



CRISIS BRIEFING

Living Places: Powers, Rights and Responsibilities

**Response to the consultation by the Department of
the Environment, Food and Rural Affairs**

Overview

“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. That is why the government is committed to action to make public spaces cleaner, safer, greener places that enhance the quality of life in our neighbourhoods, towns and cities.”¹

As part of an exercise led by the Department of the Environment, Food and Rural Affairs (DEFRA) to accompany the report *Living Places, Cleaner, Safer, Greener*, the government is currently consulting on issues relating to the legislative framework for providing and maintaining clean and safe public spaces. In total the consultation describes 27 options for reforming the legislative framework. This document relates specifically to section F7², which refers to the need to overhaul the powers designed to deal with ‘persons in the street’. This includes those who sleep rough, beg and undertake other related anti-social behaviour.

Relevant legislation

Vagrancy Act 1824, Pedlers Act 1871, Public Order Act 1995, Criminal Justice and Police Act 2001, Confiscation of Alcohol (Young Persons) Act 1997, London Local Authorities Act 2000, the Licensing Act 1902 & Local Authority Byelaws.³

Proposals for reform

The DEFRA consultation identifies three broad areas for discussion and eight specific points for consultation.

Options for discussion

1. Update language of Vagrancy Act and review penalties to increase ability of magistrates to order community service and/or fine upon conviction
2. New powers for magistrates to deal with repeat offenders such as the establishment of “begging courts” so that magistrates see repeat offenders and understand the wider context of begging
3. New Street Nuisances legislation giving local authorities power to apply consistent standards to uses of public space by persons seeking to raise money by soliciting from members of the public.

Specific points for consultation; these include:

1. Drug Testing and Treatment Orders to be extended to drug related offences such as begging
2. Community sentences as effective penalties for people sleeping rough
3. Community Support Officers to have the power of arrest under the Vagrancy Act 1824
4. Increasing the use of local byelaws
5. Increasing enforcement action against beggars/street drinkers to be matched with increased support.

¹ Office of the Deputy Prime Minister (2002) *Living Places Cleaner, Safer, Greener*, p6

² Department of the Environment, Food & Rural Affairs (2002) *Living Places – Powers, Rights and Responsibilities*, p45

³ Ibid p45

Crisis response

Introduction

Begging and rough sleeping are two of the most acute expressions of a broader homelessness problem; those affected are amongst the most vulnerable in our society. Both issues are primarily questions of social exclusion and are most effectively addressed by tackling their root causes through the provision of rapid effective and appropriate support services.

Whilst Crisis supports the overall aim of government plans to make “public spaces cleaner, safer, greener places” we are concerned that proposals under section F7 define begging and rough sleeping as problems of anti-social behaviour rather than social exclusion and that as a consequence there is an unsuitable emphasis upon methods of enforcement to tackle these problems.

Crisis believes that current legislation already provides the necessary tools to tackle offending amongst street homeless people and that a greater emphasis on policies of enforcement will increase street homeless people’s contact with the police and the criminal justice system. This is not only a costly and ineffective means of tackling the problems of street homelessness but it is unlikely to address the root causes of begging and rough sleeping and may have the effect of exacerbating the problems facing some of the most vulnerable people in our society.

Begging and rough sleeping – making the connection

Begging and rough sleeping constitute two overlapping parts of a street homelessness problem. Research has identified a clear link between people who beg and people who sleep rough. According to a Crisis survey 58% of people who begged had slept rough the night before⁴. A report by Fitzpatrick and Kennedy on behalf of the Joseph Rowntree Foundation came to similar conclusions, identifying a high degree of overlap between begging, rough sleeping and Big Issue vending. The survey found that people’s experiences of rough sleeping, invariably preceded their involvement in begging and almost all those interviewed had experienced severe trauma in their lives.⁵

Street homelessness as social exclusion

“Social exclusion is shorthand for what can happen when people or areas suffer from a combination of linked problems such as unemployment, poor skills, low incomes, poor housing, high crime, bad health and family breakdown”⁶

Crisis believes that people who spend a lot of time on the street are first and foremost victims of social exclusion and that their difficulties are most effectively tackled by addressing the root causes of the problem. Street homeless people suffer from high levels of unemployment, poor skills, low incomes, poor housing, high crime, bad health and family breakdown, few if any are in their situation by choice. Personal crisis and the traumatising nature of homelessness combined with difficulties accessing essential services often means that they are unable to escape their predicament.

