

# **Appendix C – to MIQ's**

Leeds City Council and  
Leeds GATE Research  
Report:

Assessing the Potential of  
Negotiated Stopping.

(January 2016)



**Research Report:**  
**Assessing the Potential of Negotiated Stopping**



# Assessing the Potential of Negotiated Stopping

<b>Contents</b>	<b>Page</b>
Executive Summary	3
Section 1: Introduction	6
1.1. Background and Purpose	6
1.2. Scope of this Report	7
1.3. Review Methods	7
Section 2: The Gypsy and Traveller Community	9
2.1. Population and Movement	9
2.2. Travelling Patterns	10
2.3. The Law and Government Guidance	11
2.4. Police Role and Involvement	13
2.5. Gypsy and Traveller Representation	14
Section 3: Findings - Basis of Negotiated Stopping	16
3.1. What is Negotiated Stopping?	16
3.2. Negotiated Stopping in Leeds	18
3.3. Alternatives for Local Authorities	21
3.4. Intended Benefits of Negotiated Stopping	24
Section 4: Findings - Costs and Benefits of Negotiated Stopping	25
4.1. Costs of Enforcement Action	25
4.2. Costs of Managing Negotiated Stopping Sites	28
4.3. Other Cost Issues	28
4.4. Wider Benefits of Negotiated Stopping	30
Section 5: Findings - Practical Issues for Negotiated Stopping	32
5.1. Context for the Debate	32
5.2. Relevance of Negotiated Stopping	34
5.3. Identifying Suitable Sites	34
5.4. Planning Permission	34
5.5. Status of Negotiated Stopping Agreements	35
5.6. Communication	36
Section 6: Conclusions - The Way Forward	38
Section 7: Recommendations	41
Appendix 1: List of Organisations Consulted and Reference Sources	43
Appendix 2: Glossary of Abbreviations	47

## Executive Summary

This report contains the results of an evaluation and research exercise commissioned by Leeds Gypsy and Traveller Exchange (GATE) and supported by the Joseph Rowntree Charitable Trust (JRCT). It examines an approach to stopping places for Gypsies and Travellers known as Negotiated Stopping.

Negotiated Stopping is a term used by Leeds GATE and Leeds City Council, though it can be applied more generally. It describes a situation where some agreement has been reached between the Local Authority and Gypsies/Travellers which allows them to stay temporarily on a particular piece of land which is not an official site, as an alternative to repeated evictions. In return, the Gypsies/Travellers agree to certain conditions on behaviour, tidiness of the site and length of stay.

Negotiated Stopping has been working in Leeds for several years, and some similar arrangements operate in other parts of the country. This type of approach appears to be relatively rare however, and this report seeks to answer three key questions:

1. What has Negotiated Stopping achieved in Leeds, and how has this happened?
2. To what extent could Negotiated Stopping, or something similar, be applied elsewhere in the country?
3. If Negotiated Stopping can be applied elsewhere, what is needed to make this happen?

Research has identified a number of Local Authority policies and practices around the country that are in effect variations on the Negotiated Stopping theme. These include more informal negotiations with verbal agreement made with Gypsies/Travellers on unauthorised sites, and temporary stopping places identified by Local Authorities that Gypsies/Travellers can use if they agree. In other areas, the policy is either one of temporary “toleration” without agreement, or of immediate action to evict Gypsies and Travellers from any unauthorised site.

However, there is no national database of different Local Authority policies or best practice, and communication between Local Authorities across the country on this is limited. It is thus impossible to say with any certainty how widespread these various practices are. Limited communication also means that, whilst some Local Authorities have heard of Negotiated Stopping, many other have not, and potential for trying to ‘re-invent the wheel’ is high.

This report’s key conclusions in response to the three questions above are that:

1. Negotiated Stopping in Leeds has been very successful, and has achieved a range of benefits including:
  - Improved quality of life for Gypsies and Travellers, through having a site they can occupy for an agreed period, free from harassment or the immediate threat of eviction
  - Substantial cost savings for the Council compared with the costs of enforcement action and subsequent clean-up
  - Improved relations between the Council and all parts of the local Gypsy and Traveller community – not just those on the Negotiated Stopping site
  - Savings in police time and improved relations between the police and Gypsy/Traveller communities
  - Benefits to the local settled populations through well-chosen sites which cause the minimum of inconvenience.
2. Whilst it is not a universal solution, Negotiated Stopping could be applied elsewhere in the country. It is a viable option for any Local Authority where either:

- (a) there is a Gypsy/Traveller population with local connections which remains in the area for all or part of the year, and for which there is insufficient accommodation on permanent sites, or
- (b) the same Gypsy/Traveller groups regularly stay in the area at certain times of year.

It is less suited to areas which already have enough sites for local Gypsies and Travellers, and where others move through the area on a purely transient basis.

3. Successful introduction of Negotiated Stopping requires a number of elements: suitable sites, addressing any planning issues, provision of basic services, and good communications. Most of all it needs the 'political will' to make it happen. Council and police representatives need to overcome the prejudice and discrimination against Gypsies and Travellers that remains in many settled communities, and be pro-active in changing policies and practice. A positive approach is also needed from Gypsies and Travellers themselves, who may need to overcome limited experience in this kind of negotiation and possible resentment caused by their past experiences.

This review has been carried out by Andy Bagley of Real-Improvement. It has drawn information from a wide range of sources, including:

- policy documents and other reports
- interviews with Gypsy and Traveller Liaison Groups, Local Authorities the police and others across the country
- a survey of attendees at previous Masterclass events run by Leeds
- a conference hosted by The Travellers Movement in November 2015.

It is however a limited initial study of Negotiated Stopping and its further potential. The conclusions in Section 6 and recommendations in Section 7 support the need for further funding to extend this work and promote Negotiated Stopping more widely. There are a number of aspects to this, including:

- Gathering further information from other Local Authorities on local policies and practice
- Developing more detailed evidence of the costs and benefits of Negotiated Stopping, including longer-term benefits such as health and education
- Establishing a centre of information on Negotiated Stopping and similar approaches
- Publishing information and guidance for Local Authorities, the police and other agencies
- Encouraging greater liaison between Local Authorities, to share experience and best practice
- Encouraging Gypsies and Travellers themselves to share positive experiences of Negotiated Stopping, and supporting them to negotiate with Local Authorities
- Identifying other areas where Negotiated Stopping could bring the greatest benefits
- Collaborating with other agencies working to eliminate prejudice and discrimination

In many cases these recommendations involve other partner organisations rather than GATE working alone. This itself is consistent with the thinking behind Negotiated Stopping – that of collaborating to innovate and develop new solutions to long-standing problems.

The report makes the following recommendations. These are fully explained in Section 7:

**Recommendation 1: Leeds GATE should discuss the findings and conclusions of this report with the Joseph Rowntree Charitable Trust, to explore how further funding might be secured for wider promotion of Negotiated Stopping.**

**Recommendation 2: Further discussion with JRCT should include the potential for further research, particularly in ascertaining costs and benefits in more detail, and in identifying where Negotiated Stopping could add most value – both for Local Authorities and for Gypsies and Travellers.**

**Recommendation 3: Leeds GATE should seek to identify Local Authority areas where Negotiated Stopping is likely to be most relevant/effective, and seek to promote it, in conjunction with local representatives, in these areas as a priority.**

**Recommendation 4: Leeds GATE should explore with its partners beyond Leeds how other Local Authorities across the country could be encouraged to network and share best practice on Gypsy and Traveller accommodation.**

**Recommendation 5: Leeds GATE should liaise with other organisations researching or campaigning to eliminate prejudice and discrimination against Gypsies and Travellers, and should coordinate activity where possible.**

**Recommendation 6: Leeds GATE should work with its partners to find ways to develop and increase the willingness and capacity for negotiation within Gypsy and Traveller communities across the country.**



## Section 1: Introduction

### 1.1. Report Background and Purpose

This report contains the results of an evaluation and research exercise commissioned by Leeds Gypsy and Traveller Exchange (GATE) and supported by the Joseph Rowntree Charitable Trust (JRCT).

Leeds GATE was started in 2002 by Gypsy and Irish Traveller people working with colleagues and friends from other communities. Its aim is to improve quality of life for Gypsies and Travellers in Leeds and West Yorkshire. In line with its governing document, the majority of its Executive Board members are from the Gypsy and Irish Traveller communities. Leeds GATE provides support and advocacy for the Gypsy and Traveller community in the Leeds area, and in 2011 facilitated an agreement known as Negotiated Stopping. This permitted some Gypsy and Traveller families to stop temporarily on pieces of land which were not official Traveller sites.

This arrangement has been maintained, with some modification, since 2011 (see Section 3 for full details), and has benefits for Gypsies and Travellers, for the Council, police and others. Leeds GATE believes similar benefits could be achieved in other parts of the country, and submitted a bid to JRCT in early 2015 for resources to support its wider promulgation. Rather than agreeing this in full, JRCT sought evidence that such a resource would be effective, and provided a smaller amount of funding which has supported evaluation and research for this report.

This report could therefore be described as a feasibility study. It seeks to evaluate the benefits of Negotiated Stopping in Leeds, and the potential benefits that such an approach could achieve elsewhere. It also seeks to understand why this type of approach has not been adopted more widely already, and what type of initiative or resources would help to make this happen.

JRCT has posed three specific questions in this context:

1. What has Negotiated Stopping achieved in Leeds, and how has this happened?
2. To what extent could Negotiated Stopping, or something similar to it, be applied elsewhere in the country (and if it is not applicable, why not)?
3. If Negotiated Stopping can be applied elsewhere, what is needed to make this happen (what are the barriers and how might these be tackled)?

In addition to responding to these specific questions, this report also aims to inform a wider audience about the potential for Negotiated Stopping, how it might be applied, and the steps necessary to introduce this effectively.

It should be emphasised however that this report does not provide a complete 'toolkit' for introducing Negotiated Stopping. As a feasibility study, time and resources have limited the research undertaken on some aspects, and the report highlights where further research would be beneficial (see Section 6).

Section 1.3 summarises the research methods used for this report, and these include a review of many previous reports relating to Gypsy and Traveller accommodation. However, the great majority of previous studies have focused on Gypsy and Traveller accommodation and needs in particular areas, and have not taken the wider view of Gypsies and Travellers who pursue a nomadic lifestyle around the country. This report may therefore be a first, both in addressing the specific issue of Negotiated Stopping, and in taking this Gypsy and Traveller-led perspective.

## 1.2. Scope of this Report

This report considers Negotiated Stopping and its alternatives in Great Britain; i.e. England, Scotland and Wales but not Northern Ireland. Whilst some similarities apply in Northern Ireland, legislation and housing policy are significantly different, as are considerations for Gypsies and Travellers themselves, so the conclusions of this report may not be applicable there.

The term ‘Gypsies and Travellers’ used throughout this report refers to Romany Gypsies, Irish Travellers and Scottish Gypsy Travellers. It does not include Roma who have come to this country originally from Eastern Europe and who live mainly in “bricks and mortar” accommodation. It also excludes Travelling Show People, Bargees (those who live on inland waterways), and New Age Travellers – although there may be some overlap with this last group.

Although many Local Authorities and Gypsy and Traveller groups in different parts of the country have been consulted, this report is by no means a comprehensive assessment of policies on Gypsy and Traveller stopping places nationally. Information and guidance from the Department for Communities and Local Government (DCLG) does not yet include any national database of Local Authority policies on Gypsy and Traveller stopping. Liaison between Local Authorities in this respect is also fairly limited – see Section 5.6.

DCLG compiles a count of Traveller caravans in each Local Authority area every six months, based on information provided by Local Authorities themselves. This is in effect a series of snapshots; it does not specifically identify Negotiated Stopping-type arrangements, nor does it provide any information on the movement of Gypsies and Travellers around the country.

In addition to the conclusions in Section 6, this report makes a number of recommendations for Leeds GATE, some of which involve liaison with other organisations.

## 1.3. Review Methods

This report has been prepared by Andy Bagley of Real-Improvement. Andy is an experienced management consultant with extensive experience of review and evaluation methods. He also has some previous knowledge of Gypsy and Traveller communities, having worked with Leeds GATE on a number of previous studies.

