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Response to Brent Council's Parks, Open Spaces, Graveyards and Cemeteries Public Spaces Protection Order

About Crisis Brent

At Crisis Brent we support people who are homeless or at risk of homelessness, particularly those who are single with no dependents. We do this through 1:1 support to break down barriers around homelessness, to find work or access training and to find and settle into a rented home. In addition to our 1:1 coaching and support we offer courses in finding work and maintaining a tenancy, and provide a duty drop-in service for emergency help and support.

General statement of principle

We believe that enforcement measures should only be used to tackle genuinely anti-social behaviour and not be targeted at groups of people such as rough sleepers. We know 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. Without this support however, the use of such measures can be detrimental to rough sleepers by displacing, marginalising and isolating them from support.

We believe that living in tents and other similar shelters should be viewed as simply another form of rough sleeping.

We do not defend or condone anti-social behaviour, by people who are rough sleeping or anyone else. We do though question what can reasonably be seen as anti-social and most importantly how it is dealt with.

The Brent PSPO

Crisis nationally and locally strongly opposes this proposal.

Amongst other things the PSPO seeks to prohibit:

- **Erecting or occupying any shelter, sleeping apparatus, or caravan with the intention of residing in it without the written consent of the London Borough of Brent**

The proposal is not within the spirit of Home Office guidance of 24 December 2017 ('The Guidance'). The Guidance makes clear (p.51) that PSPOs should not be used to target people based solely on the fact that they are homeless or rough sleeping, "as this of itself is unlikely to mean that such behaviour is having an unreasonably detrimental effect on the community's quality of life which justifies the restrictions imposed."

This provisions seem to be aimed at rough sleepers as they are the group most likely to be involved in such activities. Who else would erect a 'shelter' or 'sleeping apparatus' but someone who is rough sleeping? Living in tents and other such shelters is rough sleeping by any other name and it is difficult to see how this has an 'unreasonable detrimental effect on the community's quality of life.'

- **Urinating or defecating in a place other than a serviced public convenience**

Those with no access to toilet facilities, most frequently rough sleepers, are the most likely to deal with toilet needs in public areas.

Even something as clearly anti-social as public defecation cannot adequately be dealt with through prohibition. The Guidance says (p.51) that local authorities should first "consider measures that tackle the root causes of the behaviour, such as the provision of public toilets."

Both these proposals therefore seem clearly to be outside the Guidance and we would ask the council reconsider their inclusion in the proposed order.

The solution

At Crisis we are interested in ending homelessness, including rough sleeping. [Our research on enforcement](#)ⁱ, which interviewed 458 rough sleepers and 81 local authorities, demonstrates that enforcement measures against rough sleepers without offer of support do not end rough sleeping, indeed they can perpetuate it by displacing people from the services which support them, or pushing them toward riskier locations or behaviours. Enforcement measures should only be used as a last resort and accompanied by a social care package and accommodation offer.

The relevant key findings of the enforcement research are:

- There has been an increase in the levels of rough sleeping alongside reported rises in anti-social behaviour.
- Some local authority responses take the form of enforcement, both formal measures involving legal penalties PSPOs, and informal actions such as moving rough sleepers on and 'wetting down' areas occupied by rough sleepers.
- There is a prevalence of informal actions, which are rarely accompanied by offers of support. This is reflected in the difference in local authority perception of support offers (94% said it was always offered) and rough sleeper experience (81% said they had not been offered support in their most recent contact with enforcement, most of which were informal actions).

- 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.
- Enforcement experiences had an impact on the general well-being of rough sleepers: 50% said enforcement made them feel more invisible on the street while 56% said it contributed to them feeling ashamed of being homeless. 30% of rough sleepers said that enforcement negatively impacted on them trying to find settled accommodation as they were further displaced from an area and struggled to access services.
- 34% of rough sleepers said that because of enforcement they moved elsewhere to sleep rough.
- Just 8% of rough sleepers said an enforcement action (in relation to anti-social behaviour) made them want to change their behaviour. 43% of rough sleepers who had experienced an enforcement action specifically related to ASB said it did not change their behaviour at all – they continued to sleep rough and/or beg.

We believe that when the measures in the 2014 Anti-social behaviour, Crime and Policing Act should only be used as a last resort by local authorities and the police to address anti-social or criminal behaviour by those that are rough sleeping, and if used they should always be accompanied by a social care package and an accommodation offer.

Councils should invest in and commission sustainable housing options to prevent rough sleeping occurring. There 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 people with higher and complex support needs.

Further contact

If you would like to discuss our consultation response further, please contact Sumathi Pathmanaban, Innovation & Partnership Manager at Crisis Brent, at sumathi.pathmanaban@crisis.org.uk

ⁱ An examination of the scale and impact of enforcement interventions on street homeless people in England and Wales – Ben Sanders and Francesca Albanese (Crisis, April 2017)