

# An examination of the scale and impact of enforcement interventions on street homeless people in England and Wales

Ben Sanders and Francesca Albanese

April 2017



**Crisis**

## About Crisis

Crisis is the national charity for homeless people. We help people directly out of homelessness, and campaign for the social changes needed to solve it altogether. We know that together we can end homelessness.

## Acknowledgements

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## About the photos

In the report there are a series of photographs that were taken by Crisis Skylight members. These images are the result of their work to capture examples of defensive architecture in a city they knew. The image used on the front of this report was taken by Rob - one of the peer-researchers.

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## Foreword

Rough sleeping is a dangerous and isolating experience. Spending any time living on the streets is harmful to a person's health and wellbeing. Yet, we continue to see a rise in levels of rough sleeping across England and Wales and this has been accompanied by a growing use of enforcement measures to address anti-social behaviour associated with street activity.

Crisis' new research provides timely insight into the impact of the use of enforcement measures on rough sleepers. The catalyst for it came from reports from our clients which concerned the types of measures they were experiencing and seemed to be becoming more prevalent. Consequently, the report responds to a gap in evidence about the prevalence of enforcement measures and the extent to which local authorities and the police are using their new powers to target rough sleeping.

Drawing on the experiences of over 450 rough sleepers, a survey with local authorities and key informant interviews, the report shows that councils across England and Wales are increasingly targeting rough sleepers with measures including Criminal Behaviour Orders and Public Space Protection Orders. These tools were never intended to target specific groups such as homeless people or rough sleepers.

The research has found that well targeted enforcement with genuinely integrated support can be effective at stopping anti-social behaviour and be a catalyst for helping rough sleepers' away from the street. However, if used without support alongside it can be detrimental to rough sleepers, displacing people and leaving them marginalised and excluded from much needed support services.

Perhaps more concerning is the widespread use of informal enforcement measures the research uncovered. Fifty-six per cent of people had been moved on by the police or other enforcement agencies in the past 12 months and 35 per cent had struggled to find a place to bed down due to defensive architecture. The photography in this report, taken by Crisis clients and the peer researchers, is testament to how inhospitable our streets are becoming to some of the most vulnerable people in our society.

Meanwhile, any contact with the police, security guards and enforcement agents is an opportunity to provide positive engagement with rough sleepers, build relationships and link them up to meaningful support and accommodation. But the research found that this is being missed in many cases. Eight in ten rough sleepers most recent experience of enforcement did not result in advice or support being administered.

In light of the findings, Crisis is calling on local councils to make sure that enforcement measures against rough sleepers are used only as a last resort for genuinely anti-social behaviour and that any rough sleepers affected are offered personalised and accessible support to escape the streets. The government should also re-issue its statutory guidance relating to anti-social behaviour powers to make clear that they should not be targeted at rough sleepers or homeless people.

If we are to end rough sleeping we must heed the evidence in this report and ensure enforcement is only ever considered alongside support and accommodation.



**Jon Sparkes**  
Chief Executive, Crisis

# Executive summary

## Introduction

The research aimed to examine how enforcement was being used specifically to address street homelessness. Whilst the research looked at behaviour that was associated with rough sleeping, such as begging and street drinking, this was not the primary focus of the analysis. In doing so the report has analysed the extent to which enforcement measures impact on homeless people, local authorities, and other statutory and non-statutory services and how they interact with strategies to address wider anti-social behaviour.

The findings of this report are based on the face-to-face survey of 458 people who were either currently rough sleeping or had done so within the last 12 months. An online survey was also sent to all England and Wales local authorities and 81 local authorities responded; additional FOI requests were sent to local authorities and police. Fifteen in-depth interviews with rough sleepers were also conducted and a further 18 interviews were held with a range of stakeholders in the three case studies and at a national level that were selected to represent a geographical spread of England and Wales and use of enforcement. All research was conducted in summer 2016.

## Context

At the most extreme and visible end of homelessness, rough sleeping has been on the policy agenda of successive UK governments since the early 1990s. In England in particular, rough sleeping has received a very high profile and national strategies developed by the former Conservative, Labour and Coalition Governments have focused on the aim of reducing or ending street homelessness

(Rough Sleepers Unit 1999, DTLR 2002, CLG 2008, CLG 2011<sup>1</sup>). Whilst a number of programmes have been set up to address rough sleeping, it still remains a significant problem in many parts of England and Wales.

In parallel to the focus on tackling rough sleeping, policies in England and to a lesser extent in Wales, have seen growth in the use of enforcement measures. By enforcement it is meant the measures and actions that local authorities, the police or other agencies can take to address anti-social behaviour that may include activities undertaken or associated with those sleeping rough. These are detailed more in Table 1 but can be summarised as being either 'formal' measures which involve legal penalties or sanctions (e.g. Criminal Behaviour Orders, arrests under the Vagrancy Act or Civil Injunctions) and 'informal' measures which do not incur legal penalties or sanctions if not adhered to (e.g. defensive architecture, being moved on).

The introduction of the Anti-social behaviour, Crime and Policing Act 2014 sought to streamline formal measures in place to combat anti-social behaviour. The new powers in place have given local authorities a range of tools to address anti-social behaviour and the research findings show that these are being used to varying degrees by statutory agencies and their partners to address rough sleeping.

## Key findings

- **There has been an increase in the levels of rough sleeping alongside reported rises in anti-social behaviour such as begging and street drinking.** Local authorities and other enforcement agents are responding to these changes in large part

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1 See Wilson, W. (2017) *Rough Sleeping (England)*. Briefing Paper Number 02007, 27 January. House of Commons Library.

because of complaints they receive from the members of the public and local businesses but also to address concerns for the well-being of those engaged in rough sleeping and anti-social street activities.

- Some of these responses take the form of **enforcement, both formal measures involving legal penalties such as arrests, fines or imprisonment** (e.g. Criminal Behaviour Orders (CBO), Public Space Protection Orders (PSPO), Community Protection Notice (CPN), Dispersal Orders, Injunction to Prevent Nuisance and Annoyance (IPNA), and Arrests under the Vagrancy Act 1824). Other means of addressing the issues are **informal actions** such as the use of defensive architecture to ‘design out’ street homelessness, the use of street cleansing or ‘wetting down’ areas occupied by rough sleepers, or asking them to ‘move on’, do not involve legal penalties.
- **While almost 7 out of 10 local authorities surveyed use some form of enforcement to address anti-social behaviour, it is predominantly more formal enforcement measures that are in place or are ready to be used by them then informal measures.** More specifically, some local authorities reported using formal measures to tackle rough sleeping. Forms of behavioural orders, CPNs, Controlled Drinking Zones and Dispersal Orders were the most common measures cited.
- The survey results also indicate that in many areas local authorities do not fully understand the correct use of the formal measures contained in the Anti-social Behaviour, Crime and Policing Act 2014 and accompanying statutory guidance.<sup>2</sup> These cannot be used to address rough sleeping in isolation but must be used to address genuine anti-social behaviour such as begging and street drinking.
- **Despite more formal measures being employed by local authorities, in practice rough sleepers experience these infrequently and informal measures far more.** Only 10 per cent of rough sleepers surveyed had encountered a formal measure in the last 12 months compared to 70 per cent who had experienced an informal measure. By far the most common informal action rough sleepers experienced was being moved on by the police and/or enforcement agent. Defensive architecture was the next most recently experienced informal measure.
- This deference towards informal measures was reflected in FOI responses whereby only 19 councils saying they had so far used measures under the Anti-social Behaviour, Crime and Policing Act 2014 in relation to rough sleeping.
- The greater use of informal enforcement measures rather than measures contained in the 2014 Act or the Vagrancy Act means that **whilst 94 per cent of local authorities said that support and advice was always given alongside enforcement actions this generally referred to when formal measures were used as support is more readily integrated with formal actions.** This was also reflected in the FOIs return in which 21 local authorities reported that 374 referrals had been made to support or counselling services.
- **In contrast, 81 per cent (277) of rough sleepers’ most recent experience of enforcement no support or advice was administered. Where support was**

<sup>2</sup> Home Office (2014) *Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers*, Statutory guidance for front-line professionals.

**offered (17%/58 of rough sleepers) those in London were more likely to receive it than elsewhere.** While the numbers of rough sleepers receiving support was limited, the take up of support was quite high when it was offered, the two most common options being help accessing emergency accommodation or signposting to other organisations.

- **Rough sleepers' interactions with police officers, security guards and enforcement agents was also mixed.** This could vary from positive engagement and sign-posting people to homelessness agencies to more hostile encounters which left rough sleepers feeling criminalised and intimidated.
- **The impact of informal enforcement and in particular just being moved on by the police and enforcement agencies did little to change rough sleepers' behaviour particularly those who had experienced informal measures.** While local authorities reported seeing a drop in anti-social behaviour in areas where they had measures in place, over a quarter (28%) also reported it rising in places where there was no enforcement.
- These findings were confirmed by rough sleepers themselves - **a third (34%) said that enforcement had just made them move elsewhere to sleep and a smaller amount (13%) said they were more selective over where they did things.** Just over a fifth said that enforcement made no difference to their rough sleeping. The majority of people saying this had most recently experienced an informal measure.
- **Where targeted at genuine anti-social behaviour, and when integrated with high quality tailored support and accommodation, formal enforcement measures – often used within a multi-agency setting – can act as a catalyst to help rough sleepers move away from street lifestyles and also move into accommodation.** Enforcement in this context is a useful means to encourage rough sleepers to engage with support offers.
- **If formal enforcement measures are used too early, or without appropriate support, this only serves to displace rough sleepers geographically, leaving them at times marginalised and excluded from support services they rely on.** It can also place them at greater risk of harm. It does little to motivate change within rough sleepers and negatively impacts on wellbeing and their sense of self.
- **The majority of rough sleepers had regular contact with the police and enforcement agents along with outreach teams but not all these of contacts are seen as opportunities to work meaningfully with rough sleepers.** Consequently, there are missed opportunities to begin and build relationships with rough sleepers and start support. This is particularly the case with the informal measure of being moved on which was frequently cited as experienced by participants in the research.
- **Local authorities indicated they wanted to make increased use of the new powers under the Anti-social behaviour, Crime and Policing Act 2014.** Over half (52%) of local authorities intend to implement new PSPOs, 21 per cent intend to use CPNs and fifth (18%) intend to use defensive architecture in the future. This makes it all the more important that when enforcement measures – formal or informal – are used and will be used that rough sleeper's support needs are identified early and support is put in place. This will ensure they do not get caught up in legislation that does little to address the underlying causes and reasons for their homelessness.

## Recommendations

1. The research shows that some local authorities misinterpret the Anti-social Behaviour, Crime and Policing Act 2014 to focus on groups of people, such as rough sleepers, rather than on anti-social behaviour such as street-drinking and use of illegal substances. This legislation should be used to focus on those people that exhibit anti-social or criminal behaviour rather than a tool to target those that are rough sleeping not exhibiting these behaviours.
  - a. **When the measures in the 2014 Anti-social behaviour, Crime and Policing Act are used by local authorities and the police to address anti-social or criminal behaviour by those that are rough sleeping, these should be used as a last resort<sup>3</sup> and accompanied by a social care package and an accommodation offer.** To implement this effectively and use a multi-agency model of approach, local authorities need to ensure data sharing policies are in place across statutory and commissioned services.
  - b. The Government should re-issue their statutory guidance on the Anti-social Behaviour, Crime and Policing Act 2014 to prevent local authorities from targeting a particular cohort or type of person such as people who are homeless and/or rough sleeping.
2. The research has highlighted that the police play a vital role in the safeguarding of rough sleepers and working in partnership with local authorities and their commissioned homelessness services to ensure support and referrals are provided in a timely manner:
  - a. The Homelessness Reduction Bill will introduce a duty on other public agencies to refer individuals to homelessness teams if they identify that they are homeless or at risk of homelessness. The list of public agencies will be prescribed in secondary legislation. **Crisis wishes to see police services and police and crime commissioners listed in the ‘duty to refer’ regulations.**
  - b. **We recommend that training and education are provided to the police and other non-homelessness agencies that are in contact with rough sleepers.** This should include information about local services available across housing, homelessness, health and social care, and effective referral routes for homeless people for these services, as well as how and when to use enforcement measures. This would help address the large numbers of rough sleepers who experience informal enforcement measures and receive no advice, referrals or accommodation offers.
3. The research spoke to a range of people who had experienced rough sleeping in the past 12 months. This varied from people who were new to the streets to individuals who had experienced rough sleeping over a prolonged period or repeatedly for a number of years. The research highlighted the lack of suitable, sustainable and accessible accommodation options for people to address their homelessness. **Crisis recommends that the Government invest in and commission sustainable housing options to prevent rough sleeping occurring. This should be a mix of housing led approaches**

<sup>3</sup> We would expect local authorities, the police and homelessness agencies to have engaged with the individual already to address their behaviour, support and accommodation needs and for this engagement to have repeatedly not worked and for the individual to be causing harm to themselves and other people as a result of their behaviour.

**which need to include emergency accommodation for immediate need, rapid rehousing models for longer term solutions for new or at risk rough sleepers and investment in Housing First models for with people with higher and complex support needs.**

4. There was varied provision of outreach services across England and Wales. The adverse impact of no or little provision for rough sleepers included people feeling unsafe, being victims of crime and not being able to access support or accommodation in their area. **Crisis recommends the Government implements a cross departmental national rough sleeping strategy which develops a co-ordinated approach to reducing and ultimately achieving the goal of ending rough sleeping. The strategy would incorporate a more nuanced approach to enforcement, designed around an integrated model of support; unifying police, housing options and social care provision.**



# 1. Introduction

## 1.1 Approaches to tackling rough sleeping in England and Wales

At the most extreme and visible end of homelessness, rough sleeping has been on the policy agenda of successive UK Governments since the early 1990s. In England in particular, rough sleeping has received a very high profile and national strategies developed by the former Conservative, Labour and Coalition Governments have focused on the aim of reducing or ending street homelessness (Rough Sleepers Unit 1999, DTLR 2002, CLG 2008, CLG 2011<sup>4</sup>).

Rough sleeping is most prevalent in London, accounting for 23 per cent of the total counts and estimates in Autumn 2016, and as a consequence there has been a series of policies and funding targeted at the capital. A London Delivery Board was set up in 2009 by the Mayor with the aim of ending rough sleeping by 2012 but did not achieve its target. Initiatives within this programme included a targeted approach at the '205' cohort, the most entrenched rough sleepers, and a pan London reconnection protocol to reconnect people with their home areas. Funding was also later given to the No Second Night Out project, set up as a pilot in London to ensure no one sleeps out for more than one night, which has since been rolled out in other areas across England. An evaluation of the programme found that 67 per cent of rough sleepers worked with were taken off the streets after the first night that

they were found to be sleeping rough, and the majority of these rough sleepers (78% of this group) did not return to the streets once helped.<sup>5</sup> More recently, A No First Night Out model is being piloted in Hackney, City of London and Tower Hamlets aimed at targeting those most at risk of rough sleeping. Early reports for the pilot show that stakeholders are supportive of the project but there have been challenges with the quality and quantity of referrals process in its initial phase.<sup>6</sup>

In terms of current provision, a £20 million programme has been announced by the present Government aimed at new rough sleepers or those at imminent risk of rough sleeping alongside social impact bonds to address the most entrenched rough sleepers (DCLG 2016).<sup>7</sup> The London Mayor has also announced a 'No Nights Sleeping Rough' taskforce, which aims, through multi-agency working to identify new interventions needed to tackle the problem in London.<sup>8</sup>

Wales has seen little national policy development on rough sleeping, other than specific local projects to tackle the issue.<sup>9</sup> The Mackie Review<sup>10</sup> of the Welsh homelessness legislation recommended that 'verified' rough sleepers should be added to the list of households considered to be in priority need but was not included in The Housing (Wales) Act 2014. Instead a 'Rough Sleepers Task and Finish Group' was established to advise the Minister on a long-term strategic approach to rough sleeping.

