

London Borough of Havering **Negotiated Stopping Policy and Agreement (Unauthorised Encampments)**

Introduction

Havering Council supports a proportionate, humane and legally compliant approach to managing unauthorised encampments. Where appropriate, the Council will comply with the Negotiated Stopping Policy, offering a short-term conditional agreement that allows an encampment to remain temporarily on suitable land.

For the avoidance of any doubt, this policy does not address or override the usual requirements of planning legislation. Where any encampments require a consent under planning legislation this will need to be obtained separately.

This specific policy enables the Council to:

- engage constructively with Gypsy Roma and Traveller (GRT) communities
- ensure basic welfare needs are met
- set clear expectations regarding behaviour, waste disposal and departure
- balance community impact with statutory equality and human rights duties

Definition of an Unauthorised Encampment

An unauthorised encampment occurs when individuals or groups establish a temporary place to live on land they do not own and without the landowner's permission. Such encampments can cause disruption, environmental impact or community concern, particularly where land is unsuitable or where associated issues arise. Encampments in Havering typically involve (GRT) communities and may occur in parks, car parks, open spaces or privately owned land. The Council and Police have a range of statutory powers to manage or remove encampments where necessary.

High Court injunction

This section of the policy has been developed to ensure that the nomadic way of life of gypsies and travellers can be facilitated with the Borough with a High Court injunction currently in place prohibiting persons unknown from entering and occupying onto defined land within the Borough as set out in the High Court Order of Jonathan Glass KC of 13th October 2025 a copy of which is located here:

<https://www.havering.gov.uk/downloads/file/7206/2-sld-ord-gb-2019-002737-london-borough-of-havering-v-stokes-and-others>

Until and including the **19th October 2026** the 106th Defendant (persons unknown) are forbidden from:

1. forming an Encampment on the land to which the Injunction applies within the London Borough of Havering:
 - a. without Written Permission from the Local Planning Authority; or
 - b. without planning permission granted by the Secretary of State; or
 - c. not in accordance with statutory permitted development rights; or

d. without having secured written consent from the landowner of the relevant Sensitive Site, and without having given the Local Planning Authority 2 working days' written notice of the intention to stop on the site by giving notice to the Enforcement & Community Safety Team, Havering Town Hall, Main Road, Romford, RM1 3BD and legal.services@onesource.co.uk & enforcement.managers@haverling.gov.uk

Before any negotiated stopping request can be considered, a group must advise the Authority with at least 48 hours' notice and within usual office hours 0900-1700 Monday to Friday of the:

- Dates of the stopover requested
- Exact location of the intended stop over
- Number and type of vehicles intended to be present
- Family name of the group

In the Order, the following definitions shall apply:

i. 'Sensitive Sites' means all the sites within the London Borough of Havering as marked on the map at Schedule 2 to the Order

ii. 'Encampment' means the temporary entering and/or occupying of any land or part of land for residential purposes (whether temporary or otherwise), including the occupation of caravans/mobile homes, and the storage of vehicles, caravans and residential paraphernalia.

iii. 'Controlled Waste' has the same meaning as within s.75(4) of the Environmental Protection Act 1990, namely household, industrial or commercial waste or any such waste.

iv. 'Written Permission from the Local Planning Authority' includes, but is not limited to, written permission granted pursuant to any negotiated stopping agreement, policy, procedure or practise.

This injunction order has been obtained as a proportionate response to a number of 'unauthorised encampments' which have occurred within the Borough.

The Council acknowledges that:

- the injunction will have a greater impact on the GRT Community.
- the Human Rights Act 1998 and the Equalities 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.
- anti-social behaviour above is in no way representative of the GRT community generally, and, to the extent that those individuals who engage in this activity identify as Gypsy, Roma or Traveller or Itinerant, that they are a small and non-representative minority within those groups.
- the Council has an obligation to check the welfare of travellers stopping in the Borough and to support genuine cases of need

- the Council in carrying out its duty as a Corporate Parent must always take into account the best interests of the child, which is a primary consideration.

In light of the above, the Council recognises the need to find an appropriate and balance and proportionate response to anti-social behaviour 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.

The injunction is founded on the basis that it is only those encampments which are present 'without lawful permission' of the landowner 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 'encamp' for a period that they are doing so in such a way as to not amount to a contempt of court.

This policy sets out the basis upon which a person or persons may seek lawful permission from the Council to encamp 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 landowner.

It is expected that person or persons contact the council prior to setting up camp on land which is owned by Havering Council. The relevant contact details are contained within the High Court Order of 13th October 2025 and as set out above. If any individual from the GRT is unaware of this procedure at the time they form an encampment, they will be advised of the procedure and any request to remain on the land will be dealt with in accordance with this policy.

If the individual or individuals have either planning permission from the Local Planning Authority or Secretary of State, or they benefit from Permitted Development rights, as defined in the Town and Country Planning (General Permitted Development) (England) Order 2015, they will still need to show they have consent from the owner of the land in order to encamp at that location.

As part of the application the Council will consider the following:

1. 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 purchased by the individuals on site;
- 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
- v. The size of the encampment, number of individuals, and types of vehicles present etc.
- vi. The above are suggested considerations, all new encampments will be considered on a case-by-case basis.

2) 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.

3) Do the vehicles have functional toilet facilities, if not the Council will need to direct individuals to the nearest public facilities.

During the currency of the encampment Council officers will attend as resources allow 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 to assist community cohesion.

If applications are granted, the duration of the encampment will be subject to the approval of the relevant Council Officer and it is likely to be between 24-72 hours from the point of arrival at the most.

Where appropriate, the Council or Police may direct a group to a more suitable location. **Where no permission exists and no urgent needs are identified, the group will be directed to leave the land.** A reasonable timeframe for departure will be agreed and consequences of noncompliance explained.

Encampments Not Covered by the Injunction

Where encampments occur on private land or land not covered by the injunction, or do not involve those individuals named on the injunction, the Police will typically lead the response under Operation Bramble, which adopts a staged and proportionate approach. This includes:

- confirming land ownership
- conducting a risk and welfare assessment
- engaging with the group
- considering negotiated stopping or redirection

- escalating to enforcement where necessary

Enforcement options range from advising the landowner to take civil action to the use of police powers under Sections 61 and 62A of the Criminal Justice and Public Order Act 1994.

This policy and related Injunction are not concerned with groups that are;

- Merely driving through the London Borough of Havering; or
- Parking their vehicles in compliance with the parking orders regulating the use of car parks and parking spaces; or
- Temporarily stopped with the express permission from the owner of any land not covered by the Injunction; or
- Involved in the creation of permanent/semi-permanent developments which are dealt with under other Council/Civil powers and which will require planning permission.