

Consultation
Response
DEFRA
vagrancy act

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Shelter

Shelter's response to Living Places: Powers, Rights, Responsibilities, Section F7 - Government proposals to overhaul powers to deal with people on the street, Department of the Environment and Rural Affairs (DEFRA) (February 2003).

Shelter acknowledges the overall objectives of the DEFRA consultation paper and the related ODPM document which states that 'safe, well maintained and attractive public spaces have a critical role in creating pride in the places where we live, which, in turn, is essential to building community cohesion and successful communities'¹. However, in respect of proposals in section F7, the provision of such public spaces should not be at the detriment of some of the most vulnerable in our society who may beg, drink or sleep on the street. We believe that:

- Section 3 and 4 of the Vagrancy Act should be repealed.
- Enforcement measures for people who beg, drink or sleep on the streets are inappropriate and will not tackle the causes of street living or address people's often complex needs.
- Additional enforcement measures will undermine progress being made on a wider Government agenda to tackle social exclusion by the Social Exclusion Unit and the Homelessness Directorate.
- There should be more joint working between criminal justice agencies and homelessness agencies, including those that specialise in associated support provision. Solutions should be driven by a multi agency approach.
- There would be no public support for wider use of criminal sanctions to address begging.
- Solutions to enable people to move on from street homelessness, begging and associated street activities must focus on individual needs and be directly accessible and well resourced.

People that spend a lot of time in the street are some of the most socially excluded people, often with complex needs. Begging is a demeaning and risky activity that people only undertake out of desperation. A prevalence of people who beg, street drink or sleep on the street can reflect an absence of appropriate service provision or a shift in government policy that will not be solved by overhauling the penalties for begging and rough sleeping. Any review of legislation affecting 'persons in the street' should not extend the powers of local authorities and the police to criminalise homelessness.

Shelter believes that section 3 and 4 of the Vagrancy Act 1824 should be repealed as only very limited use is made of the provision. This is not because the legislation needs to be rationalised but because criminal sanctions are draconian and inappropriate response to street homelessness and non threatening and non aggressive begging.

In addition, before a local authority can implement byelaws to prevent people from certain activities such as bedding down, begging or drinking in a specific public space, we believe they should be required to set out a multi-agency approach to meet the housing and support needs of people to address the root causes of social exclusion within their homelessness and crime and disorder strategies. Support must be immediate and directly accessible, based on individual needs and well resourced. In addition solutions to begging need to provide alternatives to street life through employment and education.

Shelter is concerned that these proposals are completely at odds to Government's wider policy and strategies on homelessness, notably Coming in from the Cold and More than a Roof. They appear to have been developed without regard to published evidence on addressing the needs of people in the street and effective responses to tackling this issue.

The links between homelessness, begging, rough sleeping and associated activities

As outlined in a study commissioned by the Rough Sleepers Unit (RSU), not all people who beg are street homeless and not all people who sleep on the streets beg.² In addition people who street drink may not be street homeless. However research suggests a high degree of overlap and people who beg have often had experience of rough sleeping in the past.³ One common factor for most people was their high levels of vulnerability. However they could not be viewed in any way as a homogenous group with different types of vulnerability and often multiple needs requiring specialist, individualised support provision.

Vulnerability

As outlined earlier, people who may beg, sleep rough or spend time on the streets are often the most poor and vulnerable in our society. Research from the Joseph Rowntree Foundation on the links between begging, rough sleeping and selling the Big Issue in Glasgow and Edinburgh found that most interviewees had a family background characterised by disruption and trauma. Almost half had been in residential care or foster care and over a quarter reported drug or alcohol misusing parents. A number of interviewees, particularly women, reported being abused as children. One-third of the sample reported that they had alcohol dependencies and over one-fifth were current heroin users. Many had developed these substance dependencies early in life as a means of coping with traumatic experiences, and several interviewees reported that their habits had worsened as a result of life on the streets or in hostels.⁴ Other factors associated with people who beg or sleep rough can include a history of offending or an armed forces background. There is also a relationship between begging, street homelessness and poor physical and mental health. Over half of those taking part in a study by Crisis in London in 2000 reported a physical or mental health problem.⁵

Destitute asylum applicants

In addition, people who sleep on the streets or need to beg to support themselves may increasingly include people who have no legal means to an income and no statutory entitlement to public assistance. These include people denied support under section 55 of the Nationality, Immigration and Asylum Act 2002, which came into force on 8 January 2003. The Government estimates that 100 people a day will be denied asylum support as a result of this legislation. It is unacceptable that people who sleep rough and beg because they have no legal or statutory means to secure shelter or sustenance should then be criminalised.

People left destitute under the new asylum legislation may well be extremely vulnerable for a variety of reasons. Studies suggest that significant proportions of asylum applicants are already suffering from health problems on arrival in the UK: 17 per cent have a physical health problem severe enough to affect their life and two-thirds have experienced significant anxiety or depression.⁶ Such health problems are often the result of torture, persecution or abuse. They may also be a complete stranger to the locality, know no one at all to whom to turn for support and be unaware of the local services available to them. They may speak little or no English and be unaware of British cultural norms. Given their inability to secure a legitimate income, they are likely to be particularly vulnerable to exploitation.