4 See Wilson, W. (2017) *Rough Sleeping (England)*. Briefing Paper Number 02007, 27 January. House of Commons Library.

5 Homeless Link (2014) *No Second Night Out Across England*. London: Homeless Link. <http://www.homeless.org.uk/sites/default/files/site-at-tachments/20140211%20NSNO%20England%20Wide%20Report%20FINAL.pdf>

6 Rice, B. (2016) *No First Night Out – Help for Single Homeless People evaluation: interim report summary*. London: St Mungo's. <http://www.mungos.org/documents/7328/7328.pdf>

7 <https://www.gov.uk/government/news/40-million-homelessness-prevention-programme-announced>

8 Mayor launches taskforce to tackle 'shameful' levels of rough sleeping, 6 October 2016 <https://www.london.gov.uk/press-releases/mayoral/sadiq-khan-launches-rough-sleeping-taskforce>

9 Fitzpatrick, S. et al. (2015) *The homelessness monitor: Wales 2015*. London: Crisis. [http://www.crisis.org.uk/data/files/publications/HomelessnessMonitorWales2015\\_final.pdf](http://www.crisis.org.uk/data/files/publications/HomelessnessMonitorWales2015_final.pdf)

10 Mackie, P. (2014) The Welsh Homelessness Legislation Review: Delivering Universal Access to Appropriate Assistance? *Contemporary Wales*, 27(1): 1-20.

Whilst a number of programmes have been set up to address rough sleeping, it still remains a significant problem in many parts of England and Wales. The last recorded figures estimated that 4,134 people were sleeping rough on any given night in England, a 16 per cent increase on the year before and levels have more than doubled since 2010. In London CHAIN, a database which routinely monitors levels of rough sleeping, recorded 8,096 people seen sleeping rough during 2015/16 an increase of 26 per cent since 2012/13. Examining the rates of rough sleepers per 1000 households in each English regions also shows that the South East and South West have above the England average and show the highest levels outside of London. In Wales, a new methodology was established in 2014 and three subsequent years of data have been released. Rough sleeping is measured in two ways, a two week information gathering exercise with local agencies and community groups followed by a one night snap shot count. Due to slight changes in methodology for the most recent data collection figures cannot be compared with the previous year. In the 2 weeks between 10th and 23rd October 2016, local authorities estimated that 313 persons were sleeping rough across Wales and 141 individuals were observed sleeping rough on the night of 4th November 2016.

## 1.2 The 'criminalisation' of homelessness and control of public spaces

There has been growing concern about the increasing use of enforcement measures in

cities and urban areas. This has generated debate not only in the UK but across many other countries to question and understand the increasing use of enforcement and the extent to which this is described as a process of 'criminalisation' of street homelessness, wherein legal prohibitions are applied to the activities of street homeless people. An analysis of laws in 187 cities<sup>11</sup> in America showed that homeless people were being criminally punished for being in public even when they have no other alternatives, including city wide bans on sitting or lying down in public places. A European study of the regulation of public space in 2008 showed that 'quasi-public spaces' and also that homelessness is being subtly criminalised in Europe, in so much as regulations exist that give police and other authorities powers of discretion.<sup>12</sup> A study of nine cities in the US, Canada and Europe on the proliferation of laws, policies and practices that sought to address homelessness through enforcement-based measures found that measures varied significantly in their form, intention and impact.<sup>13</sup> These studies point towards homeless people, whilst not being the explicit target of control measures are often disproportionately affected because of their reliance on public space for conducting the day to day activities.<sup>14</sup>

In addition to legislative measures, in some countries urban spaces are redesigned to deter rough sleepers. The UK is no exception, with recent attention to physical deterrent measures by planners, businesses and security companies to stop people resting or sleeping outdoors proving to be

11 Bauman, T. et al. (2014) *No Safe Space The Criminalisation of Homelessness in US Cities*. National Law Center on Homelessness and Poverty. [https://www.nlchp.org/documents/No\\_Safe\\_Space](https://www.nlchp.org/documents/No_Safe_Space).

12 Jones, S. (ed.) (2013) *Mean Streets A Report on the Criminalisation of Homelessness in Europe*. Brussels: FEANTSA. <http://www.feantsa.org/download/mean-streetsfull296234699895076551.pdf?force=true>

13 Adams, L. (2014) *In the Public Eye Addressing the negative impact of laws regulating public space on people who are homelessness*. The Winston Churchill Memorial Trust of Australia/Justice Connect Homeless Law <http://www.justiceconnect.org.au/sites/default/files/In%20the%20Public%20Eye%20-%20Churchill%20Report.pdf>

14 Doherty, J., Busch-Geertsema, V., Karpuskiene, V., Korhonen, J., O'Sullivan, E., Sahlin, I., Tosi, A., Petrillo, A., Wygnańska, J. (2006). *Addressing Homelessness in Europe. Homelessness and Exclusion: regulating public space*. Transnational Report Working Group 1, FEANTSA, Brussels. And Loukaitou-Sideris, A., & Ehrenfeucht, R. (2009). *Sidewalks: Conflict and Negotiation over Public Space*. MIT Press. Retrieved from <http://www.jstor.org/stable/j.ctt5hh27>

controversial.<sup>15</sup> The recent introduction of Public Space Protection Orders (discussed more in the next section) have also given rise to increased attention on the prevalence in surveillance and control of public spaces. An FOI undertaken by the Manifesto Club on the implementation of PSPOs have discussed the notion that many of the activities restricted and contained within an PSPO ‘deemed to have a detrimental effect which would not meet standards in criminal law restrictions’.<sup>16</sup>

### 1.3 Enforcement measures

In parallel to the focus on tackling rough sleeping England, and to a lesser extent Wales, has seen growth in enforcement approaches in address street homelessness which has been in tandem with an increase in conditionality in the welfare system.<sup>17</sup>

These measures have been designed to directly deter or change the behaviour of individuals who are rough sleeping, begging or other associated street activity. They were seeking to address the underlying support needs they have usually in relation to mental health or substance misuse, for example.<sup>18</sup> The range of measures that can be implemented employ varying degrees of ‘force’ and can be characterised into two broad forms: formal and informal:

- Formal measures (with legal penalties [or sanctions]): CBOs, controlled drinking zones such as DPPOs, CPN, dispersal order, IPNA, arrests under vagrancy act, PSPOs
- Informal measures (without legal penalties [or sanctions]): designing out via the use of defensive architecture etc., being ‘moved

on’ by the police, street cleansing or ‘wetting down’ of areas occupied by rough sleeper and noise pollution

The Introduction of Anti-social behaviour, Crime and Policing Act 2014 sought to streamline measures in place to combat anti-social behaviour, cutting the number of tools and powers from 19 to six which are designed to be faster, more effective and put the views of the victim at the centre. One of the main changes of the Act, is unlike the previous anti-social behaviour legislation is that some of the measures (IPNA and CBOs) can make requirements of an individual (i.e. positive measures) as well as make prohibitive measures. For example, a civil injunction (IPNA) can require someone to attend alcohol awareness classes for an alcohol related incident.

Alongside more established mechanisms of addressing rough sleeping and associated street activity, Table 1 gives more detail about the current mechanisms in place – both formal and informal – and the powers available to local authorities to address anti-social behaviour and will be examined in this report with regards to the extent to which they are being used to tackle rough sleeping and associated behaviour.

### 1.4 Research questions and scope

The increase in legislative tools to implement enforcement measurements, reports by homelessness organisations and the mainstream media on the increased application across UK cities has led Crisis to look at the evidence gap in this area. Whilst there have been some

<sup>15</sup> Andreou, A. (2015) ‘Anti-homeless spikes: ‘Sleeping rough opened my eyes to the city’s barbed cruelty’, The Guardian, 18 February 2015

<sup>16</sup> <http://www.manifestoclub.com/>

<sup>17</sup> Johnsen, S., Watts, B. and Fitzpatrick, S. (2016) *Welfare conditionality: sanctions, support and behaviour change. First wave findings: homelessness*. <http://www.welfareconditionality.ac.uk/wp-content/uploads/2016/05/WelCond-findings-homelessness-May16.pdf>

<sup>18</sup> Ibid

**Table1: Summary of current formal and informal enforcement measures to address rough sleeping**

Legislation/ measure	How it can be used to tackle rough sleeping and associated activity	Formal/Informal	Legal penalty/sanction
<b>The Vagrancy Act 1924</b>	<b>Section 4</b> prohibits ‘wandering abroad and lodging in any barn or outhouse, or in any deserted or unoccupied building, or in the open air, or under a tent, or in any cart or wagon, and not giving a good account of himself’.	Formal	Arrest
	People can be arrested if there is a shelter nearby that can be accessed or if they have been offered a shelter and still sleep on the street.	Formal	Arrest
	<b>Section 3</b> Begging and persistent begging are prohibited through the Act: ‘Every person wandering abroad, or placing himself or herself in any public place, street, highway, court, or passage, to beg or gather alms’.	Formal	Arrest
<b>Anti-social behaviour, Crime and Policing Act 2014</b>	<b>Dispersal powers</b> – a new power that can be exercised by a police officer (or designated PCSO) that allows dispersal of individuals or groups causing or likely to cause anti-social behaviour in public places or common areas of private land (e.g. shopping centres or parks).	Formal	Fine/imprisonment for 3 months
	<b>Civil injunction</b> – a new civil injunction to prevent people from repetitively engaging in low level anti-social behaviour, these are known as an Injunction to Prevent Nuisance and Annoyance (IPNA). They can be used to tackle ASB in both housing and non-housing contexts including aggressive begging.	Formal	Arrest
	<b>Criminal Behaviour Order</b> – this is a direct replacement of both the ASBO and the CRASBO and are designed to tackle the most serious and persistent ASB. Similar to a IPNA a CBO can have positive requirements attached to it as well as prohibitive measures. The CBO can be issued in any criminal court on the conviction of a criminal offence.	Formal	Imprisonment for period not exceeding 6 months and/or fine

continued on next page

<b>Anti-social behaviour, Crime and Policing Act 2014</b>	<b>Community Protection Notice</b> – this is designed to provide a means of dealing with ongoing problems in the local area which are having a detrimental effect on the community. Examples include litter, noise or graffiti.	Formal	Fine/remedial orders
	<b>Community remedies</b> – a list of actions which might be appropriate to be carried out by a person who has engaged in anti-social behaviour or has committed an offence and is to be dealt with without court proceedings. The document will be prepared by the local policing body and can be revised at any time.	Formal	If broken can be used as evidence for stronger action to be taken
	<b>Public Space Protection Order</b> – a new power which allows councils to place restrictions or impose conditions on activities which people carry out in a designated area. They are designed in consultation with the police and apply to public areas to deal with issues identified as having a detrimental impact on the quality of life in the community.	Formal	Fixed penalty notice/fine
<b>Other measures</b>	<b>Designing out via defensive architecture:</b> Street furniture and environment designed so to stop and deter the bedding down of rough sleepers.	Informal	n/a
	<b>'Wetting down':</b> Spraying and hosing down doorways/alleyways with water or cleaning products to stop rough sleeper's using the space.	Informal	n/a
	<b>Noise pollution:</b> Sounds that are deliberately projected via speakers to deter rough sleepers.	Informal	n/a
	<b>Moved-on</b> by police/enforcement agent: Being told to move-relocate somewhere else because they cannot remain in current area.	Informal	Threat of arrest/ further action
	<b>Diverted giving schemes:</b> Local authority sanctioned schemes that promote and advertise in begging hotspots asking member of the public to reconsider giving money to beggars and give to local charities instead.	Informal	n/a

evaluations of enforcement practices in UK cities<sup>19</sup> there has been little to date on how and why local authorities are using these measures and the real experiential impact of enforcement measures on street homeless people.

This study has assessed the prevalence and impact of assertive and enforcement interventions aimed at ending street homelessness. The use of measures to tackle rough sleeping sits within a wider framework of addressing all forms of anti-social behaviour especially those most associated with street homelessness such as begging and street drinking. However, the main focus of this research has looked at the act of rough sleeping itself and how this is being managed by local authorities, the police and homelessness organisations in the context of enforcement practices. More specifically the research has sought to answer these questions:

- How common and in what ways are enforcement measures being used?
- Has there been a growth in the use of enforcement to address rough sleeping? If so, what are the drivers?
- Are there regional trends/differences in the application of enforcement measures?
- What are the demographics of those homeless people affected and are there differences in how and ways they are affected?
- To what extent do enforcement measures push or pull homeless people to or away from support services?
- What are the alternatives to enforcement practices?

## 1.5 Research methods

The study adopted a multimethod design in order to address the research questions. Fieldwork was completed between June and October 2016 and involved a face to face survey with homeless people and follow up in-depth interviews, an online survey with local authorities, in-depth interviews with practitioners and policy makers, a freedom of information request to local authorities and police forces and photo elicitation with people who had experienced homelessness to explore the prevalence of defensive architecture. Full details of the methodology are set out below.

### Survey and in-depth interviews with homeless people

Over the summer of 2016, 458 people who were either sleeping rough or had done so within the previous 12 months completed a face-to-face survey which lasted between 20 and 40 minutes. Surveys were completed across 21 localities in England and Wales at a variety of homelessness services and organisations including day centres, advice services and supported accommodation. The survey data was supplemented with 15 in-depth interviews with current rough sleepers to further explore the impact and effectiveness of enforcement measures. These were either conducted face to face in homelessness services or by telephone. One thing to note is that the manner in which the sample for this survey was generated means that those that have moved on from homelessness are underrepresented and some of those may have had positive experiences of enforcement as a catalyst for change. Each survey respondent received a £5 shopping voucher and those that did interviews a £10 voucher.

The sample surveyed closely represented

<sup>19</sup> Johnsen, S., Watts, B. and Fitzpatrick, S. (2016) *Welfare conditionality: sanctions, support and behaviour change. First wave findings: homelessness*. <http://www.welfareconditionality.ac.uk/wp-content/uploads/2016/05/WelCond-findings-homelessness-May16.pdf> and Johnsen, S. and Fitzpatrick, S. (2007) *The impact of enforcement on street users in England*. York: JRF.

the demographic nature of the wider rough sleeping population; 84 per cent (385) were male and 16 per cent were female. Just over a third (35%/160) were aged between 35-44 and over a quarter (28%/129) 25-34 years old. Seventy-three per cent (334) were UK nationals. Support needs of those in the sample also reflected the wider rough sleeping population.<sup>20</sup> Sixty-two per cent (286) had a current mental health issue and a similar proportion (60%/274) had a current alcohol/ drug issue. Forty-seven per cent (213) said they were currently sleeping rough and 53 per cent (245) had slept rough within the last 12 months. Half of the respondents had been homeless for 12 months or less, 14 per cent of people we surveyed had been homeless for over three years.

The survey asked about people's experiences of enforcement measures and if they had been involved in anti-social behaviour within the 12 months before the survey whilst rough sleeping and at any stage of their homelessness experience. We also explored whether participants had been offered support or accommodation on experiencing any of the enforcement interventions.

### **Peer researchers**

Working alongside the Crisis research team and Qa Research were three peer researchers who had experienced homelessness and were members of Crisis or working for Groundswell. They helped shape the rough sleeper survey and received training on survey data-gathering. Using the peer research model, 65 out of the 458 interviews were conducted by the peer researchers. The peer researchers also helped frame the analysis and develop policy and practice recommendations coming out of the survey findings.

### **Online survey with local authorities**

An online survey was sent to all local

authorities in England and Wales. The survey ran for a period of 5 weeks over the summer of 2016 and explored what enforcement measures local authorities currently had in place and planned to use. It also explored particular motivations for use and the impact they had. Eighty one local authorities completed full responses, representing a response rate of 22 per cent.

