

## Written evidence submitted by Crisis (LRB68)

### Levelling-up and Regeneration Bill: Clause 187 – Vagrancy and Begging

#### Submission: Why Clause 187 (and Amendment 1) should be the subject of an evidence session at Committee Stage

Clause 187 of the draft Levelling Up and Regeneration Bill **enables replacement legislation which disregards the repeal of the Vagrancy Act**. The department's briefing alongside the bill has indicated that this clause is a 'placeholder' text that they intend to amend at committee stage, but no clause has been published yet for scrutiny.

#### Levelling Up and Regeneration Bill, Part 10 – Miscellaneous

##### 187 Vagrancy and begging

- (1) The Secretary of State may by regulations make provision about conduct which is, or is similar to conduct which is, an offence under—
  - (a) section 3 of the Vagrancy Act 1824 (offences relating to begging), or
  - (b) section 4 of that Act (persons committing certain offences deemed to be rogues and vagabonds),disregarding the repeal of that Act by the Police, Crime, Sentencing and Courts Act 2022. 20
- (2) Regulations under subsection (1) may, in particular, include provision—
  - (a) creating criminal offences or civil penalties; 25
  - (b) about providing assistance to people who engage in conduct within subsection (1).

**Amendment 1, which has cross-party support, nullifies Clause 187**, ensuring that people aren't criminalised for being homeless. This subject should be the subject of an evidence session of its own, so that experts can provide further detail on the issue and to ensure that Parliamentarians can further confirm that they don't want the Vagrancy Act to be restored through this bill.

In February, **this Parliament voted to repeal the Vagrancy Act via an amendment to the Police, Crime, Sentencing and Courts Bill** in a landmark rejection of the outdated laws that make it a criminal offence to be sleeping rough.

Since then, the Department for Levelling Up, Housing and Communities launched a one-month long consultation on replacement legislation for the Act and is now considering representations made.

**Parliament has already voted to repeal the outdated Vagrancy Act 1824, and made clear that homelessness should not be criminalised.**

The clauses as drafted below enable legislation to be passed that is akin to the Vagrancy Act, including section 4 of the Act which criminalised people deemed to be 'rogues and vagabonds'. Crisis' research found this was overwhelmingly used to criminalise people experiencing homelessness and rough sleeping.

The Government has consulted on proposals which included positive aspects, like multi-agency outreach, which Crisis strongly welcomes. The Government is processing responses to that consultation before deciding how to amend the Levelling Up Bill.

There is a risk that replacement legislation would once again criminalise people who are begging, or sleeping rough, going beyond existing legislation that tackles aggressive begging and anti-social behaviour. Currently, the Government's briefing only says that they intend to replace sections 3 (begging) and 4 (rough sleeping), which does not provide assurances that homelessness won't be criminalised.

### Further information on Amendment 1

Tabled by Nickie Aiken MP at Committee Stage, this amendment removes Clause 187 from the Levelling Up and Regeneration Bill. Parliament has already voted to repeal the Vagrancy Act but it did so without a commencement clause, so this Amendment would benefit from discussion. Amendment 1 has cross-party support and we recommend that it is accepted at Committee Stage, as it allows Parliament to confirm that they don't want the Vagrancy Act to be restored.

**Nickie Aiken** **1**

Robert Jenrick  
Tom Tugendhat  
Sir Iain Duncan Smith  
Sir Gary Streeter  
Lee Anderson

Siobhan Baillie	Andrew Bowie	Mr Steve Baker
Damian Green	Alicia Kearns	Caroline Nokes
Bob Blackman	Jo Gideon	Sir Robert Neill
Stephen Hammond	Aaron Bell	Sir Bernard Jenkin
Simon Hoare	David Simmonds	Karen Bradley
Anthony Mangnall	Steve Brine	Sir Stephen Timms
Darren Jones	Dame Diana Johnson	John Penrose

Page 192, line 16, leave out Clause 187

### The evidence shows that policing street homelessness does not require additional criminal powers

Crisis has responded to a DLUHC consultation about replacing the Vagrancy Act, making clear that there is no need for replacement powers to criminalise rough sleeping or passive begging.

### The case against Clause 187

#### **New legislation is not necessary – existing powers are sufficient to enforce against harmful behaviour**

Crisis has submitted extensive evidence to the government's consultation that new powers to criminalise are unnecessary, as existing legislation already gives police powers to tackle harmful types of begging. Police and local authorities can already tackle harassment and anti-social behaviour using existing powers in the Anti-Social Behaviour Act. The Modern Slavery Act is sufficient to enforce against exploitative activity related to begging, and the Fraud Act enables police to take action against or fraudulent begging. Begging that isn't anti-social or otherwise harmful shouldn't be subject to criminal enforcement.

Crisis has worked with the National Police Chiefs Council to jointly publish a detailed guide to best practice on policing and homelessness. There are ways for police forces to support people who are street homeless and to help them to access services. Greater criminalisation is not required for this, and the only way that legislation could help in clarifying police powers to intervene if someone is experiencing extreme distress or struggling under chronic self-neglect. Clause 187 does not give that clarification.