The report draws information from a range of sources:

- Legislation, DCLG guidance and other government policy documents, including policy from the Welsh and Scottish Governments
- Other guidance documents, for example from ACPO (now NPCC) and Planning Aid for Scotland
- Other reports on Gypsy and Traveller accommodation issues. Previous research in this area is not extensive, although does include a previous report for the Joseph Rowntree Foundation: *Providing Gypsy and Traveller sites: contentious spaces* by Joanna Richardson, October 2007.
- Interviews with representative from Gypsy and Traveller Liaison Groups, Local Authorities, the police and other official bodies across Great Britain, broken down as follows:



Role/Organisation	Number interviewed
Gypsy and Traveller representatives/groups	15
Local Authority representatives	8
Police	4
Others (Academic, Welsh Government)	2
TOTAL	29

- An electronic survey of attendees at Masterclass events run by Leeds GATE in late 2013 and early 2014. (This survey had a poor response rate, but those who responded presented a wide range of different perspectives, which in itself proved very valuable.)
- Attendance at a conference *We Are Community We Are Society* hosted by The Travellers Movement in London in November 2015
- Information drawn from previous GATE research and evaluations carried out by the author
- Ad hoc further information as required, gathered by telephone and email correspondence.

The author wishes to express his sincere thanks to everyone who has given their time for interviews and other contributions for this report.



## Section 2: The Gypsy and Traveller Community

This section presents some background on the Gypsy and Traveller community in Britain, necessary to put this report into context.

### 2.1. Population and Movement

Romany Gypsies are recognised as an ethnic minority group in UK law under the Race Relations Act (amended) 2000 and Equalities Act 2010. Irish Travellers are similarly recognised as a distinct group in UK law (although are not recognised as a separate ethnic group in the Republic of Ireland – a subject of some contention). Scottish Gypsy Travellers, whilst sharing much in common with other travelling groups, have recently been recognised as a separate ethnic group in Scotland. More detail on the history and ethnicity of Gypsies and Travellers can be found on Leeds GATE web site (<http://www.leedsgate.co.uk/>)

The 2011 census was the first to include Gypsies and Travellers as separate ethnic groups, so there is no official data showing population trends over time. This census shows the Gypsy and Irish Traveller population of England and Wales at 58,000 (there are no official figures for Scotland). Only around a quarter of these live in caravans or other mobile structures, the majority live in “bricks and mortar” accommodation (this term describes permanently built housing as opposed to caravans or other mobile homes).

Whilst some Gypsies and Travellers have moved willingly into bricks and mortar accommodation, others have done so reluctantly, for health or other reasons, and would like to move back into caravans if they could. Conversely, some Gypsies and Travellers in caravans would like to move into bricks and mortar accommodation but have so far been unable to do so. Those in bricks and mortar accommodation often retain a strong ethnic identity, and remain closely associated with the Gypsy and Traveller community elsewhere.

Of those Gypsies and Travellers in caravans, most have settled permanently or long-term on socially provided or privately owned sites (see Section 3.3). Only a small proportion remain truly nomadic; there are no official figures but numbers are estimated at around 1000 caravans.

The picture is further complicated by different travelling patterns for those who move around, and by the inadequate number of permanent sites across the country. Some Gypsies and Travellers have an attachment to a particular area; for example, they may work in the area or have relatives on permanent sites or in housing nearby. Others are truly nomadic in that they move around Britain, and sometimes beyond, throughout the year.

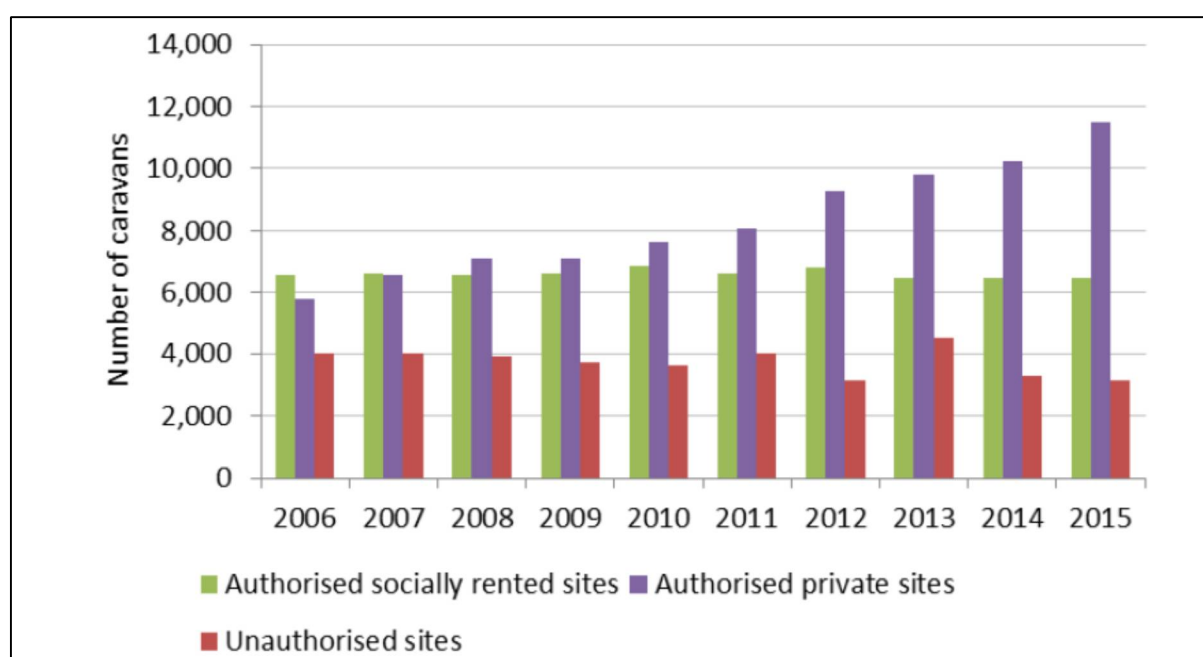
There is no clear distinction between these two groups. For example, some people travel during the summer months only and stay on authorised sites at other times. This could be for various reasons such as work, family connections, or overcrowding on authorised sites. Moreover, whilst travelling may result in ‘unauthorised encampments’ (a general term to describe sites without the necessary permission, for example at the roadside, on public land or on private land without planning permission), it does not necessarily do so. Other options include Transit sites provided by a few Local Authorities for this purpose, staying on other authorised private sites, or “doubling up” (i.e. more than one caravan on a pitch) on authorised pitches belonging to friends or family.

## 2.2. Travelling Patterns

The DCLG six-monthly count shows that in England over the last ten years the number of Traveller caravans:

- on authorised socially rented sites has remained fairly constant
- on authorised private sites has grown steadily
- on unauthorised sites has declined, although this has not been a consistent trend - numbers reached a peak in 2013 before dropping down again

The graph below shows figures from the July count for the 10 years up to 2015. (Similar data is collected for Wales – see Section 2.3).



**Fig2.1: Number of caravans by type of site, July 2015, England (source: DCLG)**

This data is a snapshot at various points in time. It reports simply the number of caravans and their Local Authority locations; it does not give any indication of Traveller movements or evidence the extent of movement compared to fixed residence. The count also classifies sites only as residential (i.e. permanent) or transit, and hence does not distinguish the various arrangements that different Local Authorities may have, apart from classifying unauthorised sites as either “tolerated” or “not tolerated”. There are also no figures on Gypsy and Traveller movement to and from Ireland or mainland Europe, both of which are known to occur.

DCLG relies on Local Authorities to provide the figures for its analysis, hence the accuracy and robustness of these figures is open to question (although DCLG does provide guidance definitions for the count and reviews the data pre-publication).

There is some evidence that travelling has declined over recent years, although this is largely anecdotal as no detailed statistical information is held to support this. Various reasons for this possible decline have been put forward, primarily economic and social. The types of work that Gypsies and Travellers have traditionally done are less available than in years past, and seasonal agricultural workers face increased competition from European and other migrants. The difficulty of finding suitable stopping places is also a deterrent for those who wish to be truly nomadic.

This is further complicated by the latest government guidance from August 2015, which may force people to prove they are Travellers – see subsection 2.3 below.

### 2.3. The Law and Government Guidance

Accommodation for Gypsies and Travellers has been a matter of long-standing concerns. The following quotes come from a UK Government report: *Gypsies and Other Travellers* published in September 1967 – almost 50 years ago. Many would argue that little has changed since then.

*“The idealised notion of the free traditional Gypsy way of life is thus far removed from the present day reality, which is, for the majority of Travellers, a life lived within a hostile settled society, where they have little opportunity of achieving acceptable living standards”*

*“A variety of provision is probably the best answer: housing for those who wish to be housed: permanent pitches for those waiting to be housed or who prefer site life...short stay pitches for those who travel continually from place to place...”*

*“There would be no need for any authority continually to spend money and effort moving families on...”*

*“Very many more (sites) are urgently required if the intensification of present difficulties is not to outstrip attempts to eradicate them.”*

#### England

All English Local Authorities are required to include the needs of Gypsies and Travellers when reviewing housing needs for their area. This requires a Gypsy and Traveller Accommodation Needs Assessment (GTANA) to be carried out either as part of a Strategic Housing Market Assessment in respect of the local community generally, or separately where a Strategic Housing Market Assessment is not being conducted at that time (DCLG: *Gypsy and Traveller Accommodation Needs Assessments*, October 2007). This is intended to identify current and future needs both for permanent Gypsy and Traveller residents and for more transient groups. There are no nationally set Government targets for the number of pitches that a Local Authority must provide.

Progress in addressing the needs identified by GTANAs has generally been slow however. Many Local Authorities have found it difficult to identify land that is suitable for new permanent pitches, particularly where they face opposition from the local settled community. Even where possible sites have been identified, local residents’ concerns or environmental considerations have often made it difficult to secure the necessary planning permission.

To some extent the development of new private sites (mostly on land owned by Gypsies and Travellers themselves) has alleviated the situation. However, such development has been slow and has not kept up with demand. It is also comparatively difficult for Gypsies and Travellers to secure planning permission for private sites even where they own the land (see Section 3.3).

Amendments to Government planning policy from 31 August 2015 have also introduced a number of changes, the most significant of which are:

- It removed the words “or permanently” from the definition of Gypsies and Travellers. This means that Gypsies and Travellers who have ceased travelling permanently will no longer be

classified as such, and hence will not be able to apply for planning permission for a Traveller site even if they own the land.

- It tightened rules on use of greenbelt land by making the lack of permanent sites just a “material consideration” rather than a “significant material consideration”. This has the effect of making it even more difficult than previously to obtain planning permission for private sites on such land

The situation could be exacerbated by proposed changes to the Housing Act, which would remove the duty on Local Authorities to assess the specific accommodation needs of Gypsies and Travellers in their area, and the guidance on how this is undertaken. These communities’ accommodation needs would form part of the general housing need assessment, which simply requires authorities to assess the needs of “all the people residing in or resorting to their district” – although ministers are saying that Local Authorities still have to assess and understand Gypsy and Travellers needs.

It is too early to assess the impact of these changes in practice, although some Gypsy and Traveller representatives are considering legal challenges to this guidance. There is also speculation that some Gypsies and Travellers may feel they need to “keep moving” in order to retain their Gypsy/Traveller status for planning purposes.

All this leads to continuing use of unauthorised encampments by Gypsies and Travellers. To evict from such sites on their land, Local Authorities can use County Court Civil Procedure Rules Part 55 or the Criminal Justice and Public Order Act (CJPOA) Section 77 (the term “enforcement” throughout this report relates to the use of such powers). Government guidance is that Local Authorities should always use court action rather than common law powers of eviction. Guidance (which dates from 2006 but is still in force) also requires Local Authorities to take account of welfare considerations before seeking to evict an unauthorised encampment – although Local authorities’ interpretation of this guidance varies significantly in practice.



## Scotland

The law in Scotland differs from that in England, although this currently makes little difference in practice to the situation for Gypsies and Travellers. Whilst there was at one time a broad policy of tolerating unauthorised encampments that were not causing problems, the Scottish Government now devolves decisions to Local Authorities, and there is little centralised information on the

national picture. The Scottish Government is currently working with stakeholders to develop an overarching strategy and action plan for Gypsy/Travellers in Scotland, aiming to achieve:

- a reduction in discrimination against them and more positive attitudes towards their culture and way of life;
- improvements in their quality of life and life outcomes;
- an increase in understanding of their needs among service providers and commissioners, which are addressed through provision of a national action plan to address identified needs; and
- an increase in mutual understanding and respect with the settled community.

This strategy is understood to be in development and has yet to be promulgated nationally.

