

Review of the Vagrancy Act: consultation on effective replacement: Submission from London Citizens Advice

This response is on behalf of the Citizens Advice network that work across London. It is welcome that there is now a commitment (by way of a late amendment to the Police, Crime, Courts and Sentencing Act) in law to finally repeal the Vagrancy Act 1824. Repeal has been long overdue, and it is concerning that so many vulnerable people have been fined or prosecuted under the Act's powers in recent years. However, there is a risk that its key provisions could effectively be re-introduced by the backdoor unless there is concerted effort to address the underlying causes of homelessness and the stigma that goes with it, deliver interventions to support vulnerable people and those who are the most marginalised in society, and to tackle the social and economic drivers of begging.

These issues especially impact London as more than 11,000 people sleep rough on the streets of London every year. They come from every walk of life, and many want to find work, but are forced into desperate circumstances which impacts and drive behaviours. Repeal of the Vagrancy Act recognises that a criminal justice response is no longer appropriate; criminalisation and other penalisation strategies pushes those targeted by such measures further into poverty and social exclusion. A different approach is required to address the underlying causes and injustices that so force many to beg.

Thames Reach, a London charity that works with homeless and vulnerable people in the capital, estimates 80% of people begging do so to support a drug habit.ⁱ According to research for Westminster City Council over 25% of those begging in London identify as having co-morbidity with mental health, drugs and alcohol. Sustaining people on the street is dangerous and the average life expectancy for someone on the street is 49 years old. Criminalisation does nothing to break this cycle. What does break the cycle is getting people into stable accommodation, with support from Tenancy Sustainment teams (TST), and access to benefits and money advice. Research many TST clients go on to lead fulfilling lives, entering education, training and employment.ⁱⁱ Our response argues that there are better solutions than new criminal justice sanctions.

Question 1. Do you agree that the government should introduce new offences to prevent specific forms of begging that may be harmful to individuals or detrimental to communities?

Question 2. Do you agree that begging is harmful to individuals and detrimental to communities? What forms of begging cause greatest harm to individuals and /or detriment to communities? Are there any forms, in addition to those listed above, that cause particular concern?

We will answer questions 1 and 2 together, The Government have not set out the case well for new offences related to begging or any clear evidence that a criminal justice response is required to address the issues of begging, rather than a concerted social policy response. Begging is not exclusively linked to street homelessness, broadly the consultation

acknowledges this and it is right to look at other factors. However, the question the consultation isn't asking is what is the route into begging, and what is the route out; these are the points at which interventions and support are needed.

This question of "detriment" is framed in a leading and subjective way, and the forms of begging that have been listed in the consultation is extremely wide. It is certainly appropriate to consider legislating for instances of begging involving the exploitation, forcing or coercing of others to beg, or where there is organised and systemic gang related activity. However it's deeply concerning that potential new offences might apply to begging in transport hubs, business premises entrances, or near cash points, even where the begging does not involve any other anti-social behaviour. The suggested detriment of forms of begging which "make the public or public realm feel unsafe" is highly subjective. The real detriment to the community is the underlying poverty, and the failure to address this.

Question 3. *Do you agree there may be benefit in raising public awareness about the drivers of begging, and the links this activity may have to sustaining an individual's life on the street?*

Yes, there would be raising public awareness about the drivers of begging, and more research is required although almost none is referred to in the consultation document. Whilst the consultation is right to question presumption that juxtapose begging and street homelessness, the evidence does suggest that the majority of those who beg are homeless in some form, varying from sleeping rough or in temporary accommodation or in other unstable housing situations. For some, transience and precarity have become so normalised that they don't identify as homeless, for others who are 'lost to services', it may be because they have no ID, and those with 'no recourse to public funds' are unable to access many forms of state help, such as welfare benefits and housing assistance, so are especially high risk of rough sleeping and forced into begging because of the lack of alternatives. The following research is worth noting:-

- Evidence has consistently shown an association between begging, alcohol, drug misuse and that those engaged in it are often homeless in some form.ⁱⁱⁱ
- Research carried out in 2017 found that just over 1 in 3 people sleeping rough interviewed said that they have begged at some point during the last 12 months. Six per cent had busked. The three main reasons given for begging were needing to buy food (78 per cent), buy drugs (45 per cent) and buy alcohol (39 per cent).^{iv}
- A strong correlation has been found of there being a history of rough sleeping among people that beg. A 2017 survey by Streetwork in Edinburgh survey found that 17 of the 22 people with experience of begging surveyed (77%) had a history of rough sleeping.^v In a 2006 study by Crisis, while only a minority of homeless service users who engaged in street activities such as drugs misuse, drinking and begging might be currently sleeping rough, many had done so in the past.^{vi}
- Older research commissioned by Government in 2001, found that only 6 individuals out of a sample of 260 people who beg were living in stable accommodation.