In terms of regional representation of responses the largest proportion came from the South East (25%), with 23 per cent from the South West, 9 per cent from London, the East of England and the East Midlands, 12 per cent from the North West, 4 per cent from Yorkshire and the Humber and 3 per cent from Wales, the West Midlands and the North East. In terms of representation of rough sleeping levels, a third of respondents were in the highest quartile of the DCLG rough sleeping counts and estimate figures and only 10 per cent of responses were in the lowest quartile, indicating a higher response rate from those local authorities where rough sleeping was an issue.

### **Case studies and in-depth interviews with stakeholders**

Three towns and cities were selected as case studies. They represented a geographical spread across England and Wales and also different approaches to and use of enforcement measures. Case study one was located within the south of England and had problems with persistent begging, street drinking and entrenched rough sleepers. Area two was located in the north of England and was characterised by problems with street drinking, legal highs and 'new' rough sleepers moving from other nearby towns and cities. Finally, case study three was in Wales and was characterised by issues with street drinking, begging and 'messy' rough sleeper pitches.



Within in each locality a series of in-depth interviews were held with representatives from organisations and services engaged with working with anti-social behaviour and rough sleeping. This included stakeholders from local authorities, the local police service, outreach services and homelessness services and organisations working directly with rough sleepers. A number of other stakeholders from areas outside the case study areas were also consulted to gain a national perspective on how enforcement measures were being used. Eighteen interviews were conducted in total.

### **Freedom of information request**

On our behalf the Centre for Crime and Justice Studies issued a freedom of information request to all district, local authority and city councils in England and Wales (327 in England; 22 in Wales) and to 34 out of 43 police forces in England and Wales (excluding forces that had indicated they could not respond). The purpose of the FOI was to quantify the use of interventions following measures contained in the Anti-social Behaviour, Crime and Policing Act 2014 against the act of rough sleeping itself. To ensure consistency and comparability, all agencies were requested to provide data from the Act's implementation in October 2014 through to June 2016. Data on arrests, prosecutions and convictions for rough sleeping under the Vagrancy Act 1824 were also requested from all 43 police forces in England and Wales. 305 local authorities and 30 police forces returned 'responses' (a response rate of 86% and 70% respectively); the main reason for non-returns was not holding information at the level of detail requested or the non-use of powers in both legislative instruments to address rough sleeping.

### **Photo elicitation**

To help document the use of defensive architecture and further understand how homeless people are 'designed out' of the urban environment, Crisis members

enrolled on a Skylight photography class were asked to go out into their local towns and cities and capture photos of defensive architecture.

Having captured a series of images a photo-elicitation workshop was held with the member photographers to explore the themes, issues and emotions that the photographs provoked along with their own experiences of being homeless and navigating urban spaces. Some of their photographs are reproduced in this report and are used alongside the quantitative analysis of the prevalence and impact of defensive architecture measures.

### **Outline of the report**

Chapter two details the context in which enforcement sits, drawing on findings from the rough sleeper and local authority surveys to show the prevalence of different forms of street activities rough sleepers are engaged in. It also charts the drivers behind local authorities use of enforcement. The report goes on to detail what enforcement measures local authorities are currently using and their future plans. The final section of the chapter explores the enforcement experiences of rough sleepers themselves. Chapter three examines what happens after any enforcement action has taken place in terms of support or help rough sleepers receive. It then moves on to explore the effectiveness of enforcement in actually stopping anti-social behaviour. The conclusion summarises how enforcement can be best utilised and ends with recommendations.

## 2 Context in which enforcement sits

### 2.1 Experiences of rough sleeping and anti-social behaviour

Recent Crisis research evidenced how difficult and dangerous being homeless and rough sleeping can be. Within the last 12 months 77 per cent of rough sleepers had been victims of some form of violence or anti-social behaviour. Three in ten rough sleepers reported being deliberately hit or kicked and almost half had been threatened or intimidated with violence or force. Verbal abuse is widely prevalent also with over half of rough sleepers surveyed reporting this. The most likely perpetrator of such acts against rough sleepers were members of public unknown to them. The majority of rough sleepers surveyed felt that life on the street was getting worse.<sup>21</sup>

*“It’s not safe because I have been harassed, I have been kicked, I have been... things have been stolen from me”*  
Benji, rough sleeper

*“Sometimes when I sleep rough, I saw some people that get stabbed.”* John,  
rough sleeper

The impact of these experiences meant rough sleepers living in fear and isolation as they had to navigate the constant risk and uncertainty about their safety. There were consequences too for their health and wellbeing with some rough sleepers reporting negative patterns of behaviour related to drug and alcohol use. Mental wellbeing was also impacted with some rough sleepers explaining the toll experiences of violence abuse took on their

mental health and in some case pushing them to consider suicide.<sup>22</sup>

Whilst rough sleepers can be the victims of crime and anti-social behaviour, some of the survey respondents also engaged in activities that are often perceived as anti-social and can become the target of particular enforcement measures.

In the last 12 months 47 per cent (213) of rough sleepers surveyed have slept rough in public places during the day. Proportionally male rough sleepers (48%) were more likely to engage in this than female rough sleepers (36%). This difference between male and female rough sleepers is in keeping with previous findings about the slight prevalence of homeless women to remain in ‘hidden’ forms of homelessness other than sleeping out on the street.<sup>23</sup>

Over half surveyed (55%/250) said they had socialised in public with groups of other homeless people in the last 12 months. Almost half (48%/219) admit having taken drugs outdoors or in a public place while six out of 10 (61%/278) have drunk on a street or in a public place in the last 12 months. Previous research shows an interdependency between rough sleeping and street activities often exists. A profile of homelessness service users showed that while only a minority of their clients who engaged in street activities such as drug use, drinking and begging might be currently sleeping rough, many had done so in the past.<sup>24</sup>

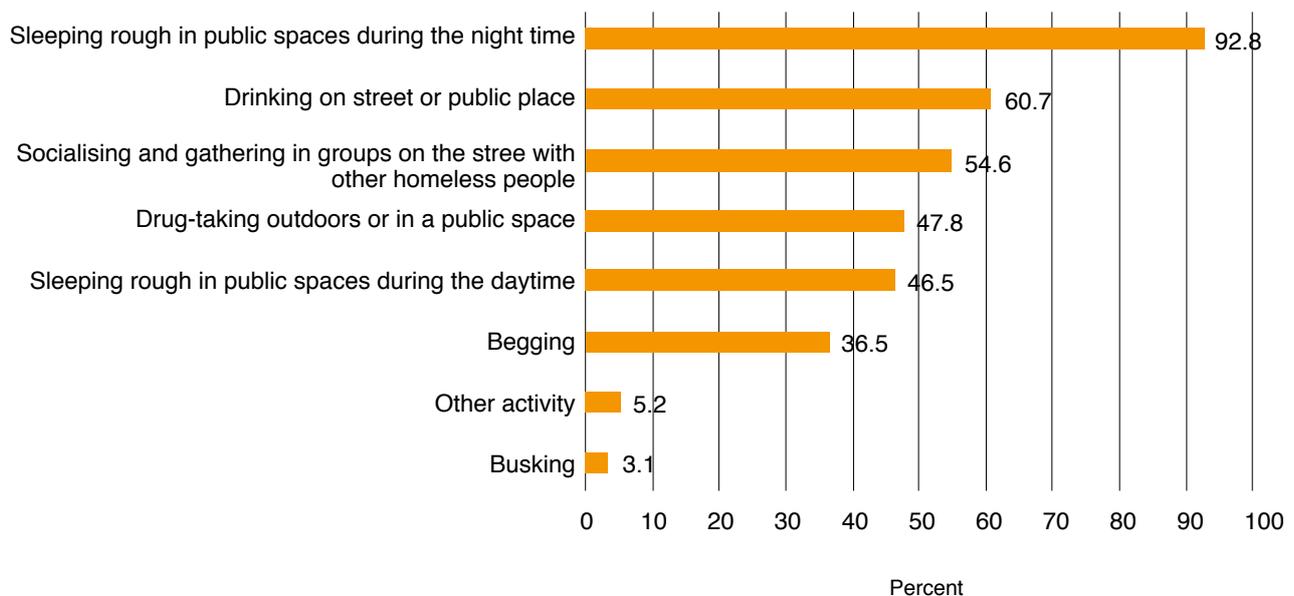
Just over a third (36% 167) of rough sleepers

21 Sanders, B. and Albanese, F. (2016) *‘It’s no life at all’ Rough sleepers’ experiences of violence and abuse on the streets of England and Wales*. London: Crisis.

22 Ibid.

23 Rees, S. (2009) *Mental Ill health in the Adult Homeless Population A review of the literature*. London: Crisis. <http://www.crisis.org.uk/data/files/publications/Mental%20health%20literature%20review.pdf> and Reeve, K. with Batty, E. (2011) *The hidden truth about homelessness Experiences of single homelessness in England*. London: Crisis. [http://www.crisis.org.uk/data/files/publications/HiddenTruthAboutHomelessness\\_web.pdf](http://www.crisis.org.uk/data/files/publications/HiddenTruthAboutHomelessness_web.pdf)

24 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)

**Chart 1. Activities engaged in by rough sleepers within the last 12 months**

n = 458, source: survey with homeless people

also say 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%), buy drugs (45%) and buy alcohol (39%). These findings are consistent with existing evidence that shows an association between begging, alcohol, drug misuse and that those engaged in it are often ‘homeless’.<sup>25</sup>

With over half of the rough sleepers surveyed having engaged in an activity identified as anti-social, the results from the local authority survey give further insight in the scale of the problem and what is driving their responses to it.

### Drivers of enforcement measures

*“Because obviously they do it [begging/ drinking] outside shops et cetera. That will*

*drive away business. Even X, on a nice day it’s somewhere where people out of offices could go and sit and chill out for an hour on their lunch break but it just gets overrun by the undesirables, for want of a better word.”* Police officer

Sixty-three per cent (45) of local authority’s said that they were under pressure to address rough sleeping and received complaints about this issue from members of the public and local businesses. A slightly higher proportion – almost seven out of 10 local authorities’ (69%/49) – said that they also received calls to address anti-social behaviour from members of the public and local businesses. Stakeholders from the case studies explained that the calls from businesses and the public mainly concerned feeling intimidated by rough sleepers or that doorways and places where

<sup>25</sup> 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>

rough sleepers would bed down were left untidy, sometimes with drugs paraphernalia and human waste present. One stakeholder explained the responsibility their local authority has to address the issues:

*“My job is also the residents and businesses that have to be amongst it all the time and, quite rightly, people are angry that there are people or sleeping rough outside their house or their business; angry because it’s not nice for them, but angry because it shouldn’t be happening.”* Local Authority stakeholder

Rough sleeping was a problem in the majority of local authorities who responded to the survey. Three quarters (75%/54) of local authorities reported that rough sleeping as a problem in part of their local authority and a similar proportion (73%/53) said that there was a problem with associated anti-social behaviour. Over six out of 10 (63%/45) local authorities said that they received complaints from the public and local businesses about rough sleeping with calls to address it.

*“They’ve spent a load of money on the night-time economy; they’ve closed down a lot of the less desirable pubs and clubs and bars and it’s now a bit further down the high street restaurant orientated and fine dining and more chic bars and stuff. It’s basically to attract people I think so that’s why they want to nip this [anti-social behaviour] in the bud.”* Police Officer

Local authorities responding to the survey explained that it was very often behaviour associated with rough sleeping – begging,

**Rough sleeping is a problem in 75% of local authorities’ areas**

street drinking, for example – that was the focus of their attention. There was a duty on them to respond to complaints from the public and businesses and try to ensure anti-social behaviour or activities did not impact negatively on the wider community and it remained a safe place for all. Often this would mean monitoring and recording ‘offences’ before taking action.

*“A complaint would be recorded on a log. On-going assessment of local concerns, mostly based on number and types of reports received, would identify trends which would be addressed as appropriate as part of a strategy. Often complaints/concerns are very localised to a specific area. Enforcement activity can help address these localised concerns which would result in a reduction in complaints at this location.”* Local authority survey respondent

In some cases, the local context meant it was harder to address anti-social street activities. For example, if the town or city has a strong tourist trade begging can be a lucrative means of acquiring funds. Without addressing this the issue can escalate and the area attract more people who will engage in such activities. One authority explained their justification for looking into implementing a diverted giving scheme:

*“We are considering a region wide publicity campaign to try to educate members of the public and encourage them to donate to rough sleeper charities rather than give cash or support rough sleepers by providing three meals per day which some do for our more entrenched rough sleepers.”* Local authority survey respondent

In many instances of anti-social street behaviour it is the result of a mixture of those that are genuinely rough sleeping and those that engaged in anti-social street activities such as drinking but were not actually



**We have issues with regards to where people are rough sleeping and the state that sometimes that is left in with regards to litter and blocking of emergency exits or ... things such as that. Begging is another thing that we have calls in relation to.**



rough sleepers. As one local authority representative from case study area one explained:

*“In [name of town] there is a lot of rough sleepers that are often with street drinkers. I’ve spoken to a couple of genuine rough sleepers and what they will say to you is they try to sleep in a place which they feel is secure, for instance the high street where they know they’ve got cameras on them, so if anything does happen they’ve got a watchful eye. ... the issue really is at night and during the day in the garden, the garden is almost like a hub for street drinkers. They seem to attach themselves to the rough sleepers, because they may know them from their past.”* Local authority stakeholder

*“We have issues with regards to where people are rough sleeping and the state that sometimes that is left in with regards to litter and blocking of emergency exits or ... things such as that. Begging is another thing that we have calls in relation to.”* Police officer

It was clear from stakeholders across the case study areas that rough sleeping and associated anti-social behaviour was increasing and becoming an issue they had to address. In particular stakeholders noted the rise in the number of people on the street with complex supports needs especially those with mental health support needs. While working

with entrenched rough sleepers was becoming harder some commented. The rise in use and prevalence of ‘legal’ highs was also noted as a particular problem.

*“We’ve got quite a few entrenched homeless, people who are rough sleeping...what we call entrenched homeless, where they’ve been, sort of, round the system, they’ve maybe burned all their bridges everywhere and, you know, they’re stuck in that cycle. They may be involved with drugs, or alcohol, or both, have lots of mental health issues, physical health implications, and they just find it difficult, and it’s really difficult to house them sustainably and get them off the streets.”* Homelessness service stakeholder

*“So there’s been loads, well, loads more people physically on the street, there’s been the tent communities that have set up that have attracted people in from out of area. ...So the rough sleeping has definitely increased, which I think the figures show.”* Homelessness service stakeholder

Stakeholders in case study two also discussed how in their region that because of the context of little or no use of enforcement that small communities were being formed on the street that provided a means to exist viably.

*“...because of the community aspect that has then formed with some of those groups of homeless people, especially homeless young people, it’s become harder to pull them away from that.”* Homelessness service stakeholder

Begging was noted to be an issue across the range of areas stakeholders were based. In particular, the misconception that members of the public could have about the actual homelessness status of some beggars.

One stakeholder who headed the street outreach team in a large city explained that within their local authority begging was a particular problem alongside a growing number of rough sleepers, especially those with mental health issues.

*“In a month we probably see around xx different people rough sleeping at the moment [a month]. It’s almost you feel that when someone moves on there’s another five people that will come and take their place. I think we’re seeing – I feel we’re seeing an increase in young people with mental health issues”* Outreach service stakeholder

They went onto explain that members of the general public assume all beggars to be rough sleepers. Consequently, there is a belief that there is a huge problem when the stakeholder felt the issue they faced was not on the scale of other cities.

