

UK: Criminalisation of homelessness escalates under Conservative and Labour law-and-order agenda

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Freedom of Information responses from 29 police forces in England and Wales reveal that 1,173 people sleeping out or begging on the streets have been arrested under the 200-year-old Vagrancy Act since 2021.

Nearly 4,000 have been arrested over the last five years, according to data collected by local government expert Jack Shaw. These include 1,666 arrests made by London's Metropolitan Police, more than any other force.

Punishments can include a £1,000 fine and the possibility of a criminal record.

The Vagrancy Act of 1824 was used against the ever-growing numbers of ex-servicemen who ended up living on the streets, amid searing poverty, following the Napoleonic Wars. Many had been permanently injured or disabled, left unable to earn a living, with no access to any other source of income or assistance.

Hounding the thousands who had fought and who had ended up penniless and destitute, the Act criminalised those who were “Endeavouring by the exposure of wounds or deformities to obtain or gather alms... or procure charitable contributions of any nature or kind, under any false or fraudulent pretence.”

People moving from Ireland and Scotland in search of better conditions were also targeted. The legislation included “every person 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 waggon.”

The Vagrancy Act built on a lineage of “bloody legislation against vagabondage” stretching back into the 16th century, in the words of Karl Marx. “The fathers of the present working class,” he wrote of these

earlier laws in the first volume of *Capital*, were “chastised for their enforced transformation into vagabonds and paupers. Legislation treated them as ‘voluntary’ criminals, and assumed that it depended on their own good will to go on working”.

The same brutal logic penalizes poverty, especially extreme poverty and homelessness, today.

There have been numerous calls by homeless charities to abolish the Vagrancy Act and remove it from the statute books. The government put an amendment into the Police, Crime, Sentencing and Courts Act formally repealing it, but has delayed putting it into effect. There is no official date set for doing so and the government has made clear that those found begging will still be treated as criminals.

Prime Minister Rishi Sunak recently announced plans in the name of tackling anti-social behaviour that include proposals to essentially reintroduce the Vagrancy Act by the back door. According to the Department for Levelling Up, Housing and Communities, local authorities will receive new powers to target those deemed to be causing public distress, including those who block shop doorways or beg next to cash machines.

These measures would be imposed mainly by the Labour Party which runs the vast majority of councils in England's largest urban areas. Not to be outdone by Sunak, Labour launched its campaign for the May local government elections by marketing itself as the party of law and order. Labour leader Sir Keir Starmer lent his voice to the debate on criminalising the homeless, pledging to crack down on anti-social behaviour by handing the police new powers to impose “respect orders”.

Labour's Shadow Home Secretary Yvette Cooper said, "Labour is the party of law and order and the next Labour government will give new powers to police through respect orders to crack down on repeat offenders causing misery in town across the country".

Many of those on the streets have multiple and complex health and psychological problems. Further repressive legislation will likely lead to them disengaging from whatever limited services are available.

Research from Sheffield Hallam University concluded the use of Public Space Protection Orders (PSPOs) by local councils in England and Wales, in an attempt to disperse homeless people from town centres, were ineffective. The orders authorise local councils to levy £100 fines in an attempt to ban or control behaviours such as drinking, sleeping in public places or pitching tents.

PSPOs have been repeatedly abused to target behaviour that is in no way "anti-social", including being in a position to beg and sleeping out at night. Homeless people have described physical and verbal abuse from officers enforcing these orders.

Co-author of the Hallam report, Dr. Vicky Heap, said, "The misuse of PSPOs and other anti-social behaviour powers are disproportionately criminalising people experiencing street-sleeping homelessness."

In response to comments made by Labour's Cooper, Dr. Heap said, "It seems Labour and the Conservatives are trying to out-punitive each other... But it's underlying social causes that need to be tackled. They're long-term projects and these are short term measures".

Since 2014, the use of PSPOs against rough sleepers has increased as a consequence of increasing homelessness, produced by private landlords securing evictions via Section 21 of the Housing Act 1988—known as "no fault" eviction notices. Ministry of Justice figures for England and Wales show that between October 1-December 31, 2022, there were 5,409 evictions, double the figure for the same period in 2021.

Department for Levelling Up, Housing and Communities figures released earlier this year found that almost 100,000 (99,270) households were staying in temporary accommodation at the end of September 2022.

Across every council in England, homelessness services provide about 32,000 beds, including drug alcohol services, refuge provision and mental health help.

Rates of homelessness are rising as homeless charities struggle under the pressure of increased energy costs, council underfunding and the need to help their staff through the cost-of-living crisis. One charity told the *Guardian* that it had received estimates for its annual gas and electricity bill suggesting a £500,000 a year increase.

CEO of Homeless Link Rick Henderson said, "Due to local funding pressures, the vast majority of homelessness services are having to scrape by on budgets set when inflation was a fraction of what it is now".

Already, the last decade of austerity has seen rough sleeping increase by 141 percent in England since 2010, while the number of available beds has fallen 26 percent, with reductions also in the number of day centres providing food, support and warmth.

Now, a survey carried out by Homelessness Link, a charity representing homelessness providers, estimates that cost of-living pressures have led to a fifth of charities having to further reduce services, while nearly half have said that their frontline services will be at risk in the coming months.

Charities working with the homeless are concerned that the Vagrancy Act will be replaced in all but name and that the growing numbers found asking for money, food or shelter will still be subject to action by the police or local authorities.

Matt Downie, CEO of Crisis, said that life on the streets is a "traumatic dangerous and dehumanising" struggle to survive, adding, "its incredibly disappointing to see the government resorting to this rhetoric at a time when rough sleeping numbers are once again surging as the cost of living pushes more people into poverty."



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