All that Clause 187 does is reinstate the outdated language and damaging powers of the Vagrancy Act, which was repealed by parliament in February due to the harm it has done to people experiencing street homelessness. Extensive research by Crisis, and legal opinion has shown that the Vagrancy Act was damaging and unnecessary.<sup>1</sup> It led to people being prosecuted and fined, despite experiencing homelessness, and was also used informally, to threaten people with criminal enforcement if they didn't move on from the place they were sitting or bedded down, while doing nothing to end people's homelessness. The research shows that enforcement-based approaches did not contribute to ending anyone's experiences of homelessness.

Clause 187 reinstates the potential use of those powers to target rough sleeping and begging, but it also empowers the Secretary of State to define offences with less parliamentary scrutiny than before. There is no need for this sort of legislation and it would be highly damaging.

### **If it remains in the Bill, Clause 187 would only criminalise homelessness by the back door**

Introducing legislation to criminalise passive begging would criminalise homelessness by the back door, as Crisis research has found that 1 in 3 people sleeping rough has had begged at some point during the previous 12 months. People experiencing street homelessness are experiencing the worst form of destitution, which is why they often have no other option than to beg. Our research has found that the main reason given for needing to beg is needing to buy food (78 per cent).

Dayne told us about his experiences of street homelessness, which began after family breakdown when he was 15, after which he struggled to navigate the benefits system alone. He fed into Crisis' evidence for the Government's consultation earlier this year:

*"I didn't ever ask people for money. I was young and I didn't have the confidence. I did sit in heavy traffic areas where people might give you something. I wouldn't have survived without people's generosity – I'd have died many times over."*

Criminalising passive begging like this means punishing people like Dayne, who had been let down by the systems that should have supported him when things were hard: his school, social services, and the welfare system.

There are countless examples of Vagrancy Act powers being used to prosecute people in circumstances that cannot reasonably be considered harmful to anyone, but there are also cases where people have faced police action for begging, even when they haven't asked for any money. One campaigner, Pudsey, has written for Crisis about his experiences of police warnings for begging:

*"Five of those warnings I was even asleep when they gave them to me, so how could that have been for begging? I just woke up to find it on my sleeping bag. 'Sitting in a public place gathering money for alms,' they called it."*

In another case, a man in Carlisle was prosecuted under the Vagrancy Act for begging after a child threw £2 onto his sleeping bag, despite the fact that he hadn't asked for any money. Criminalising begging again risks criminalising anyone who experiences street homelessness, like Pudsey, simply by being visible.

### **Criminalising homelessness undermines good policing**

It isn't a good use of police time to be taking action against people because they are begging or experiencing homelessness. There are much more useful things for police to be doing in addressing more important priorities, and in relation to homelessness, they could help support people who are experiencing homelessness. For the Government's consultation, Crisis interviewed John, who slept rough and then stayed in a hostel in 2018 and 2019. He felt that the police could have been useful:

---

<sup>1</sup> Crisis (2018) Scrap the Act: The case for repealing the Vagrancy Act (1824)

*“The police should be able to signpost people for any of the causes of homelessness, that could be debt, relationship breakdown, bereavement, anxiety. The police obviously can’t deliver all of the support themselves, but there should be better communication and collaboration with health services, and they should work closely with mental health organisations.”*

Policing best practice reflects these priorities, rather than needless arrests. Crisis has worked with the National Police Chiefs Council to jointly publish a detailed guide to best practice on policing and homelessness, gathering dozens of examples of effective working between police forces, health services, housing and homelessness experts.

Going back to the outdated approach of criminalising homelessness would undermine the good practice that is now being implemented in some areas. Treating homelessness as criminal activity entrenches negative attitudes towards people who are experiencing homelessness. When Crisis interviewed people about the Government’s plans to replace the Vagrancy Act, they told us that they had found police attitudes to homelessness as “disgraceful” and “very blaming.” Dayne said that he had learned to see police as “the enemy” and fear them, even if they were friendly, because their role was to always be moving people on.

This affects people’s relationship with police, when they should be able to turn to them for support. People who are sleeping rough are almost 17 times more likely to be victims of violence and 15 times more likely to suffer verbal abuse compared to the general public. This most commonly includes being deliberately hit or kicked; intimidated or threatened with violence or force; and having things thrown at them. The leading perpetrators are members of the public that are not known to the people being victimised. However, the majority of people do not report their experiences to the police as they did not believe the police would do anything. Once, Dayne was hospitalised after being beaten up so badly that he lost two weeks of his memory. He never reported this to police, because he was so afraid of them, and shortly after the attack, police threw his possessions in a bin because he wanted to stay on a street that had CCTV coverage, rather than be moved on to another street.

Police officers have a responsibility to protect everyone in the community, and they are better able to do that when they have good relationships with local people and services, not when they are punishing people for being homeless.

For more information, please contact Saskia Neibig, Senior Policy and Parliamentary Affairs Officer, [saskia.neibig@crisis.org.uk](mailto:saskia.neibig@crisis.org.uk)

*September 2022*