Victims of crime

People who beg, street drink or sleep on the streets are often victims of violence and harassment themselves. As outlined by the RSU report in 2001, particularly people who beg 'expose themselves to considerable risks, including verbal and physical threats'⁷. Research by Crisis has shown that street homeless people are 150 times more likely to be fatally assaulted.⁸ Street drinkers in Camden and Islington also identified a preference for wet day centres as opposed to designated open spaces for drinking due to their fear of harassment and violence from members of the public and other street drinkers.⁹ People denied support under s.55 of the Nationality, Immigration and Asylum Act 2002 may be at even greater risk of abuse or violent attack because members of the public may suspect, and take issue with, their immigration status.

The street does not provide a safe environment but increasing measures of enforcement to remove people from the street is not the answer.

Existing legislation

There are already existing penalties for people who use aggressive or threatening behaviour in public spaces. As outlined by the consultation paper these include criminal offences under the Public Order Act 1995 which relates to threatening, abusive or

insulting words or behaviour. Public concerns about safety in public spaces can be addressed by appropriate application of these offences.

Wherever possible Shelter recommends that police work with agencies to establish an understanding of the needs of people who are vulnerable or have an addiction to carry out arrest referral to the appropriate agencies to provide support and accommodation provision as appropriate.

Lack of accommodation and specialised support service provision

Shelter believes that the lack of appropriate, directly accessible and well resourced support and accommodation services is the main reason why people stay on the streets. When attempting to support people with often chaotic lifestyles, access to appropriate support must be immediate, otherwise individuals will disengage with agencies and return to begging or rough sleeping. Current experience is that detoxification and rehabilitation programmes often have long waiting lists and people who want to address their drug or alcohol misuse are left without support for months. Agencies are likely to lose track of individuals whose health and optimism is likely to decline as a result. Flexible support measures should be available for those who need it, irrespective of their housing position. In addition local authorities need to be able to offer sufficient, appropriate and direct access accommodation so that there is an alternative to sleeping on the street.

The RSU report outlined that there is a limit to services for different support needs, too few drug and alcohol detoxification and rehabilitation programmes and a shortage of 'follow on' houses after rehab.¹⁰

The wider community

People who drink in the street, beg or sleep out are members of the community and the community as a whole must accept that programmes need to exist in their locality to help solve their problems. To ensure the support of the wider community the local authority should promote two way 'good neighbour' policies through negotiations with local residents and business's and support agencies. This could include voluntary work by centre users in the wider community and members of the local community within support agencies.

Public opinion

Shelter believes that any further measures to criminalise non aggressive and non threatening begging could have an adverse effect on people who beg or sleep on the street. It is likely to increase public hostility and intensify their problems. Shelter believes that giving money to people who beg is an individual's choice and previous Government

attempts to promote giving money to charity instead of giving money directly to individuals have failed. According to the RSU report in 2001, over 50 per cent of people in their study gave money to people who beg. We do not think that there would be public support for wider use of criminal sanctions to address begging.

Working against other Government Initiatives

The Rough Sleepers Unit (RSU) report 'Coming in from the Cold' (2001) included strategies particularly targeted at vulnerable rough sleepers with drug, alcohol and mental health problems and young people, especially those leaving care and those leaving prison and the armed forces. In April 2000 the RSU set up Contact and Assessment Teams (CATs) to help those living on the streets to access advice, specialist services and accommodation. However suggested approaches on crime reduction run counter to these measures.

A recent report by the Social Exclusion Unit (SEU), based on Home Office research, identified stable accommodation on release from prison as a factor which reduced the risk of re-offending by around 20 per cent¹¹. Increased enforcement measures to address the activities of people who street drink, beg or sleep on the street will only exacerbate the cycle of homelessness, prison and offending. Vulnerable people require increased support to enable them to maintain tenancies.

Extending services that work

As outlined above, people who beg, street drink and sleep on the street are often vulnerable and socially excluded. They are likely to have multiple support needs which make them less able to maintain their own accommodation. Local authorities have a new duty to provide a homelessness strategy including the provision of homelessness prevention services. This should include work with the Police and other agencies, including the voluntary sector and health services, to ensure that people are referred to appropriate services from the street. Shelter believes that increasing services to provide a range of specialist provision would keep the majority of people off the streets and help them to resettle and retain stable accommodation. In addition this should include genuine alternatives to street life such as providing learning skills and work opportunities.

