

Response from St Mungo's

April 2019

About St Mungo's

St Mungo's vision is that everyone has a place to call home and can fulfil their hopes and ambitions.

As a homelessness charity and housing association our clients are at the heart of what we do.

We provide a bed and support to more than 2,800 people a night who are either homeless or at risk, and work to prevent homelessness.

We support men and women through more than 300 projects including emergency, hostel and supportive housing projects, advice services and specialist physical health, mental health, skills and work services.

We work across London and the south of England, as well as managing major homelessness sector partnership projects such as StreetLink and the Combined Homelessness and Information Network (CHAIN).

We influence and campaign nationally to help people to rebuild their lives.

In Brent, St Mungo's provides street outreach, assessment centre and Housing First services for people sleeping rough, supporting them to move on from rough sleeping and end their homelessness for good.

For more information about this consultation response, please contact Steve Davies Regional Head, at steve.davies@mungos.org.

St Mungo's opposes the proposal for a Public Spaces Protection Order (PSPO) in Brent Park's, Open Spaces, Cemeteries and Graveyards, which seeks among other things 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;
- Urinating or defecating in a place other than a serviced public convenience.

We agree with colleagues at Crisis that the proposal is not within the spirit of Home Office guidance on the Anti-Social Behaviour, Crime and Policing Act 2014 ('The Guidance').¹ The Guidance makes clear on page 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." The proposal to prohibit the erection or occupation of 'shelter' or 'sleeping apparatus' appears to directly target people sleeping rough.

People sleeping rough may have very limited access to toilet facilities and are, therefore, more likely than others to deal with toilet needs in public areas. Again, we agree with Crisis that public urination and defecation cannot adequately be dealt with through prohibition. The Home Office Guidance also says that local authorities should first "consider measures that tackle the root causes of the behaviour, such as the provision of public toilets."

As far as we can tell, these proposed prohibitions are contrary to the Home Office guidance and we would ask the council reconsider their inclusion in the proposed order.

Evidence suggests that legal measures which criminalise rough sleeping can have serious negative impacts on both people sleeping rough and the local community, particularly when not accompanied by an offer of support.² The use of law enforcement to tackle rough sleeping can act to displace people sleeping rough, by 'pushing' them into areas that are more dangerous, making it harder for outreach teams to find them. This makes them more marginalised and even less likely to seek the support they need to move off the streets.

Rough sleeping is a social problem, not a criminal one. The solution is ensuring swift access to the right housing and support for each individual. Using police powers will sometimes be necessary to tackle anti-social behaviour, and cases where the individual poses a threat to themselves or others. However, this should be proportionate, delivered in collaboration with local partners, and accompanied by a meaningful offer of support.

We wish to see an end to the criminalisation of rough sleeping and a commitment by national and local government to the principle of 'no enforcement without support'.

At the local level, any plans for how and when police use their powers against people sleeping rough should be developed and integrated in local homelessness and rough sleeping strategies, with multi-agency support packages planned alongside this.

Local authorities should also prioritise assertive outreach work which employs a persistent and multi-agency model of support, drawing on a range of services including those for substance use and mental health problems. St Mungo's will continue to argue that local authorities should be sufficiently resourced to provide these outreach services, as well as the long-term accommodation and support needed to end rough sleeping for good.

¹ Home Office (2017) *Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers Statutory guidance for frontline professionals*. Available at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/679712/2017-12-13_ASB_Revised_Statutory_Guidance_V2.1_Final.pdf

² Mackie, P., Johnsen, S., & Wood, J. (2017). *Ending Rough Sleeping: What Works? An International Evidence Review*. London: Crisis. Available at:

https://pureapps2.hw.ac.uk/ws/portalfiles/portal/16245789/Ending_rough_sleeping_what_works_2017.pdf