*“So it doesn’t matter if it’s 3pm, if that person is sitting in a sleeping bag they believe that they are rough sleeping that night on the street. ...We do have people that are rough sleeping that beg but we don’t have that many beggars that rough sleep. ...It is a huge problem for us”* Outreach service stakeholder

## 2.2 Local authority responses to rough sleeping and anti-social behaviour

Enforcement measures to address anti-social behaviour are in widespread use (see Chart 2). Almost seven out of 10 (69%/56) local authority’s employ some form of enforcement within their area. A range of measures are in place and used with many local authorities making use of the new powers the 2014 Act gave councils. Predominately more use is made

of formal enforcement measures: 93 per cent (52) of local authorities have formal measures in place compared to 38 per cent (21) of the local authorities with informal measures.<sup>26</sup>

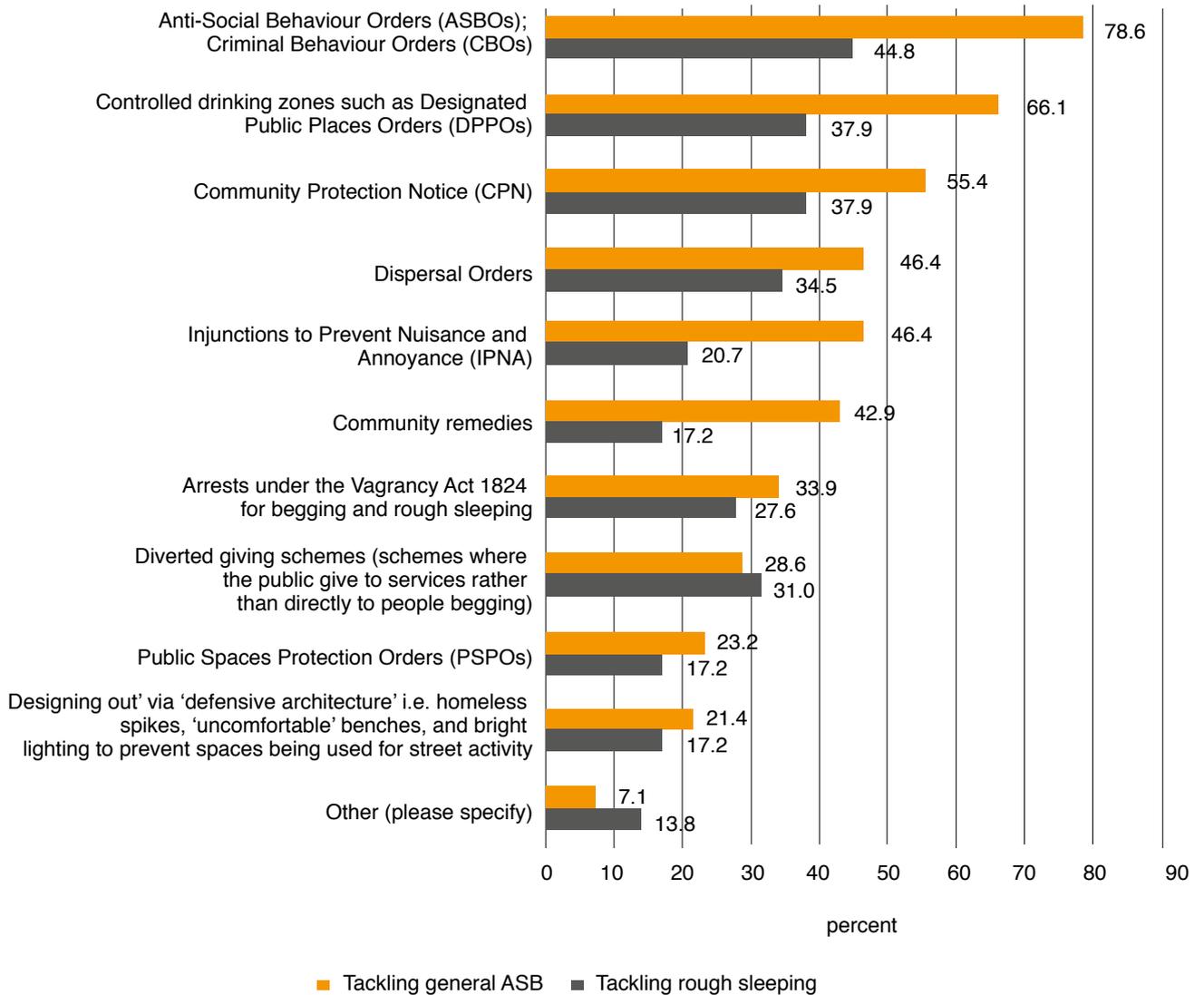
More specifically, of those 56 local authorities who report using enforcement:

- 79 per cent (44) make use of CBOs to address anti-social behaviour
- Two-thirds (66%/37) of local authorities have Controlled Drinking Zones in place
- Over half (55%/31) use and issue Community Protection Notices
- Just under half (46%/26) have Dispersal Orders in particular areas of their local authoritys
- Injunctions to Prevent Nuisance and Annoyance (IPNA) are used in 46 per cent (26) of local authorities
- 34 per cent (19) have used the Vagrancy Act to make arrests
- 29 per cent (16) say they operate Diverted Giving schemes
- Almost a quarter (23%/13) have Public Space Protection Orders (PSPO) in place
- One fifth (21%/12) employ defensive architecture in parts of their local authority

While formal enforcement measures are widely in place and informal measures are somewhat less common, the use of enforcement to specifically address rough sleeping was also reported by local authorities. Of these measures that are currently being used, local authorities identified particular measures, in the main formal ones, that were used to address rough

<sup>26</sup> Percentages do not add up to 100 as some local authorities use both formal and informal.

**Chart 2: Enforcement measures used by local authorities to target anti-social behaviour and rough sleeping**



n = 56 local authorities, other respondents skipped the question

**Almost 7 out of 10** local authorities use **enforcement**



**None of the measures have been targeted specifically at rough sleepers but would be considered in relation to crime and anti-social behaviour complaints where victims have been identified.**



sleeping. Namely, the use of:

- CBOs (45%/13)
- CPNs (38%/11)
- Controlled Drinking Zones (38%/11)
- Dispersal Orders (35%/10)
- Diverted Giving Schemes (31%/9)
- The Vagrancy Act (28%/8)
- IPNA (21%/6)
- PSPOs (17%/5)
- Communities Remedies (17%/5)
- Defensive Architecture (17%/5)<sup>27</sup>

Local authorities reported other measures that were in use to target rough sleepers including increased security staff in town centres.

*“Security staff patrolling the town to move on beggars and rough sleepers.”* Local authority survey respondent.

Another example included some local authorities reporting that the PSPOs they had in place contained bans of particular forms of behaviour aimed at rough sleeping but that they did not actually ban rough sleeping: the ‘leaving of material deemed to be bedding’

and ‘remaining overnight in a temporary structure’ were two such examples.

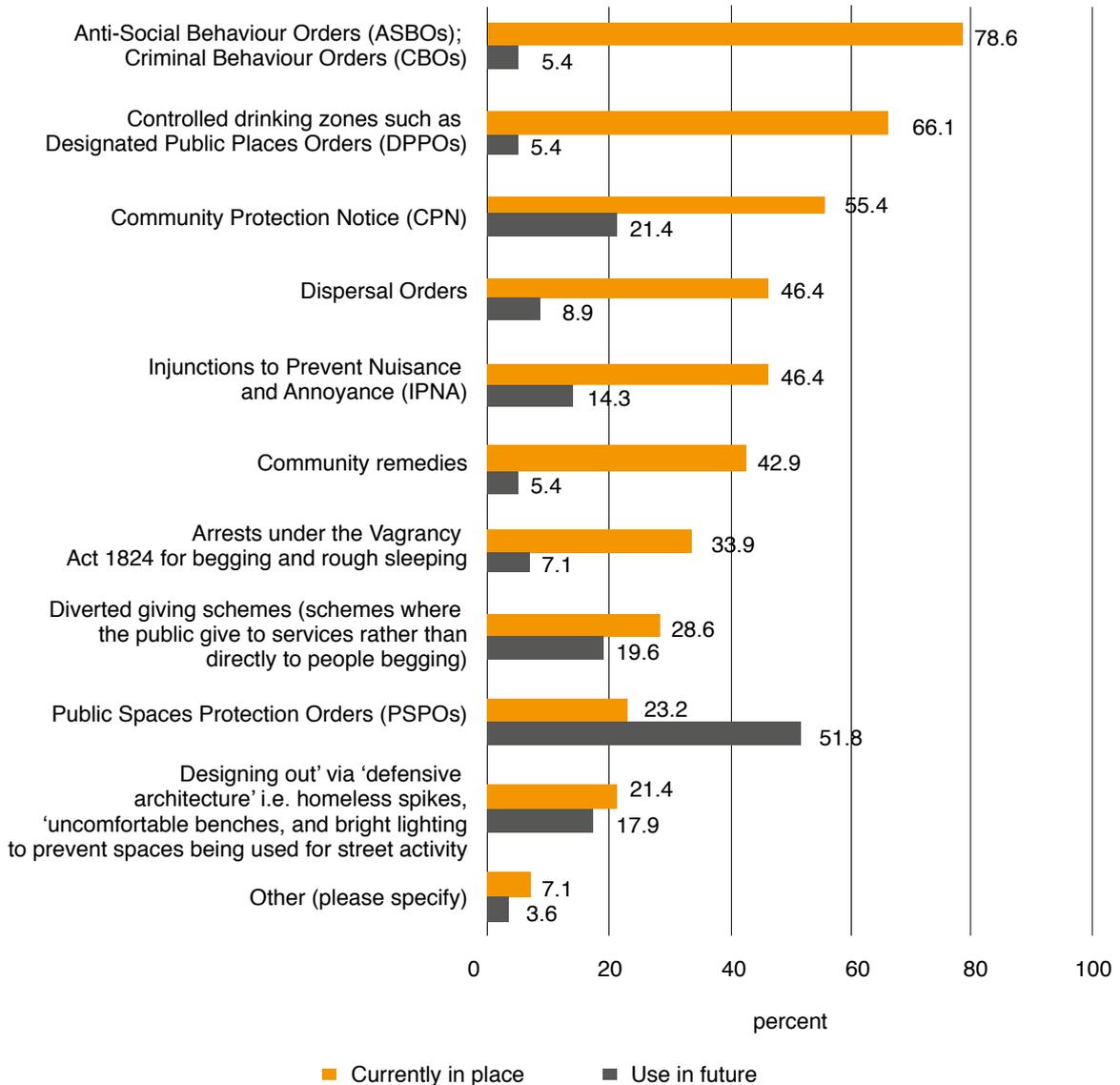
*“[The] PSPO does not specifically prohibit rough sleeping but consultation included a request for the area to be cleared of bedding etc. on request of an authorised officer. This was misinterpreted as a ban on rough sleeping which it was never intended to be, just a provision to request removal of items that were, for example, left in shop doorways and causing a nuisance/public health risk.”* Local authority survey respondent

Some local authorities responding to the survey stressed that measures they had introduced were not targeted specifically at rough sleepers per se but any crime or anti-social behaviour they may be associated with.

*“None of the measures have been targeted specifically at rough sleepers but would be considered in relation to crime and anti-social behaviour complaints where victims have been identified”.* Local Authority survey respondent

*“The enforcement powers are targeted at behaviours such as causing anti-social behaviour because of drinking. They are not specifically targeted on rough sleepers, but the individuals involved in ASB/nuisance behaviours. An individual targeted because of their behaviour may or may not be a rough sleeper, however, this is irrelevant to why the enforcement*

<sup>27</sup> 56 out of 81 local authorities reported using enforcement measures. When local authorities were asked which enforcement measures, if any, they used to specifically target rough sleeping 29 out of these 56 answered and indicated which ones. The percentages in this list are calculated from these 29 local authorities. The following number refers to the number of local authorities this applied to.

**Chart 3: Local authority current and planned use of enforcement measures**

n = 56, source: local authority survey

*activity has taken place.”* Local Authority survey respondent

One representative from case study one said that the measures they had in place were clearly advertised and intended to inform everyone what was deemed acceptable behaviour such as not urinating in public, not to be in a group under the influence of alcohol or be abusive to others.

The use of defensive architecture by local authorities and private developers often responds to the calls for action by local businesses and members of the general public. Urban spaces are consequently often sites of contest between official attempts to keep areas open and ‘pleasant’ for ‘everyone’ but while also making them less accessible to those engaged in anti-social behaviour which can include rough sleepers.

### Public Space Protection Orders (PSPOs)

Introduced as part of the new range of powers the Anti-social behaviour, Crime and Policing Act 2014 given to local authorities and the police, PSPOs have been at the centre of media attention and local campaigns for their use by councils in allegedly banning and criminalising rough sleeping. PSPOs allow a local authority to restrict behaviour thought to be anti-social or detrimental to the wellbeing of a community in a specific, designated area ('protecting the law-abiding majority'). Breaching a PSPO is a criminal offence and is punishable with a fixed penalty notice of £100 or a fine on prosecution of up to £1000.

Advocates of their use cite the ways in which they can be one of a range of useful tools to address particular localised problems with anti-social behaviour and specific groups of individuals and ensure the safe-guarding of the wider community and public spaces. Defending themselves against critics who say PSPOs can target and ban rough sleepers, they argue that it is the anti-social behaviours that can be associated with rough sleeping (aggressive begging, street defecations, misuse of drugs etc.) that are targeted with PSPOs and not rough sleepers themselves.

*PSPOs can be very, very powerful to compel people who are making very poor life choices into hopefully changing those.* Local authority stakeholder

Criticism of PSPOs stem from the concern that criminal powers are being used to deal with vulnerable people when alternative means are already at hand for supporting and working with them. If rough sleepers are committing criminal offences, then there are existing laws and processes to deal with them. Blanket bans of rough sleeping or behaviour closely associated with it – lying on or sleeping in the street; material on the street deemed to be bedding – is not an effective means of dealing with rough sleeping and in itself is not an anti-social behaviour. PSPOs can push rough sleepers further away from public spaces and make them harder to find and support.

This debate and issues at stake between advocates and critics of PSPOs played out recently in case study three in this research. The council proposed a PSPO to deal with the problem of rising anti-social behaviour in their town centre and put the proposal out for consultation. There was a lot of media attention which focussed on the perception that a PSPO would effectively ban rough sleepers from the city centre and potentially hit them with fines they could not afford to pay. Local homelessness organisations worried that a PSPO would do little to actually address the causes of local homelessness nor address the shortage of hostels or supported accommodation there was locally. Others questioned the timing of the PSPO with a new shopping centre having recently opened, the council wanted to clear the area of 'undesirables'.

*They seemed to focus the whole PSPO on rough sleepers. There was a lot of media attention, and they all became focused on rough sleepers and begging, you know, and it was always the rough sleepers that were begging.* Homelessness organisation stakeholder

The use of PSPOs is part of a wider debate about how we perceive our public spaces and what we want these spaces to be. The issues extend beyond banning or outlawing particular behaviours to ones involving the control of public space – which in some cases is becoming more privatised – and who is included or excluded in participating in the daily practices of urban life.

Not only did many local authorities make current use of enforcement but some also planned to implement new measures in the future. In particular:

- 52% (29) plan to enact PSPOs in the future
- 21% (12) said that Community Protection Notices would be used in the future
- 20% (11) were going to start using Diverted Giving Schemes
- 18% (10) intend to use defensive architecture.

The majority (76%/26) of those local authorities who were planning on using more enforcement in the future said their reason for doing so was because of complaints from the general public. Eighty-five per cent (29) said it was also in response to crime figures in particular areas.

Stakeholders and local authority survey respondents gave more detail on the specific type and functioning of enforcement measures they had in place. In case study area two, a local Police Officer, with responsibility for tackling anti-social behaviour, explained the powers dispersal orders gave them,

*“It is a dispersal power that came out of the ASB Crime and Policing Act in 2014 and it applies to individuals committing or likely to commit ASB crime or disorder and it has been given to members of the public in a locality where a person is being harassed or alarmed or distressed. ... it certainly has been used in the past if they are not forthcoming in moving when requested to do so.”* Police officer stakeholder

A worker from a local homelessness organisation, also in case study area two, was aware of the restrictions that rough sleepers could face with trying to enter the city centre.