* Specialised tenancy sustainment programmes carrying out resettlement work which is based on one-to-one support that is flexible and open-ended in line with the work funded by the RSU. Resettlement teams should be multi-disciplinary, including housing workers, substance misuse workers, mental health workers and meaningful occupation workers. Shelter has experience of running a tenancy sustainment scheme in Leeds where former rough sleeping drug users are housed and drug treatment is provided through a

methadone programme by the drug therapist at the NFA Healthcare system which is proving to be extremely successful

- Specialised hostels and day centres, including wet provision, health services and shower facilities for example. The experience of a wet day centre in Camden outlines that 'the number of people drinking unregulated in Finsbury Park has diminished dramatically since the opening of the centre'¹²
- Immediate access drug and alcohol detoxification and rehabilitation services linked to accommodation as appropriate
- Arrest referral schemes
- Multi agency approach

Specific Points for Consultation

1. Can the use of Drug Treatment and Testing Orders (DTTOs) be extended to include all drug related offences of this type?

Shelter's experience is that there has to be more provision of drug and alcohol detoxification and rehabilitation programmes and accommodation that allows chaotic drug users to stabilise. However we do not agree with an extension of the DTTO enforced programme. Where people seek help and require detoxification and rehabilitation programmes, whether homeless or not, it must be immediately accessible and appropriate to the needs of each individual with follow on accommodation being made available.

2. Do you think the Vagrancy Act 1824 should be reviewed in relation to the powers to stop people sleeping rough? Would community sentences be effective penalties?

As outlined earlier Shelter believes that section 3 and 4 of the Vagrancy Act should be repealed. In addition we believe that people who beg, street drink or sleep on the streets would not benefit from community sentencing. Their vulnerability means that it is unrealistic to expect them to comply with orders, and they will be subject to further sanctions, which will be counter productive.

3. Community Support Officers can be given the powers to issue fixed-penalty notices under Chapter 1 of Part 1 of the Criminal Justice and Police Act 2001. Vagrancy Act 1824 states that the power of arrest in relation to its offences is exercisable by any person. Should this power be adopted by Community Support Officers?

We do not support any extension of powers to criminalise people who beg in a non aggressive and non threatening way or sleep on the streets. However we do support the

inclusion of community support officers in multi agency teams to participate in measures to tackle their social exclusion and raise awareness of the issues and underlying factors associated with the street living.

4. Would you make increased use of local byelaws if that were possible? Is there a reason why you don't use the already? If you did make more use of byelaws, what might be the implications for enforcement and confirmation?

As outlined earlier, we believe that before a local authority can implement byelaws to prevent people from certain activities such as bedding down, begging or drinking in a specific public space, they should be required to set out a multi-agency approach to meet the housing and support needs of people to address the root causes of social exclusion within their homelessness and crime and disorder strategies.

5. Increased enforcement action against beggars/street drinkers needs to be accompanied by increased support. What should this be?

We do not agree with increased enforcement as measures to tackle aggressive, threatening, violent and anti-social behaviour already exist.

6. To what extent do you think the proposals have the risk of disproportionate use against minority ethnic, religious or disabled groups?

We believe that further enforcement measures will disproportionately effect the most poor and vulnerable in our society for reasons outlined above. This includes people who have multiple needs which may include learning difficulties and mental health. In addition people denied support under s.55 of the Nationality, Immigration and Asylum Act 2002 may be at even greater risk of abuse or violent attack because members of the public may suspect, and take issue with, their immigration status. As a result this could increase racial and religious tensions in society and leave people more open to abuse. Between July and September 2002, of the 33,640 households accepted as homeless, over 8,000 were from a black or minority ethnic background.

End Notes:

- 1 ODPM, Living Places - Cleaner, Safer, Greener (2002)
- 2 Rough Sleepers Unit / DTLR 'Looking for change - The role and impact of begging on the lives of people who beg' (2001). Research based on interviewing people who beg, members of the public, police officers and hostel, day centre and outreach workers in London, Bristol, Manchester, Leeds and Brighton.
- 3 Joseph Rowntree Foundation 'The link between begging rough sleeping and The Big Issue in Glasgow and Edinburgh', 2000
- 4 Ibid
- 5 Crisis, 'Walk on by... Begging, street drinking and the giving age', 2000
- 6 BMA, 'Asylum seekers; meeting their healthcare needs' 2002
- 7 Rough Sleepers Unit / DTLR 'Looking for change - The role and impact of begging on the lives of people who beg' (2001). Research based on interviewing people who beg, members of the public, police officers and hostel, day centre and outreach workers in London, Bristol, Manchester, Leeds and Brighton.
- 8 S Keyes and M Kennedy 'Sick to Death of Homelessness' (Crisis: 1992); P Grenier 'Still Dying for a Home' (Crisis: 1996)
- 9 Camden and Islington Council, Kings Cross Partnership and Vision 21 'Time for Change - A study of street drinking and begging in Camden & Islington', November 2000
- 10 Rough Sleepers Unit / DTLR 'Looking for change - The role and impact of begging on the lives of people who beg' (2001). Research based on interviewing people who beg, members of the public, police officers and hostel, day centre and outreach workers in London, Bristol, Manchester, Leeds and Brighton.
- 11 Report by Social Exclusion Unit 'Reducing re-offending by ex-offenders' July 2002
- 12 Camden and Islington Council, Kings Cross Partnership and Vision 21 'Time for Change - A study of street drinking and begging in Camden & Islington', November 2000