⁴ Danczuk, S. (2000) *Walk on By... Begging, Street Drinking and the Giving Age*, Crisis, p13

⁵ Fitzpatrick, S. & Catherine, K. (2000) *Getting By: Begging, Rough Sleeping and The Big Issue in Glasgow and Edinburgh*, The Policy Press

⁶ Social Exclusion Unit (2001) *Preventing Social Exclusion* Report

Evidence of vulnerability is stark.

- **Unemployment:** according to a survey by Crisis 90% of homeless people are unemployed.⁷
- **Poor skills:** Only 38% of people sleeping rough have any educational qualification compared to 66% of the general population.⁸
- **Low income:** Poverty is strongly associated with homelessness; a Crisis survey found that 26% of rough sleepers interviewed gave arrears or money problems as a reason why they first slept rough.⁹
- **Poor housing:** A survey by the former RSU of 260 people who beg found that only 6 had their own home¹⁰ and according to a Crisis report 58% of beggars surveyed had slept rough the night before¹¹
- **High crime:** Nearly four in five of rough sleepers have been victims of crime, compared to one in five of young men, the group most at risk of crime in the general population. Overall they are 15 times more likely to experience assault than the general population.¹²
- **Bad health:** Research has shown that as many as 60% of people sleeping rough may have mental health problems and a recent report by Homeless Link found that 59% of rough sleepers have multiple needs (drink, drugs, mental ill health).¹³
- **Relationship breakdown:** 33% of homeless people gave disputes with parents and step-parents as one of their reasons for first sleeping rough and 21% said it was the main reason.¹⁴

Street homeless people who beg do so out of need.

- According to the RSU report *Looking for Change* the most common reasons cited for begging where food, drink and drugs.¹⁵
- Research by the Joseph Rowntree Foundation into begging and rough sleeping found that people begged as a means of survival and were motivated by "need not greed".¹⁶
- The same report found begging was experienced as degrading, risky and uncomfortable. Most of those who begged chose it over other unattractive means of making money because it was a lawful and 'honest' activity. The majority were desperate to move away from begging and rough sleeping.¹⁷

⁷ Randall, G. & Brown, S. (1999) *Prevention is Better than Cure*, Crisis, p1

⁸ Ibid

⁹ Ibid

¹⁰ RSU (2001) *Looking for Change, The role and impact of begging on the lives of people who beg* p69

¹¹ Danczuk, S. (2000) *Walk on By... Begging, Street Drinking and the Giving Age*, Crisis, p13

¹² Ballintyne, S. (1999) *Unsafe Streets – Street Homelessness and Crime*, IPPR

¹³ Bevan, P & Van Doorn, A (2001) Fact or fiction? Supporting people with multiple needs in *Multiple Needs Good Practice Briefing*, London, Homeless Link (pp 3)

¹⁴ Ibid

¹⁵ RSU (2001) *Looking for Change, The Role and Impact of Begging on the Lives of People who Beg*, DTLR, p9

¹⁶ Fitzpatrick S and Kennedy C (2000) *Getting by: Begging, rough sleeping and The Big Issue in Glasgow and Edinburgh* Policy Press

¹⁷ Ibid

Yet many homeless people continue to face difficulties accessing services.

- Crisis interviewed 100 homeless people and found that they were nearly 40 times more likely than members of the general population *not* to have access to a GP.¹⁸
- Despite improvements in the provision of drug treatment in specific areas, there have been difficulties reported on the length of waiting times, a serious problem given that rapid access to treatment is essential for rough sleepers who want to tackle their addiction.

Average length of time taken by organisations accessing specialist services for their clients (in weeks)¹⁹

Service undertaken externally	Number of weeks
Alcohol assessment	3.5
Drug assessment	4.5
Drug detoxification	10.5
Alcohol detoxification	9.5
Alcohol rehabilitation	11.0
Drug rehabilitation	12.0

(Note: the statistics above are based upon a questionnaire sent to 974 organisations working with homeless people.)

- Accessing Housing Benefit continues to present problems. A recent report by the Audit Commission outlined many problems with the current system. In 2000/01, new claims took on average 51 days to be processed in England.²⁰
- The recent RSU evaluation found that whilst “ready access to hostel beds is an essential part of a programme to help rough sleepers. There were still, some difficulties in certain areas and for particular client groups, such as drug users and those with behavioural problems. There can also be difficulties finding places for people with pets and for couples. A recent survey of rough sleepers found that one in six said they had a partner on the streets”²¹

Engagement not enforcement

The nature of street homelessness means that homeless people lack private space. As a consequence much of their lives are spent in the public sphere where they will inevitably come into contact with law enforcement authorities. According to Crisis research 87% of rough sleepers had contact with the police during their last period of rough sleeping. When this contact is a result of offending, no fewer than three in five are charged and sentenced, irrespective of the offence²².