*“I know the police enforce restrictions on access to the city centre on people, on homeless people, and that’s usually because they’ve been begging in the street or in car parks.”* Homelessness service stakeholder

In case study area one, the police stakeholder detailed the range of legal sanctions that the 2014 legislation had put at their disposal,

*“We have things like CBOs, Criminal Behaviour Orders, which is sort of like the new ASBO. CBO is the new ASBO, yeah, and I think they’ve put some more stringent powers into as well. It can be a bit more specific down to roads and areas and what they can and can’t do, rather than just a general ASBO which is a cover-all but wasn’t always as enforceable, I don’t think. That’s where we would get a lot of the time come in contact with our rough sleepers would be through CBOs.”* Police stakeholder

Some local authorities found something similar and said that the new measures enable them to write into particular actions positive or behavioural conditions. These it was noted are often much more effective than previous actions that could just mean banning someone from an area:

*“ABCs and Civil Injunction have proved most effective so far in relation to ‘street’ issues because they help the individual whilst protecting the wider community.”* Local authority survey respondent

*“Enforcement measures are an absolute last resort against those who refuse support and/or accommodation and persistently engage in criminal/Anti-Social Activities. We have now begun to use civil injunctions as a remedy with emphasis on positive requirement such as engagement with named individuals in support and outreach.”* Local authority survey respondent

## 2.3 Rough sleepers' experiences of enforcement measures

One of the overriding findings from the research is that while those local authorities who did use enforcement the majority (93%) employ formal measures (or have them at hand to use) compared to informal measures (38%). However, the big contrast comes in what rough sleepers actually experience and frequency in which certain measures are used. Rough sleepers' experiences of informal measures were far more common than their experiences of formal measures.

Nearly three-quarters (73%/335) of rough sleepers have in the last 12 months experienced some form of enforcement in relation to their sleeping rough (either formal or informal). Of these enforcement experiences, 70 per cent were informal measures. Those residing in London were more likely to experience enforcement than other regions of England and Wales. Female rough sleepers were marginally less likely (69%) to have experienced any form of enforcement in the last 12 months than male rough sleepers (74%).

This contrast between the formal enforcement measures local authorities have in place (PSPOs, use of CBOs or CPNs for example – see Table 1 for more detail) and what is actually most commonly experienced by rough sleepers – informal measures – can be explored further by looking more closely at the specific measures rough sleepers had experienced in the last 12 months.

Informal actions refer to experiences that did not meet with specific formal or legal sanctions set out by the Anti-social Behaviour, Crime and Policing Act 2014 that involve engagement with the criminal justice system. Of these informal measures, the most prevalent experience of enforcement is by police officers and/or other enforcement agency to move rough sleepers on.





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***Enforcement measures are an absolute last resort against those who refuse support and/or accommodation and persistently engage in criminal/Anti-Social Activities. We have now begun to use civil injunctions as a remedy with emphasis on positive requirement such as engagement with named individuals in support and outreach. Local authority survey respondent***

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### Examples of approaches to enforcement by local authorities

While some enforcement measures – drinking exclusion zones, PSPOs, for example – are often decided upon as part of a wider council community safety strategy, actions such as CBOs or the issuing of CPNs are normally enacted at ground level by appropriate local authority staff, outreach teams and police officers.

Stakeholders across the case studies gave insight into how enforcement measures were put in place. Two main procedural forms became apparent.

First was the multi-agency initiative approach residing within the local authority with responsibility for tackling anti-social behaviour and tasked with community/business district improvement. These initiatives bring together representatives from across the community drawn from any organisations or services that work with, interact with or deal with the fallout of people who are engaged in street activities perceived to be anti-social. This can include the police, outreach services, other emergency services, local homelessness organisations, faith groups, Housing Options and others.

Regular monthly meetings are held where the existing cases of rough sleepers or newly referred rough sleepers are discussed. Rough sleepers are referred to the initiative by outreach teams or via another referral route. Information is shared across the different agencies about these individuals if they are already known to services. This was often vital to the success of an intervention. What the best course of action is then discussed and responsibility allocated to a specific service to make an offer of support to the rough sleeper.

Action can be escalated if the rough sleeper is verbally abusive or threatening to staff and unwilling to cooperate or continue to engage in behaviour perceived to be anti-social. The decision is not taken lightly and regular contact is maintained between outreach teams and the rough sleeper. The relevant agency will work closely with the local police to build the case to implement and issue, for example, a CBO.

Stakeholders explained that working in a multi-agency approach encouraged information sharing and meant appropriate support could be offered and put into place much quicker than traditional 'silo' working. 'Open' lines of communication were key to positive outcomes. It also enabled a more comprehensive and coherent service offer could be made to rough sleepers.

The other approach stakeholders discussed was less multi-agency but had a clear three-step process to using enforcement if it was needed. The first step was that all new rough sleepers that were seen would receive a social care assessment and an appropriate single service offer would then be made. Stage two occurs if the rough sleeper failed to take up or engage with this offer. Behaviours associated with their rough sleeping considered to be detrimental to their own well-being and the local community were targeted with a variety of formal enforcement actions including CPNs, dispersal orders and CBOs.

At this stage it was stressed that a strong link is retained to social care and support remains in place for the rough sleeper. The final third stage of enforcement is reached if the anti-social behaviour is not stopped or resolved. These actions are primarily taken by the police and can include the issuing of warrants for arrest or if the rough sleeper is a non-UK national the UK Border Agency would look to deport the individual.

*“I mean the parks are regularly patrolled. ... it’s almost as if it’s illegal to sleep rough.” Paul, rough sleeper*

## Over 6 out of 10 rough sleepers have been moved on

Over six out of 10 (63%/290) rough sleepers had, at some point, been moved on by the police or an enforcement agent. The majority (88%/256) of these experiences had happened within the last 12 months. Alongside these experiences of being moved on, belongings being taken by the police and/or other enforcement agents was experienced by 14 per cent (65) of rough sleepers within the last year. This was more prevalent in Wales than elsewhere.

By contrast only 10 per cent (45) of those rough sleepers who had experienced enforcement in the last 12 months had been effected by a formal measure. And of these experiences the majority (60%/27) had been rough sleepers issued with an CBO or ABC (this is just 6% of all enforcement measures experienced by rough sleepers in the last 12 months). Being arrested for rough sleeping accounted for 5 per cent (24) of all recent enforcement actions.

*“They got security down there, and, you know, I can walk down now and security will come up to me and walk me through. I can’t even stop, you know, I can’t even stop. You know, they’ll walk me straight through.” Simon, rough sleeper*

More rough sleepers have experienced material forms of informal enforcement such as defensive architecture, noise pollution and wetting down. Thirty-five per cent (161) of respondents in the last 12 months have found it difficult to find anywhere to sleep or rest because of defensive architecture. Respondents in London fair worst for being ‘designed out’ than rough sleeper’s in other regions and nations.

*“I find all benches and find a ... sit uncomfortably, let alone sleep on. They’re*

*always either curved in the middle so they raise up, or they’re slanted so yeah, to be honest like it’s hard to find a bench to sleep in. And if you can, they’re not comfortable anyway and then as you said any wall areas, yeah, you know, you got those little metal circle bits on or little spikes.” Mark, rough sleeper*

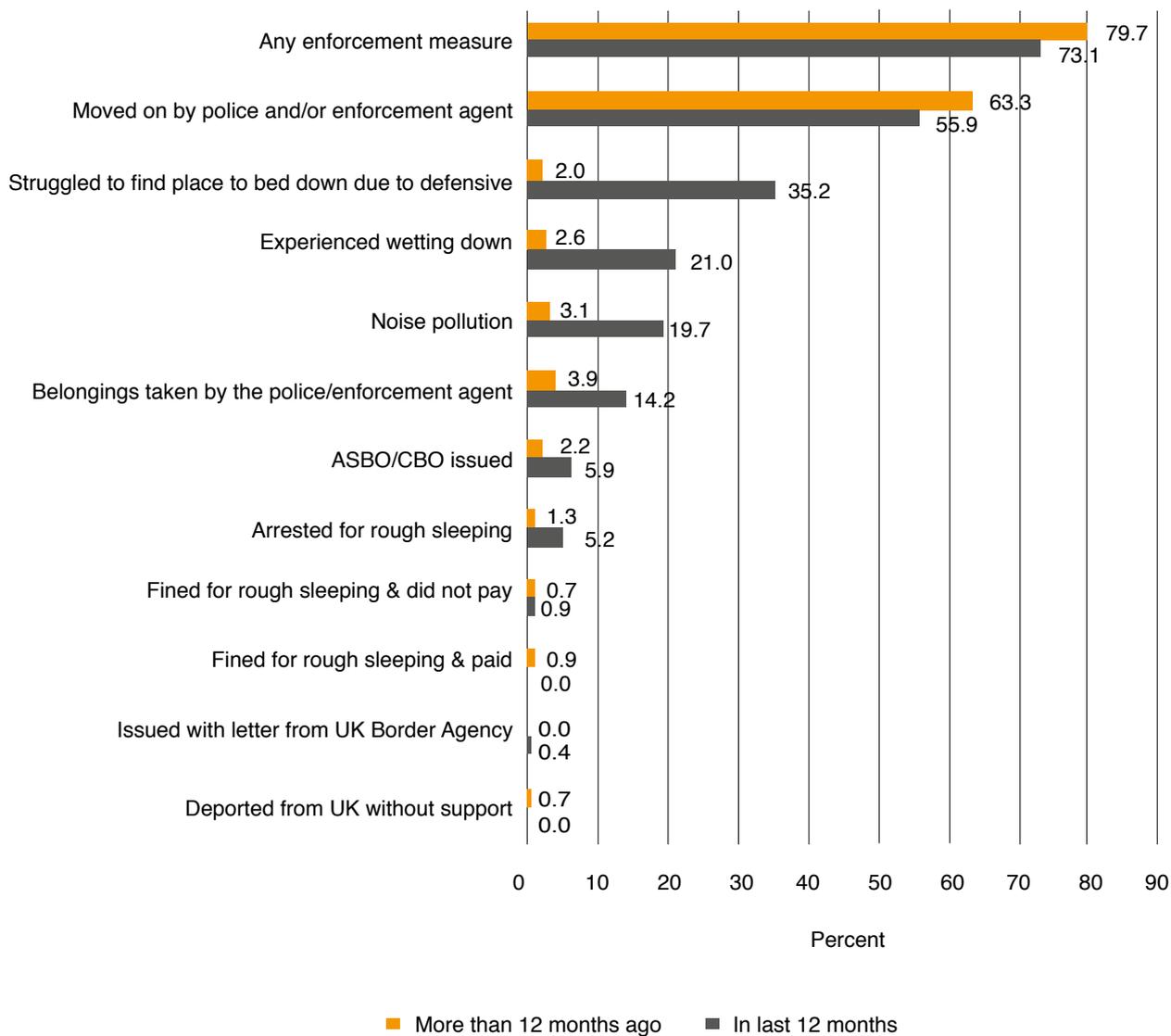
A fifth (20%/90) have experienced noise pollution in the last 12 months effecting their ability to sleep and rest. Again those rough sleeping in London were proportionally more likely to experience this. The street cleansing or ‘wetting down’ of areas where rough sleepers may bed down was experienced by 21 per cent (96) of rough sleepers in the last 12 months. Furthermore, 63 per cent (287) of rough sleepers have seen an increase in security guards and wardens patrolling public spaces in the last two years.

*“There were three speakers along this tunnel and all the people who slept under the speaker and, you just couldn’t sleep, because of the noise, it was boats, trains, bird noises, animal noises, it was strange, it was weird, it was horrible.”*

*“I’ve been there, and done it. Instead of coming in in the mornings and saying, like, ‘Everybody had to get up,’ they start washing the steps down. So, you’d be in bed and getting wet and all that.” Daniel, rough sleeper*

The FOI findings revealed the use of interventions following any measure available under the Anti-social Behaviour, Crime and Policing Act 2014 to deal with the act of rough sleeping itself: they add weight to the rough sleeper survey findings which show how much more prevalent are the

**Chart 4: Enforcement measures experienced by rough sleepers in the last 12 months or more than 12 months ago**



n = 458, source: survey with homeless people

experiences of informal measures compared to formal legal interventions. Relatively few councils – 19 in all – confirmed that they have made use of measures under the Anti-social Behaviour, Crime and Policing Act 2014 in relation to rough sleeping itself. By far the most frequent measure was the issuing of warnings (314 in the period October 2014 to June 2016).

Twenty-four CPNs warnings and only two ABCs had been issued. None of the local authorities who responded to the FOI had served fixed penalty notices or administered fines for rough sleeping since the Act had been introduced. These findings suggest that interventions for rough sleeping itself were less frequent than for behaviour associated with rough sleeping.



Over **7 out of 10** rough sleepers in the last year experienced **enforcement**

The results from the FOI requests also point to the concentration of use of enforcement measures in particular locations. Thirteen of the 19 councils to confirm their use of enforcement measures were in the south and around half of those were in London. Use of informal measures was also further concentrated within three local authorities with them accounting for 300 of the 340 informal interventions made.

The high prevalence of enforcement experiences amongst rough sleepers also had an impact on their general well-being. Half of rough sleepers (50%/227) said that experiencing enforcement made them feel more invisible on the street while for over half (56%/254) it contributed to them feeling ashamed of being homeless. Furthermore, a third of respondents (33%/150) said they did not feel they deserve help as a result of the enforcement measure. Alcohol consumption for a quarter (25%/116) of rough sleepers increased as did drug use for a fifth (21%/96). For just under a third (30%/138) of rough

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**There were three speakers along this tunnel and all the people who slept under the speaker and, you just couldn't sleep, because of the noise, it was boats, trains, bird noises, animal noises, it was strange, it was weird, it was horrible.**

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sleepers' enforcement also negatively impacted on them trying to find settled accommodation as they were further displaced by from an area and struggled to access services. The threat and experience of being regularly moved on and struggling to find a suitable place to bed down for the night can become a priority rather than seeking accommodation.

Themes and issues to emerge from the photo elicitation workshop which explored the series of images of defensive architecture

that Crisis Skylight members had captured focused on how these attempts to ‘design out’ certain individuals would make rough sleepers feel. It was felt that while often the design of benches, walls and such like look benign, it only serves to camouflage a form of exclusion and harshness to those already displaced from mainstream society.

Skylight members felt that the harsh, cold and uncomfortable surfaces captured in the photos communicate a way of telling rough sleepers that they are unwelcome and that this space is not for them. This only ensures they are and feel pushed to the margins of society. Examples of these photos are featured throughout the report.

### Daniel's story

Daniel is a middle aged British man. He had been sleeping rough in a tunnel in central London that was owed by the business above it. He was subjected to regular noise pollution at night with the broadcasting of the noise of trains, boats and animal noises. All of which served to disrupt attempts to sleep, left him tired all day and feeling ‘in such a mood’ when he would visit a nearby day centre during the day.

His time in this spot ended when the police officer he regularly saw, and was on good terms with, arrived one morning and said, ‘Sorry I’m here to give you a dispersal order’. When Daniel challenged this and asked what it was for, he was told that it was for ‘begging’. The police officer started to get angry when Daniel explained that he had not been begging and if the local business wanted him moved why had they not spoken directly to him?

*“Sorry I’m here to give you a Dispersal Order”, and I went ‘what for?’, he said ‘begging’ and I said, ‘well, we’re not begging’, he said, ‘well you we’ve had reports’, he said, ‘you have to move’. I said, ‘well, last week, you said ‘hello, how are you?’” And then he turned nasty so then we shut up.”*

The officer proceeded to turn off his microphone told Daniel to move up the road. He was threatened with arrest if he did not move and was told in no uncertain terms that if he was seen in the same spot again he would be arrested. Daniel moved and two days later fences had been put up barring entry to the tunnel. He described how this experience made him feel,

*“...it made me feel the lowest of the low, you feel low anyway ... but it made me like a criminal.”*

Daniel found somewhere else to sleep, somewhere he thought he would be safe until security guards told him, after two weeks, he could no longer sleep there. He was told there had been reports of people urinating on a nearby wall. Despite his protests, and pride Daniel took in ensuring he always cleared up his ‘patch’, he had to leave.

