

Written evidence submitted by Centrepont to the Call for Written Evidence on the Criminal Justice Bill (CJB17)

Summary:

- The repeal of the Vagrancy Act was progress towards improving the lives of rough sleepers. However, the Vagrancy Act needed only to be repealed, not replaced with more of the same.
- We do not agree that criminalisation is an effective method to end rough sleeping. Fines and imprisonment are not effective deterrents for rough sleeping for those with nowhere else to go. Criminalisation will only worsen the living situation of a person who is rough sleeping.
- The language used throughout the nuisance begging and rough sleeping sections of the Bill is too discretionary and allows for the criminalisation of those who are not posing any risk to others or their environment.
- We recommend that the nuisance begging and rough sleeping sections of the Bill are removed in order to protect homeless young people.

Centrepont is the leading national charity working with homeless young people aged 16 to 25. We are a registered social housing provider, a charity enterprise and a company limited by guarantee. Established nearly 50 years ago, we provide accommodation and support to help homeless young people get their lives back on track.

Every year, alongside our partner organisations, we work with over 16,000 young people, providing tailored support to help them address their support needs, with a particular focus on health, learning, housing and employment. In doing this we aim to help young people to explore their aspirations, achieve their goals and lead meaningful lives.

To respond to this call for evidence, we spoke to colleagues about their experiences and views on supporting young people who have slept rough and the effect of fines/other punishments on those experiencing homelessness. Additionally, we conducted a survey of staff from organisations supporting homeless people looking into the increasing levels of homelessness in the UK. Furthermore, we undertook a policy and literature review, building on research into homelessness and rough sleeping such as Centrepont's 2023 report, *Failure to Act: The Scale of Youth Homelessness in the UK*ⁱ, and 2019 report *No Place to Stay: Experiences of Youth Homelessness*ⁱⁱ.

Additionally, Centrepont has been conducting some research into the application of the Vagrancy Act by police constabularies in England. Freedom of Information requests were sent out to all police constabularies in England, asking them for the number of arrests and charges made under the Vagrancy Act for the last four financial years, segregated by age. We outline the findings as they currently stand within this written submission.

Centrepont is encouraged by the Government's commitment to end rough sleeping. However, the measures to tackle nuisance begging and rough sleeping outlined in the Criminal Justice Bill have significant issues. Outlined below are our concerns with the following sections: page 39, line 5, "Nuisance begging etc." through to page 54, line 30, Clause 61.

Nuisance begging

The following section relates to page 39, line 5, “Nuisance begging etc.”

Centrepont are concerned by the introduction of new powers for the police and local authorities to address “nuisance begging”. We do not believe that anyone should be criminalised for being homeless. Most people who are begging are doing so because they have no other option. It is, therefore, damaging and counterproductive to penalise those with limited funds who are greatly in need of support. Additionally, doing so can result in them distrusting the police and local authorities, making them less likely to seek support in the future.

Centrepont understands that begging can be harmful to individuals who are vulnerable and at risk of grooming and/or being taken advantage of. However, we also know that it can be a means of survival for many who would otherwise have no other source of income. Accordingly, we do not believe that begging should be unlawful where it does not constitute antisocial behaviour. Where someone’s activity may be causing harm or distress to communities, the police have a range of existing powers under the Anti-Social Behaviour, Crime and Policing Act 2014 to prevent anti-social or criminal behaviour.

If the Government does not agree that the Anti-Social Behaviour, Crime and Policing Act 2014 is sufficient to tackle harmful begging, then we suggest that the phrasing used within the nuisance begging section of the Criminal Justice Bill is amended. Currently, the Bill states on page 39, line 7, Clause 38, subsection 1 that:

“An authorised person may give a nuisance begging direction to a person appearing to be aged 18 or over if satisfied on reasonable grounds that the person is engaging, has engaged, or is likely to engage, in nuisance begging.”

This definition of “*likely to engage*” could result in people being issued move on directions without having engaged in any nuisance begging. Therefore, homeless young people may be targeted unfairly with nuisance begging directions. We recommend that the Bill is amended on page 39, line 7, Clause 38, subsection 1 to remove “*is likely to engage*”.