In 2018 Public Health England published an Evidence Review on adults with complex needs with a particular focus on street begging and street sleeping. It identifies housing affordability, changes to the benefits system, and a range of risk factors, which when combined other issues from trauma and early childhood experiences through to the development of substance misuse and mental health problems and the significant social exclusion faced by adults with complex needs, as a continuum between homelessness and begging. It concludes that “simply having appropriate long-term accommodation can have a significant impact on those with complex needs, who are often the most socially isolated and excluded people within our communities.”^{vii}

An extensive recent review of evidence by Shelter Scotland concluded that: “People are drawn to begging for a wide variety of experiential, economic and emotional reasons, and often a combination of these factors. The most cited reasons were economic, as a way to respond to general poverty or to afford specific items such as food. More commonly, people started begging to fund an addiction. Some people could point to their begging being rooted in adverse childhood experiences, while for others it was to do with more recent negative events. For the vast majority of people, the reasons that initially motivated them to beg are the same factors that maintain their begging behaviour. You might say that, while begging, people are stuck in their circumstances: the flip side of this is that, while people are stuck in their circumstances, they continue to beg.”^{viii}

It would be valuable if research could be commissioned by Government/and or GLA into the profile of begging in London. However, in undertaking any such research, it is important to stress that lived experience matters – people who sleep rough and those with lived experience must be part of and help form solutions. Coproduction and co design are central to developing and delivering responsive, person centred services.

Local Citizens Advice often see clients who are at risk of, or already street homeless. Some of the most common problems we see with this client cohort are

- Lack of documents proving identity, sometimes including lack of NI number, basic bank accounts etc.
- Lack of an address for claiming benefits (eg., clients living in cars and campervans)
- Falling foul of no recourse to public funds rules (and for asylum seekers permission can now be refused if street homeless)
- Having recently left prison, and lost contact with the Probation Service
- Poor engagement by local authority housing options teams

Just working to solve these issues would make a big difference to the problem.

Question 4. *What types of offences and associated powers, requirements and penalties are most appropriate to incentivise individuals to engage with support? We would welcome any views about the current options available to the police, local authorities and courts as outlined above.*

As above, we are not convinced that begging should be primarily be addressed through police enforcement activity except in very specific circumstances of organised criminality. There are already existing powers to tackle anti-social behaviour, and legislation in place to tackle gang related and people trafficking criminal activity.

We question whether it a good use of police resources to direct enforcement activity against individuals whose only 'offence' is to sit on the street pavement, or outside a supermarket, holding an empty plastic cup. Enforcement approaches should only ever be used as a last resort when aggressive begging/other behaviours present a direct threat to the safety of others.

Too often enforcement activity in one area may simply displaces street begging to another geographical area, and indeed can sometimes lead to the elevation of activity (e.g. from begging into acquisitive crime). Other evidence shows it can also lead to 'activity displacement', where people engage in potentially riskier behaviour, such as shoplifting or street-based sex work, instead of begging. Moreover, it does not address the underlying causes.

Question 5. What more could be done to make sure any new offences for begging support the right environment to deliver services and engage with vulnerable people?

A starting point looking at best practice across the UK and more widely for delivering support and reducing begging; for example

- Leeds City Council funded the charity (CGL) with extensive knowledge, expertise and information to deliver a street outreach service to beggars. CGL's begging outreach is based on a partnership approach (with local housing charities and advice agencies) combined with one to-one engagement. CGL are part of a Leeds City Centre Strategy Group comprising West Yorkshire Police, the council, and two city centre charities working with rough sleepers – St Anne's And St George's, City Centre Liaison team. This group meets fortnightly to drive a reducing begging campaign. On Monday to Friday the begging outreach workers carry out a 'begging sweep' for two hours each day in partnership with the Police, the Big Issue and Barca (a drug and alcohol provider). Information related to the shift is shared with relevant partners. A support network and plan is identified for each individual to shift them away from begging. Support includes referrals to appropriate services via the council and partner agencies.
- Cambridge City Council supports an 'alternative giving' scheme aimed at persuading the public to give to homelessness agencies rather than directly to people on the street - backed by a poster campaign. The scheme is completely unrelated to enforcement approaches. 'Cambridge Street Aid' now raises substantial amounts of money. The Cambridge Street Aid Fund offers grants of up to £750 to help homeless or vulnerably housed people (referred by services) in Cambridge City to find and sustain accommodation and employment.