¹⁸ Crisis (2002) *Critical Condition Vulnerable Single homeless people and access to GPs* p1

¹⁹ Bevan, P & Van Doorn, A (2001) *Fact or fiction? Supporting people with multiple needs in Multiple Needs Good Practice Briefing*, London, Homeless Link p10

²⁰ Audit Commission (2001) *Housing Benefit Administration – Learning from Inspection*, Audit Commission

²¹ Randall, G. & Brown, S. (2002) *Helping Rough Sleepers off the Streets A report to the Homelessness Directorate*, ODPM

²² Ballintyne, S. (1999) *Unsafe Streets – Street Homelessness and Crime*, IPPR, p40

Yet street homeless people's involvement in crime is for the most part low level and lifestyle related²³ and many are hidden victims of crime with a frequency which would not be tolerated amongst the wider population. Processing vulnerable street homeless people through the criminal justice system not only criminalises them but is a costly and inappropriate means of tackling the problems that they face.²⁴

A study by the Revolving Doors Agency of people with mental health and multiple needs who fall through the net of health, housing and social care and who come into contact with the police, found that the police have more contact with this group than social services. The study estimated that the annual cost of this group's arrests was greater than the annual costs to emergency services, community health services or social services, with the cost of police arrests totalling £218,955. The study indicated that early intervention and effective referral could shift the cost of services used by this group away from expensive crisis services – the police, accident and emergency and temporary housing – towards a more appropriate way of supporting this group – primary care, community mental health services – and that this was likely to improve their quality of life.²⁵

Police officers have themselves expressed a desire to get beyond enforcement, which is essential in some circumstances but largely inappropriate for dealing with the range of low level nuisance offending undertaken by most street homeless people²⁶. Research has indicated that engaging homeless people through partnership working, early intervention and the provision of appropriate support services is a more effective means of addressing the problems surrounding street homelessness.²⁷

The alternative

Crisis believes that as well as access to appropriate accommodation and alternative activities to street life, street homeless people require help to overcome drug and alcohol misuse, social isolation, mental and physical health problems, boredom and deep-seated low self-esteem.

Street homeless people and police officers have an interest in tackling victimisation, reducing reoffending and improving contact between themselves. For homeless people it is key to a safer less dangerous life. For police officers it reduces demand upon time and resources used formally processing homeless people for little benefit and it increases homeless people's access to a range of supportive services which means that officers are able to deliver the kind of police service they prefer to deliver.²⁸

When asked what could be done to reduce offending the solutions proposed by homeless people placed greater emphasis on reducing the perceived need to offend rather than greater policing. One in three people who sleep rough are of the view that regular access to food and support services reduces offending. Just under one in three believe that having safe public areas where rough sleepers could gather at night or during the day would itself reduce offending. Two in three rough sleepers believe the key to improving contact with police lies in changes to the way police work. One in five think police officers should receive specialised training in

²³ 53% of rough sleepers were involved in public order offences. Ballintyne, S. (1999) *Unsafe Streets – Street Homelessness and Crime*, IPPR, p40

²⁴ Ballintyne, S. (1999) *Unsafe Streets – Street Homelessness and Crime*, IPPR

²⁵ Revolving Doors Agency (2000) *Mental Health, Multiple Needs and the Police – Findings from the Revolving Doors Agency Link Worker Scheme*, p65,66

²⁶ Ballintyne, S. (1999) *Unsafe Streets – Street Homelessness and Crime*, IPPR, p70

²⁷ Revolving Doors Agency (2000) *Mental health, Multiple Needs and the Police, Findings from the Revolving Doors Agency Link Worker Scheme*

²⁸ Ballintyne, S. (1999) *Unsafe Streets– Street Homelessness and Crime*, IPPR, p73

working with people who sleep rough and one in seven believe police should set up a police homelessness unit to guide work with homeless people.²⁹

From the police perspective there are three major changes that would improve the current situation:

- 1) the provision of appropriate services at times that people need them
- 2) the provision of specialist services alongside police so the needs of some homeless people can be better addressed and
- 3) improved communication with other agencies to speed up contact and increase the possibility of early intervention.³⁰

Recommendations

1. **The provision of alternatives to street life:** this should include safe havens in public spaces, ensuring the availability of wet facilities for street drinkers, the development of easily accessible activities and employment opportunities that engage homeless people.
2. **Improving access to accommodation:** ensuring the availability of accessible, appropriate and if necessary supported accommodation.