On having found another place to bed down for the night he was approached by an outreach team. Daniel told them of his previous experiences of being moved on and they referred onto the local NSNO hub but, as he had no local connection, instead of an offer of accommodation, he was told he would be given a coach ticket back to where he had previously lived for six years. Daniel refused this as he did not want to return to a place where he had lost his job, his house and his partner whom had recently died. Having now since left London, Daniel is starting to engage with local support services and getting help to address his depression.

## 3 Support, impact and effectiveness of enforcement

### 3.1 Post-enforcement: helping people move on from the streets

Any contact with rough sleepers by outreach teams, enforcement agents or the police is an opportunity to have meaningful engagement. Local authorities and stakeholders reinforce this belief when they reiterated that any enforcement action taken had an equivalent support action.

*“Enforcement options working alongside social care is a fundamental principle of our street based outreach and support. Our strategy firmly believes that one cannot solely operate effectively without the other”.* Local authority survey respondent

*“Criminal Behaviour Orders are more effective for us as they have positive requirements attached to it which allow us to compel individuals to engage with vital support services and housing options.”* Local authority survey respondent

Ninety-four per cent of local authorities surveyed said that whenever enforcement is used advice and support is always given to address needs. A similar proportion (92%/49) said that information is always given about accessing accommodation.

Most formal enforcement actions taken involve the support being incorporated into the action to try and address the

behavioural aspect of the individual. By way of contrast the most frequent form of enforcement experienced by rough sleepers – being moved on – is informal and does not necessarily involve support.

The reported experiences of support alongside enforcement action by survey respondents differs from local authorities' responses. In 81 per cent (277) of rough sleepers' most recent experience of enforcement no support or advice was administered. Where support was offered (17%/58 of rough sleepers) those in London were more likely to receive it than elsewhere.

In the cases when rough sleepers did receive support there was a slight difference between



**When we were rough sleeping in [name of town], the police actually brought us food, so you get some good police and you get some bad police, it just depends.**



those that had most recently received either an informal or formal measure. Of all those who had experienced a formal enforcement measure only 13 per cent (6) received support compared 15 per cent (49) for those that had experienced an informal measure.<sup>28</sup>

Thirty-one per cent (90) of rough sleepers that had been moved on by the police and/or enforcement agents in the last 12 months have been so on five or more

<sup>28</sup> This difference in large part is down to the contrasting sample sizes between those rough sleepers who had experienced informal enforcement in the last 12 months (n=322) compared to those that had experience formal enforcement in the same period (n=45).

occasions. Every one of these ‘contacts’ is an opportunity for meaningful engagement.

*“When we were rough sleeping in [name of town], the police actually brought us food, so you get some good police and you get some bad police, it just depends”* Sheila, rough sleeper

While few rough sleepers received support post-enforcement of those that did the most common form was signposting to other organisations for support (48%/28) or help with accessing emergency accommodation (48%/28). Other support rough sleepers received was:

- 28 per cent (16) were given general advice/information
- 26 per cent (15) received an advice leaflet of local services
- 16 per cent (9) were offered support with accessing benefits/financial help
- 12 per cent (7) received alcohol misuse advice/support.

The numbers of rough sleepers – 17 per cent (58) - receiving support was limited, but six out of ten took it up when offered. For example, 79 per cent (22) of rough sleepers took up the offer of access to emergency accommodation and the same proportion also followed up the signposting to other agencies for help. Fifty-six per cent (9) made use of the general advice and information they received; 67 per cent (10) used the leaflet they were given; 89 per cent (8) accessed the support for benefits and financial help and just over half (56%/5) used the alcohol misuse advice and support.

For those offered emergency accommodation in 71 per cent (20) of the cases this was a Single Service Offer. Over half of responding local authorities did not have a No Second

Night Out (NSNO) policy in place. The FOI information received did show however that between October 2014 and June 2016, 374 referrals to support services were made by local authorities.

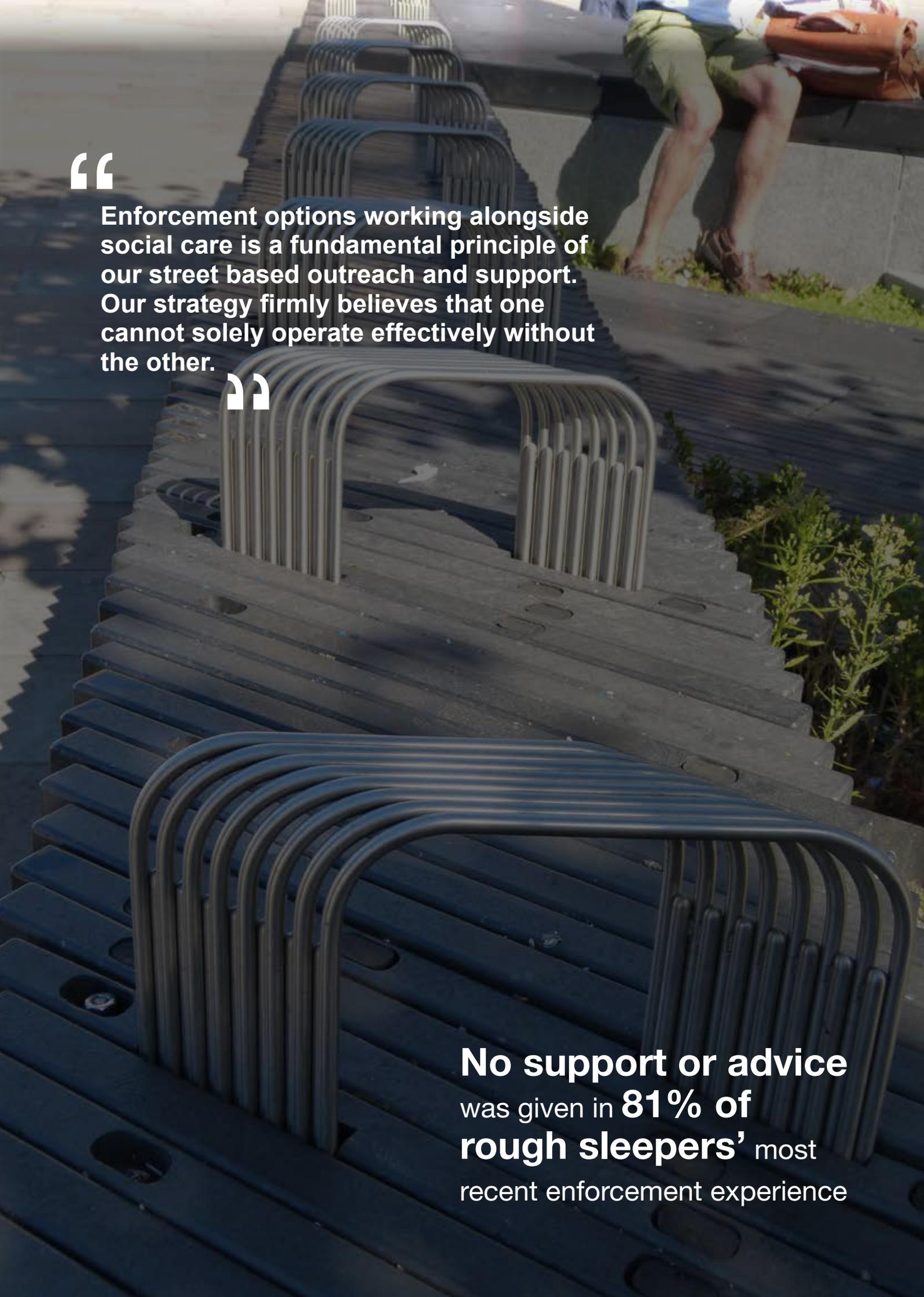
Of the remaining four out of 10 (23) rough sleepers who did not take up the offer of support, this was because of a number of reasons. Namely, they had either tried to access it but could not (17%) or it replicated support they were already receiving (17%). Just over one in 10 (13%) did not take it up because they did not think it would help and 13 per cent said what was offered did not suit their needs.

*“Full support and building relationship between the various agencies and the individual, offering support and help is always put in place before enforcement action is taken. It is in opinion that if enforcement is taken we can continue to offer advice and support for a better outcome.”* Local authority survey respondent.

One participant reported how it was difficult to access advice and assistance when street homeless as the police and other enforcement agencies were not always aware of or able to signpost to outreach teams:

*“The services, yeah, everyone is trying to help everyone out and push them in the right direction but no, with regards to what the police can do, you know, even I’m not fully aware of everything they can do, but no, no, it’s not known of. The police don’t make it aware to you the first time, they said, you know, so it’s not until you’ve been found for the third time that they do something.”* Dan, rough sleeper

He then went onto explain that on one occasion he did receive information which helped him to access emergency night shelter.

A photograph of a person sitting on a bench outdoors. In the foreground, there is a bicycle rack with several bicycles parked. The person is wearing green shorts and a blue shirt. The background shows a concrete wall and some greenery.

“

Enforcement options working alongside social care is a fundamental principle of our street based outreach and support. Our strategy firmly believes that one cannot solely operate effectively without the other.

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**No support or advice**  
was given in **81% of**  
**rough sleepers'** most  
recent enforcement experience



However, with informal enforcement it is often down to the discretion of the individual police officer or enforcement agent as to whether any support or signposting to services takes place. When support is not offered or requests for help are not met by an officer or agent it can have negative consequences for rough sleepers.

*“Oh, God, I felt so intimidated, like, vulnerable. I just broke down and cried. I practically begged them to help us and they didn’t want to know. ... All I had off them was, ‘We’re not mental health or council, we’re police officers’. That’s all we had off them. I felt intimidated, I felt they looked down at us, though I was a decent person, and they could see I needed help and my boy wasn’t well. I felt like I was worthless. I didn’t want to live sometimes. I didn’t want to be here anymore.”* Ella, rough sleeper

*“I was in a doorway the last time I was on the streets a couple of months ago, yeah. There was one nice policeman, he said to me, ‘Have you got the ...’ ...but he said to me have you got this survival handbook that they hand out in [name of city] which shows you all the night shelters and all the places you can get food, but no, that was only once, a policeman that’s ever actually mentioned anything to do with that. Apart from that, it’s just, you know, to move you on and that’s it. Take your name just in case they bump into you again later on.”* Dan, rough sleeper

Speaking with rough sleepers it was common for them to describe interactions with the police or enforcement agents that were characterised by a general disregard for the situation rough sleepers were in. In some cases, people reported being threatened with being arrested.

*“They stood there and said, you know, ‘we’ll stay here until you move’, I said, ‘well what if I don’t move?’ and they said we’ll be arrested. So I said, ‘OK’, I said, so they waited for us to move and then they said, you know, ‘we’ve told you where to go’, you know in and they said, ‘if you come back here you’ll be arrested’”.* Daniel, rough sleeper

### **3.2 Impact of enforcement measures**

When formal measures of enforcement are taken – for example, CBOs – support is often incorporated into the behaviour order in order to try and achieve positive outcomes.

Interactions could also change day to day with police or enforcement agents being seemingly nice with rough sleepers but that something might change or trigger a change in approach and attitude:

*“The way they talk to you sometimes, you get one alright to you and you get Joe Bloggs who might – don’t know you – who will come in and say something that it’s obviously just dealt with the situation but ... yeah, you get it. They talk to you like a piece of shit really some of them do, don’t they? And I mean that.”* Jeremy, rough sleeper

The frequency of being moved on and the manner in which they were dealt with by the police and enforcement agents could also have a negative impact on rough sleepers’ sense of self, general well-being and also feelings of safety. Respondents explained that being regularly being ‘moved on’ meant it became difficult to sleep.

*“I can’t remember where it was, but yeah, there was twice I was in town and I got moved on, they said if they see me again there’d be some section or whatever or, yeah, a disbursement thing going on about so ... yeah, but basically that night I didn’t end up sleeping at all. I think that about – I think they moved me on at 2.00am, then they moved me on at 4.00am in the morning.”* Mark, rough sleeper

People also reported feeling intimidated and made to feel like criminals in some instances. The result of this left some rough sleepers feeling even more depressed with their current situation.

*“I don’t need to be told... it made me feel the lowest of the low, I mean you feel low anyway, but it made me feel like a criminal. You know, arresting me for sleeping out, you know you get arrested for burglary and stuff like that, not for sleeping on the street.”* Daniel, rough sleeper

Treatment such as this made some rough sleepers feel angry and had knock-on effects for any future interactions with the police or enforcement agents.

*“Quite pissed off, like, really, because, you know, it makes me resent them even more, you know. And I’m getting along with the police now, because I haven’t been in trouble now for nearly five years, which is really good for me, because I was getting into trouble quite often. But, you know, stuff like that, it just, you know, it just makes me hate them even more.”* Simon, rough sleeper



The overall impact of their enforcement experiences – being regularly move on without any support – meant the majority (66%/302) of rough sleepers felt life was getting worse on the street rather than better.

Nor did engagement with the police or other enforcement agents make them feel any safer on the street. The reverse was the case: almost half (47%/214) felt less safe on the street with female rough sleepers (49%) reporting this more than men (46%).<sup>29</sup>

Recent research shows just how dangerous rough sleeping is and the negative impact it can have on health and well-being.<sup>30</sup> People sleeping on the street are almost 17 times more likely to have been victims of violence and 15 times more likely to have suffered verbal abuse in the past year compared to the general public.<sup>31</sup> More specifically, 45 per cent of rough sleepers in the last 12 months have been threatened or intimidated with violence and almost a third have been deliberately hit or kicked.<sup>32</sup>

As such, inappropriate or misguided use of enforcement too early rather than as a last resort when engaging with rough sleepers can be counter-productive and without effective and sufficient support leave them more vulnerable.

### 3.3 Effectiveness in stopping anti-social behaviour

*“The biggest impact of enforcement is a positive outcome for the rough sleeper, predominantly that individual no longer living on the street.”* Local authority survey respondent

*“They’re dispersing them, and I think all they’re doing is, to the residents, it looks like they’re being seen to be doing something, because they’re attacking the anti-social behaviour, but at the same time, they’re just dispersing them to another area.”* Homelessness organisation stakeholder

The aim of enforcement measures are to address anti-social behaviour and work with individuals, including rough sleepers, to change their behaviour. This section of the report explores what the outcomes have been of enforcement policies in the local authorities who use enforcement.

It also unpacks what the impacts have been on the ground for rough sleepers who have been enforced. These impacts can be broadly characterised into two types: displacement – the moving of rough sleepers from one area to another and secondly, behaviour change – what changes in particular types of activities rough sleepers are engaged with occurs.

For some local authorities the use of enforcement measures did have a clear positive outcome in that four out of 10

<sup>29</sup> In part this could be because of the geographical displacement many rough sleepers and stakeholders reported which saw individuals move to different areas which could, potentially, leave them in more remote areas away from known social networks and ‘safer’ communities. This is discussed more below.

<sup>30</sup> Thomas, B. (2012) *Homelessness Kills*. London: Crisis. And Sanders, B. and Brown, B. (2015) *‘I was all on my own’: experiences of loneliness and isolation amongst homeless people*. London: Crisis. And St Mungo’s (2016) *Stop the Scandal: the case for action on mental health and rough sleeping*. London: St Mungo’s.