Planning Aid Scotland has also produced a series of five guides on *Gypsy/Travellers and the Scottish Planning System*. The guides are for (i) Gypsies and Travellers themselves (ii) Local Authorities (iii) Elected Members (iv) Community Councillors and (v) the media. These guides note the vicious circle caused by lack of adequate Gypsy/Traveller accommodation, and this illustration is reproduced in Section 6 of this report.

## Wales

The position in Wales is significantly different, mainly due to the Housing Act (Wales) 2014. This requires every Welsh Local Authority to carry out an assessment of the accommodation needs of Gypsies and Travellers “residing in or resorting to its area” (i.e. permanent and transient residents) within one year of implementation. It further requires them to report the results of this assessment to Welsh Ministers and to take action to meet the needs identified. (This provision commenced in February 2015; all Welsh Local Authorities are due to report by February 2016 and take action to address their findings from March 2016.)

Whilst this legislation should prompt action faster than in England or Scotland, many unauthorised encampments currently exist, and there are currently no official transit sites in Wales. Many Travellers in Wales move through either the North of the country (along the A55 to/from Holyhead) or the South (along the M4 and beyond to/from Pembroke), and the intention is that Local Authority plans should address the needs of those who travel through as well as Gypsies and Travellers who reside mainly in one area.

The Welsh Government currently carries out the same 6-monthly Traveller count as in England, and plans to develop this further into a live online system. This will allow Welsh Local Authorities to input data at any time, hence giving a ‘moving picture’ of Gypsy and Traveller numbers and sites as they come and go (NB: This will not track the movements of individual families or their vehicles). As well as providing better information to the Welsh Government, this data should also help Welsh Local Authorities plan suitable provision in their areas.

## 2.4. Police Role and Involvement

Unauthorised encampment is not a criminal offence (trespass is a civil matter), and police powers to move Gypsies and Travellers on are limited to Sections 61 and 62 of the Criminal Justice and Public Order Act 1994 (CJPOA). Section 61 gives the police power to direct trespassers to leave land, but only if the occupier (landowner) has taken “reasonable steps” to ask them to leave *and* either some damage threatening behaviour has occurred or there are six or more vehicles on the land. The practicalities of implementing this can be complex; it is certainly not automatic that police will be able to use Section 61 powers to remove an unauthorised encampment.

Section 62 allows the police to direct trespassers to another site where a suitable pitch is available “on a relevant caravan site” within the area. This is rarely used in practice, because the shortage of alternative Gypsy and Traveller accommodation means that it is very unusual for the police to have anywhere to direct them to. This power could however be used to direct Gypsies and Travellers to a suitable Negotiated Stopping site if it had space available.

Police may also be involved if an eviction order has been granted and Gypsies/Travellers on the land resist attempts to move them. This is rare however – the infamous Dale Farm instance is exceptional and in the vast majority of cases Gypsies and Travellers move from unauthorised sites before any eviction needs to be enforced. (Dale Farm was in any case an unauthorised development of an existing site rather than an unauthorised encampment.)

Beyond this, the police role for Gypsies and Travellers is the same as for all other communities: they should investigate allegations of crimes both by and against Gypsies and Travellers, as well as protecting these communities.

Police cooperation with Local Authorities is often good; in a number of areas local protocols have been developed between Local Authorities and the police, sometimes including other official bodies as well (e.g. HMRC, DWP). The example on the next page shows a protocol developed in 2012 between the Metropolitan Police and the London Borough of Hackney (LBH), as part of that Council’s ‘Leniency Agreement’ (see Section 3.1).

## 2.5. Gypsy and Traveller Representation

Leeds GATE is an example of a Gypsy and Traveller representative/liaison organisation working on behalf of the community. Similar organisations exist in other parts of the country, some with a national role (e.g. the Traveller Movement, National Federation of Gypsy and Traveller Liaison Groups), others working purely locally. Some liaison is provided via DCLG and the All-Party Parliamentary group on Gypsies and Travellers which also brings different groups together, but this is fairly limited.

As a result, support and representation of the Gypsy and Traveller community is patchy, and there are many parts of the country where Gypsies and Travellers do not have a local representative voice to speak on their behalf. It is probably fair to say that Gypsies and Travellers are under-represented compared to other minority groups. This, together with the limited education of some older Gypsies and Travellers, undoubtedly limits their capacity to negotiate with Local Authorities.



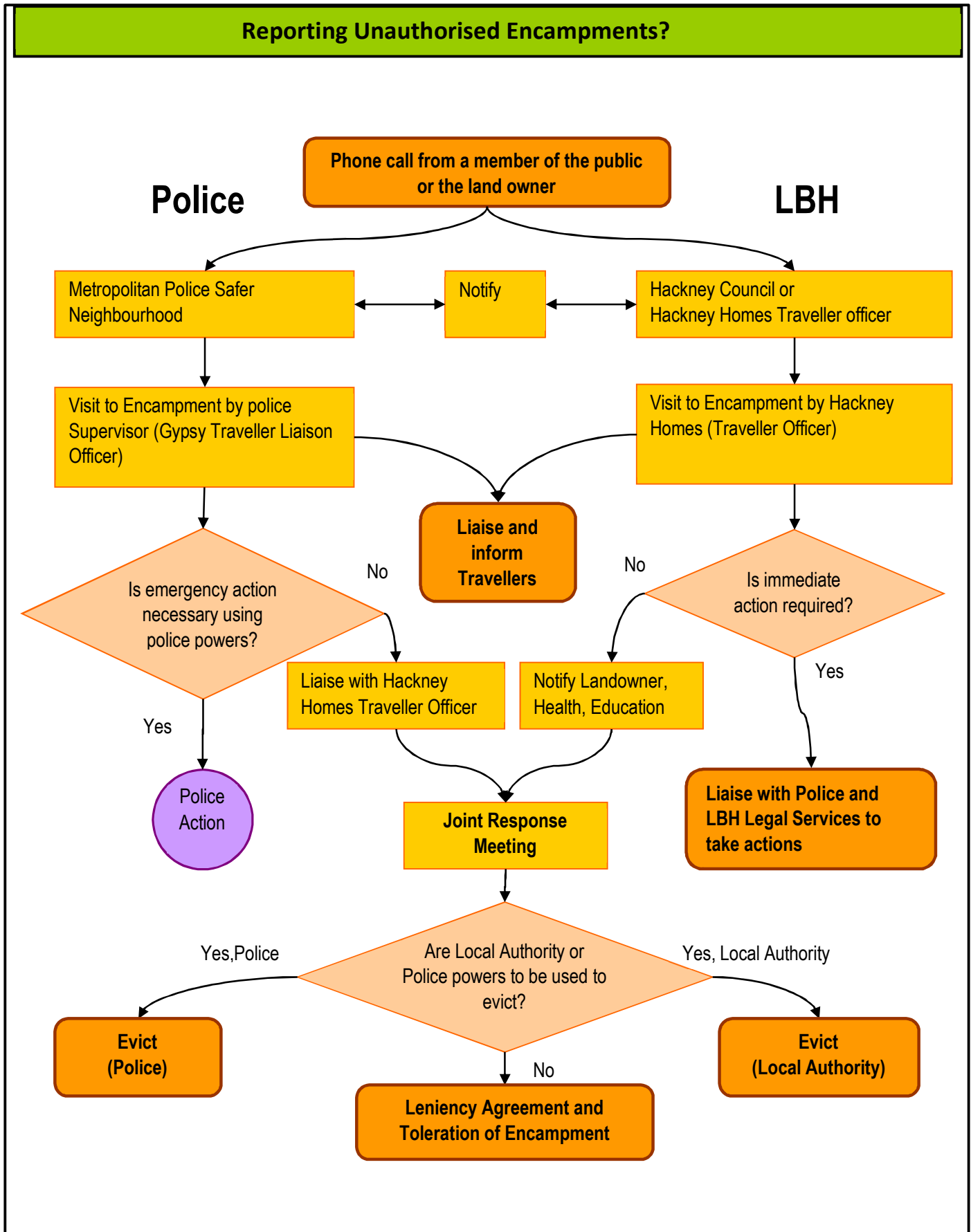


Fig.2.2. Example of Joint Protocol between Police and Local Authority



## Section 3: Findings – Basis of Negotiated Stopping

### 3.1. What is Negotiated Stopping?

Negotiated Stopping is a term used by Leeds GATE and Leeds City Council, though it can be applied more generally. It describes a situation where some agreement has been reached between the Local Authority and Gypsies/Travellers which allows them to stay temporarily on a particular piece of land which is not an official site, as an alternative to repeated evictions. In return, the Gypsies/Travellers agree to certain conditions on behaviour, tidiness of the site and length of stay. In Leeds this is a formal written agreement between the Council and individual Gypsies and Travellers on the site.

Negotiated Stopping may be best defined by comparison with some other options available to Local Authorities, summarised in the table below.

Option	Permanent Sites	Transit Sites	Negotiated Stopping	Temporary “Toleration”
Definition	Private or socially-rented sites for permanent occupation	Sites established by LAs for temporary use by Gypsies/Travellers	Site agreed by Gypsies/Travellers and LA as suitable for temporary occupation	Unauthorised sites where LA decides to “tolerate” short occupation rather than evict immediately
Duration of stay	Long-term to permanent	Usually 28 days to 3 months	Varies by agreement, a few months or can be longer	A few days to a few weeks
Facilities	Permanent facilities on-site	Utility block usually provided plus toilets and refuse collection	Facilities arranged by agreement with LA - often depends on duration of stay	Generally no facilities, although LA may provide portaloos and refuse collection

A key difference between Negotiated Stopping and transit sites is that a transit site is permanent although the residents will change. With Negotiated Stopping, the reverse can apply: the same residents may move periodically between different sites.

The dividing line between Negotiated Stopping and temporary toleration can be blurred. Essentially a Negotiated Stopping site is likely to be more suitable both for Gypsies and Travellers and for the Local Authority than an ad hoc stopping arrangement where there is no negotiation. Negotiated Stopping involves some proactive engagement rather than the Local Authority simply “turning a blind eye” to an unauthorised encampment.

Negotiated Stopping is a flexible term, and includes a number of variations on this theme:

**EXAMPLE:** Rochdale Borough Council has established a negotiated stopping site similar to that used in Leeds. This is based on unused Council-owned land identified for the purpose, and can be used by Gypsies/Travellers with local connections and also by those ‘passing through’. The Council also has an ‘emergency’ site for use when numbers get too large for the negotiated stopping site. The Council regards the scheme as a success, as it has largely solved the problems they previously had with unauthorised encampments in the area

**EXAMPLE:** Agreements do not have to be in writing. Fenland District Council has a high Gypsy and Traveller population, and meets their accommodation needs through a range of provision:

- A substantial number of private and Local Authority sites
- A high-quality transit site
- Verbal agreements that allow Gypsies/Travellers to stop at other (unauthorised) locations for a short period – normally a few days.

This approach has been made possible through consistent and positive engagement with Gypsy and Traveller communities in the area. The Council has a zero budget for dealing with unauthorised encampments, and has not had to take any enforcement action, or involve the police, for more than ten years.

**EXAMPLE:** Example: The London Borough of Hackney operates what it terms a ‘leniency agreement’. This allows Gypsies and Travellers to stop on land for a period of time with agreement from the Council. Whilst in principle the option of issuing an agreement remains in force (the protocol shown in Section 2.4 still allows for a leniency agreement), in practice this has been used a great deal less in recent years and there has been an increased number of evictions. This could be due to less available and suitable land following the London 2012 Olympics and other regeneration schemes. It is also believed that there was pressure on Council officers not to have unauthorised encampments ‘visible’ during the 2012 Olympics.

More generally in London, The GLA’s Housing Committee recommended to the Mayor in January 2015 that the GLA should work with the boroughs on a pilot scheme for London, based on “the success of Leeds Council’s toleration sites”. This recommendation has yet to be actioned however.

**EXAMPLE:** For some years an arrangement existed in North Norfolk known as the Frankham Bond. Named after Eli Frankham, the Romany Gypsy who developed the idea, it involved Gypsies/Travellers being allowed to stay on temporary sites in exchange for a bond of £50. The bond would be forfeited if any problems occurred or if rubbish was left when the site was vacated. Eli Frankham died in 2000, and this arrangement appears to have fallen into disuse in recent years.

**EXAMPLE:** Example: Following court action, a group of neighbouring Local Authorities in the North of England has arranged between them that a particular Gypsy family (two caravans) will move around different ‘unofficial’ sites in rotation over the course of a year. The family spends no more than four weeks per year on each site, hence planning permission is not an issue (see Section 5.4).

