

Witness: Eleanor Jane Faro
Witness Statement: 1
Exhibits: 2, EJF1 and EJF2
Statement made on: 29 August 2025

IN THE HIGH COURT OF JUSTICE

Claim No. KB-2024-003315

KING'S BENCH DIVISION

**IN THE MATTER OF SECTION 222 OF THE LOCAL GOVERNMENT ACT 1972
AND SECTION 187B OF THE TOWN AND COUNTRY PLANNING ACT 1990**

B E T W E E N:-

**THE MAYOR AND BURGESSES OF THE LONDON BOROUGH
RICHMOND UPON THAMES**

Claimant

-and-

- (1) PERSONS UNKNOWN FORMING AN UNAUTHORISED ENCAMPMENT AND /
OCCUPYING FOR RESIDENTIAL PURPOSES (including temporary occupation)
WITH OR WITHOUT VEHICLES AT ANY OF THE 8 SITES WITHIN THE LONDON
BOROUGH OF RICHMOND UPON THAMES LISTED ON SCHEDULE 1 TO THIS
CLAIM**
- (2) PERSONS UNKNOWN DEPOSITING WASTE ON ANY OF THE 8 SITES WITHIN THE
LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON SCHEDULE 1 TO
THIS CLAIM**

Defendants

-and-

THE LONDON Gypsies AND Travellers

Intervener

ELEANOR JANE FARO
WITNESS STATEMENT

Full Name of Witness: ELEANOR JANE FARO

Address: Leeds Gypsy and Traveller Exchange (GATE), 169 Cross Green Lane, Leeds, LS9 0BD

Occupation: CEO

1. I make this statement to provide my professional opinion as CEO of Leeds Gypsy and Traveller Exchange (GATE) on the subject of nomadism and negotiated stopping. Insofar as the facts and matters stated herein are within my own knowledge, they are true; insofar as they are not within my own knowledge, their source is indicated and I verily believe them to be true.
2. I wish to avail the court my professional knowledge and associated research, sharing what I know about the potential of the Negotiated Stopping approach to:
 - Reduce costs
 - Reduce encampments
 - Provide better social, health and educational outcomes for Gypsies and Travellers
3. My organisation is a registered charity (charity number: 1123374) that aims to improve the quality of life of Gypsies and Travellers residing in or resorting to West Yorkshire. I have worked at Leeds GATE for eleven years and have occupied the role of CEO for four years. Leeds GATE provide a range of social and welfare support to Gypsies and Travellers. We have a range of funders and commissioners including West Yorkshire's local authorities and various NHS bodies. We provide advocacy, support work, community development work, youth work, educational support, outreach and practical support (address, shower, tap, laundry). We have over 1000 Gypsies and Travellers registered with our services. The organisation also works strategically to address the systemic problems that result in such poor outcomes for our communities – these include racism and discrimination, marginalisation, inflexibility in services, an accommodation crisis and a lack of representation.

4. I am making this Statement as an expert in the field of Gypsy and Traveller rights, and as someone who has direct experience of working with nomadic families making negotiated stops in Leeds.
5. I have worked with London Gypsies and Travellers on a variety of projects including sub-contracting on a shared grant agreement. I find them to be an innovative, trustworthy, committed and a well-run organisation. I am well acquainted with the report “The potential for a negotiated stopping approach in London” which is presented as evidence Exhibit DJK1 and can testify to the thoroughness of its research and its conclusions.
6. Since the removal of a duty to provide sites in 1994, there has been very little progress made to meet the accommodation needs of Gypsies and Travellers. In a report by Friends, Families and Travellers published in 2024, research found that of 100 Local Planning Authorities (LPA’s) surveyed, 64% had failed to allocate any land for sites, let alone build any sites. They also found that of 149 socially provided sites across the 100 LPA’s, 119 were built before 1994 and 30 post [“Kicking the can down the road: The planning and provision of Gypsy and Traveller sites in England 1960-2023”, Dr Simon Ruston MRTPI for Friends, Families and Travellers¹].
7. This shows a lack of will to address accommodation needs for Gypsies and Travellers. We regularly work with local authorities who have assessed an accommodation need within the community (through accommodation needs assessments and the local planning process) and failed to provide this accommodation. This means families must either provide for themselves (meaning they must have the financial resources to purchase land and navigate lengthy and costly planning battles) or live nomadically, travelling from place to place.
8. Many of those living on the roadside would meet the legal definition of homeless – they live in a movable structure such as a caravan, mobile home or houseboat, and

¹ Available at: <https://www.gypsy-traveller.org/resource/kicking-the-can-down-the-road-the-planning-and-provision-of-gypsy-and-traveller-sites-in-england-1960-2023/>

there is nowhere where they have permission to put it and live in it (s.175(2)(b) Housing Act 1996). The organisation Friends, Families and Travellers state that 3,000 families have no lawful place to stop, with over 10,000 living on land without permission². With very little transit provision – 92% of 352 Local Authorities have no transit provisions (November 2024, Freedom of Information research: Local authority transit provision for Gypsies and Travellers across the UK, Friends, Families and Travellers) these families have few choices but a cycle of encampment and eviction.

