



Wales Safer Communities Network response to: Review of the Vagrancy Act: consultation on effective replacement

Closed 05 May 2022

Introduction

The Wales Safer Communities Network was established in January 2021 following the recommendations of the Welsh Government's Working Together for Safer Communities Review. The Network aims to become the strategic voice for community safety in Wales, working collaboratively to champion and support community safety partnership working, and influence the shaping and development of national policy and local practice.

This response is supported by the Welsh Local Government Association (WLGA).

Consultation Response

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?

Response: No, we do not agree. In principle, this may appear to be a positive idea, however we are concerned that it could lead to the criminalisation of vulnerable people who are already homeless and without means to financial resources. As mentioned in the consultation, exploitation and criminal activity is already covered under other legislation as is Anti-Social Behaviour and escorting someone to a cashpoint under any form of duress so we are unclear of the need for additional offences and legislation.

The fact that begging is not defined in law may make any implementation hard, the consultation says it: "*may be considered as asking for gifts on streets or other public spaces*" (para 16). This could accidentally capture other instances which are not begging, such as someone who is trying to get home from a night out having lost their friends and money.

There is also the question of where the responsibility will fall, as it would appear to fall on both the police and local authorities. If these are new powers and requirements, will there be training and additional resources provided to enable full implementation in the same way across all police forces and local authority areas?

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?

Response: If an individual is driven to beg then it could be argued that in many circumstances it is a last resort and for that person, begging can leave them despondent and not feeling part of the community. True, community cohesion needs to incorporate and support these individuals so that they are no longer in this level of need.

We are concerned about some of the instances identified for where the new legislation would prohibit:

- *“19c. Instances of begging in locations, such as transport hubs, entrances to business premises and cash points, or approaching stopped cars in traffic, where there is likely to be an adverse or detrimental effect on the quality of life for those in the locality, but where this does not involve any other anti-social behaviour.”*
The concern is that this does not leave much visibility and protection for those most vulnerable to exploitation and physical attack and may lead to more direct criminal activity as a result.
- *“19d. Instances of begging that are persistent, or where an individual has refused offers of support, or whilst in receipt of welfare.”*
Where begging is taking place by someone in receipt of welfare, it is more likely to be a sign that there are other things impacting on the individuals’ circumstances, such as criminal exploitation. Due to the chaotic lifestyles and limited access to other resources, for those with no fixed residence the barriers to claiming welfare may force them to begging or to being exploited.
- *“19f. Any other circumstances of begging which causes harm to individuals or detriment to communities and public spaces.”*
We are worried that this could lead to harassment by individuals against some of the most vulnerable in our communities and society. It is not clear from the consultation document who would decide this – would it be for the courts or for individuals in the community.

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?

Response: There are different ways of raising public awareness, and it would be important to look at the wider reasons why someone is led to begging than what is discussed within the consultation, which shows very limited reasons and is not necessarily a true reflection. For example there is no mention of veterans, poverty, landlords who can evict for no reason, or the raising cost of living which may lead to homelessness or push someone to beg, or to be exploited into either the sex industry or criminal activity.

Furthermore, there are those who use substances (drug or alcohol) – some people may be in that position because of the addiction, whilst a number of people acquire the addiction because of their homelessness and desperation. If as a society we work on inclusion and support and helping people to address negative issues, it is

likely that many of these vulnerable people would never develop an addiction in the first place.

An awareness raising campaign which could potentially place the blame on the individuals who are begging would cause even more stigma, and therefore would be likely to drive people further away from the support services that the consultation is aiming to get them engaged in.

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

Response: We agree in principle that for non-imprisonable offences the fine should be reduced to a level 1 fine of a maximum of £200, but this may still be too high and force the individuals to continue with the behaviour that is trying to be stopped. It may be more appropriate to engage them in community activities that allow them to become active members of the community rather than become further in debt, and the risk of non-payment that could lead to imprisonment.

There is one sentence in 26c around community orders that was unclear “*However, one requirement must be imposed for the purpose of punishment and/or a fine imposed in addition to the community order.*” As they are already going to be subject to a community order, our concern is what kind of other punishment they would be subject to? This is not clear from the consultation document and could deter people from engaging with services if there is risk of punishment.