A common feature in all of these examples (including Leeds) is the need for “political will” to change the cycle of continual evictions and introduce and maintain negotiated agreements. Key individuals – Council officers, Elected Members, or both – have taken the initiative in negotiating with Gypsies/Travellers and their representatives. Conversely, where political will is lacking, negotiation appears to be hard to achieve or arrangements fall into disuse.

## 3.2. Negotiated Stopping in Leeds

### Background and History

Negotiated Stopping in Leeds began in 2010 following a Leeds City Council Neighbourhoods and Environment Scrutiny Panel into Gypsy and Traveller site provision. The panel received submissions from a range of contributors including Leeds GATE and directly from Gypsies and Travellers living on Leeds unauthorised encampments. In the first of twelve recommendations, the Scrutiny Panel suggested that the Council should pilot a 'Negotiated Stopping' scheme.

Leeds City Council has always recognised that the best solution is to provide sufficient permanent pitches for Leeds-based Gypsies and Travellers. This has consistently proved difficult to achieve in practice however, particularly when the Council's decision to extend its existing Cottingley Springs sites was subsequently overturned by the Secretary of State. The idea of Negotiated Stopping as an alternative is understood to have come originally from the Gypsy and Traveller families themselves, supported by Leeds GATE. The Council's Housing Department then helped to develop the details of the scheme, in partnership with GATE and the families themselves.

The Council's Chief Housing Officer was tasked to lead a review of suitable locations, and the first of the Negotiated Stopping sites came into use in May 2011 in the Holbeck area of the city (a site from which the families had previously been evicted). An agreement was drawn up to last three months; the Council agreed to provide refuse collection and 'portaloo' toilets for each family, whilst the families themselves agreed to certain standards for occupying the site.

At the end of the agreed period, the families moved from Holbeck to a new location in Lincoln Green. The timescales initially planned for this site were extended, but when the time came for families to move on, problems arose because no new Negotiated Stopping site had been identified. There followed a difficult period with the camp being moved around a number of different locations, including Armley and Meanwood, at the instigation of the families though with pressure from the Council. Whilst the makeup of these different camps varied, with some families joining and leaving at different times, a core group of Leeds-based families remained part of the camp throughout.

Eventually a breakthrough was achieved when in 2013 the Council identified a site just south of the city centre at Kidacre Street. The site was close to shopping services and the motorway network, had good quality hard standing and had few residential dwellings close by. It was also well shielded visually due to its topography, a factor which the Gypsy and Traveller families also welcomed.

The families agreed the location but asked for some improvements, such as extension of the tarmacked surface, vegetation cutback and waste clean-up (a water supply was also installed later). This work was approved by the Council, based upon savings they anticipated compared to the cost of dealing with unauthorised encampments. The families eventually moved on to onto this new site in April 2014, and again, agreements were signed by the families and the Council. The Negotiated Stopping site has remained at Kidacre Street since April 2014. Some families have come and gone over this period, with their Negotiated Stopping agreements addressed on a case by case basis. Other families have remained on the Kidacre Street site throughout. The number of caravans on the site has correspondingly varied slightly over time, but is normally about ten.

In November 2014 the Kidacre Street site was granted temporary planning permission for three years. At that time, it appeared that a permanent site on this location was not an option as it was on the proposed HS2 rail route. Latest plans indicate that this is no longer the case however, and so the option of making Kidacre Street a permanent site is being pursued.



### Leeds City Council

Leeds City Council continues to pursue its preferred solution of sufficient permanent sites and pitches for Leeds Gypsies and Travellers. In the meantime, it regards Negotiated Stopping as the best alternative solution. Its criteria for suitable sites include:

- the land should be a 'defensible space'; i.e. the land available is restricted and any encampment is therefore restricted in size
- there should be some 'buy-in' among local business owners, the police and elected members
- the location is safe for the families and they are prepared to stay there.

Long-term availability of the land is not a consideration for Negotiated Stopping, except insofar as a new site is needed when an existing one becomes unavailable.

The Council sees many advantages to Negotiated Stopping over the alternative of continually evicting the same groups from different unauthorised encampments:

- There are substantial cost savings for the Council. A figure of £1,994,000 is quoted for legal and clean-up costs incurred in dealing with unauthorised encampments between 2003 and 2010. Although some costs have been incurred in setting up and running the negotiated stopping sites, these are considerably less.
- It helps to foster good relations with the Gypsy and Traveller community generally – not just those on the Negotiated Stopping site itself, but also those on permanent sites who know them and appreciate the Council's efforts.
- It eases tensions with the local settled community, who are reassured by understanding that a Gypsy and Traveller site is temporary. This is supported by West Yorkshire Police, who have noted a significant reduction in complaints from the public since Negotiated Stopping has been introduced.

- Perhaps most important of all, it is part of treating people with dignity and respect. The Council believes that Gypsies and Travellers, like all of its citizens, should be able to access good local services and facilities, without having their lives disrupted.

Because it is designed for Leeds-based Gypsies and Travellers, Negotiated Stopping reduces but does not eradicate unauthorised encampments around Leeds. These still occur when Gypsies and Travellers are either visiting Leeds (e.g. for funerals or other events) or are passing through on their way somewhere else. Here the Council's policy is similar to "toleration" as described in Section 3.3.

In practice the Council treats each instance on its merits, and will ascertain people's intentions (e.g. how long they plan to stay) as well as making welfare enquiries. If the location is not a sensitive one, a stopping time will be agreed and any necessary facilities (e.g. refuse collection) provided. Only as a last resort, if a particular Gypsy/Traveller group is uncooperative, is enforcement action taken.

The Council views Negotiated Stopping as a partnership. Keys to its success have been:

- the positive support both of Council officers and of elected members, including respect for the traditions and way of life of the Gypsy and Traveller community
- direct negotiation with Gypsies and Travellers themselves, supported by Leeds GATE, whose role has been important and is greatly valued by the Council
- movement and compromise by both sides, motivated by a desire to overcome the antipathy and resentment that many years of discrimination against Gypsies and Travellers has caused

Negotiated Stopping was devised purely as a local solution to meet a local need rather than as a "template" for use elsewhere. However, both Leeds City Council and GATE have had many enquiries from other parts of the country on how the scheme was established and how it works in practice. GATE has also helped to disseminate this information more widely, at conferences and through "masterclass" events it ran in late 2013 and early 2014.

### West Yorkshire Police

General police powers and responsibilities for Gypsies and Travellers are covered in Section 2.4, and these apply to West Yorkshire Police (who cover Leeds) in the same way as other areas. West Yorkshire Police strongly support Leeds' Negotiated Stopping policy for several reasons:

- It has significantly reduced the number of unauthorised encampments in the Leeds area, and hence the amount of police time needed to deal with various aspects of these.
- It reduces concerns from the settled community, hence the police spend less time dealing with complaints from the public about unauthorised encampments.
- Police have got to know the Gypsy and Traveller families on the Negotiated Stopping sites, in a similar way to those on Leeds' permanent sites. This makes all aspects of policing easier, including protecting these communities.
- It supports wider engagement with Gypsies and Travellers, as one of a number of disadvantaged and hard-to-reach groups that the police actively try to establish better relations with. In Leeds this applies not just to residents on the Negotiated Stopping site itself but also to those on the Council's Cottingley Springs sites, as the two groups have many links.

Like the Council, West Yorkshire Police recognise that unauthorised encampments still exist; they estimate around 45-50 per year where prior to Negotiated Stopping there were more than 70. They also recognise that this reduction not only saves time for officers with a Gypsy/Traveller liaison role, but has a positive influence on other police services as well as the Local Authority and elected representatives.

### 3.3. Alternatives for Local Authorities

As noted in Section 2.3, Local Authorities are required to meet Gypsy and Traveller accommodation needs. Negotiated Stopping therefore needs to be compared with other options open to Local Authorities.

#### Permanent Sites – Council-Owned or Housing Association-Owned

These are permanent sites owned either by the Local Authority or by another social housing body. They comprise a number of designated pitches, each of which is usually built to accommodate one touring caravan and one mobile home for the family occupying it. In practice, overcrowding often means that pitches are “doubled up”, with more than one caravan (family) parked on them. Some Local Authorities, including Leeds adjust the rent charged when this occurs.

Gypsies and Travellers on these pitches are classified as tenants and pay rent for the site and services. If eligible, they are entitled to Housing Benefit in the normal way.

Permanent sites – either publicly or privately owned – are acknowledged as presenting the best long-term solution to the shortage of Gypsy and Traveller accommodation across the country. The two main limitations to this solution are:

- the difficulty in securing agreement on suitable locations for permanent Gypsy and Traveller sites (Leeds itself is an example of this: the Council’s plans, developed over a number of years, to increase the number of pitches at its Cottingley Springs sites were eventually overturned by the Secretary of State)
- as outlined in Section 2, some Gypsies and Travellers maintain a continuing nomadic lifestyle for all or part of the year, and do not wish to be limited to a single permanent location.

#### Permanent Sites – Privately Owned

These are permanent sites with planning permission where the land is owned by private individuals, who may themselves be members of the Gypsy and Traveller community. Some of these sites accommodate just one caravan or one family group; others are larger and residents make their own arrangements for rent and services with the landowner.

Figures from DCLG indicate that the number of caravans on private sites has steadily increased over the years (see Section 2.2). However, this solution runs into the same problem as publicly owned sites: that of finding suitable land. DCLG planning statistics show that the success rate for Traveller site applications is consistently below that for ‘bricks and mortar’ housing: Between 2010 and 2015, major Traveller site applications were on average 11.6% less likely to be granted when compared to applications for major Dwellings. For the same period minor Traveller site applications were on average 17.8% less likely to be granted permission compared with applications for minor dwellings (source: *The Traveller Movement: Note on Planning Application Success Rates for Traveller Sites compared to Residential Dwellings*, September 2015).

## Transit Sites

Transit sites are an approach designed to accommodate those Gypsies and Travellers who maintain a nomadic lifestyle. These sites are normally set up and maintained by Local Authorities, and provide accommodation for Gypsies and Travellers for a temporary period, usually up to a maximum of three months. They are classified as permanent sites in that their location is fixed and they require planning permission, even though they may be unoccupied for part of the year. Rental is charged for pitches in a similar way to permanent sites.

Whilst in principle transit sites present a solution for nomadic Gypsies and Travellers, there are two main problems:

- such sites are very scarce – very few Local Authorities have established transit sites
- some of those that do exist are considered by Gypsies and Travellers to be in unsuitable locations, for example far from local shops and services, and tend to be little used for this reason.

## “Toleration”

“Toleration” (not an ideal word but widely used) describes the practice of allowing Gypsies and Travellers to remain on unauthorised sites for a short period, provided that they are not seen as causing a problem to others. Some such locations may be very short-term (e.g. less than 24 hours), others may exist for up to a few weeks. There is often some contact between the Local Authority and Gypsies and Travellers on such “tolerated” sites, for example to ask how long they plan to stay and/or to carry out health and welfare checks. This is not necessarily the case however; in some instances, the Local Authority may simply “turn a blind eye” to such temporary encampments.



There is no hard and fast dividing line between this kind of toleration policy and that of Negotiated Stopping. The difference is essentially the extent of proactive negotiation that takes place between the Local Authority and the Gypsy/Travellers. If there is some discussion around the suitability of the site, length of stay, behaviours and any services provided (e.g. refuse collection) then this may be considered Negotiated Stopping even if there is no formal agreement in writing.

## Designated Stopping Sites or Temporary Stop Over Areas

This is a variation on the toleration theme where the Local Authority itself identifies land that may be suitable for temporary “tolerated” stopping, even though this is not an official site. North-East Lincolnshire Council uses the term Designated Stopover for a temporary site that it has identified for this purpose. The site is not suitable for a permanent transit site (due to flood risk) but would be suitable for more limited use by Travellers moving through the area.

Temporary Stop Over Areas are used by Durham County Council. On locations that are considered suitable, unauthorised encampments may be accepted for a period, as negotiated with those on the site. On areas that are unsuitable, a Temporary Stop Over Area (TSOA) may be offered (if available). These are locations that the Council has identified as suitable for this purpose, and a period of stay as well as agreements on conduct are negotiated with the Gypsies/Travellers on the site.

If this is done without consultation with the Gypsy and Traveller community, the risks are similar to those of transit sites: Gypsies and Travellers themselves may not consider the land suitable, so may not use them. However, negotiation in this instance can be difficult if there is no fixed or regular Gypsy and Traveller group to negotiate with; the best option may be to discuss proposals with other Gypsy and Traveller representatives in the area.