9. Our populations are young and growing, as represented in census data which showed that 45.7% of the Gypsy and Traveller population were under 25 compared to 30.4% of the general population (Figure 3, Gypsy or Irish Traveller populations, England and Wales - Office for National Statistics³). We have observed that young people who grew up on Traveller sites (which are mostly full and overcrowded) have nowhere to move to when they start their own family life and therefore they travel, stopping on unauthorised sites– often this has very poor health and educational outcomes.
10. It is in this context that our organisation embarked on designing better approaches to encampments in partnership with Leeds City Council. A scrutiny panel enquiry in 2010 heard from local authority officers and Gypsies and Travellers living on unauthorised encampments. It discussed the financial and social costs of failure to provide sites and manage encampments and recommended that the local authority provide more sites and trial negotiated stopping [Scrutiny Inquiry Report, Review of Gypsies and Travellers Site Provision within Leeds, January 2011 attached as **Exhibit EJF1**]. The report finds that over 7 years from 2003-2010 the local authority spent £1,988,000 on moving unauthorised encampments but failed to invest in any site provision.

² Available at: <https://www.gypsy-traveller.org/our-vision-for-change/accommodation/>

³ Available at: <https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/ethnicity/articles/gypsyoririshtravellerpopulationsenglandandwales/census2021#gypsy-or-irish-traveller-population-england-and-wales-census-2021-data>

11. Negotiated Stopping acknowledges both the housing crisis for Gypsies and Travellers and their right to a traditional and nomadic way of life. The raft of legal measures available, did and do not “solve” unauthorised encampments. Crudely put, powers to evict push “the problem” down the road but the wider context of homeless and nomadic practices within communities remains. Therefore, a pragmatic approach, drawing on the resources of all partners, was required. The approach used the resources available in the local authority, the police, our charity and our communities to come up with solutions. Gypsies and Travellers throughout their history have themselves often established negotiated approaches- agreeing terms of stay with landowners in return for labour, goods and services or based on long established family relationships. Indeed, various factors of modernisation including changes to the labour market, planning system and enforcement powers around unauthorised encampments eroded these solutions. Negotiated Stopping draws on these principles – of negotiating an agreement so people can stay – and applies it to a modern context.

12. The core elements of the negotiated stopping approach are that:

- Gypsies and Travellers should be treated as equal partners in addressing the management of encampments, using engagement and not only enforcement
- A planned rather than reactive approach creates better outcomes and is a better use of resources, this also allows for better communication with local residents
- It works by all parties coming to a common agreement for Gypsies and Travellers to use an unused piece of land as a temporary stopping place.
- Terms are agreed, including time stopped on the land and services to be provided by the local council

13. Between 2010 and 2015 Leeds GATE, Leeds City Council and West Yorkshire Police developed and piloted an approach we now know as Negotiated Stopping. This included developing a protocol, decision making tree, land assessment criteria, agreements for families to sign up to, inter agency agreements and crucially, developing more positive relationships between all partners.

14. In order to appropriately evaluate the potential of the approach we conducted two rounds of independent evaluation using qualified partners. The first was in 2016, by independent evaluation company, Real Improvement [attached as **Exhibit E1F2**]. The Executive Summary States:

- 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.

15. In 2017, De Montfort University conducted a cost benefit analysis – concluding that: Some of the key evaluation findings related to Negotiated Stopping at Leeds GATE, in a nutshell, were that an ABCD type approach produced:
- Better community cohesion around Negotiated Stopping – in addition to the potential combined savings of £238,350 per year.
 - Sustainability of Negotiated Stopping principles politically – has potentially been stronger outside of Leeds, rather than inside, and has led to amplification of the idea nationally.
 - Wider sharing of Leeds model on Negotiated Stopping, resulting in a positive image of the city's approach more broadly, but importantly got other organisations, such as the London Mayor's office, interested in the possibility of the idea.
16. Furthermore, my observations based on this research and my professional experience are that where Negotiated Stopping has been applied we have seen:
- Benefits to enabling the human rights to private and family life, and to be free from discrimination of Gypsies and Travellers living on the road;
 - Benefits to fulfilling the rights of Gypsy and Traveller children, who are some of the most disadvantaged in the UK, with regards to adequate standards of living, the right to family life, to have an education, to play, and to be free from violence and fear of violence;
 - Benefits to community relations from planned accommodation and intervention rather than reactive enforcement;
 - Solutions that reduce the need for punitive measures, and reduce the number of unauthorised encampments and provide more suitable locations for encampments;
 - Solutions that reduce costs of interventions in terms of police and local authority staff times and associated services.

17. Negotiated Stopping is adopted as a policy in Leeds meaning it should be considered by local authority officers as the primary approach to encampments, before legal routes are explored. Unfortunately this isn't always the case and officers are often under intense pressure to use legal processes – particularly from elected members. The other big challenge we face is the availability of land that can be agreed for Negotiated Stopping, in part this is about the supply of unoccupied land in a busy urban environment and in part it is about what locations we will consider as tolerable for encampments. I am of the belief that if a wider set of criteria were applied, land could be found. We have an established Gypsy and Traveller Working Group chaired by an elected member and, as a group, we are currently informally reviewing the implementation of the policy in an attempt to improve the practice. This group has participation from health, local authority officers, elected members and the police.

18. What we do consistently apply in Leeds is what officers term “soft negotiation” and elsewhere is known as toleration - meaning elements of the negotiated stopping process are applied but encampment residents are not asked to sign formal negotiated agreements. They are provided with bins and toilets and attempts are made to engage families. The officers try to address issues and enable longer stays on encampments, but ultimately encampments leave via a court process rather than a negotiated end date. This process is easier for officers as it doesn't require political buy in, whereas a full negotiated request, according to our current processes, would consult elected members. The benefits of providing longer stays, bins and toilets are huge, and Gypsies and Travellers on encampments in Leeds often feedback how that practice is positive for them and vastly different to how they are treated in most other areas. We know from the research shared, that longer stays mean social, health and educational benefits for Gypsies and Travellers. However, the lack of formal agreements means the negotiated elements, behavioural agreements and treating families as individuals (not one encampment) are not being applied, this reduces our opportunities for positive relationship building and engagement. As stays also end via a court process, we are also not seeing the initial cost savings associated with negotiated processes which don't involve court costs. Crucially, this approach doesn't allow

for a planned or pro-active intervention from health or education as ourselves and the police don't know how long people will be in one place. It, therefore, also doesn't allow for pro-active and positive communication with local residents about the presence, duration and engagement plan for the encampment.

