control of Development Act 1960 (c. 62) and Schedule 6 to the Building Act 1984 (c. 55).

Schedule 2 – Negotiated Stopping Application

This application determines the basis upon which the Council is to provide 'lawful permission' for the applicant to 'stop up' on the identified land so as to comply with the terms of the unauthorised encampment injunction. Please complete each section. The Council will complete their section, and a copy of this agreement and the Negotiated Stopping Policy will then be retained by both parties.

The applicant will provide to the Council, and the Council will provide to the applicant, a nominated point of contact so that any issues can be discussed and remedied. In the event that the applicant has any issues or concerns, or is subject to any aggressive/violent or anti-social behavior from others, they should contact the Council and/or Police as soon as possible.

By agreeing to the terms of this agreement, and upon the Council granting permission as outlined in this agreement, the applicant is assured that they will not be in breach of the terms of the unauthorised encampment injunction.

Section 1 – For the Applicant to Complete

Name of Applicant:

Date:

Location:

Nominated Point of Contact:

Telephone Number:

When did you arrive:

How long do you need to remain at this location:

How many people are you travelling with:

How many vehicles, including caravans, are you travelling with:

Please list VRMS:

What is the reason for your stay:

Have you been shown a copy of the Negotiated Stopping Policy: Y/N

Have you been shown a copy of the unauthorised encampment injunction? Y/N

By staying at this location, we agree to the following:

- I, and those I am travelling with, will not:
 - o Deposit waste at this location, and will take away and lawfully dispose of all waste;
 - o Allow any open fires or burning of material;
 - o Use threatening/violent or antisocial behavior towards residents and/or other lawful visitors to the site;
 - o Openly defecate or urinate and will use the toilet facilities contained within our vehicles. If we require toilet facilities due to malfunction and/or unavailability of our own facilities, we will notify the Council who will provide portable toilet facilities;
 - o Play loud or amplified music; and
 - o Use motorised bikes/scooters/quad bikes or other similar vehicles which may present as a nuisance or hazard.

- I, and those I am travelling with, will keep all animals on a leash/tether and under control at all times when they are in the open air.
- The size of the encampment will not exceed _____ persons and _____ vehicle.
- We will leave the site by no later than 4.p.m. on _____ and will leave the site clean and tidy, taking all waste and gas canister with us.

Section 2 – for the Council to Complete

Name of allocated Council Officer:

Telephone number:

Is the location Public or Private Land: Public/Private

Has access been obtained peacefully and without any criminal damage? Y/N

Is the location/proposed location of the encampment in an obstructive location: Y/N

Does the encampment benefit from planning permission, or permitted development in accordance with the General Permitted Development Order 2015: Y/N

Has section 1 of this application been explained to and completed by the applicant:

Y/N

Has the welfare checklist been completed: Y/N

I confirm that the above-named applicant, along with _____ (enter number) of other individuals and _____ (enter number of vehicles) has permission to remain at _____ until 4.p.m. on _____.

Signed: _____ (Council Officer)

For an on behalf of the Redbridge Council

Dated: _____

Signed: _____ (Applicant)

Name: _____

Dated: _____

I confirm that I have read, or have had read to me, the terms of this agreement, which have been explained and which I understand and agree to.