The planning permission issues relating to such designated areas also need to be considered. If Local Authorities propose to use the same location on a regular basis, then this is likely to require planning permission in the same way as transit sites. Depending on the length of stay, Negotiated Stopping may avoid this because the sites are not permanent (Section 4.5 covers planning permission issues in more detail).

### **“Zero Tolerance” of Unauthorised Encampments**

The alternative to the options above, adopted by many Local Authorities, is that of “zero tolerance” to unauthorised encampments, i.e. they will take immediate enforcement action to evict Gypsies and Travellers from any unauthorised site on public land in their area. Since trespass is a civil and not a criminal offence, the Local Authority can normally do this only by obtaining a possession order through the courts. This immediate enforcement approach usually takes at least a few days even if it is unopposed, and the court should be satisfied that the authority has made health and welfare checks before it will agree enforcement.

Often, the result of this enforcement action is that the Gypsies and Travellers simply move on to another unauthorised location. This may be in the same Local Authority area or a neighbouring one, or they may move further afield; this depends largely on the Gypsies and Travellers concerned and the extent of their attachment to a particular area (see Section 2.2).

In a recent, and quite extreme, example of this approach, Harlow Council has obtained an injunction against 35 named individuals, prohibiting them from “setting up an encampment on any land within the district of Harlow”. The injunction also prohibits anyone else from setting up an encampment on any of a long list of locations within the district. The legal costs of securing this injunction are understood to be very high however, and there is no guarantee that it will be extended after its expiry in June 2017.



### 3.4. Intended Benefits of Negotiated Stopping

Negotiated Stopping aims to create a win-win situation for everyone concerned:

- Gypsies and Travellers themselves have the assurance of relative stability for a period of time. They can meet needs such as health and children's education more easily than if they were continually being moved on. They also have greater safety and security, including the safety of young children playing, than if they were living roadside.
- Local Authorities can reduce the costs of dealing with unauthorised encampments in their area (the main costs are those of legal action for eviction/enforcement, and of clearing waste from a site after it has been used – see Section 4.1).
- Police costs can also be reduced, in addition to which it is easier for police representatives to liaise with Gypsy and Traveller groups whose location is fixed at least for a period of time.
- Other agencies, such as the NHS, can engage much better and more efficiently than with Gypsy and Traveller groups who are continually on the move.
- Whilst local residents of the settled community might oppose a permanent site, they may be less opposed to a site that they know will be there only for a limited period of time.

The following sections of this report examine the extent to which these aims are achieved in Leeds and elsewhere. They also consider barriers to wider implementation of Negotiated Stopping, and how these might be addressed.



## Section 4: Findings – Costs and Benefits of Negotiated Stopping

This section summarises available evidence on the costs and potential savings of Negotiated Stopping compared to repeated eviction of unauthorised encampments. It applies principally to situations where Gypsies and Travellers stay in a particular area for all or part of the year, although may also be relevant to more transient populations.

It should be emphasised that in most situations the best solution is to provide sufficient permanent sites, including transit sites, to meet Gypsy and Traveller needs. Given the difficulties that many Local Authorities experience in doing this however, Negotiated Stopping is considered as an alternative – and hopefully temporary – solution.

### 4.1. Costs of Eviction/Enforcement Action

This considers the costs to Local Authorities and the police of a policy of immediate eviction of all unauthorised encampments. These costs will include:

- a) legal costs and court fees for enforcement action
- b) the cost of clearing the site after the Gypsies/Travellers have left
- c) other costs of staff time, including the need to carry out health and welfare checks and address any health and safety issues
- d) costs to the police of officer and staff time, and associated overheads

Some examples of these costs have been gathered from Local Authorities in different parts of the country. The figures vary significantly, due to a number of factors:

- Number of enforcements undertaken
- The size of the unauthorised sites
- The type of legal process selected
- Whether evictions are resisted through legal challenges
- The extent of clear-up needed after an unauthorised encampment is vacated (this may include removal and storage of vehicles)
- Whether the Council uses in-house legal staff or external solicitors
- Variations in how the figures are calculated (see below – it is not clear whether the cost of council officer time is included in some of these examples)

Many other examples can be found in local press/media reports from around the country, which quote costs to Local Authorities. However, the source and reliability of these figures is uncertain, so only official sources are quoted in the examples below.



### Costs to Local Authorities

**EXAMPLE** – Leeds City Council: Papers from the original scrutiny review in 2011 quote an estimate of just over £1,994,000 for the period 2003 to 2010, before Negotiated Stopping was introduced. The breakdown of this figure is shown below.

	Total costs £	of which, Legal costs £
2003/04	143,560	-
2004/05	232,518	-
2005/06	240,885	24,837
2006/07	135,091	11,203
2007/08	259,806	15,504
2008/09	266,353	42,670
2009/10	335,995	15,073
2010/11	329,853*	*estimated cost to date
Total 2003-2010	1,944,061	

**EXAMPLE** – Brighton and Hove Council. A Freedom of Information response from the Council in November 2015 quotes eviction costs for the year 2014/15 as totalling £80,161.06. This figure is broken down as follows:

- Legal costs (inclusive of court fees): £44,959.20
- Professional fees (high court sheriffs and process server) - £23,680
- Vehicle recovery, removal and storage: £11,521.86

These costs do not include staff time or other internal resources, which are not recorded separately.

**EXAMPLE** – Devon County Council. The Council has a number of “longer term unauthorised but tolerated encampments” across the county (13 in 2014-15). The Gypsy and Traveller Liaison Service Annual Report for 2014/15 (<https://new.devon.gov.uk/educationandfamilies/family-support/gypsies-and-travellers>) includes a breakdown of comparative costs, showing how much more it would cost if the Council decided to evict Gypsy and Traveller groups “on a routine basis”. This calculates an annual saving to the Council of £84,533.

The report also notes that, once evicted from one site, many groups simply move on to another Council-owned site, resulting in multiple actions against the same group, and that the calculation also does not take account of the human cost of such an approach.

**EXAMPLE** – Dorset County Council: The Council’s web site (<https://www.dorsetforyou.com/article/411843/Costs-relating-to-Gypsies-and-Travellers>) estimates that it saves Council Tax payers around £400,000 each year through taking a balanced approach rather than immediate eviction in all cases (no breakdown of this figure is provided).

**EXAMPLE** – Manchester City Council. A report to the Executive in December 2014 states that the Council has incurred costs in the region of £100,000 over the previous three years in dealing with unauthorised encampments. It proposes (amongst other things) that the Council should provide a new short-stay transit site to address this.

**EXAMPLE** – Scottish Local Authority. A briefing paper prepared for Members quotes legal costs of £12,944 and clear-up costs of £3,609 over a four-month period from April 2015. It compares these costs with an alternative approach very similar to Negotiated Stopping which has been piloted recently with one encampment; here, legal and clean-up costs have been zero.

**EXAMPLE** – Aberdeen City Council. A Freedom of Information response from 2013 shows eviction costs to the Council totalling £15,690.81 and clear-up costs of £30,715.79 over the previous three years. Council solicitors handle the legal side of evictions.

### Costs to the Police

The cost to police services nationally of responding to unauthorised encampments is not currently available (though such data is being considered). Examples from two forces however – West Yorkshire Police and Cheshire Constabulary – illustrate the potential for savings.

#### WEST YORKSHIRE POLICE

Prior to Negotiated Stopping, Leeds-based Gypsies and Travellers living roadside were subject to a continuous cycle of evictions from unauthorised encampments. Each new encampment needed an initial visit to assess it, frequent follow-up visits, and further costs if CJPO Section 61 was used as the means of eviction. Police time spent in this way also reduced resources available for other priorities, meant people waited longer for a police response, and generally weakened public confidence in the service.

In addition, each new encampment triggered a large number of calls from settled residents nearby who were fearful or concerned. Police time was taken up both in receiving these calls and in replying to them – often to explain the limitations of police powers in these situations. The Neighbourhood Inspector would also have to respond to emails and calls from local Councillors and residents’ groups.

For all of these activities, total police costs have been estimated at up to £1500 per encampment, plus £200 for each day that unauthorised encampment remained. Some of these costs still arise where non Leeds-based Travellers set up such encampments, but the level of activity required is much less than it was prior to Negotiated Stopping.

**CHESHIRE CONSTABULARY**

The police have worked over many years with the four unitary Local Authorities in Cheshire, as part of the Cheshire Gypsy and Traveller Strategic Partnership. Whilst Negotiated Stopping as such is not in place, all four Local Authorities have taken steps to improve permanent and transit site provision, and three of them have recently increased the number of pitches provided.

As a result of this work, the number of unauthorised encampments in Cheshire has significantly reduced – from 317 in 2006 to 146 in 2015 (a reduction of more than 50%). The county now has a Sub-Regional Traveller Unit which includes two police constables working full-time as members of this team. The cost of this to the police (including all on-costs) is approximately £94,000 per year. It is difficult to speculate what the corresponding costs might be if the reduction in unauthorised encampments had not been achieved, particularly as earlier unauthorised encampments were much more contentious than those which still occur. However, it is fair to assume these costs would be a great deal higher.

Like West Yorkshire, Cheshire Constabulary recognise that containing police costs in this way also enables a better service to be provided to the wider community.

**4.2. Costs of Managing Negotiated Stopping Sites**

The comparative cost to Local Authorities of a Negotiated Stopping arrangement partly depends on the negotiation. It could be limited to a small amount of Council staff time if no facilities are provided, but is more likely to include some or all of

- a) refuse collection and disposal
- b) provision and maintenance of portable toilets
- c) connection to a water supply or provision of large water containers
- d) other work needed to make the site suitable for occupation
- e) some Local Authority liaison time

The first two of these are essentially running costs. For comparison purposes, refuse collection costs for local authorities average roughly £50 per household per year, and portaloos hire costs around £25 per week (£1,300 per year) including maintenance (less if the Council has its own). So providing these facilities for a site of, say, six caravans over six months might cost around £2,000.

(c) and (d) above are one-off 'set-up' costs, and may not be needed at all. It is impossible to give any average if they are, but for the current Kidacre Street site, Leeds City Council estimated that it could recoup these costs (through reduced need for evictions) in just a few months, whereas the site has now been in operation for more than 18 months (see Section 3.2).

The question of payment for these facilities is covered in Section 5.5 (Leeds does not currently collect any payment as no formal tenancy agreement exists). The site in Leeds also has portable showers, but this is unusual and reflects the relatively long-term nature of this site.

**4.3. Other Cost Issues**

From enquiries, it is evident that some Local Authorities are also concerned about potential longer-term cost issues associated with an increased Gypsy and Traveller presence in their area. These could for example include:

- Increased pressure on housing supply if Gypsies and Travellers establish a local connection and subsequently apply to the Local Authority for housing on the grounds of homelessness. This concern appears to be unfounded however in that Gypsies/Travellers who were truly nomadic and have no local connection anywhere could apply to any Local Authority. (DCLG guidance on homeless status states “If an applicant, or any person who might reasonably be expected to live with the applicant, has no local connection with any district in Great Britain, the duty to secure accommodation will rest with the housing authority that has received the application” – DCLG Homelessness Code of Guidance for Local Authorities, 2006.)
- Increased costs for schools and other local services (including health, on behalf of the NHS). The health argument here is dubious, because Gypsies and Travellers who cannot easily access primary care services are much more likely to attend Accident & Emergency units, at much higher cost to the NHS. Any policy of trying to reduced demand on these services from people in need is in any case morally highly questionable. This also links with wider health issues raised in Section 4.4.

NB: Regardless of the validity of these concerns, Negotiated Stopping does not make either situation more likely, because the stopping period is by definition temporary.

There is also some concern about the so-called “honeypot” effect. Some Local Authorities appear to convey an image of ‘being tough’ on Gypsies and Travellers, believing that if they do so it will discourage others from coming to the area. Little hard evidence has been found to support this theory however, particularly as nomadic Gypsies and Travellers often travel to in order seek work and are rarely constrained by Local Authority boundaries.

In these financially constrained times, when there is heavy pressure on Local Authority budgets, it is very likely that some Local Authorities are deliberately moving Gypsies and Travellers on in the hope that another Local Authority will pick up these (perceived) costs. Such a strategy also allows some Local Authorities to claim that there is no need for them to provide additional Gypsy and Traveller accommodation, as there are none in the area. This type of approach is at best passing the buck, and has been described as “trying to drive Gypsies and Travellers into the sea”.