19. In 2022, my colleagues, produced a snapshot report based on Leeds City Council encampment data which showed that just after Negotiated Stopping was introduced people were able to stay longer and there were fewer encampments - if people are allowed to stay longer there are then fewer encampments, leading to lower costs.

	Pre-Negotiated Stopping	Immediately Following Introduction of Negotiated Stopping	Current
Number of encampments	From 2003/4 to 2011/2 – Avg of 83 encampments per year	From 2014/5 to 2015/6- Avg 50 per year.	From 2020 to 2022 – Avg of 105 per year
Average Length of Stay		2016 – 21 days on Council land	2020 to 2022 – Avg 14 days ^[1]
Issuance of Court Proceedings		No data, however, the lack of issuance of Court proceedings is noted as a major cost saving following introduction of Negotiated Stopping	Court proceedings now issued in a majority (58%) of cases. ^[2]

20. The more positive relationships with Gypsies and Travellers that have been afforded by our less punitive approaches in Leeds have meant that both ourselves and the Local Authority can benefit from these relationships in many ways. Examples include:

- allowing us to support people into permanent pitches where they become available
- the presence of a positive negotiated stopping encampment leading to the land being allocated for Gypsy and Traveller use and subsequently developed into a permanent site (with the support of the local community)
- Gypsies and Travellers participating in the assessment of need and site design processes, meaning they are more engaged and their voices are heard

21. In summary, it is my expert opinion that Negotiated Stopping works as one of several tools to meet the accommodation needs of Gypsies and Travellers. It must be pursued alongside the assessment of need and the provision of social and private permanent pitches.

Statement of Truth:

I believe that the facts stated in this Witness Statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed:

Printed: ELEANOR JANE FARO

Date:

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EXHIBIT EJF1



Research Report:
Assessing the Potential of Negotiated Stopping



Assessing the Potential of Negotiated Stopping

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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).

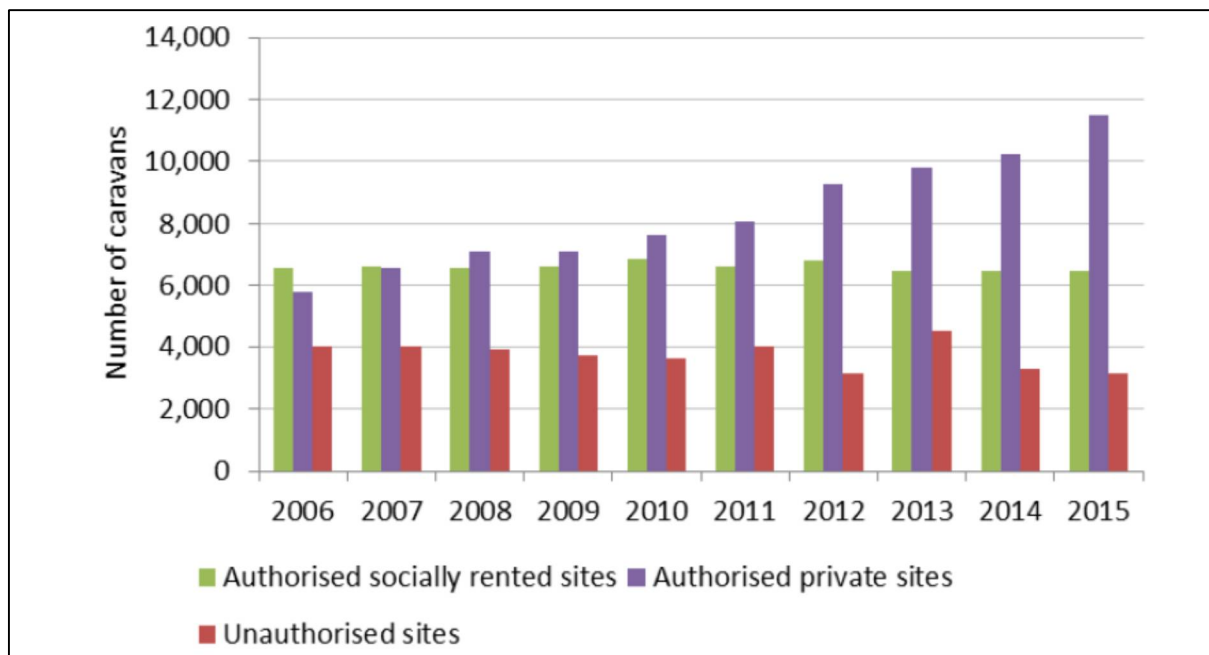


Fig2.1: Number of caravans by type of site, July 2015, England (source: DCLG)

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.