<sup>31</sup> The 2015-16 Crime Survey for England and Wales found that 3.6 per cent of the population of England and Wales experienced ‘being intimidated, verbally abused or harassed’ within the last 12 months. In the Crisis (2016) survey of people who had slept rough in the last 12 months, 55.5% had experienced ‘being verbally abused or harassed’. This is 15 times higher than the proportion of the general population of England and Wales who had experienced verbal abuse or harassment. With people who have experienced being deliberately hit or kicked or had any other force of violence the 2015-16 Crime Survey for England and Wales found that 1.8 per cent of the population of England and Wales experienced ‘violence’ within the last 12 months. In the survey of people who had slept rough in the last 12 months, 30.3 per cent had been ‘deliberately hit or kicked or had any other force of violence’ against them. This is 16.8 times higher than the proportion of the general population of England and Wales who had experienced violence in the last 12 months.

<sup>32</sup> Sanders, B. and Albanese, F. (2016) *‘It’s no life at all’: rough sleepers’ experiences of violence and abuse on the streets of England and Wales*. London: Crisis.



(41%/14) reported less complaints from the general public concerning rough sleeping and associated anti-social behaviour. A similar proportion (40%/14) reported the same for a decrease in complaints from local businesses.

**We've had a noticeable reduction in street drinkers. I wouldn't suggest there's been a decrease in rough sleepers in that area but there has in street drinkers, and predominantly the street drinkers that we identified.**



*"We've had a noticeable reduction in street drinkers. I wouldn't suggest there's been a decrease in rough sleepers in that area but there has in street drinkers, and predominantly the street drinkers that we identified."* Local authority stakeholder

However, when looking at the actual impact on whether enforcement measures have addressed the frequency of anti-social behaviour the results are more ambiguous.

While 51 per cent (25) of local authority's said that anti-social behaviour has actually decreased in areas where enforcement measures are in place a third (33%/16) said that they cannot say either way what has happened to levels of anti-social behaviour. Furthermore, 28 per cent (14) said that anti-social behaviour has actually gone up in areas of their local authority where enforcement measures are not in place.

#### Jane's story

Jane is a 25-year-old woman who has been rough sleeping since 2010 and has a history of interactions with police. Jane's offending is related to her drinking but to date she has struggled to maintain accommodation and support around this. Jane moved to London and would drink with others on the streets, her vulnerabilities often meant she would offer herself to men who would provide her with protection, she would get into relationships with men who would protect her but also hurt her and Jane was a victim of domestic violence. During times of particular substance abuse she would also be a perpetrator of domestic violence.

Jane's drinking and violence towards others caught the attention of police and the wider community and so her support team began working with Police to look at a Criminal Behavioural Order. The order was granted at the end of 2016 and this has guaranteed sometime away from high harm street areas allowing Jane to break free from old associates, to engage with her outreach worker and to find accommodation suitable to her needs.

Jane eventually took the offer of supported housing and as a result of the CBO alongside intensive support her and her partner decided to stop drinking, both have now been abstinent for five months.

In her short time in accommodation, Jane is flourishing. She stays at the project each night and has not returned to rough sleeping. She engages with her key worker, pays her service charge and has been no issue to staff or any residents. Being accommodated has given Jane a sense of security that other traditional hostels could not offer, it has provided her with the spring board to begin addressing the multitude of health issues she has. This has not been possible up to now as Jane would regularly be dragged back into street life. Since her CBO she has engaged with support, improved her life and has not been in contact with Police for six months.



**We were sleeping here, there and everywhere. We were sleeping in parks, and we got moved on a lot by the police too, though we weren't harming anyone. We used to get moved on a lot.**



From speaking with stakeholders across the case studies there was variance in the level of resources and experience local authorities had to use enforcement measures to tackle anti-social behaviour. A lack of resources meant enforcement was sometimes used by local authorities without the appropriate support in place. In those areas with more resources and experience enforcement could be embedded with a multi-agency service offer of last resort.

### 3.3.1 Geographical displacement

The reference to the problem of anti-social behaviour being moved elsewhere in a local authority is given additional weight by findings from the rough sleeper survey. A third (34%/102) of rough sleepers said that as a result of enforcement they moved elsewhere to sleep. In these instances, 92 per cent had experienced informal measures. Another 13 per cent (28) said it makes them more selective over where they did things. Again informal measures were most recently experienced by three-quarters of these individuals.

Rough sleepers explained that being told to move on regularly by the police or enforcement agents leaves them with no choice but to move elsewhere. As such, responses to enforcement were characterised by an increase in mobility and moving around more as rough sleepers negotiated their town and cities in terms of areas they could go and areas they could not.

*"We were sleeping here, there and everywhere. We were sleeping in parks, and we got moved on a lot by the police too, though we weren't harming anyone. We used to get moved on a lot."* Sheila, rough sleeper

The consequence of being moved on and having to find new places to rest or bed down meant rough sleepers could end up more in harm's way as they moved further from city centres and well populated or well-lit areas.

Resorting to traveling on public transport was a solution one rough sleeper found to avoid the regular move on and threats of arrests they experienced. Being on public transport also enabled them to feel relatively safe.

*"I don't sleep at any shop door because I could be accused of trying to burgle it or burgling the... and let us know or call the Police or something. I resort to the bus because I've been in many places, they say, "Okay, you could be arrested here. Don't sleep here. Don't sleep here".* Benji, rough sleeper

Other rough sleepers explained that they would move further out of the town and city centres into parks or fields to avoid being moved on. Again this came with consequences for personal safety,

*"When I was in the tent down in [name of area] I had someone shining a light in my tent about 3.00am, 4.00am in the morning. Saying they were police, but they obviously weren't police, they had a Polish accent, but me being stupid I opened up the doors of my tent and there was two Polish guys and I said to them, I said, "Look, I obviously haven't got room in here mate," I said, "look, I've got all my possessions and just me and ..." but yeah, you know, after saying no about three times and them starting getting angry I had to let them in."* Mark, rough sleeper

Another explained the dangers of moving to sleep in parks,

*“If you sleep somewhere, you can see, like, bad people. It depends which area, sometimes, but if you are not alert, if you go to sleep, some areas... there is some people they are not good, you can get killed easily. You can get stabbed sometimes, you know? ...it is not comfortable, like, how I sleep somewhere safe, you know? Because when you sleep, you just sleep, but you don't sleep that properly.”* John, rough sleeper

This problem of displacement was something that many of the stakeholders in the case studies recognised. Stakeholders from local homelessness organisations and services saw and understood first-hand the impact it could have in terms of creating distance between rough sleepers and vital support services. This was most significant if a rough sleeper received a formal ban from an area and had to find an alternative place out of town.

*“We found that the majority of them want to be in the built-up areas, where it's well lit, you know, where there's people about, where there's cameras about. So, we were finding that some of the problems we were having, they were going to either woodlands, or derelict buildings, you know, and one guy had a terrible fall because he climbed over the wall and he couldn't see anything. He went down a huge drop and broke his leg.”* Homelessness organisation stakeholder

One rough sleeper described the dilemma he faced because of his regular engagement with the police,

*“[I] started avoiding the city centre. then you're miles away from any help and all that, so you are sent back into isolation*

*stage, but on the other hand, you know, you can get your head down and not be disturbed, so again that's Catch 22, you're either in the area, the city centre where all the help is but you're not going to, you're going to find it hard to get a night's sleep, or you're like a few miles outside of town”* Mark, rough sleeper

Intermittent or no access to support services meant rough sleepers did not have access to support services that many of them relied on.

*“If it wasn't for these places, you know, [name of centre], which is a place that I come round in the morning and give me my breakfast, if it wasn't for them places, I think I'd be probably getting in trouble a lot more. But these places are a Godsend.”* Simon, rough sleeper

Rough sleepers not only rely on local organisations providing support services but there are also the informal support networks that exist between and amongst homeless people which is disrupted when they are banned from particular areas or are regularly moved on.

*“There's nothing outside of the city centre like day centres and all the soup runs are in town, there's a few drop-in centres in the evening, they're all within this area. So it is basically get out, so they've either got to find a mate to crash or some of the popular suburbs where there's pubs and clubs, you know, some of them will go up there and then they might get caught begging up there”.* Homelessness organisation stakeholder

Without regular access to these services many stakeholders felt that any sustained work that had been done with rough sleepers could be compromised and the likelihood of finding that 'in' point to really engage with someone and support them to move on out of entrenched rough sleeping can be lost. Furthermore, some stakeholders were left



### 3.3.2 Behaviour change

The use of enforcement can move rough sleepers and any associated behaviour into new and different locations. In this respect it does and can stop or remove the problem of anti-social behaviour within a designated area. However, a question remains as to whether enforcement can stop an individual or groups actually engaging in particular activities or practices.

*“Once they have the CRASBO or the ASBO then invariably it is just a constant in and out of prison because anytime they’re seen the police can pick them up and they’re going to get sentenced because they breached that order. So, from the policing point of view it works because it gets them off the streets and they’re not going to cause a problem, from the client it’s just an absolute vicious cycle”* Homelessness organisation stakeholder

frustrated when their clients were subject to bans and nothing was put in place or planned for how they can access support. They said that little was planned beyond just enacting a ban.

*“If there was some provision just to help them to survive then [when banned] – a lot of the time, when they are here we are sustaining them, building a relationship from the day that they say, ‘I’ve had enough of this, I want out,’ and that’s when you pounce on them then, ‘Right let’s get you out.’”* Homelessness organisation stakeholder

With the issuing of a formal enforcement action such as an ABC or a CBO then support for the rough sleeper is or should be built into the particular behaviour order. The intention being to enact behaviour change i.e. helping them stop drinking or drug use and support rough sleepers away from the street.

The local authority stakeholder in case study one, which employed a multi-agency approach, explained how this remit lay behind the initiative he headed,

*“The point of it is to point people in the right direction, whether that’s for housing, whether that’s for drugs and alcohol, whether that’s for mental health, there’s so many different aspects of it all that lead to it that we need to tackle first. They may be sleeping rough because they are trying to avoid having their mental health screened, for instance. Actually it’s providing them*



“

[I] started avoiding the city centre. then you're miles away from any help and all that, so you are sent back into isolation.

”

### Simon's story

Simon has been on and off the streets since he was 16 years old. He has been to prison a few times and struggled with heroin addiction. Last November he was sleeping in shop doorway when he was handed a piece of paper by the police. It warned him that if he was caught again he would face a city centre ban. He did not heed the warning and was caught a little while later rough sleeping again. He was arrested and went to court where he was given a ban from the city centre for 7 months.

*I've lived here all my life, and to be serving you a piece of paper saying I can't go into town, you know it's quite wrong, I think. You know, I wasn't a nuisance or nothing*

If he wanted to come into the city centre, he had to formally inform the police and complete relevant paperwork giving specific details of where he was going and for how long. Failure to do this and being caught would mean a potential prison sentence or a £1000 fine. He respected the ban during that period explaining that while he could inform the police of his intentions to come into the city centre completing the paperwork was hard work and was not worth the hassle. Even with the ban now ended he still feels under observation from the police. Consequently, he no longer sleeps in the city centre preferring to be somewhere he does not feel under constant surveillance.

*"They're always looking out for me, and they're always saying, you know, when I go to town now, they're always saying, 'We're watching you. The cameras are watching you.' So, I got to be careful what I do. I'll never sleep in town again, which is, you know, wrong because I felt quite safe when I was sleeping around here".*

This concern for safety came from an experience of being attacked during the period he was banned from city centre where there was neither CCTV or other people around to provide some 'protection'.

*"I got a kick in the head for being homeless, down there. I got kicked in the head, I had a black eye for a few weeks when I was down there, I was out... you know ... at the mercy of other people. It was quite scary."*

Alongside experiences like these Simon explained that life during the ban was, 'much, much harder' because he did not have access to the support services he normally relied on and viewed as a 'Godsend'. Instead he resorted to sitting outside supermarkets where members of the public would give him money or food.

Simon has noticed that since a new shopping centre has opened that the police are being more vigilant and that there are security regularly patrolling the centre who are very quick to react to 'undesirable people'. Whereas as before the police would leave rough sleepers alone he says that now they actually look for rough sleepers and either move them on or arrest them.

*with that security to feel confident that we can assist them and we won't target them. So that's what we're trying to do."* Local Authority stakeholder

The same stakeholder explained, however, that their powers were limited in that they cannot force people into accommodation when it is offered nor do they use enforcement

solely because an individual is rough sleeping. Enforcement is a means for them to address anti-social behaviour when or if those individuals engage in it and then begin the journey towards working with them to move away from the street.

*"We can't force them into accommodation but they know that it's available. A couple*

*of people have openly said, 'We are happy but when we do we know where you are.' So our hands are tied to what we can do; we can't force them in and then the issue is we can only start taking enforcement action if their behaviour is anti-social behaviour. We never target a rough sleeper just for being a rough sleeper. It tends to be because of their behaviour is street drinking, is verbally abusive, is aggressive*

*begging, for instance."* Local authority stakeholder

However, while the intention lying behind the use of enforcement is to stop anti-social behaviour and help move individuals away from engaging in it, the survey of rough sleepers showed that just over a just over a fifth (22%/66) said an enforcement action focused on their rough sleeping made no

### **Red cards and dispersal**

One way in which local authorities responded to anti-social behaviour in their area was through the introduction of a yellow and red card system. These were, as the name suggests, cards that would be issued to people on the street engaged in perceived anti-social behaviour.

The first – yellow – card was a warning to them indicating that they have been an individual identified as engaging in anti-social behaviour. The card explains that they should immediately stop the said behaviour or further action may be taken. The card details that this may mean they are given a dispersal order and would be required to leave the city centre for 48 hours. It also says they may be subject to a Criminal Behaviour Order (CBO). Cards give information about local support services that individuals can attend to get help.

On a repeat sighting of a person who has already received a yellow warning card they will be issued with a red warning card. In some instances, they will also be issued with Dispersal Notice including a map of the areas they are required to leave the area for 48 hours. Stakeholders explained that invariably being dispersed just meant relocating somewhere else to beg.

The red card will also explain that failure to comply with the dispersal order or CBO is a criminal offence and will leave them open to arrest and prosecution. As with the yellow cards there will be signposting to services that can help them.

In practice stakeholders explained that in many cases people engaged in begging were given a number of additional informal warnings before being issued a red card. Outreach teams would also work closely with the police and ensure leniency is given to those people who may still be still engaged in anti-social behaviour but who are actively using local support services.

One stakeholder explained that recently the local outreach services started to work more closely with the police to tackle begging. They explained that this was quite a transition for their services as the police had a 'different way of being' with the services users they worked with. They reached a compromise in that they will only allow the police to accompany outreach staff to see a rough sleeper when there is a legitimate and real concern for the safety of outreach staff.

Dispersal orders were also used in case study three. Stakeholders from this area explained that police officers would sometimes pre-emptively use dispersal orders issuing when they fear that trouble may be caused. It was noted that dispersal orders were more frequently issued around the time of Christmas and whenever large events took place in the city. The problem one stakeholder explained was that their clients have nowhere to go once they have been dispersed and services are left with trying ensure clients get the support. They concluded that, 'nothing seems to be planned beyond just getting rid of the problem'.

“

**I don't need to be told... it made me feel the lowest of the low, I mean you feel low anyway, but it made me feel like a criminal. You know, arresting me for sleeping out, you know you get arrested for burglary and stuff like that, not for sleeping on the street.**

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“

They're dispersing them, and I think all they're doing this for, is so it looks like they're being seen to be doing something – to the residents – because they're attacking the anti-social behaviour, but at the same time, they're just dispersing them to another area.

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difference to them. Of these individuals who said it made no difference 85 per cent (56) had experienced an informal enforcement measure in the last 12 months.

Just eight per cent (18) said an enforcement action (in relation to anti-social behaviour) made them want to change their behaviour. Of those 18 individuals 15 had experienced most recently an informal measure.

Where rough sleepers had experienced an enforcement action specifically related to anti-social behaviour (street drinking, begging, for example), 43 per cent (92) said it did not change their behaviour. As with enforcement specifically addressing rough sleeping those that experienced a recent enforcement measure for anti-social behaviour reasons, the majority (77%/71) of those, saying it effected no behaviour change, had had an informal action most recently taken against them.