Example of good practice 1: Prime Focus

Based in Birmingham Prime Focus is a complex needs unit established to provide specific provision for men, over 25 years old, who present with multiple or complex needs and are excluded from accommodation. These men are former or current rough sleepers. The allocations and referral panel consists of several partner agencies including Contact and Assessment Team, Probation Service, social services, the Community Mental Health Team, the Primary Healthcare Team and Focus management. The project provides 15 self-contained one-bedroom flats with communal facilities including a lounge access to computers and a laundry. There is 24-hour staff cover on site and active housing management.

3. **Specialist services:** The provision of appropriate care and social services, particularly detoxification facilities, at times when officers and rough sleepers need access e.g. at night.

²⁹ Ibid p67

³⁰ Ibid p69

4. **Develop multi-agency working:** this should include a review of existing policing practice including liaison and extending joint work and training between police and street homelessness agencies.

Example of good practice 2: Millennium Plus

An initiative led by Crisis and Shelter from 1999 – 2002. Millennium Plus was based on the knowledge that solving someone’s problem of homelessness is often about much more than finding them a roof.

Millennium Plus provides a solution-focused service to homeless people involving them at every stage of the process and creating links between organisations that are directly accessed by vulnerable people, and other voluntary and statutory agencies that are providing services to homeless people.

Over three years Millennium Plus was developed in 26 places in England (33 across the UK). It ran in homelessness projects that Crisis was working with, up and down the country under its WinterWatch programme. Shelter’s Housing Aid Centres (HACs) that were local to these projects also took part.

Options for discussion: Crisis response

1. The Vagrancy Act

Proposal: Update language of the Vagrancy Act 1824 and Pedlers Act 1871 and review penalties to increase ability of magistrates to order community service and/or a fine upon conviction.

Crisis response: Although Crisis welcomes a review of the Vagrancy Act, it is essential that this does not result in the extension of the powers of local authorities and the police to criminalise homeless people. Crisis believes that rough sleeping and begging should not be a criminal activity and supports the repeal of the Vagrancy Act. It is clear that solutions to the problems of street homelessness lie in the provision of alternative activities to street life and appropriate support and accommodation. Where aggressive behaviour is a problem there already exists adequate legislation in place to deal with it.

Community service Orders may in some instances prove to be more appropriate than fining or prison. However it is important to recognise that homeless people are often extremely vulnerable individuals who suffer from mental and physical ill health, substance misuse and low self-esteem and may not be best placed to fulfil a community service sentence.

2. New magistrate powers

Proposal: New powers for magistrates to deal with repeat offenders such as the establishment of “begging courts” so that magistrates see repeat offenders and understand the wider context of begging.

Crisis response: Although Crisis welcomes attempts to ensure that magistrates understand the wider context in which begging occurs (homelessness, substance use and mental ill health), we are concerned that the establishment of begging courts will fail to tackle the root causes of street homelessness and have the effect of increasing homeless people’s contact with the criminal justice system and further stigmatising street homelessness.

3. Street nuisances legislation

Proposal: Legislation giving local authorities power to apply consistent standards to uses of public space by persons seeking to raise money by soliciting.

Crisis response: Crisis welcomes attempts to create greater consistency between local authorities in the application of standards to uses of public space. However any attempt to tackle begging and street homelessness must focus upon the provision of alternatives to street life and ensure the availability and accessibility of appropriate support services. Imposing bans and/or fines on vulnerable homeless people will do little to address the problems that they face and are likely to exacerbate their difficulties, adding debt to the list of obstacles that they must overcome in order to reintegrate effectively into society.

Specific points for consultation: Crisis response

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

Crisis response: Where homeless people come into contact with the criminal justice system it is essential that they are provided with access to appropriate specialist services. Many homeless people suffer from substance misuse and where appropriate we would welcome diversion schemes that provide the opportunity for rehabilitation. It is however necessary to recognise that many homeless people are extremely vulnerable and may not be best placed to fulfil a community sentence.

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

Crisis response: see above

3. Do you think community sentences would prove to be effective penalties?

Crisis response: see above

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

Crisis response: We are concerned by initiatives that would increase the use of enforcement policies to tackle the problems of street homelessness. A more appropriate response is the provision of housing and support services through multi-agency working and the development of accessible, low threshold daytime activities to help homeless people off the streets.

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

Crisis response: We welcome attempts to improve the support available to homeless people and have provided an outline of necessary services earlier on this submission. However we feel great concern over any attempts to develop increased enforcement actions against beggars and street drinkers for the reasons cited above.



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homeless people**

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