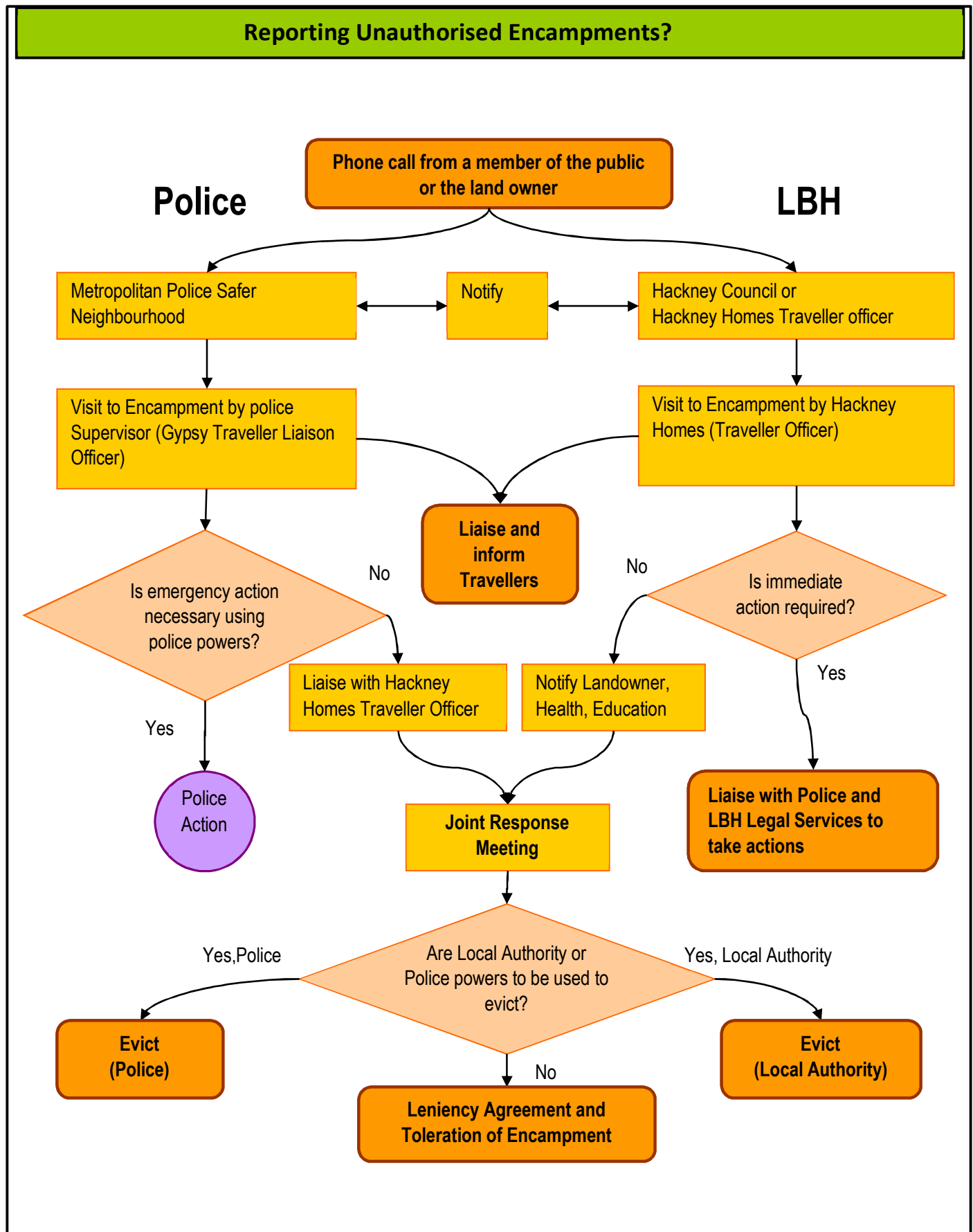


Fig.2.2. Example of Joint Protocol between Police and Local Authority

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.