We do recognise that in some cases people may be begging as part of an organised operation. Our work with young people shows that young people experiencing homelessness can be vulnerable to exploitation by criminal groups.ⁱⁱⁱ Therefore, we understand the importance of measures against arranging or facilitating begging for gain located on page 49, line 2, Clause 50. However, we do not think police powers targeted at those who are begging on the streets are the most effective way of tackling this kind of organised activity. Therefore, it is important that there is guidance for officers on how to recognise organised begging and support those who are being exploited.

Nuisance rough sleeping

The following section relates to page 47, line 12, “Nuisance rough sleeping etc.”

Centrepoint is concerned by the introduction of new powers for the police and local authorities to address “nuisance rough sleeping”. Currently, 20 per cent of the young people that Centrepoint support have reported that they have slept rough. Additionally, in London between July and September 2023 there were 309 young people sleeping rough. This figure represents 8 per cent of the total number of people seen sleeping rough in London and was 8 per cent more compared to the same period in 2022.

These figures highlight that a large proportion of homeless young people experience rough sleeping and that it is on the rise. When young people have nowhere to stay, many of them are forced to spend the night in a range of unsafe and unsheltered locations. For example, past Centrepoint research found that 33 per cent of young people facing homelessness spent a night in a park and 27 per cent had stayed in a tent when they had nowhere else to stay.^{iv}

Young people who are rough sleeping are extremely vulnerable, and punishments for having to sleep rough will likely exacerbate their already precarious situations. Depending on the scope of the direction, ‘nuisance rough sleeping directions’ may prevent homeless young people from entering locations in which essential support sites, such as a drop-in centres, are located. Additionally, nuisance rough sleeping directions pose issues to street outreach teams who visit locations in which rough sleepers are known to reside in order to provide vital support. Furthermore, the experience of being issued a rough sleeping direction may make young people who are rough sleeping less likely to engage with future support and could, therefore, further entrench their homelessness.

Additionally, fines of up to £2,500 for rough sleeping will put homeless young people under significant financial pressure as they will likely have limited existing finances to support themselves. Moreover, fines can have a particularly negative impact on young people experiencing homelessness as they can diminish opportunities to access private rented accommodation as many landlords are reluctant to rent to people with a county court judgement.

Given these reasons, Centrepoint does not believe in an offence-led approach to tackling rough sleeping. We fear that the proposed powers within the Criminal Justice Bill replace the Vagrancy Act with more of the same. The repeal of the Vagrancy Act provided the opportunity to improve the environment and infrastructure of support for people experiencing homelessness. Therefore, Centrepoint recommends that the entire nuisance rough sleeping section (page 47, line 12, “Nuisance rough sleeping etc.” through to page 54, line 30, Clause 61) is removed from the Criminal Justice Bill.

Instead of an offence-led approach, Centrepoint wants to see investment in local authorities and public services to address the needs of homeless people who are rough sleeping and to prevent homelessness and rough sleeping in the first place. This should include investment in: more emergency bed spaces for rough sleepers; social housing, including greater investment in one bedroom social housing; and increased support for people when they first present to their local authority as homeless or at risk of homelessness.

Furthermore, Centrepoint is particularly concerned by the nuisance rough sleeping conditions on page 55, line 9- 10, Clause 61, subsection 4 where it states that:

[Redacted text]

“A person does “something that is a nuisance” if the person — (a) causes or does something capable of causing damage, disruption, harassment or distress”

By using the definition of “capable of causing...” it allows for the criminalisation of a behaviour even when it is not currently causing “*damage, disruption, harassment or distress, or a security or health and safety risk*”. As the definition is unclear, it gives discretion to police or local authorities to decide what types of behaviour they believe are capable of causing a nuisance. This could result in inconsistent applications of the law that could lead to homeless young people facing unfair nuisance rough sleeping charges.

