

Notice of KEY Executive Decision

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| Subject Heading: | Negotiated Stopping Policy |
| Decision Maker: | Councillor Barry Mugglestone, Lead Member for Environment |
| Cabinet Member: | Councillor Barry Mugglestone, Lead Member for Environment |
| ELT Lead: | Helen Oakerbee, Director of Planning and Public Protection |
| Report Author and contact details: | Chris McAvoy, Head of Environmental Enforcement and Community Safety Chris.mcavoy@havering.gov.uk |
| Policy context: | The Negotiated Stopping Policy is required to support the Borough Wide Traveller Injunction Order which is in place until 19th October 2026. This is also required via an undertaking given within the High Court Order of 15 th October 2025. |
| Financial summary: | There are no direct costs associated with the adoption of the Negotiated Stopping Policy. |
| Reason decision is Key | Indicate grounds for decision being Key: (c) Significant effect on two or more Wards |
| Date notice given of intended decision: | 11 February 2026 |

Key Executive Decision

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

Summary of decision:

In September 2019, the LB Havering obtained an Interim Borough Wide Injunction Order to prohibit unauthorised encampments and other antisocial behaviour in the Borough. The majority of individuals were from the Gypsy and Traveller community. This Order was successful in preventing the issues caused by unauthorised encampments in the Borough.

Since this time, an informal Negotiated Stopping Procedure has been in place. It sets out the circumstances how those who wish to encamp on council / private land in the borough can do so lawfully. This provides a mechanism for tolerated and well-behaved and sensible sized encampments on appropriate sites for a time limited period. The procedure is contained within the original bundle of evidence - Witness Statement of Rob Harper at Exhibit 7. This is contained in the Exhibit Bundle at page 81 which can be found here:

[Index & Exhibits Bundle.pdf - Google Drive](#)

Subsequently a final Injunction Order was successfully obtained on the 9th October 2024 for a period of 12 months.

On the 6th October 2025, the LB Havering applied to renew the final Injunction Order for a further 12 months in the High Court. The Order was granted by Jonathan Glass KC. A copy of the Order can be found here:

[Injunction Order of Jonathan Glass KC dated 13th October 2025 with Schedule 2 showing a list of the Maps and Sites covered under the Order](#)

Following Counsel's advice, as part of the application for renewal, the LB Havering offered an undertaking to adopt a formal Negotiated Stopping Policy and Agreement within the Borough by the 30th March 2026. This was accepted by the Court. Therefore the Court Order of 15th October 2025 states:

Undertaking:

The Claimant undertakes to put before its cabinet a negotiated stopping policy for adoption. If and in the event that no such policy has been adopted by 30 March 2026, the Claimant shall immediately notify the court of the same and seek the listing of a hearing at which the continuation of this Order shall be reviewed.

Recommendations:

1. The Negotiated Stopping Policy set out in Appendix 1 be approved and adopted.

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2. That authority is delegated to the Director of Planning and Public Protection, to make minor amendments to the policy as required where such amendments do not significantly change the existing policy or procedures thereunder.

AUTHORITY UNDER WHICH DECISION IS MADE

PART 3.2 - Executive functions

3. The following Functions may be delegated to individual Cabinet members by the Leader. Each Cabinet Member, as appropriate, may be delegated one or more of the following functions, within the portfolio allocated to him or her by the Leader. If a Cabinet Member is unable to act, the Leader may act on his or her behalf, or may authorise another Cabinet Member to do so. Matters delegated to individual Cabinet Members under this section give them individual decision making powers. Where any paragraph refers to 'in conjunction with' or 'in consultation with' the decision remains that of the Cabinet Member.

3.16 To agree minor matters and urgent or routine policy matters.

This Key decision can be made by a Cabinet Member as an urgent and routine policy matter.

STATEMENT OF THE REASONS FOR THE DECISION

A formal Negotiated Stopping Policy is required to support the Borough Wide Traveller Injunction Order granted on the 15th October 2025. This states:

Undertaking:

The Claimant undertakes to put before its cabinet a negotiated stopping policy for adoption. If and in the event that no such policy has been adopted by 30 March 2026, the Claimant shall immediately notify the court of the same and seek the listing of a hearing at which the continuation of this Order shall be reviewed.

Therefore, the Council is required to have such a policy in place otherwise there is a risk of breach of an undertaking within the High Court Order of 15th October 2025. This would also result in a further review hearing at the High Court whereby the Court may discharge the existing Borough Wide Traveller Injunction.

OTHER OPTIONS CONSIDERED AND REJECTED

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Do not have a Negotiated Stopping Policy and Agreement in place. This is rejected, as there is a risk of breach of an undertaking within the High Court Order of 15th October 2025. This would also result in a further review hearing at the High Court whereby the Court may discharge the existing Borough Wide Traveller Injunction.

PRE-DECISION CONSULTATION

Cabinet Member - Councillor Barry Mugglestone

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Chris McAvoy

Designation: Head of Environmental Enforcement and Community Safety

Signature:

Date: 18th February 2026

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Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The Council gave an undertaking to the court to progress a Negotiated Stopping Policy to cabinet and to recommend adoption of such policy by the 30th March 2026. However, a Key decision by a Cabinet Member within this report still meets the Court's requirements. Full details of the report and the Policy will be published and added to the Council's website.

In the event that the Negotiated Stopping Policy is not adopted by the Council by 30th March 2026, the Council is required to notify the Court and hearing will be listed to review the continuation of the Borough Wide Injunction Order. There is a risk the Court may discharge the Order. Without the protection of this Order there is a strong risk unauthorised encampments will increase in the Borough.

FINANCIAL IMPLICATIONS AND RISKS

This report seeks approval to adopt the Negotiated Stopping Policy. There are no immediate financial implications associated with its adoption.

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

The proposed policy has no impact upon the Council's policies.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

The Council must also have due regard to the Public Sector Equality Duty in accordance with section 149 of the Equality Act 2010 which provides that a public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Act;
- (b) advance equality of opportunity between persons who share a relevant characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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An Equality Impact Assessment has considered the impact of Negotiated Stopping Policy on the protected characteristics groups and the implications for the Public Sector Equality Duty. This assessment concluded the policy will have a positive impact upon the Gypsy and Traveller Community protected group.

As the policy allows members of a specific race or ethnicity to undertake an activity that would otherwise be prohibited by the injunction, this supports the proportionality of an injunction order in these circumstances. Welfare Checks will also be undertaken under the policy to ensure any individuals in urgent need of services, such as women who are pregnant and require emergency medical care, are assisted and treated fairly.

HEALTH AND WELLBEING IMPLICATIONS AND RISKS

The proposed policy has no impact upon the Council's residents.

In formalising an existing informal arrangement, adoption of a local negotiated stopping policy and agreement will not result in a material change in the implementation or impact of the negotiated stopping process. This process includes requirement for the Council to conduct basic welfare checks at encampments, to ensure that any immediate issues which may pose a risk to health and wellbeing can be identified and addressed.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

The proposed policy has no impact upon the Council's climate change or ecological priorities and objectives.

BACKGROUND PAPERS

1. The full evidence and Court Orders can be found at the Council's website here:

[Unlawful encampment injunction | London Borough of Havering](#)

APPENDICES

Appendix 1 - Negotiated Stopping Policy

Key Executive Decision

Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Delete as applicable

Proposal NOT agreed because

Details of decision maker

Signed

Name:

Cabinet Portfolio held:

CMT Member title:

Head of Service title

Other manager title:

Date:

Lodging this notice

The signed decision notice must be delivered to Committee Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____