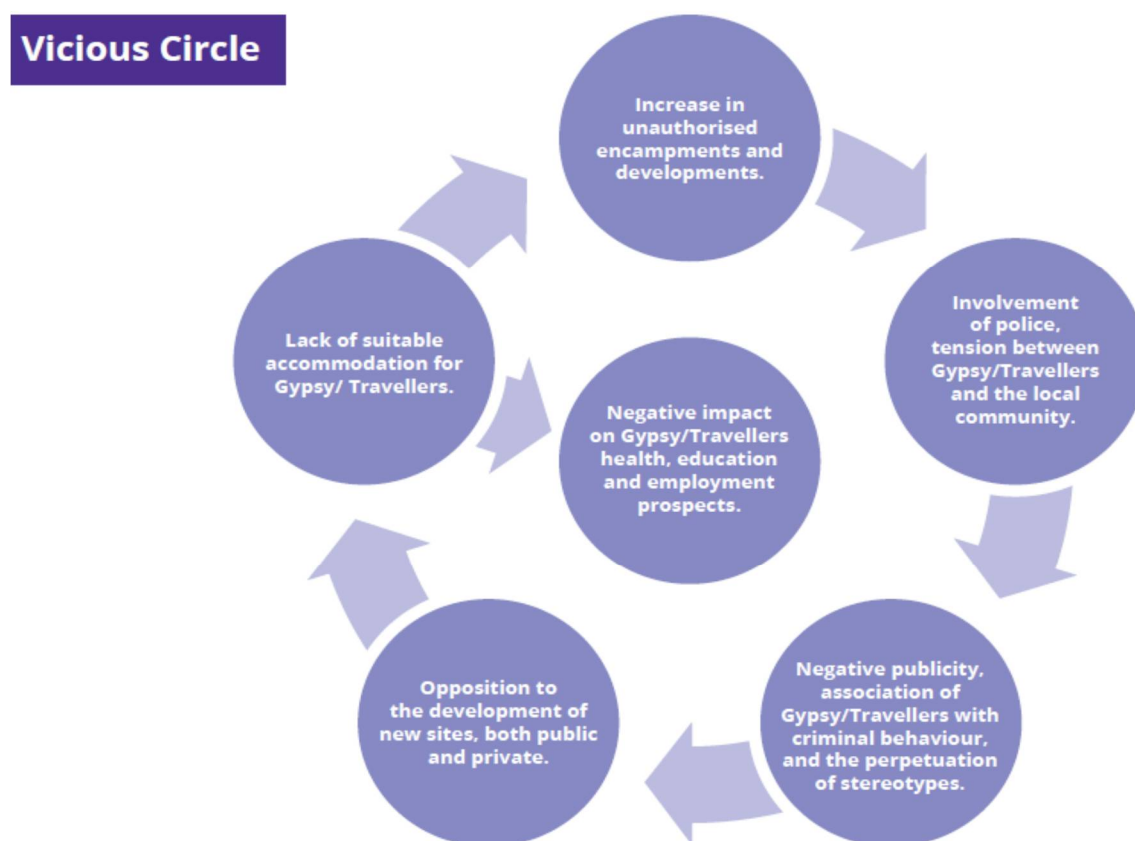


Fig.6.1: Vicious Circle from *Gypsy/Travellers and the Scottish Planning System: A Guide for Local Authorities*, published by PAS (Planning Aid for Scotland)

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

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

Witness: Eleanor Jane Faro
Witness Statement: 1
Exhibits: 2, EJF1 and EJF2
Statement made on: 29 August 2025

IN THE HIGH COURT OF JUSTICE

Claim No. KB-2024-003315

KING'S BENCH DIVISION

**IN THE MATTER OF SECTION 222 OF THE LOCAL GOVERNMENT ACT 1972
AND SECTION 187B OF THE TOWN AND COUNTRY PLANNING ACT 1990**

B E T W E E N:-

**THE MAYOR AND BURGESSES OF THE LONDON BOROUGH
RICHMOND UPON THAMES**

Claimant

-and-

- (1) PERSONS UNKNOWN FORMING AN UNAUTHORISED ENCAMPMENT AND /
OCCUPYING FOR RESIDENTIAL PURPOSES (including temporary occupation)
WITH OR WITHOUT VEHICLES AT ANY OF THE 8 SITES WITHIN THE LONDON
BOROUGH OF RICHMOND UPON THAMES LISTED ON SCHEDULE 1 TO THIS
CLAIM**
- (2) PERSONS UNKNOWN DEPOSITING WASTE ON ANY OF THE 8 SITES WITHIN THE
LONDON BOROUGH OF RICHMOND UPON THAMES LISTED ON SCHEDULE 1 TO
THIS CLAIM**

Defendants

-and-

THE LONDON Gypsies AND Travellers

Intervener

EXHIBIT EJF2



Faculty of Business and Law

Negotiated Stopping & ABCD

Excerpt from the final evaluation report

Leeds GATE
Asset Based Community Development
(ABCD) Project

De Montfort University, Leicester
17th July 2017

The Asset Based Community Development (ABCD) project at Leeds Gypsy and Traveller Exchange (GATE) ran for three years from 2014 to 2017. A small team at De Montfort University, Leicester undertook an evaluation of the approach during that period. A full report and an executive summary are available separately – this brief document contains the evaluation pertaining solely to the negotiated stopping intervention aspect of the ABCD approach.

Negotiated Stopping

GATE definition:

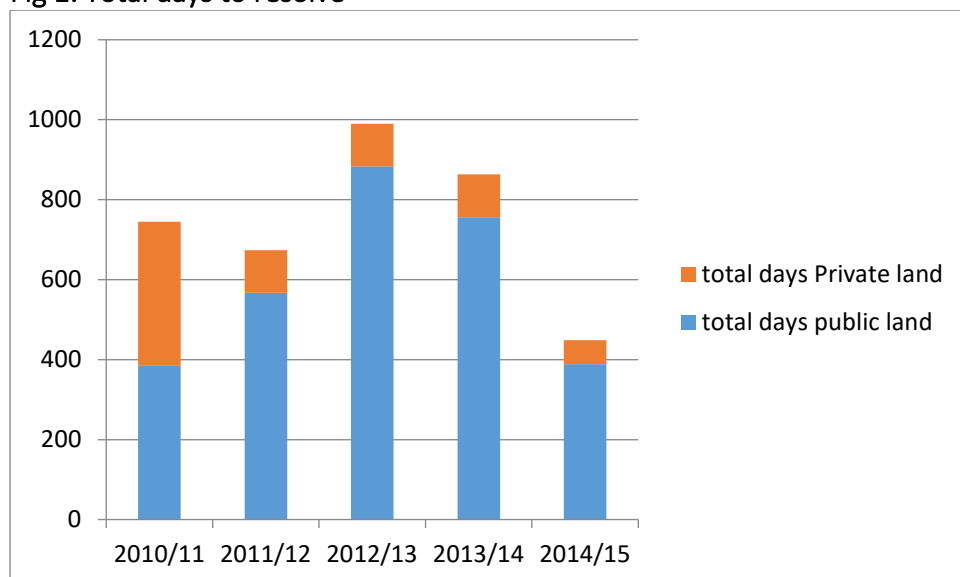
Year One: A new co-produced policy and practice in managing unauthorised 'roadside' encampment by Gypsy and Traveller people, via negotiation and agreement rather than via recourse to eviction.