All of these concerns are area-specific, in that Local Authorities are trying to reduce their own costs even if it increases costs to others. Overall costs to public authorities are almost certainly higher in this situation than they would be with Negotiated Stopping arrangements in place.



#### 4.4. Wider Benefits of Negotiated Stopping

The table below extends that in Section 3.1 to summarise the overall costs and benefits of Negotiated Stopping compared with other potential solutions or alternatives to immediate enforcement action.

Option	Permanent Sites	Transit Sites	Negotiated Stopping	Temporary "Toleration"
Definition	Private or socially-rented sites for permanent occupation	Sites established by LAs for temporary use by Gypsies/Travellers	Site agreed by Gypsies/Travellers and LA as suitable for temporary occupation	Unauthorised sites where LA decides to "tolerate" short occupation rather than evict immediately
Duration of stay	Long-term to permanent	Usually 28 days to 3 months	Varies by agreement, usually a few months	A few days to a few weeks
Facilities	Permanent facilities on-site	Utility block usually provided plus toilets and refuse collection	Facilities arranged by agreement with LA - often depends on duration of stay	Generally no facilities, although LA may provide portaloos and refuse collection
Behaviour, tidiness of site and length of stay	Part of tenancy agreement	Part of short-term tenancy agreement, though can be hard to enforce	Formal agreement on standards as part of Negotiated Stopping arrangement	Very little control – no formal agreement on this
Cost savings for Council and Police vs immediate eviction	Yes (subject to cost of building and maintaining the site)	Yes, but only if actually used by GTs	Yes - see Sections 4.1 to 4.2 of this report	Yes, although may defer rather than avoid costs, and some clear-up costs likely
Suitability from the point of view of Gypsies and Travellers	Good for those who want a permanent location	Often poor: some are in remote locations far from services and schools	Good both in terms of location and facilities if these can be negotiated	Mixed in terms of location, generally poor in terms of facilities
Acceptability for local residents	Few problems if site has been chosen by LA	Few problems if site has been chosen by LA	Few problems if LA and GTs both agree site acceptable	Problems are more likely, although LA will not tolerate if there is high risk
Disadvantages	Insufficient sites available in most areas nationally. Not suited for GTs who travel	Sites may be empty if GTs are not willing to use them	None, other than need for LAs and GTs to negotiate	Temporary solution only, still costly if each UE has to be checked separately

This table presents what may be viewed as short-term benefits from Negotiated Stopping. Longer-term benefits, as part of a strategy to reduce insecure and unsuitable accommodation for Gypsies

and Travellers, may be even more significant. This is comprehensively covered in a recent report by The Traveller Movement, commissioned by the Department of Health to inform the work of the National Inclusion Health Board: *Impact of Insecure Accommodation and the Living Environment on Gypsies' and Travellers' Health* (January 2016).

This report details the poor health outcomes experienced by Gypsy and Traveller communities and their connections with their accommodation. It highlights how both physical and mental health can be adversely affected by badly-located sites (including unauthorised encampments), poor environment, limited access to GP and hospital services, hostility and discrimination as well as the threat of continually having to move on. These issues also affect Gypsies and Travellers who have moved very reluctantly to bricks and mortar accommodation, sometimes after many evictions, and who can suffer serious mental health problems as a result.

Negotiated Stopping will not in itself solve these problems, but can play a significant part in reducing the insecurity and adversity that causes them.

Similarly, more secure accommodation could benefit Gypsy and Traveller children if it means that they can attend the same school on a regular basis. (This may be possible even if the Negotiated Stopping site moved locations within the same Local Authority areas.) More research would be needed to properly evidence such benefits.





## Section 5: Findings - Practical Issues for Negotiated Stopping

This section examines the practical issues that may be encountered when Local Authorities consider the option of Negotiated Stopping.



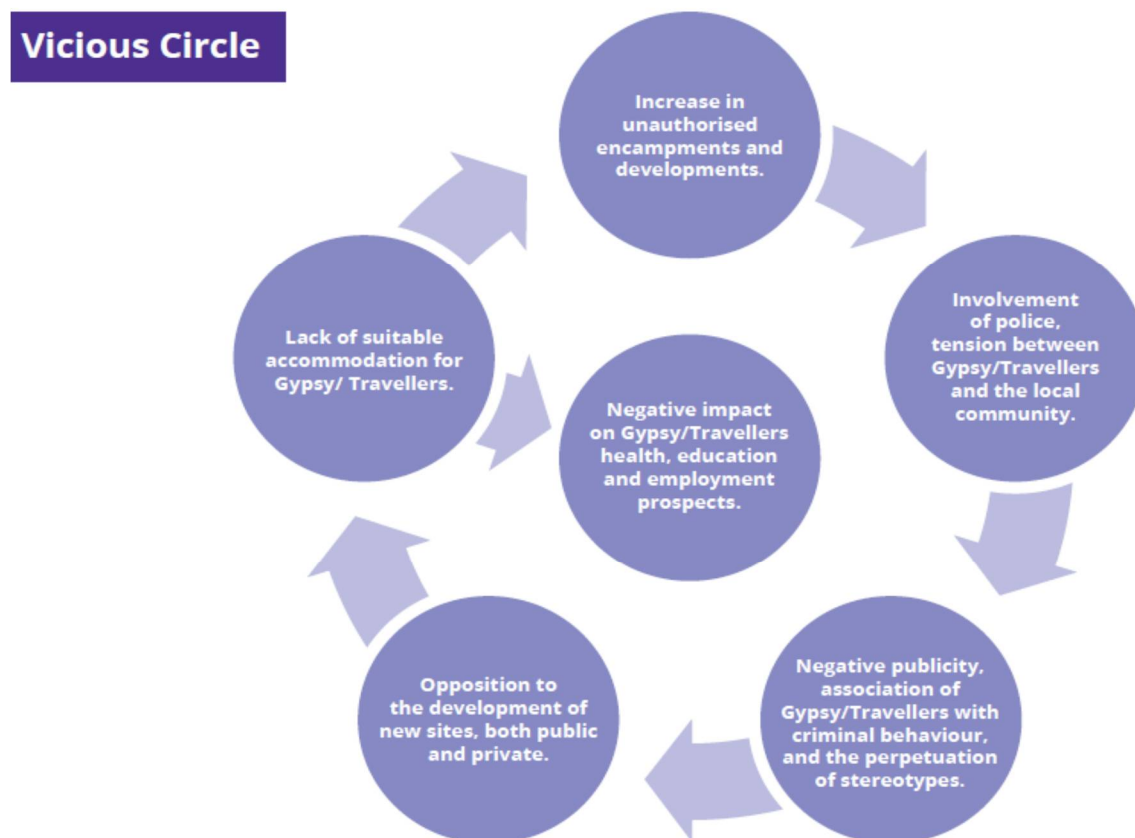
### 5.1. Context for the Debate

As mentioned earlier, accommodation for Gypsies and Travellers is a long-standing issue, and this is linked to the wider issue of public attitudes to the Gypsy and Traveller community. Former head of the Campaign for Racial Equality Trevor Phillips said in 2004 that “discrimination against Gypsies and Travellers appears to be the last 'respectable' form of racism”, and little appears to have changed since then. Despite the best efforts of Gypsy and Traveller representative groups, public and media bias against these communities remains widespread.

In July 2013, former Secretary of State Eric Pickles announced his intention to ‘recover’ all planning appeals relating to Traveller sites on green belt land. This meant that he would take the final decision on the appeal, instead of a planning inspector. As the great majority of such appeals related to pitches used by particular ethnic communities (Romany Gypsies and Irish Travellers), this policy led to a legal challenge by the Equality and Human Rights Commission (EHRC). The court supported the challenge on the grounds that it breached the Equality Act 2010 and of Article 6 of the European Convention of Human Rights, and overruled the Secretary of State’s policy. Although the situation has now been rectified and relevant appeals “de-recovered”, many people still see this as evidence of Government discrimination against Gypsies and Travellers.

At local level, it is a widely unchallenged view that providing accommodation (of any kind) for Gypsies and Travellers is not a vote-winner. Their numbers are too small to influence election outcomes (it is believed that many are not registered to vote anyway), and many Council members believe their local population to be biased against Gypsies and Travellers, even if this is not actually the case.

The result of this can be a vicious circle. If Local Authorities or the police use methods that Gypsies and Travellers regard as threatening in order to move them on, then there is little incentive for them to clear away their rubbish or otherwise cooperate with the local settled community. This creates a negative image for local residents which is likely to increase their opposition to any other Gypsies and Travellers who come into the area. This 'vicious circle' is well summarised in the diagram below, taken from a recent PAS publication.



**Fig.6.1: Vicious Circle from *Gypsy/Travellers and the Scottish Planning System: A Guide for Local Authorities*, published by PAS (Planning Aid for Scotland)**

Allegations of criminality against Gypsies and Travellers are also commonplace. Whilst there is no evidence that Gypsies and Travellers have higher levels of criminality than the wider community, there will always be a small minority who do use criminal or antisocial behaviour. It could also be argued that legal, social and economic changes (see Section 2.2) have made it harder for Gypsies and Travellers to make their living in traditional ways, hence pushing them to the “fringes” of legal income. It is more likely however that isolated examples of where this occurs are more visible than they would be for other communities, again helping to fuel prejudice against Gypsies and Travellers.

All of this reduces the incentives in many Local Authorities to find acceptable solutions for Gypsy and Traveller accommodation. Many interviewees for this study referred to the need for “political will” to make this happen, and it is evident that all Local Authorities that have achieved successful results in this area have key people driving this. This could be individual Elected Members, or council officers, or a combination of the two; the key factor is people within the Local Authority who are determined to find a solution, regardless of any prejudices or unchallenged beliefs that the wider settled community may hold.

This does mean however that Negotiated Stopping, and more general Gypsy and Traveller accommodation issues, cannot be entirely separated from wider concerns of discrimination against Gypsies and Travellers.

## 5.2. Relevance of Negotiated Stopping

Section 2 describes the various travelling patterns that Gypsies and Travellers may adopt, and the result is that Negotiated Stopping may be more relevant as a solution in some areas than others. It is likely to be most applicable in situations where:

- there are Gypsies and Travellers who have connections to a particular area (e.g. family, work), and who remain in that area for all or part of the year, moving from one unauthorised site to another; or
- there is a regular travelling pattern where known Gypsies and Traveller families move into or through an area for short periods at particular times of the year; or
- Gypsy and Traveller families move around a wider region, likely to span several Local Authority boundaries, but generally remain in the same part of the country.

There is naturally some overlap between these various categories, and what constitutes a local connection may be best interpreted by Gypsies and Travellers themselves. However, in all of these cases there is an identifiable group of people whose movement can be anticipated (at least to an extent), and with whom some form of negotiation may be possible.

Negotiated Stopping is likely to be less suited to areas where groups of Gypsies and Travellers are simply moving through, staying in the area only for very short periods (typically a few days to two weeks) on their way somewhere else. In many cases these will be different groups on each occasion rather than regular visitors to the area. In this situation temporary toleration may be possible, although a better solution is likely to be some form of transit site. Negotiation is understandably difficult if there is no fixed or regular population to negotiate with, but discussion with other Gypsy and Traveller representatives on the location and facilities at such transit sites may well be possible.

In theory at least, the situation in each Local Authority area should be known from its Gypsy and Traveller Accommodation Needs Assessment.

## 5.3. Identifying Suitable Sites

Availability of suitable land is an issue for many Local Authorities, particularly those who have sold some of the land they formerly owned. However, Negotiated Stopping sites do not have to be on land which is available long-term, and hence can present opportunities to use land that would not be suitable either for permanent or transit sites.

The point of negotiation is that the land should be considered suitable by Gypsies and Travellers themselves as well as the Local Authority. If there is no such agreement, the risk is that Gypsies and Travellers will simply not use the facility and continue to set up unauthorised encampments.

Sites considered suitable by all concerned are often disused industrial land with hardstanding or well-drained grass, sufficiently close to shops, schools and local services without being in the middle of the settled community. Some form of screening or enclosure is often preferred by Gypsies and Travellers as well, as being safer and more secure than sites immediately by the roadside.

It is preferable for such sites to be on Council or other publicly owned land. Negotiated Stopping sites on private land are possible but are likely to be more difficult to arrange, if only because another party (the landowner) will also be involved in the negotiation.