Additionally, there are issues with the definition of “damage” page 55, line 14, Clause 61, subsection 5:

“In this section— “damage” includes— (a) damage to a place; (b) damage to any property in a place not belonging to a person causing the damage; (c) 20 damage to the environment (including excessive noise, smells, litter or deposits of waste)”

There are issues with this element of the definition, “*damage to the environment (including excessive noise, smells, litter or deposits of waste)*”, as this definition could result in homeless young people who do not have access to toilet or hygiene facilities being criminalised under the Bill. Centrepont firmly believes that no one should be criminalised for being unable to access the human right of sanitation.

Additionally, excessive noise is subjective, and the Bill does not include exemptions for people who are experiencing abuse. Therefore, homeless young people experiencing added vulnerabilities could be criminalised unfairly because domestic abuse involving shouting and violence is often misinterpreted as “nuisance behaviour”.^v In 2022/23, Centrepont’s Youth Homelessness Databank found that domestic abuse was the second most significant reason for homelessness amongst young people – affecting one in nine young people experiencing or at risk of homelessness in England (remaining at 11 per cent in 2021/22 and up from 9 per cent in 2020/2021 and 8 per cent in 2019/2020).^{vi} This highlights that there is a high proportion of homeless young people who are experiencing domestic abuse who are therefore at risk of being issued a direction, notice or order for “nuisance behaviour”.

Vagrancy Act

Centrepont has been conducting research into the application of the Vagrancy Act by police constabularies in England. Freedom of Information requests were sent out to all police constabularies in England, asking them for the number of arrests and charges made under the Vagrancy Act for the last four financial years, segregated by age.

Currently, we have received data from 25 out of 40 constabularies. Our data has found that over the past 4 financial years (2019/20 – 2022/23), 573 young people (aged 16 – 25) were arrested under the Vagrancy Act. This represents 27 per cent of Vagrancy Act arrests for all ages. Data from the Metropolitan Police shows an even greater proportion of young people being arrested under the Vagrancy Act, with young people making up 34 per cent of arrests. This suggests that young people have been significantly affected by legislation which criminalises rough sleepers, meaning that they are likely to be greatly impacted by any new legislation that maintains police and local authority powers to criminalise rough sleepers.

Given this evidence, it is clear that the new powers to replace the Vagrancy Act are likely to greatly impact young people between the ages of 16 and 25. Therefore, Centrepont believe it is vital that the new powers to tackle nuisance rough sleeping are removed. Greater

resources should be awarded to support vulnerable young rough sleepers, not to criminalise them.

Recommendations

To prevent the criminalisation of begging:

Exclude page 39, line 6, Clause 38 through to page 46, line 4, Clause 49 from the Criminal Justice Bill. This would ensure that homeless young people are not unfairly criminalised for begging and that begging is only criminalised when it is harmful under the Anti-Social Behaviour, Crime and Policing Act 2014.

Failing that, page 39, line 7, Clause 38, subsection 1 of the Criminal Justice Bill should be amended to remove “*is likely to engage*” so that only those who have engaged in nuisance begging are issued a direction.

To prevent the criminalisation of rough sleeping:

Exclude page 47, line 13, Clause 51 through to page 54, line 30, Clause 61 from the Criminal Justice Bill. This would ensure that homeless young people are not criminalised for rough sleeping and therefore do not face greater barriers to accessing housing and support in the future.

For more information, please contact Frankiebo Taylor: F.Taylor@centrepoin.org

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ⁱ <https://centrepoin.org.uk/sites/default/files/2023-11/Failure%20to%20Act%20-%20The%20scale%20of%20youth%20homelessness%20in%20the%20UK%20-%20Databank%20Report.pdf>

ⁱⁱ <https://centrepoin.org.uk/sites/default/files/2023-06/no%20place%20to%20stay%20experiences%20of%20youth%20homelessness.pdf>

ⁱⁱⁱ <https://centrepoin.org.uk/sites/default/files/2023-06/escaping-the-trap.pdf>

^{iv} <https://centrepoin.org.uk/sites/default/files/2023-06/no%20place%20to%20stay%20experiences%20of%20youth%20homelessness.pdf>

^v <https://safelives.org.uk/sites/default/files/resources/Safe%20at%20Home%20Report.pdf>

^{vi} <https://centrepoin.org.uk/research-reports/failure-act-scale-youth-homelessness-uk>