Years Two and Three: **Negotiating Stopping** is *asset based problem solving on the roadsides; finding solutions to managing unauthorised encampment through negotiation and treating all stakeholders as a part of the solution not the problem; leading to greater quality of life for all stakeholders (Travellers, residents and LA's)*

Negotiated Stopping, as an alternative to the traditional eviction approach, produces social and financial benefits resulting from members of the community, supported by GATE, communicating with the local authority and police authority relying on dialogue and negotiation to enable travelling families to stay, for limited periods of time, on ground where it isn't causing great inconvenience. The families make an agreement with the authority about acceptable behaviour, use of waste disposal, and agree when the camp will leave. The negotiations and agreements are carried out by and with the community. These skills can be regarded as community as well as personal assets but no financial value can be placed on these assets in terms of a cost savings illustration which is included later on.

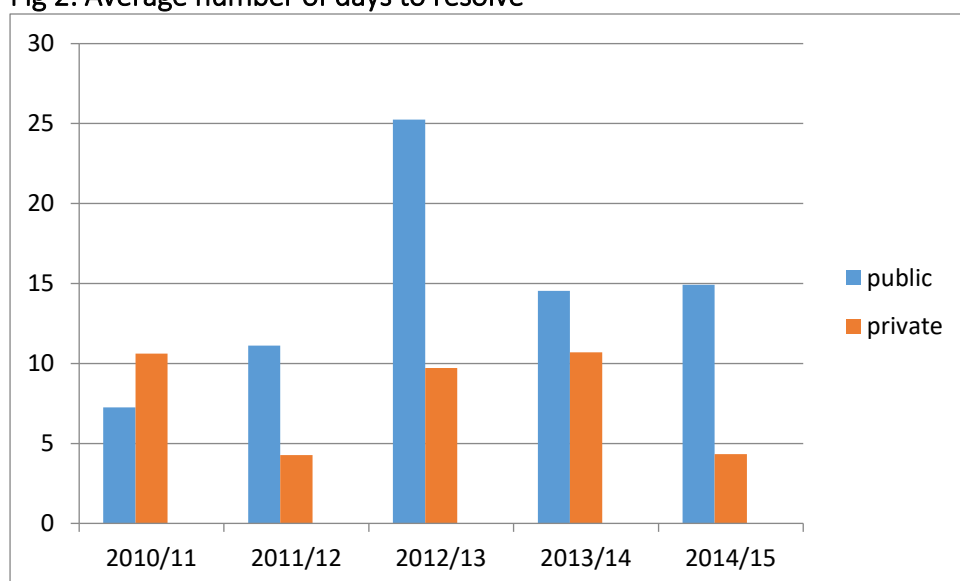
For the local authorities and police authorities the key costs are on salaries and related costs so the total time spent on activities is their key performance driver. In the period 2010 to 2015 the number of unauthorised encampments and the times spent dealing with those cases has been quite volatile both in terms of encampments on private and public land as shown in figure 1 overleaf.

Fig 1: Total days to resolve



Most of the encampments are on public land and in particular local authority land. The financial analysis used the savings and costs identified for the public land due to availability of information and its significance. Not only is the total time spent volatile, making resource planning and control difficult, the average number of days to resolve unauthorised encampments is also variable as shown in figure 2.

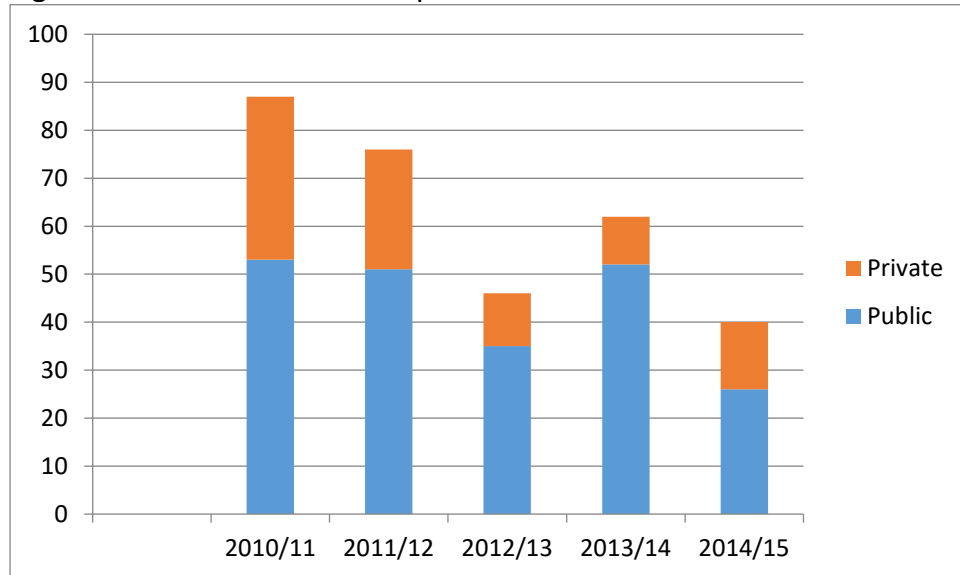
Fig 2: Average number of days to resolve



There is, however, a declining trend in the total number of unauthorised encampments as shown in the figure 3, further below. This volatility means it is not possible to identify if there is a change in types of cases or sites due to the Negotiated Stopping, it appears however that there was a reducing trend in unauthorised encampments, in the period. The nature of unauthorised encampments in Leeds had been quite volatile averaging 83 per year in the 9 years from 2003/04 to 2011/12, The five-year period from 2010/11 has shown an improving trend in the number of cases going to court reducing to 40 in 2014/15. The figure will be

impacted by unusual events and in 2015 there was a spike in cases due to particular unusual circumstances (59 in the 12 months to Jan 2016). However, excluding the encampments caused by this one-off event, the reduction per year appears to be in the region of 20-25 unauthorised encampments. This supports the view of the local authority, the local police and Leeds GATE that due to Negotiated Stopping the number of Leeds based travelling community has significantly reduced. The recent trend can be seen in figure 3.