If a Negotiated Stopping site has been agreed, it should be possible (though this has not been tested) for the police to use their powers under Section 62 of the Criminal Justice and Public Order Act to redirect any Gypsies and Travellers on unauthorised sites to the agreed location. However, this depends on space on the Negotiated Stopping site being available, and police action not be needed anyway if the Gypsies/Travellers agree to move there in discussion with the Local Authority.

#### **5.4. Planning Permission**

Temporary planning permission is generally needed for Negotiated Stopping sites where land is used for that purpose for more than 28 days in any calendar year. (See the “rotation” example in Section 3.1 for an instance of how this 28-day flexibility has been used). Negotiated Stopping sites do not require permanent planning permission in the same way that transit sites do, because the site is only temporary. Similar considerations may apply to land identified by a Local Authority (without negotiation) as a Designated Stopping Site or Temporary Stopover Area (see Section 3.3).

However, Local Authorities are also local planning authorities. This means that in certain circumstances they can decide whether planning permission is required or not – as well as deciding (subject to due process) the outcome of the application itself. It is doubtful whether anyone would take legal action against a Local Authority that does not have planning permission for a piece of land where Gypsies or Travellers stay for longer than 28 days, unless the site was causing problems for the local settled community – which is exactly the situation that Negotiated Stopping seeks to avoid.

Any opposition from the settled community should be reduced if local residents know that the site is only temporary, and reduced further if the agreed site is well chosen anyway. However, opposition from belligerent members of the public (who may not even be local residents) cannot be ruled out. It may therefore be advisable for Local Authorities to apply normal planning rules for Negotiated Stopping sites, even if the application is retrospective.

Local Authorities will have their own internal procedures for deciding how Council-owned land is used, but no legislation other than planning permission is required to establish Negotiated Stopping sites (see Section 5.5 re the issue of implied tenancy).

Any Negotiated Stopping site on private land would normally require the landowner to seek temporary planning permission.

#### **5.5. Status of Negotiated Stopping Agreements**

What happens if a Negotiated Stopping agreement is made and Gypsies/Travellers on the site subsequently breach that agreement? (This could include overstaying their agreed period on that site.) This is untested in the Leeds example in that no significant breaches of the agreement have occurred. However, a number of options would be open to the Local Authority in this situation:

- sanctions within the Negotiated Stopping agreement itself, which could include eviction for particular individuals
- cancelling the Negotiated Stopping agreement, in which case the site would become an unauthorised encampment and the Local Authority could deal with it accordingly

- renegotiating the agreement to address the particular issue that has arisen and avoid any recurrence

The question could equally be asked in reverse: what happens if the Local Authority fails to honour its side of the agreement, for example in maintaining refuse collection or portable toilet facilities? In practice it is unlikely that Gypsies and Travellers on the site would have any recourse here other than complaining to Local Authority representatives; legal action here appears very unlikely.

This also raises the question of whether a Negotiated Stopping agreement might be construed as a tenancy, hence giving the Gypsies and Travellers protection from eviction. Here, protection under the Mobile Homes Act 1983 only applies where there is planning permission for the land in question, and there is a clear agreement between the Local Authority and the Gypsies/Travellers concerned. Because Negotiated Stopping (both the agreement and associated planning permission) is only temporary, the issue of permanent tenancy does not arise. Only if the site itself becomes permanent, in which case rent may be chargeable, would a tenancy agreement be established.

The broader issue of whether Gypsies/Travellers have local connections with an area is covered in Section 4.3.

## 5.6. Communication

Several aspects of communication also affect the feasibility and implementation of Negotiated Stopping.

### Information on Local Authority Policy

Most of the Local Authorities contacted during this study have been very helpful and cooperative in giving information on their policy and experience with Gypsies and Travellers. This is not universally the case however; there are some situations where Council officers are believed to operate “under the radar”, to operate policies that members or senior officers have not formally acknowledged. For example:

- One (anonymous) Local Authority officer was questioned by her Council’s finance department as to why dealing with one unauthorised encampment had cost so much less than all the others. The answer of course was that she had used negotiation rather than immediate enforcement.
- One Gypsy and Traveller representative group reported liaising direct with Council officers to agree informal temporary stopping arrangements for particular Traveller groups. These direct negotiations did not involve more senior Council officers or members.

On the other side of the coin, some Gypsies and Travellers have reported being threatened by Council staff. In one instance Council staff are alleged to have said that they would immediately take the Travellers’ children into care if they did not move within 24 hours. This is of course illegal and would not be approved at higher levels.

Information from individual Local Authorities on the cost of unauthorised encampments can be obtained through the Freedom of Information Act, and two of the examples in section 4.1 come from this source. Time and resource constraints mean that specific Freedom of Information enquiries have not been made for this report, although such an approach could certainly form part of a broader strategy to identify where Negotiated Stopping could be most helpful.

## **Communication Between the Gypsy/Traveller Communities and Local Authorities**

As mentioned earlier, effective communication between the Gypsy and Traveller community and Local Authorities needs someone to negotiate with. This may make Negotiated Stopping unsuitable for areas with a highly transient Gypsy and Traveller population. It also presents practical issues even where there is a fixed population to negotiate with.

Firstly, a degree of trust and mutual respect between Council officers and Gypsies and Travellers is a prerequisite to any negotiation. In areas where the previous policy has been one of immediate enforcement, this kind of trust and respect may take a considerable time to develop. On the Council side this almost certainly requires not only a consistent policy but also a consistent person or team to build a positive relationship with the Gypsy and Traveller community.

Secondly, many Gypsies and Travellers will have no previous experience of this type of negotiation, and may be poorly equipped to engage in this way. Here, the need is either for some representative group (such as GATE in Leeds and others elsewhere) to facilitate these discussions, or for the capabilities of Gypsies and Travellers themselves to be developed in this respect.

## **Communication Between Local Authorities Themselves and with Other Agencies**

Cooperation between Local Authorities and other official bodies within their area is often good. This particularly applies to the police, but can also relate to health, schools and other agencies. However, where this liaison is simply focused on evicting unauthorised encampments, it does not solve the wider problem or meet the needs of Gypsies and Travellers themselves.

Effectiveness of communication between Local Authorities also affects the feasibility of Negotiated Stopping in some areas, and feedback from this study indicates that this is mixed. In some parts of the country, liaison between neighbouring Local Authorities is very good. This particularly applies to some two-tier Local Authority areas where the County Council liaises with District Councils or with smaller City Councils within its area. Other parts of the country are less effectively coordinated, and several of the Local Authority representatives interviewed for this study had little or no contact with neighbouring Authorities on arrangements for Gypsies and Travellers.

DCLG's role with Local Authorities is essentially one of collecting information and disseminating government policy. It runs a liaison group that gathers feedback from Gypsy and Traveller representative groups across the country to inform ministers – Leeds GATE is a member of this group. The Local Government Association (LGA) has in the past offered training for elected members and has had a Gypsy and Traveller working group, but this is understood to be not active currently.

Some national liaison also takes place at the All-Party Parliamentary Group (APPG) on Gypsies and Travellers. However, this is very limited in terms of Local Authority representation and, although several Gypsy and Traveller representative groups are also included, it does not give comprehensive coverage across the country.

Better liaison between Local Authorities would undoubtedly be beneficial. Firstly, this would allow them to discuss Negotiated Stopping and other options across Local Authority boundaries (which mean little to Gypsies and Travellers as they move around the country, other than the 'hassle' of inconsistent practices and attitudes at different locations). Secondly, it would also promote the sharing of ideas and best practice, so that more creative and appropriate solutions can be developed.

## Section 6: Conclusions – The Way Forward

Negotiated Stopping presents a viable alternative to other methods of dealing with unauthorised Gypsy and Traveller encampments, at least for some Local Authorities. The definition of Negotiated Stopping is flexible, but essentially involves some agreement that Gypsies and Travellers can occupy a particular space for a limited period of time, in return for their assurances on behaviour, tidiness and future movement.

The aim of this approach is a win-win situation, where:

- Gypsies and Travellers have a site they can occupy for an agreed period, free from harassment or the immediate threat of eviction. Ideally the site should have some security and privacy, and have access to local shops, services and basic facilities (water, toilets, refuse collection).
- Local Authorities achieve significant cost savings compared with the costs of enforcement action and subsequent clean-up, particularly in cases where those evicted simply move to another unauthorised site close by.
- The police achieve savings through a reduced need either to use Section 61 or Section 62 powers or to accompany Council staff or bailiffs carrying out evictions. Communities in known locations are also easier to police and to protect.
- The local settled populations benefits through well-chosen sites which cause the minimum of inconvenience.

There may well be other longer-term savings and other benefits beyond these. For example, Gypsies and Travellers on Negotiated Stopping sites are more likely to establish connections with local GPs rather than using A&E services. In turn this helps early detection/prevention of illness, which again can reduce longer-term costs to the NHS. Children may also be able to establish connections with local schools for longer periods, benefitting their education. This initial study has not been able to examine these longer-term aspects in detail.

Responding to the three initial questions posed by JRCT:

### **What has Negotiated Stopping achieved in Leeds, and how has this happened?**

There is good evidence that all of the benefits in the bullet points above have been achieved from Negotiated Stopping in Leeds. The arrangement continues to be supported by Leeds City Council and West Yorkshire Police as well as by local Gypsies and Travellers themselves.

This has been achieved through the determination of all parties – the Council, the local Gypsy and Traveller community, the police and Leeds GATE as facilitators, to find a better way of working together. Progress has not been straightforward, and the ideal solution of more permanent site provision remains elusive, but the process of negotiation combined with the will to succeed has achieved a much better situation than existed previously.

Leeds Gypsy and Traveller Exchange recently won the prestigious Lloyds Bank Foundation 'Championing Change' award for Yorkshire and Humber for its contribution to Negotiated Stopping. The judges recognised the genuine change that the policy has brought to people's lives.

### **To what extent could Negotiated Stopping, or something similar, be applied elsewhere in the country?**

Several other Local Authorities use approaches very similar to Negotiated Stopping. In the absence of any national database of Local Authority policies however, it is impossible to say how widespread such practice is. Certainly there are many Local Authorities which continue to use immediate enforcement as their primary means of dealing with unauthorised encampments, and where Negotiated Stopping appears to present an opportunity for improvement.

Negotiated Stopping is therefore a viable option for any Local Authority where either:  
 (a) there is a Gypsy/Traveller population with local connections which remains in the area for all or part of the year, and for which there is insufficient accommodation on permanent sites, or  
 (b) the same Gypsy/Traveller groups regularly stay in the area at certain times of year

It is less suited to areas which already have enough sites for local Gypsies and Travellers, and where others move through the area on a purely transient basis – different groups stopping only for very short periods. Here, if short-term “toleration” is not feasible, some form of transit site may be an option. Even here though, there is still an opportunity to consult Gypsy/Traveller representatives on its location and facilities, and it may be that if Negotiated Stopping becomes more commonplace around the country, those who travel frequently may also become more willing to engage with Local Authorities.

### **If Negotiated Stopping can be applied elsewhere, what is needed to make this happen?**

Several issues need to be addressed in order for Negotiated Stopping to be introduced successfully. These include finding suitable sites, addressing any planning issues, and provision of basic services. Communication is also vital, and whilst some Local Authorities have heard of Negotiated Stopping, it is evident that many others have not, and that sharing of ideas and best practice is limited. More resources to promote information sharing would certainly help.

Most significant of all however is the need for ‘political will’ for Negotiated Stopping to happen. Negative attitudes to Gypsies and Travellers remain widespread and many Elected Members are reluctant to support any further provision for them as they feel it is not a ‘vote-winner’. This means that Negotiated Stopping cannot be entirely separated from wider issues of prejudice and discrimination that affect the Gypsy and Traveller community.

Further, this positive approach towards engagement and negotiation is also needed from Gypsies and Travellers themselves. This may not be easy, given that many lack experience of this kind of negotiation and may need to overcome resentment caused by their past experiences. However, the success of the Leeds experience demonstrate that it is certainly possible.

