

Response to consultation on replacement powers to the repealed Vagrancy Act

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The government is consulting on new powers to tackle begging to replace those lost with the repeal of the Vagrancy Act (1824), around 200 years too late.

Begging *is* an issue, and it is polarising and there is widespread misunderstanding. As I have argued extensively, its presence misleads people as to the levels of local homelessness; we are talking about overlapping problems.

As a civil servant in the Blair administration between 1999 and 2004 I had policy responsibility for begging and commissioned and edited guidance on its management (Davies, R. & Waite, S. (2004) *Drugs Use and Begging : A Practice Guide* (London : Home Office). This was an attempt to ensure criminal justice powers were used sparingly within a wider context of a strategic, multifaceted response that involved funding and treatment to help people not to engage in street activities, against the context of wider funding and less punitive benefit regimes and cost of living pressures.

Now we have a new attempt to put in place powers to control begging, emerging out of the repeal of the Vagrancy Act and the absence of powers available.

As has been said many times before (e.g https://pure.hw.ac.uk/ws/portalfiles/portal/7456945/EJH_highrisk.pdf and <https://www.jrf.org.uk/sites/default/files/jrf/migrated/files/2034-enforcement-street-users.pdf>) criminalisation against those who beg is fraught with all kinds of issues.

As I have said in a response to the government's consultation, context is all. People beg for all kinds of reasons and the economic plight of millions is now a driver of a significant range of behaviours of which begging may be one; alongside those traditional causations which the consultation fixes on, such as addiction and anti-social lifestyles. No recourse to public funds (NRPF) exposes a huge number of people to a practical form of destitution. Yet the guidance mentions this not at all when it considers criminal exploitation of migrants.

No, what we have here is a lazy focus on criminality, and what the consultation does is to site begging in a policy vacuum where everyone who does it is either a criminal, or exploited. It talks positively about the need to refer people to treatment and to caution etc, but this is in the context solely of a discussion about offences and penalties. So it asks:

“Do you agree that begging is harmful to individuals and detrimental to communities? What forms of begging cause greatest harm to individuals and /or detriment to communities? Are there any forms, in addition to those listed in the consultation document, that cause particular concern?”

This question is absurdly loaded.

People beg because of lack of support and services, lack of funding for charities etc, poor wages and low benefits and because of the NRPF status. Although the consultation document talks about last resort CJS responses, powers invite usage, and in the absence of action to reduce begging through wider strategic responses to poverty and homelessness, people *will* still beg and the police will arrest and charge them - and as a result vulnerable, poor people *will* be criminalised.

Any new powers need to be strongly balanced by sensible advice to discourage over-usage (as a civil servant I wrote Section 1 of the 2003 Anti-social behaviour Act so know what this can look like) and by proper funding of diversionary projects. As such some sort of condition or caution based referral order - a requirement to undergo treatment for addiction or a lifeskills programme is better

than any fine - but the guidance should be clear that this has been properly tried at least one or preferably twice before cases return to court in the case of non-engagement. Fines for lower level 'offences' will be the default response in too many cases. All these powers need to be seen within the context of an underfunded system and the concept of referral is very different from the reality of underfunded services on the ground. Police will fine and arrest and not refer.

So how can this problem be tackled?

One simple answer could be to increase benefits to a proper level. But there is much more needed.

The funding system for homelessness services HAS to be changed. At present all the money goes to local authorities, and they keep most of it, giving some pennies through tightly controlled allocations, to some charities. However, if charities could bid directly for funding they would be able to set up proper services to tackle this problem that do not criminalise, could be preventative, effective, fair and humane.

There needs to be education and training to police and LAs, as I carried out extensively on the 2003 ASB Act.

Above all, there needs to be proper join up of begging policy with homelessness, poverty and substance misuse strategies. These powers need to be clearly seen to be within the context of a strategic, treatment and benefits approach where these come first and enforcement is a last resort. But launching new powers without such a context will lead to more criminalisation; it is how you approach the whole topic systemically, not as you are doing, solely within the context of powers, that will make a difference and secure support. I accept the need for ultimate powers, but they have to be launched in a wider strategic and indeed communications strategy, perhaps under the guidance of a begging taskforce in which powers were included as one part of an integrated response. Will we see this? I am waiting.