Fig 3: Total unauthorised encampments



Given the highest perceived benefit can be better seen in the reduced number of encampments being taken to court, that is used by the study to estimate the benefits. Most of the costs are front-loaded with the recently established encampment at Kidacre. The cost savings estimates are based on information by the police liaison officer and the local authority.

Traditionally, when the neighbourhood policing team was made aware of a new encampment, in the first instance a double or triple-crewed unit was dispatched to assess the encampment. When an encampment was established, there was a reported significant increase in complaints to the police call centre, the impact of which cannot be financially quantified as there are no directly attributable increase in costs. The costs for the neighbourhood policing teams the police liaison officer¹ estimated that at least 12 hours of their time could have been allocated to responding to emails and calls from local councillors and residents groups. The local police through officers and PCSO would traditionally visit the encampment on average twice daily, the total cost being approximately £200. This gives a fixed initial cost to the constabulary of £1,400 plus a daily cost of £200.

When a Section.61 Notice² was served by the police in the traditional process (prior to Negotiated Stopping), a team of approximately six officers, including the Inspector would attend. The entire process, including consultation with the Traveller liaison officer, discussion

¹Evaluation team members ascertained costs in communication with a range of agencies and individuals during the first years of the evaluation project.

² Section 61 of the Criminal Justice and Public Order Act (CJPO) 1994.

with senior officers and the preparation of the necessary documentation prior to the serving of the Notice would involve a substantial number of staffing hours. The estimate of the cost was provided by the constabulary of approximately £500.

Since the advent of Negotiated Stopping, the number of encampments involving Leeds based Travellers has fallen significantly. Visits to encampments after Negotiated Stopping was tried were for engagement rather than enforcement purposes, and the number of calls to the police involving the particular group who were the catalyst for a new approach, were by 2015, few and far between.

Negotiations as part of the approach were also reported to have reduced anti-social behaviour (ASB) by addressing the individuals responsible instead of via eviction of a whole group; this reduction in ASB has not been financially quantified as part of the financial illustration below.

In addition to the police savings, the city council in Leeds calculated a cost saving of approximately £2,000 per week on expenditure. Figures from Leeds City council offer an insight into the costs involved and the reduced costs from implementing the Negotiated Stopping approach - over the decade from the year 2000, the average spend on unauthorised encampments was £255,000 per year.

Reduced Inputs = Savings

Clearly the inputs are crucial, but the further dimension is the outcomes achieved. Figures from Leeds City council offer an insight into the costs involved and the reduced costs from the negotiated stopping approach over the past 10 years the average spend on unauthorised encampments has been £255,000 per year. In 2010/11 at its peak it was £324,000. Following the negotiated stopping arrangement the costs last year 2014/15 were £150,000 which is £105,000 less than the average for the past decade and £124,000 less than its peak³. The questions this then raised were how much of the cost savings were due to financial constraints, and will impact on worse outcomes, how much due to the impact of the positive outcomes from negotiated stopping, which could reduce input financial costs further as the process becomes more embedded.

There were a number of aspects related to inputs that the evaluation team followed up in year one of the evaluation through further discussions with senior council staff, as well as communication with the police. It was difficult to ascertain exact spend in terms of staff hours from the council on negotiated stopping.

In March 2015 the Leeds Gypsy and Traveller local authority team took a report⁴ to council asking for £34,925 to cover the cost of site works carried out by Parks and Countryside Services to prepare a site on Kidacre Street for use as residential accommodation for Gypsies and Travellers. However, this figure was really associated with the provision of resources at a particular site – Kidacre – rather than the process of negotiated stopping. The evaluation

³Figures provided in a telephone call between Jo Richardson at DMU and Rob McCartney at Leeds Council on 17 June 2015.

⁴Report of Head of Housing Support, 17 March 2015.

team therefore needed to discuss with GATE and the council whether such a cost input was appropriate to consider in the evaluation. Related to this were issues on Kidacre and the slow progress of actually delivering a habitable site for residents. The decant process during 2016 led to dissatisfaction and a lack of trust which it could be argued led to a deficit of trust as an asset to this particular ABCD intervention.

In year two of the evaluation the evaluation team asked for costs from the Leeds City Council Traveller team and the police liaison officer who works in this area. During the year to Jan 2016 there was a total of 41 unauthorised encampments (plus one blind eye encampment) averaging 21 days in length for those on council land; the average length of time on private property was 4 days (18 encampments). From the policing figures eleven (11) of these were Section 61 enforcements.

The team was provided with cost figures from the local authority and the police which identified costs for different types of encampment (those that require serving of notice and attendance at court cost more). The average cost equating to local authority land encampments were £5,134 and for private property £1,600. Assuming a daily allocation of local authority costs, the average cost would be £192 per day or £4,032 per unauthorised encampment. The overall costing, per unauthorised encampment, therefore is £9,534 on LCC property.

The net impact found in the analysis was that authorised/ negotiated encampments are self-financing. Unauthorised encampments average £9,534 per encampment in public costs from the local authority and policing. The savings for negotiation therefore is £9534 per encampment.