This report is a limited initial review of the opportunities and benefits of Negotiated Stopping. Further funding would enable this work to be expanded to exploit these opportunities. Such work could for example:

- Gather comprehensive information from Local Authorities across Great Britain on local policies and practice



- Develop more detailed evidence of the costs and benefits of Negotiated Stopping, including longer-term benefits such as health and education
- Establish a centre of expertise and information on Negotiated Stopping and similar approaches
- Publish information and guidance for Local Authorities, the police and other agencies (this could include legal/regulatory advice)
- Encourage greater liaison between Local Authorities, to share their experience and best practice
- Communicate with Gypsies and Travellers themselves, to encourage them to negotiate with Local Authorities and to support their ability to do this
- Help to identify areas where Negotiated Stopping could bring the greatest benefits to everyone
- Collaborate with other agencies to dispel myths about Gypsies and Travellers and eliminate prejudice and discrimination



## Section 7: Recommendations

This final section compiles recommendations for Leeds GATE based on the findings and conclusions of this report. Many of these recommendations involve liaison with other organisations.

### 7.1. Potential to Extend Negotiated Stopping

This report followed an initial submission from Leeds GATE to JRCT, applying for funding to promote best practice and support local and national leadership over a two-year period. In this respect the current report serves as a feasibility study, and shows that, whilst Negotiated Stopping is not universally applicable, there is considerable potential and value in promoting it further. Section 6 highlights the type of work this could involve, and some of the later recommendations in this Section follow this up.

**Recommendation 1: Leeds GATE should discuss the findings and conclusions of this report with the Joseph Rowntree Charitable Trust, to explore how further funding might be secured for wider promotion of Negotiated Stopping.**

### 7.2. Further Research

Whilst consultation has been quite extensive, this report is limited in the research it has been able to include. As mentioned in the conclusions (Section 6), further research would be helpful in a number of areas. These include ascertaining costs and benefits in more detail, and clarifying the variations of Negotiated Stopping that currently operate in various parts of the country.

**Recommendation 2: Further discussion with JRCT should include the potential for further research, particularly in ascertaining costs and benefits in more detail, and in identifying where Negotiated Stopping could add most value – both for Local Authorities and for Gypsies and Travellers.**

### 7.3. Prioritising the Potential for Negotiated Stopping

This report highlights differences in Gypsy and Traveller communities across the country, particularly between those with local connections to an area and those who are truly nomadic. This means that Negotiated Stopping is likely to be more relevant to some areas than others. Rather than advocating Negotiated Stopping as a 'universal panacea' it would be more effective to identify areas with relatively settled, or regular, Gypsy and Traveller populations, and to promote Negotiated Stopping in these areas first. This of course needs to be done in conjunction with Gypsies/Travellers living in these areas, and with local representative groups where they exist.

**Recommendation 3: Leeds GATE should seek to identify Local Authority areas where Negotiated Stopping is likely to be most relevant/effective, and seek to promote it, in conjunction with local representatives, in these areas as a priority.**

### 7.4. Local Authority Communications

It is evident from enquiries made for this report that communication between different Local Authorities is patchy. Whilst some neighbouring Local Authorities work well together on Gypsy and Traveller issues, the national picture is more mixed and sharing of best practice is limited. This is

evident from the many variations in local practice identified, from the number of separate enquiries that reach Leeds GATE and Leeds City Council, and from one Local Authority contacted which was developing its own scheme similar to Negotiated Stopping without any prior knowledge of Leeds practice. Better communication and networking between Local Authorities nationally would help to share best practice, save money, and improve the lives of Gypsy and Traveller communities. Other organisations, such as DCLG and the LGA, could play a role here.

**Recommendation 4: Leeds GATE should explore with its partners beyond Leeds how other Local Authorities across the country could be encouraged to network and share best practice on Gypsy and Traveller accommodation.**

## 7.5. Wider Issues of Prejudice and Discrimination

Section 5.1 in particular highlights the history of prejudice and discrimination that continues to affect the lives of Gypsies and Travellers. This lies behind the hostility of many settled communities to any Gypsy/Traveller presence in their area – hostility which in turn is picked up by politicians. This issue cannot be separated from Negotiated Stopping, which will only work if sufficient “political will” exists in the host area.

Clearly this is something that Leeds GATE cannot tackle alone, but it is a subject that others can pursue, and GATE could link its work on Negotiated Stopping to these wider campaigns. For example, EHRC are understood to be planning research on attitudes and behaviours underlying discrimination, and how best to help Councils avoid discrimination towards Gypsies and Travellers. It would be valuable for Leeds GATE to link in to this research in respect of attitudes on Negotiated Stopping.

**Recommendation 5: Leeds GATE should liaise with other organisations researching or campaigning to eliminate prejudice and discrimination against Gypsies and Travellers, and should coordinate activity where possible.**

## 7.6. Building Capacity within Gypsy and Traveller Communities

Negotiated Stopping requires both the will and the capacity to negotiate on both sides. Even where willingness exists on the part of Local Authorities, not all parts of the country have Gypsy/Traveller representative groups such as Leeds GATE. Many Gypsies and Travellers themselves lack experience of such negotiations, and may be reluctant to engage with Local Authorities in the light of past experiences.

It is important to build capacity and encourage positive attitudes amongst these communities. This is already being strengthened in Leeds through an Asset Based Community Development (ABCD) programme. There are likely to be benefits in applying this type of approach, and to promoting Negotiated Stopping, more widely.

**Recommendation 6: Leeds GATE should work with its partners to find ways to develop and increase the willingness and capacity for negotiation within Gypsy and Traveller communities across the country.**

## Appendix 1: List of Organisations Consulted and Reference Sources

### Organisations Consulted

Representatives from Leeds GATE were interviewed in person. Other organisations consulted by telephone were:

Article 12
Barnsley Metropolitan Borough Council
Cheshire Constabulary
Derbyshire Gypsy Liaison Group
Fenland District Council
Friends Families of Travellers
Gypsy Roma Traveller Police Association
Independent Traveller representative
Leeds City Council
London Borough of Southwark
London Gypsy & Traveller Unit
MECOPP BME Project
National Federation of Gypsy Liaison Groups
National Police Chiefs' Council
North East Lincolnshire Council
One Voice 4 Travellers
Rochdale Metropolitan Borough Council
A Scottish Local Authority
South Somerset District Council
Southwark Travellers Action Group
The Traveller Movement
Traveller Space
Travelling Ahead
Welsh Government
West Yorkshire Police
York Travellers Trust

Information from other organisations was gathered from conversations at the Traveller Movement conference in November 2015. These included representatives from Department of Communities and Local Government, Community Law Partnership, De Montfort University, and the Kidacre Street site in Leeds.

Several other organisations – of all kinds – were contacted for interview but did not respond.

### Information from Leeds GATE

Some of the following documents are available from Leeds GATE web site [www.leedsgate.co.uk](http://www.leedsgate.co.uk)

An Award-winning Way of Moving Beyond “No!”
Legal Bullet Points in Response to the N&E Report to Scrutiny 2010
Negotiated Stopping – a Case Study from Leeds, West Yorkshire, February 2013
Negotiated Stopping: Briefing to the European Commission against Racism and Intolerance, November 2015
Negotiated Stopping: November 2014 report
Negotiated Stopping vs. Transit Sites – What is the Difference?
Scrutiny: Needs of Roadside, November 2010
Submission from Roadside Families, November 2010
Submission to Leeds City Council Environment and Neighbourhoods Scrutiny Enquiry, November 2010
Where Negotiation Started – a blog from 2010
Who are ‘Gypsies and Travellers’? Guidance, 2014

### Other Reference Sources

Author/Publisher	Title/Subject
Article 12	Media Review, July 2015
Association of Chief Police Officers	ACPO Guidance on Unauthorised Encampments, 2011
Cheshire Constabulary	Policing for a Better Future (presentation, November 2015)
Community Law Partnership	Evictions by Local and Other Public Authorities from Unauthorised Encampments (paper for February 2016 conference)
Community Law Partnership & Friends Families and Travellers	Police Evictions and The Association of Chief Police Officers: Guidance On Unauthorised Encampments 2011
Department for Communities and Local Government	Consultation: Planning and Travellers, September 2014
Department for Communities and Local Government	Count of Traveller Caravans, January 2015 England (including Excel tables)
Department for Communities and Local Government	Count of Traveller Caravans, July 2015 England( including Excel tables)
Department for Communities and Local Government	Dealing with Illegal and Unauthorised Encampments: A Summary of Available Powers, August 2013
Department for Communities and Local Government	Dealing with Illegal and Unauthorised Encampments: A Summary of Available Powers, March 2015
Department for Communities and Local Government	Gypsy and Traveller Accommodation Needs Assessments, October 2007
Department for Communities and Local Government	Homelessness Code of Guidance for Local Authorities, 2006
Department for Communities and Local Government	Letter from Brandon Lewis MP to Chairman of the LGA Environment and Housing Board, April 2014
Department for Communities and Local Government	Planning Policy for Traveller Sites, August 2015
Department for Communities and Local Government	Progress Report by the Ministerial Working Group on Tackling Inequalities Experienced by Gypsies and Travellers, April 2012

Equality and Human Rights Commission	Developing Successful Site Provision for Scotland's Gypsy/Traveller Communities, January 2015
Equality and Human Rights Commission	Gypsies and Travellers: Simple Solutions for Living Together
Equality and Human Rights Commission	Is Britain Fairer? The State of Equality and Human Rights 2015
Friends Families of Travellers	Changes to Planning for Gypsies and Travellers, 2011
Friends Families of Travellers	Historical Laws, May 2015
Garden Court Chambers	Facilitating the Gypsy and Traveller Way of Life in England and Wales through the Courts
Garden Court Chambers	Eviction from unauthorised encampments, March 2015
House of Commons Library	Briefing Paper: Gypsies and Travellers – Planning Provisions, August 2015
Joseph Rowntree Foundation	Contentious Spaces, 2007
Leeds City Council	Gypsies and Travellers (policy from web site)
Leeds City Council	Negotiated Stopping Agreement
Leeds City Council	Report of the Director of Environment and Neighbourhoods: Executive Board, July 2011
Leeds City Council	Scrutiny Enquiry Report: Review of Gypsies and Travellers Site Provision with Leeds, January 2011
Office of the Deputy Prime Minister	Guide to Effective use of Enforcement Powers, Part 1: Unauthorised Encampments, February 2006
Planning Aid Scotland	Gypsy/Travellers and the Scottish Planning System: A Guide for Local Authorities, 2015
The Traveller Movement	Government Changes to Planning Policy for Traveller Sites, September 2015
The Traveller Movement	Impact of Insecure Accommodation and the Living Environment on Gypsies' and Travellers' Health, January 2016
The Traveller Movement	Note on Planning Application Success Rates for Traveller Sites compared to Residential Dwellings, September 2015
UK Government	Criminal Justice and Public Order Act 1994
UK Government	Practice Planning Guidance, March 2014
Welsh Government	Housing (Wales) Act 2014 Part 3: Gypsies and Travellers
Welsh Government	Travelling to a Better Future: Gypsy and Traveller Framework for Action and Delivery Plan, September 2011

Information was also gathered from web sites and/or correspondence (including FoI responses) from the following Local Authorities:

- Aberdeen City Council
- Basildon Council
- Brighton and Hove Council
- Bristol City Council
- Calderdale Council
- Cambridge City Council

- Charnwood District Council
- Darlington Council
- Devon County Council
- Dorset County Council
- Durham County Council
- Hambleton District Council
- Greater London Assembly
- Harlow Council
- Hull City Council
- London Borough of Hackney
- Malvern Hills and Wychavon Council
- Manchester City Council
- North East Lincolnshire Council
- Nottinghamshire County Council
- Redcar and Cleveland Council
- Seaford Town Council
- The Moray Council
- Walsall Council
- Worcestershire County Council

## Appendix 2: Glossary of Abbreviations

A&E	-	Accident and Emergency
ABCD	-	Asset Based Community Development
ACPO	-	Association of Chief Police Officers (now NPCC)
APPG	-	All-Party Parliamentary Group
BME	-	Black and Minority Ethnic
CJPOA	-	Criminal Justice and Public Order Act
DCLG	-	Department for Communities and Local Government
DWP	-	Department for Work and Pensions
EHRC	-	Equality and Human Rights Commission
FoI	-	Freedom of Information
GATE	-	Gypsy and Traveller Exchange
GLA	-	Greater London Authority
GTs	-	Gypsies/Travellers (abbreviation used only in the table in Section 4.4)
GTANA	-	Gypsy and Traveller Accommodation Needs Assessment
HMRC	-	Her Majesty's Revenue and Customs
JRCT	-	Joseph Rowntree Charitable Trust
LA	-	Local Authority
LGA	-	Local Government Association
NHS	-	National Health Service
NPCC	-	National Police Chiefs Council
PAS	-	Planning Aid Scotland
TSOA	-	Temporary Stop Over Area
UK	-	United Kingdom