There were positive behavioural outcomes for some rough sleepers experiencing enforcement in that five per cent (16) said that as a result of it they did engage with homelessness support services. A further six per cent (18) accessed accommodation as a result of enforcement. Across both these outcomes the majority of the small number of individuals had most recently experienced an informal enforcement action.

*“I mean certainly that the lad that had the ASBO last year, he’s not, his life is still the same. He’s not – it’s not had any impact on him. The only impact that it had on him was that he was staying out of town.”*  
Homelessness organisation stakeholder

There was general agreement across stakeholders that enforcement – in particular when it took the informal route – had limited effect on changing individual behaviour and also struggled to stop rough sleeper’s engaging in various street activities. What

it could shape however was the choice of activity rough sleepers may engage with.

Activity displacement was noted by stakeholders working regularly with rough sleepers whereby, for example, a rough sleeper may stop begging because of a warning but take to shop-lifting to continue getting money.

*“If they need their money, however they’re going to get it, they’re going to get the money for what they need. So a lot of the girls will prostitute themselves for their fix and for their boyfriend. I’ve known the boys also to prostitute themselves. And shoplifting. They will do anything, whatever it takes. If they are not begging they are doing something else.”* Homelessness organisation stakeholder

*“We’ve noticed a lot of going back and forwards, just for, sort of, shoplifting, you know, petty theft, and street robberies, even. You know, muggings and what have you. A lot of them will resort to that because they see it as a, not easy, but they’re less likely to be picked up for it.”*  
Homelessness organisation stakeholder

Some stakeholders reflected that the threat or experience of enforcement when on the street often did little to spur rough sleepers onto changing their behaviour.

*“They don’t seem to be affected with their attitude because they just take it on the chin, almost ride the wave and then come back again. From what I see, their attitude doesn’t seem to change because they feel, fair enough, off they go and then a few months later they’ll be back.”*  
Homelessness organisation stakeholder

*“I honestly don’t know if it eases things giving them those ASBOs or not. They [rough sleepers] do know about them all and I think when you are the point where they are, so low in their lives, you know*



*it gets to the point where they think, 'Do you know what, I don't care, I honestly don't care'.*" Homelessness organisation stakeholder

By contrast, other stakeholders did remark that while it was rare for the presence of enforcement measures to produce specific behaviour change or stop certain activities, especially for entrenched rough sleepers, it could influence how rough sleepers negotiate urban space and make them more alive to the risks associated with certain behaviours.

*"I don't think they've changed their attitudes to anti-social behaviour per se, but I think they're more aware of the risks that are attached to it, and how they, sort of, manage those risks. Whether it's, sort of, not to be seen begging underneath a camera, or maybe... You know, there's targeted areas, but, you know, they used to be probably, shall we say, the best spots to be begging, and making sure they're not in there for very long, or not continually in the same*

*places, and things like that, and, like I say, just going outside of the city centre. I don't think it's, sort of, changed the fact that they'll actually, you know, cease any anti-social behaviour".* Homelessness organisation stakeholder

There were also instances when stakeholders did note cases where enforcement had been the catalyst for a rough sleeper to decide to try and leave the streets but this was caveated by acknowledging it came as much from the individual as it did from the 'push' of enforcement.

*"So there is, there are like two sides to every story isn't there, if they want to do something about it they will get out of that habit and they will work with us and we will be able to help them if they want that help and they want that hand up."* Homelessness organisation stakeholder

For a different stakeholder, who worked in the outreach team in case study one which employ a well-integrated multi-agency



approach, there was a stronger sense that enforcement really could bring about positive change for individuals and remarked that it was not uncommon for rough sleepers to have an epiphany when or sometime after an enforcement action had been enacted.

*“Sometimes it does give a change. Sometimes, like if they’re moved to some area, the other area where they feel, you know, they’re safe, you know, yeah, well... so you know, that just happens. They move around sometimes. Sometimes some of them will think, “Oh, no, I don’t want to continue with this. You know, I’ve just received this letter. I don’t want to get another letter like this”. Or some of them would say, “No, I don’t want to go to court and get fined again”. It’s helped some clients to realise that, “Okay, I need to make a change”. Outreach services stakeholder*

Running across and through issues of geographical and activity displacement and also behaviour change is the issue of monitoring and knowledge of rough sleeper outcomes. It was apparent from across the different stakeholders within the three case studies that it was not always clear whether effective means of monitoring were in place. A third of local authorities declared themselves uncertain about what has happened to levels of anti-social behaviour in areas where they have enforcement in use which suggests an absence of assessing the impact of enforcement. Effective monitoring and understanding of the outcomes for rough sleepers is vital if enforcement – either formal or informal – is to be successful.

## 4 Conclusion and recommendations

*“You cannot separate enforcement from support. Both are needed equally a carrot and a stick balance”.* Local authority survey respondent

Levels of rough sleeping are rising and local authorities receive complaints from local businesses and the general public to address this and associated anti-social behaviour. Stakeholders from across the three case studies acknowledged the increasing number of people they are seeing on the streets with complex support needs and how, in some cases, it was becoming harder to work with entrenched rough sleepers.

It is clear local authorities are also responding to anti-social behaviour by using enforcement to try and address unwanted street activities. Predominately more formal measures are present – CBOs, CPNs or controlled drinking zones – or at hand to use – than informal measures. Local authorities are also using enforcement to tackle rough sleeping with the formal means of behavioural orders, CPNs and dispersal orders featuring highly amongst those measures used.

Despite formal measures being predominately used by local authorities the actual experience on the ground of rough sleepers is that they encounter informal measures and actions far more. For example, being moved on by the police and/or enforcement agent and defensive architecture feature far more than being issued formally with an CBO or being arrested.

The discrepancy between what local authorities report, that support is nearly always tied in with the enactment of an enforcement measure against a rough sleeper, and the majority of rough sleepers whom said they received no support as a result of



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You cannot separate enforcement from support. Both are needed equally a carrot and a stick balance.

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So there is, there are like two sides to every story isn't there, if they want to do something about it they will get out of that habit and they will work with us and we will be able to help them.

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the enforcement is the consequence of the dominance of formal measures that councils have in their ‘toolkit’ to address rough sleeping and anti-social behaviour. Provision of support is normally integrated with formal enforcement actions such as CBOs but as rough sleepers experience these so infrequently the largely informal enforcement encounters they have leave them without support being offered. In the same number of instances when support was offered many rough sleepers did not take it up because it did not meet their needs or they could not access it.

The prevalence of informal enforcement experiences that rough sleepers have means that opportunities for positive and meaningful engagement are being missed. Negative encounters with police or enforcement agents on the street only serve to reinforce the marginalisation many rough sleepers experience.

While local authorities reported decreases in anti-social behaviour and rough sleeping in areas where enforcement was used there were also increases where it was not present. The impact of enforcement for rough sleepers themselves was also not always positive. In the main enforcement, in particular informal measures, served to displace rough sleepers to other locations and engage in alternative activities to the ones they been enforced on. It could also leave them excluded from support services.

Positive behaviour change was largely rare with less than one in 10 rough sleepers saying it made them want to change their behaviour. More said it made no difference to their rough sleeping and the majority of those had been subject to informal measures. The experience of enforcement for rough sleepers often left them feeling worse about themselves and more at risk of harm as many moved to more out of the way places to sleep.

Despite these overall findings, used appropriately enforcement can work as a last resort alongside personalised and accessible support. Instances reported by stakeholders

indicate that enforcement can be a catalyst for change and provide the strong impetus needed to persuade a rough sleeper who is engaging in anti-social and often harmful behaviour to engage in service offers and take up offers of accommodation. Without enforcement as a means to persuade and encourage this would not always be possible. What is apparent, however, is that formal enforcement works best when set and used within a multiagency setting where there is coherent and sufficient support in place. Enforcement is powerful and can at times be a heavy tool to address issues that, in most cases, can be addressed at an earlier stage with a ‘carrot’ approach. These need to be exhausted before enforcement is considered.

With increasing use of enforcement – in particular PSPOs and defensive architecture – likely in the future, engaging with and addressing rough sleeper’s support needs and issues at the earliest opportunity becomes even more pressing. On their own, banning rough sleepers or designing them out of urban space does nothing to address the underlying causes of their behaviours that get caught up in measures to address anti-social behaviour and only serves to move them and anti-social behaviour elsewhere.

## Recommendations

1. There was evidence in the research that some local authorities are misunderstanding the interpretation of the 2014 Anti-social behaviour, Crime and Policing Act as use of this legislation should be focusing on tackling anti-social behaviours such as begging, drinking and use of illegal substances than rough sleeping. This legislation should be used to focus on those people that exhibit anti-social or criminal behaviour rather than a tool to target those that are rough sleeping not exhibiting these behaviours.

**a. We recommend that when the measures in the 2014 Anti-social behaviour, Crime and Policing Act**

**are used as a last resort<sup>33</sup> by local authorities and the police to address anti-social or criminal behaviour by those that are rough sleeping that this enforcement approach is always accompanied by a social care package and an accommodation offer.** To

implement this effectively and use a multi-agency model of approach, local authorities need to ensure data sharing policies are in place across statutory and commissioned services.

**b. The government should re-issue their statutory guidance on the Anti-social Behaviour, Crime and Policing Act 2014 to prevent local authorities from targeting a particular cohort or type of person such as people who are homeless and/ or rough sleeping.**

2. The research has highlighted that the police play a vital role in the safeguarding of rough sleepers and working in partnership with local authorities and their commissioned homelessness services to ensure support and referrals are provided in a timely manner:

- a. The Homelessness Reduction Bill will introduce a duty on other public agencies to refer individuals to homelessness teams if they identify that they are homeless or at risk of homelessness. The list of public agencies will be prescribed in secondary legislation. **Crisis wishes to see police services and police and crime commissioners listed in the 'duty to refer' regulations.**

- b. **We recommend that training and education are provided to the police and other non-homelessness agencies that are in contact with rough sleepers.** This should include information about local services available across housing, homelessness, health and social care, and effective referral routes for homeless

people for these services, as well as how and when to use enforcement measures. This would help address the large numbers of rough sleepers who experience informal enforcement measures and receive no advice, referrals or accommodation offers.

3. The research spoke to a range of people who had experienced rough sleeping in the past 12 months. This varied from people who were new to the streets to individuals who had experienced rough sleeping over a prolonged period or repeatedly for a number of years. The research highlighted the lack of suitable, sustainable and accessible accommodation options for people to address their homelessness. **Crisis recommends that the government invest in and commission sustainable housing options to prevent rough sleeping occurring. This should be a mix of housing led approaches which need to include emergency accommodation for immediate need, rapid rehousing models for longer term solutions for new or at risk rough sleepers and investment in Housing First models for with people with higher and complex support needs.**
4. There was varied provision of outreach services across England and Wales. The adverse impact of no or little provision for rough sleepers included people feeling unsafe, being victims of crime and not being able to access support or accommodation in their area. **Crisis recommends the government implements a cross departmental national rough sleeping strategy which develops a co-ordinated approach to reducing and ultimately achieving the goal of ending rough sleeping. The strategy would incorporate a more nuanced approach to enforcement, designed around an integrated model of support; unifying police, housing options and social care provision.**

<sup>33</sup> We would expect local authorities, the police and homelessness agencies to have engaged with the individual already to address their behaviour, support and accommodation needs and for this engagement to have repeatedly not worked and for the individual to be causing harm to themselves and other people as a result of their behaviour.

## Figure 1: Typology of practice: enforcement and impact

### Case study 2:

**Issue:** street drinking, legal highs, begging, 'new' rough sleepers from nearby towns and cities

**Response:** no or little enforcement is used. Small outreach team which has had staff cuts.

**Impact:** begging and drug taking proliferates. Rough sleepers very hard to motivate to take up service offers with negative impacts on health/well-being. Scale of the problem growing due to wider regional differences in use of enforcement measures.

### Case study 3:

**Issue:** Street drinking, begging and

**Response:** Rough Sleepers' Initiative range of agencies. CBOs, CRASBO PSPOs rejected after consultation. those effected either formally or inf

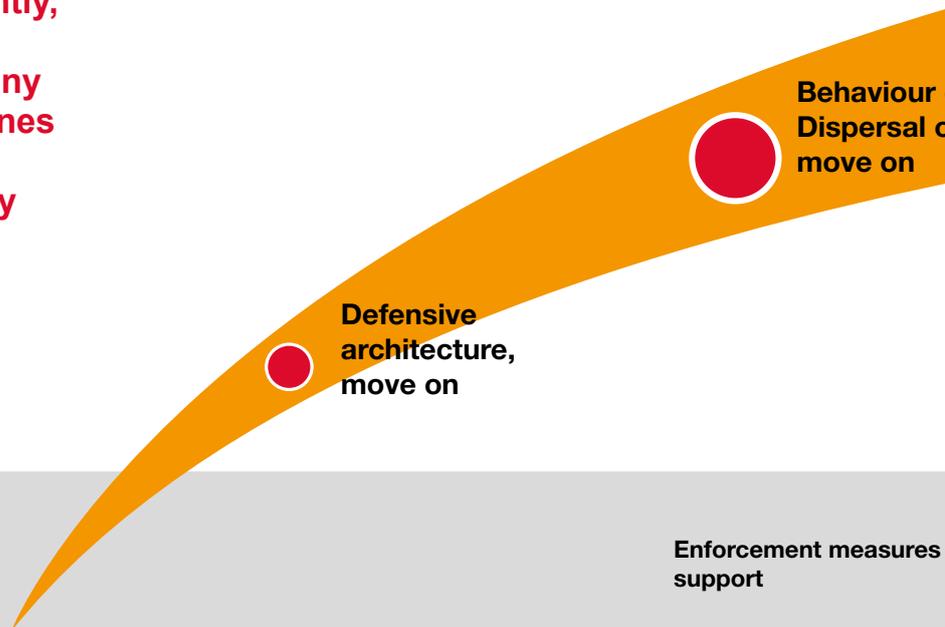
**Impact:** displacement of rough sleep leaving some at increased risk of h also limited.



Over the last few years, probably in the about the last I would say two or three years predominantly, the problem's gone, has escalated to a point due to many reasons but I think the main ones for myself have been due to a lack of enforcement, especially by the police.



We can have words with t and then we ask them to on to somewhere else. Ag is moving the problem ra than dealing with it.



Little or no formal enforcement measures in place/taken

Enforcement measures support

of 'messy' rough sleeper pitches

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Os, regular use of Dispersal Orders,

Limited support put in place for

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epers to marginal parts of city

arm. Access to support services is

**Case study 1:**

**Issue:** begging, street drinking, entrenched rough sleepers

**Response:** multiagency initiative to tackle ASB established that meets monthly to discuss new and existing cases. Actions to be taken decided taken jointly. Information sharing is key. Regular use of CPNs, CBOs. Enforcement seen as useful last resort to get clients to engage in support offers.

**Impact:** Targeted service response that gives regular contact and support to client on the street. Effectiveness reliant on individual engagement and some rough sleepers still fall outside of this approach.

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orders,  
orders,



CBOs, CPNs, IPNAs



Full support and building relationship between various agencies and the individual, offering support and help is always in place before enforcement action is taken. It is in opinion that if enforcement is taken we continue to offer advice and support for a better outcome.



in place but limited

Enforcement measures in place and used within a multi-agency approach

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## About Crisis

Crisis is the national charity for homeless people. We are dedicated to ending homelessness by delivering life-changing services and campaigning for change.

Our innovative education, employment, housing and well-being services address individual needs and help homeless people to transform their lives. We measure our success and can demonstrate tangible results and value for money.

We are determined campaigners, working to prevent people from becoming homeless and advocating solutions informed by research and our direct experience.

We have ambitious plans for the future and are committed to help more people in more places across the UK. We know we won't end homelessness overnight or on our own. But we take a lead, collaborate with others and together make change happen.

## Get in touch

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# Homelessness ends here