Question 6. *What changes should be considered to better equip the police, local authorities and other agencies with the tools to engage those sleeping rough and support them away from the streets? What is the best approach if individuals refuse support or where harmful behaviour is involved?*

Question 7. *What other changes should be considered to better equip police, local authorities and other agencies to engage with people who are rough sleeping including in tents or trespassing on private property?*

We will answer questions 6 and 7 together/ One of the biggest challenges to overcome is distrust (ie., of police, social services and other agencies). Sanctions through the police and courts can lead to people being less trustful of the police and less willing to engage with support workers. We recommend using a useful guide that has been developed by Crisis, the national homelessness charity, in partnership with the National Police Chiefs' Council, to support the work of police forces and local authorities in finding appropriate and proportionate alternatives to enforcement.^{ix}

Question 8. *Are there any other issues that would emerge from repeal of the Vagrancy Act that you think should be considered in bringing forward replacement legislation?*

We hope that the repeal of the Vagrancy Act will open up the opportunity to pursue a more human rights based approach. The Homeless Bill of Rights for example, promoted by Housing Rights Watch, is a compilation of basic rights drawn from European and international human rights instruments specific to the situation of homeless people.^x The aim of this initiative is to encourage cities to reaffirm their commitment to respect the rights of people experiencing homelessness. Brighton and Hove have become the first UK City to adopt the Bill. The Government should work with the GLA and other City Councils to adopt and implement the Homeless Bill of Rights.

In addition, Government should

- reform housing benefit and Universal Credit, so that it covers the true cost of people's rents
- improve standards in temporary and supported accommodation sectors and their access to welfare rights support
- allow homeless people to use the address of a PO box or post office to put on applications, and to collect their post from a post office or Royal Mail delivery office, or provide another solution that would enable homeless people to access correspondence about benefits, healthcare and housing

Question 9. *What do you consider to be the equalities impact on individuals with protected characteristics of any of the proposed options for replacement legislation? Please give reasons and any evidence that you consider relevant.*

Following what we have said in this response, we could highlight that successor legislation to the Vagrancy Act risks being discriminatory to people with disabilities disproportionately over represented in homelessness population, and BME people who are disproportionately affected by homelessness and especially asylum seekers with no recourse to public funds.

ⁱ Tenancy Sustainment Team health research: morbidity and mortality amongst people with experience of rough sleeping, Thames Reach (2019)

ⁱⁱ <https://thamesreach.org.uk/wp-content/uploads/2020/07/TST-Health-Research.pdf>

ⁱⁱⁱ Sanders, B. and Albanese, F. (2017), An examination of the scale and impact of enforcement interventions on street homeless people in England and Wales. London: Crisis

Shelter Scotland (2019), Street Begging in Edinburgh, Edinburgh: Shelter Scotland

Randall, J. and Brown, S. (2006) Steps off the street: solutions to homelessness. London: Crisis. [http://www.crisis.org.uk/data/files/document_library/research/crisis - steps off the street.pdf](http://www.crisis.org.uk/data/files/document_library/research/crisis_-_steps_off_the_street.pdf)

^{iv} Kennedy, C. and Fitzpatrick, S. (2001) Begging, rough sleeping and social exclusion: implications for social policy. in Urban Studies Vol. 38 Issue 11: 2001-2016 and Fitzpatrick, S. and Kennedy, C. (2010) The links between begging and rough sleeping: a question of legitimacy? In Housing Studies vol. 16 Issue 5: <http://dx.doi.org/10.1080/02673030120080053>

^v Streetwork (2017) Begging in Edinburgh, Unpublished.

^{vi} Randall, J. and Brown, S. (2006) Steps off the street: Solutions to homelessness, Crisis.

^{vii} https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/680010/evidence_review_adults_with_complex_needs.pdf

^{viii} Shelter Scotland Street begging Research (Edinburgh) 2019

^{ix} <https://www.crisis.org.uk/media/245310/from-enforcement-to-ending-homelessness-full-guide.pdf>

^x <https://www.feantsa.org/en/campaign/2019/12/22/homeless-bill-of-rights>