We are mindful in regard to paragraph 27 that these areas are devolved in Wales as they link to health. It is also a paragraph which appears to place the blame on those who are begging rather than looking at the wider societal issues. Not all those living on the streets are on drugs or using other substances, neither are they criminals, on welfare, or have any other income. There is no mention of veterans, poverty, landlords who can evict for no reason, or the raising cost of living or any of the other cause that can lead to homelessness, begging and destitution.

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 services?

Response: If the begging is due to exploitation, there should be no offence recorded against the vulnerable individual. Rather, they should be managed under the relevant safeguarding legislation (a devolved area).

Prevention is a key element of the activities undertaken in Wales, whether that is prevention of first offences or of re-offending. Engagement with services is not going to be resolved with a piece of paper or a fine, there is a need for wrap around services that can help support an individual to both identify and access their own services. For individuals living on the streets or with chaotic lifestyles, it is often difficult for them to have a routine, with little or no access to a calendar or a timepiece. As such, they may not have access to the time or know which day it is,

which may lead to missed appointments, whether these are for support services, welfare claims, or health. Alternative systems and processes need to be in place to respond to the individual's needs.

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?

Response: Firstly, housing is devolved in Wales and the approach to homelessness is already covered within legislation in Wales, such as the Housing (Wales) Act 2014 with the code of guidance published in 2016 and the Welsh Government expanding the definition of vulnerability to include anyone at risk of rough sleeping from a public health position. This is an approach that is expected to continue beyond the end of the pandemic as the Welsh Government has said they will prioritise the complete transformation of homelessness services during the current Senedd term.

We do not see the solution to homelessness as being a re-criminalisation of homelessness, but in providing support to enable and empower the individual to access support and to no longer need to live on the streets. For example, through the use of innovative approaches, rough sleeping numbers were reduced in Wales during the Covid pandemic. These involved wrap around services that were holistic, and although time consuming and time intensive, positive outcomes were achieved with a number of people. To be able to deliver to that level requires additional resources and a partnership approach.

The Substance Misuse Area Planning Boards in Wales have adopted a range of approaches to engage with individuals who have a fear of statutory services, involving the charity and voluntary sector through commissioned projects.

Rough sleepers are the visible side of homelessness. There are others who are sofa-surfing or living in other types of accommodation who are vulnerable to exploitation as a result and are not necessarily known to statutory authorities.

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

Response: It is unclear why the consultation in paragraph 32 has focused on tent encampments in the US and the issues that they have there, rather than looking at other countries with more success in this area.

We think that this should be part of a different consultation, as the risk is that a particular set of ethnic minorities, namely the Gypsy, Roma and Traveller communities could be accidentally caught in new legislation.

Please also note our response to question six and the lessons learnt throughout the pandemic in delivering services and reducing homelessness in Wales.

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?

Response: A new focus on support for veterans which is age appropriate to prevent the ongoing separation of them from the wider community. [We are sure there are others to add in here]

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.

Response: As mentioned previously in our response, veterans are of particular concern.

There is also a wide range of information that shows that an increasing number of young people who are LGBTQ+ are becoming homeless, and therefore may be particularly more at risk of being targeted by the legislation at a time when they are already exceptionally vulnerable. If they remain in the family home, they may be subject to other forms of abuse, including physical and emotional as well as conversion therapy.

Care Leavers are another group who are more likely to become homeless, with a recent Guardian article suggesting that one in four finding themselves homeless at 18 years old, so these young people are at much greater risk of falling under this legislation and becoming criminalised when the alternative opportunities available to other young people are not available.

Whilst there may be more evidence of men begging on the streets, this may be covering up the issue of women and girls being exploited by the sex industry or domestic servitude, and rather than begging they are being required to provide alternative services.

Gypsy, Roma and Travellers are frequently without a fixed abode as they move around between different places and sites. As mentioned earlier in our response there is a risk that they will be inadvertently caught in this legislation which could lead to them becoming more distanced from statutory support and services.

The Socio-economic Duty, under the Equality Act 2010, which has been enacted in Wales but not in England, requires that public authorities, including local authorities, local health boards, and fire and rescue services, should:

“When making decisions of a strategic nature about how to exercise its functions, have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage.”

In general, people who beg are socio-economically deprived (poverty) and therefore any new legislation, tools and powers will impact on this part of the population more directly and significantly. Fining some of the poorest in society would appear to be a backward step and one that could push them into being exploited or into criminality and the criminal gangs.

We would expect that an equality impact assessment of the potential impact of any changes to legislation would be undertaken and actions taken to address and minimise any differential impacts.

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