The nature of unauthorised encampments in Leeds over the previous five years was quite volatile averaging 83 per year in the 9 years from 2003/04 to 2011/12, to 40 in 2014/15 (59 in the 12 months to Jan 2016). It would appear the numbers of unauthorised encampments have fallen since the work of the team at GATE with the Gypsies and Travellers in need of accommodation in the area led to the Negotiated Stopping approach, but given the volatile nature of the figures it is too early to estimate the total impact on an annualised basis. However, given the per encampment savings the reduction per year appears to be in the region of 20-25 unauthorised encampments and the average costs equating to local authority land encampments were £5,134. An ABCD framed approach to Negotiated Stopping was broadly consistent with a reduction of 20 to 25 encampments producing local authority savings of £102,640 to £128,350 annually for the local authority and £88,000 to £110,000 savings for the local police, giving a savings of between – a total potential savings range of between £190,640 and £238,350 in local authority and policing costs combined⁵.

There are, of course, unquantified benefits within the evaluation such as roadside families, both local families and those passing through Leeds, have significantly improved access to healthcare and education. The decrease in the type of stress caused by continuous court and police eviction has a significant, although difficult to quantify, effect on quality of life.

⁵ (NB due to the different costing methodologies from the police and local authorities these savings are approximate).

For the wider ABCD project negotiated stopping principles could be captured more broadly in the City beyond the existing site; it might also embrace the successful negotiated grazing that was facilitated by the council towards the end of year on – there may have been scope for more of these that Leeds GATE ABCD project could help to facilitate by sharing the good outcomes with the community members, get them to identify possible areas of land for grazing and provide confidence and support for community members to approach the council to extend this scheme.

By year three though, in the context of wider political changes and the impact of austerity, the appetite for negotiated stopping and the public sharing information of Leeds as a national lead on this approach, had dimmed somewhat. Beyond the development of the Kidacre site by the council, which seemed to suffer from continuous set-backs and delays in years two and three, there is not a lot of council led public discourse on the benefits of a negotiated stopping approach.

Overall, there are a number of benefits to the Negotiated Stopping approach in Leeds that could be adapted and replicated elsewhere. The benefits can be identified in terms of regularising the housing situation of the residents concerned allowing the charging of rents for pitches, better management and reduced costs of police intervention. The costs of accommodation for the local authority come from the authorised and unauthorised encampments; the unauthorised encampments generate no revenue but are a significant resource consumer. There are additional cost savings from interventions relating to health and welfare that could be captured in more detailed analysis, if the data were available.

Negotiated(ing) Stopping in Leeds isn't the first or the last such approach, there are a number of local authorities in England who 'tolerate' unauthorised encampments on appropriate pieces of land and who see savings in the amount spent by councils on evictions as a result. However, where the work of Leeds GATE does stand out is in publicising the approach and highlighting the possibility of social and economic savings to other areas, including London. The potential reach of Negotiated(ing) stopping is huge and through amplifying the message through the assets of their organisation (their Gypsy/Traveller members) to talk about the benefits of the initiative, Leeds GATE punches above its weight in terms of disseminating the benefits and it is the ABCD framework which helps to support this, and to provide the organisation with an 'in' to discuss this with a variety of organisations across the country.

Key evaluation findings related to Negotiated Stopping

Some of the key evaluation findings related to Negotiated Stopping at Leeds GATE, in a nutshell, were that an ABCD type approach produced:

- Better community cohesion around Negotiated Stopping – in addition to the potential combined savings of £238,350 per year.
- Sustainability of Negotiated Stopping principles politically – has potentially been stronger outside of Leeds, rather than inside, and has led to amplification of the idea nationally.

- Wider sharing of Leeds model on Negotiated Stopping, resulting in a positive image of the city's approach more broadly, but importantly got other organisations, such as the London Mayor's office, interested in the possibility of the idea.

Recommendations

Leeds GATE has punched above its weight on the local and national level in terms of outputs and outcomes from the ABCD project and a number of interventions as part of that. There are ten recommendations altogether in the full report on how to consolidate existing successes and move on to next steps. This excerpt on Negotiated Stopping includes four recommendations which have links to the Negotiated Stopping approach.

Recommendations for the future:

1. GATE should continue its focus on 'bridging capital' having recognised the strengths of 'bonding capital' which were evident in the ABCD project. This bridging focus does not need to adhere to standard 'ABCD' methods, but could use the enhanced mapping developed with communities by GATE and look forward to a new framework.
2. GATE should continue to develop and share roads, bridges and tunnels mapping. The roads, bridges and tunnels model developed by Leeds GATE is an important contribution to share with practitioners, but also to help develop the academic debate and particularly to examine where support to build up one area (a road or bridge) might unintentionally undermine another (a tunnel). This anti-colonising approach to mapping and understanding community assets (the recognition of tunnels) is especially (but not exclusively) useful in excluded communities and in the spirit of bridging, should continue to be shared with other groups 'on the margins' and with the wider community of ABCD practitioners in order to enhance existing methodologies.
3. GATE could work with other organisations who provide support and advice to marginalised communities in and beyond Leeds. There are lessons that have been learned in developing ABCD approaches for Gypsy and Traveller communities that could have wider impact if GATE continue to reach out. There should be continued reflective work on GATE's role in amplifying and sharing these assets, not just with the Gypsy and Traveller community, but with other communities 'on the margin'. GATE is already developing its own framework of understanding around 'solidarity' and that should be encouraged by funders interested in amplifying the effects already achieved by the ABCD project.
4. GATE and Leeds City Council could consider mediation to see if the fracture in communication channels between the council and GATE in recent years, which has impacted on many issues including Negotiated Stopping, can be healed. It is recommended that some form of mediation is encouraged in communications between the council and GATE in the best interests of Gypsies and Travellers in Leeds.