



# General Purposes Committee

**Date:** 22 February 2011

**Classification:** For General Release

**Title:** Authority to make Byelaws to Control Rough Sleeping and Soup Runs in the area around Westminster Cathedral Piazza

**Report of:** Director of Housing and Head of Legal Services

**Wards Involved:** Vincent Square and St James's

**Policy Context:** Clean and Safe Streets - Measures to control Rough Sleeping

**Financial Summary:** There are no financial implications

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## **1. Executive Summary**

- 1.1 This report is seeking authorisation to carry out the necessary procedures and consultation with a view to the Council making new Byelaws for Good Rule and Government. If implemented, the proposed Byelaws (attached at Appendix 1) will ban rough sleeping and the distribution of free refreshment (specifically, soup runs) within a designated area centred on Westminster Cathedral Piazza.
- 1.2 The proposals in this report have the support of the Cabinet Member for Society, Family and Adults Services. Ward members will be consulted and any responses received will be orally reported to the Committee

## **2. Recommendations**

- 2.1 That the Committee authorises the Director of Housing and the Head of Legal Services to carry out the necessary procedures with a view to making new Byelaws for Good Rule and Government to ban rough sleeping and the distribution of free refreshment within a designated area centred on Westminster Cathedral Piazza.
- 2.2 That the Committee authorises the Director of Housing to consult with residents, businesses, the police, the Cathedral, local day centres and hostels, third sector organisations and other persons who may have an interest in the Byelaws and thereafter to seek provisional approval from the Department for Communities and Local Government (DCLG) to the making of those Byelaws.

### **3. Reasons for Decision**

- 3.1 To enable the legal procedures to be carried out with a view to the Council making new Byelaws to ban rough sleeping and the distribution of free refreshment in a designated area centred on Westminster Cathedral Piazza.

### **4 Background to this report**

- 4.1 This is a proposal to regulate rough sleeping and the provision of free food and other refreshment on the streets and other spaces in the open air, in a designated area of Westminster. By making these Byelaws the City Council is not aiming to reduce the level of provision available for vulnerable people. Rather, this application is being made due to the level of anti social behaviour and nuisance, and consequent distress to the local community caused by those two, linked issues in that particular area, and because it is felt by the Council that the particular conditions that apply in that area actually work against attempts to help vulnerable individuals off the street.
- 4.2 A Byelaw in the designated geographical area will not impede the work of voluntary sector partners who work day and night to resolve the manifold issues of many of those who are sleeping rough on Westminster streets. It will however remove a significant magnet effect to that part of the city (soup runs), and provide the police with the power that will enable some respite to be given to the local community.
- 4.3 The sections below outline the reasons for this application.

### **5 Proposed area for Byelaws**

- 5.1 The area proposed for these Byelaws is shown in Appendix 2. The area is based on the same geographical area as that which was established for the Group Dispersal Zone (GDZ), details of which are included in section 6.6 of this report. This area takes in the main sites for soup runs in the area (the area around Howick Place and the Cathedral Piazza), as well as those streets nearby which would be natural locations for displacement were the Byelaws area to be confined to Howick Place and the Piazza.
- 5.2 The proposed area is slightly larger than the GDZ as it also incorporates the main rough sleeping 'hotspots' in the area (see 7.1.3).
- 5.3 It is the view of the City Council that the area for the two issues (rough sleeping and soup runs) needs to be the same. This is not only because the two issues are so closely linked, but also because it will establish clarity for all interested parties to the effect that rough sleeping and soup runs are not permitted in that area.
- 5.4 Having two distinct areas for the two issues would lead to confusion for enforcement agencies and the rough sleepers / soup run providers themselves.
- 5.5 The evidence provided in this report backs up the need for the Byelaws in this area.

## **6. Soup Runs**

### **6.1 Background**

- 6.1.1 Concerns around soup runs in Westminster have been in existence for several years. The broad concerns are that the over-provision of hand outs in Central London helps maintain a street lifestyle for people unwilling to come indoors and draws people out of accommodation and back into street culture.
- 6.1.2 Since 2000, several attempts have been made by the Council to address this issue including holding meetings with soup run providers and media campaigns to highlight concerns, as well as an attempt to legislate through the London Local Authorities Bill of 2007.
- 6.1.3 Scoping and mapping exercises to establish the number, location and type of soup run provision were carried out in January 2005, January 2007, and as part of an independent London School of Economics (LSE) report into the issue in 2008/9. This LSE report was jointly commissioned by the City Council and Crisis (homelessness charity) to provide independent advice on the issue of soup runs, following the Council's attempts over many years to deal with the issue. Examples of the exercises described above are included in Appendix 3, as well as previous communications to and about soup run providers from Councillors and Officers at the Council, evidencing the level of dialogue that has been ongoing for many years.
- 6.1.4 The Scoping and Mapping exercises all showed that there was significant duplication of provision, that many users of soup runs were either not rough sleepers at all, or rough sleepers from other boroughs, and that there was significant concern about fractious relations between A10 nationals (individuals from those countries who acceded to membership of the European Union in 2004 and 2007), and more traditional soup run users.
- 6.1.5 There is great duplication of provision, with in some cases as many as three different organisations carrying out soup runs at exactly the same time, and in exactly the same place (eg. Simon Community and London Run Charitable Trust). There is huge over-provision for the number of recipients, many of whom walk from soup run to soup run loading up bags.
- 6.1.6 Almost all soup run organisations travelled in from either outer London boroughs, or from outside London completely.
- 6.1.7 A detailed timetable of soup run provision in Westminster is available as an appendix in the LSE Soup Run report in Appendix 4, and in a more recent timetable constructed by the Soup Run outreach worker at the Passage in 2011 (Appendix 5) .
- 6.1.8 The last two Westminster Council Rough Sleeping Strategies (2007-10, and 2010-13) have both referenced the City Council's objective to tackle the issue of over provision of Soup Runs. An extract from the 2010-13 Rough Sleeping Strategy is included in Appendix 6. The 2007-10 Strategy is available as a background document if required.

## **6.2 Negative effects on the local community**

6.2.1 Westminster City Council has been receiving complaints from the local community about the impact of soup runs for many years. The impact relates to five broad areas:

- 1) Large groups of people (up to 100) congregating before, during and after soup runs, leading to intimidation of the public and no-go areas in the heart of London
- 2) Litter
- 3) Urination / defecation
- 4) Violence and disorder amongst the soup run population
- 5) Increase in rough sleeping in those areas, as people coming for soup runs from other areas stay in the area after the soup runs have departed

6.2.2 In addition, soup runs have a detrimental effect on the work of commissioned services for rough sleepers. Soup Runs provide free food and other refreshment with no strings attached, which is clearly an attractive option for individuals on the street who are at the pre-contemplative stage of their particular 'Cycle of Change' – i.e. free food in the quantities provided by soup runs enables individuals with addictions and mental illnesses to delay the point at which they seek professional help from our services (where they can access food but also all the other support services that they need). This is dangerous to those individuals and prolongs the rough sleeping problem in Westminster unnecessarily.

6.2.3 The LSE report acknowledges that there is overprovision in the designated area which disproportionately impacts upon local residents and businesses. One of their central recommendations is for there to be "Dispersal of current provision for central London. Some soup run providers travel long distances to Westminster to provide services when there are needs they could meet closer to home." The Council have made numerous attempts over the years, as evidenced in Appendix 3, to persuade soup run operators to disperse, to no avail. The only course of action left to the Council is to make these Byelaws.

6.2.4 There is obviously a contradictory argument that suggests that the provision of free food to vulnerable people is harmless and useful and that any attempts to reduce or tamper with that provision is mean spirited. This view is expounded by some homeless organisations (although none of those voluntary sector partners that actually work with rough sleepers in Westminster), a (unknown) proportion of the general public, and some local residents. Westminster City Council and its partner agencies in the voluntary sector disagree with this view. It is the view of the Council that soup runs, in this area in particular, are having a disproportionate and unacceptable effect on businesses in this area, and in addition that the provision of free food in this way is actually detrimental to rough sleepers in the long term.

### **6.3 Soup Run Providers**

- 6.3.1 There are a wide range of providers of soup runs in Westminster and South Westminster particularly. An up to date list / timetable is provided in Appendix 5 (this list is unlikely to be exhaustive as it is difficult to ascertain exactly which groups are attending locations at all times, as times and locations can vary). These soup run providers are wholly non-commissioned agencies and the majority are not based in Westminster, rather they travel into central London to distribute food. Therefore the council do not have any scope to directly influence these organisations.
- 6.3.2 It is the view of the Council, and its voluntary partners, that Soup Run organisations should seek ways in which they can provide assistance to the homeless and vulnerably housed in the areas from which they originate. This would help vulnerable individuals in their home areas, perhaps preventing homelessness in the first place and reducing the incentive for individuals and soup runs to gravitate into Westminster. This point has been made over many years to Soup Run providers, to no effect.
- 6.3.3 Soup Runs generally provide food, both home-made (hot and cold) and that which has been donated by other businesses. Because there are frequently two or three soup runs on any one evening, it is not uncommon to see individuals filling bags with food. In addition, some soup runs distribute clothes and other items.
- 6.3.4 The main focus for soup run activity is the area around Howick Place and Wilcox Place, to the rear of the House of Fraser store on Victoria Street SW1. The City Council were able to negotiate with soup run providers, through the Soup Run Forum, to cease provision on the Cathedral Piazza, as it is such a visible location and the numbers were so problematic. However provision has only moved around the corner and usually individuals will congregate on the Piazza anyway whilst they wait for soup runs to arrive. Soup runs, as can be seen from the timetables in Appendices 4 and 5, are present on each day of the week. Usually provision is from around 8pm until 11pm, although there are also some organisations that turn up in the early hours of the morning. Both times are especially disruptive to the local resident population.
- 6.3.5 The Victoria area is by no means the only area in Westminster that suffers from over-provision of soup runs, and the consequent problems that involves. However it is the area at which this over-provision is most marked, and for which there is the most obvious concern expressed from the local community (both residents and businesses).

### **6.4 Who uses soup runs?**

- 6.4.1 The Council has long known that the users of soup runs are only partially rough sleepers, and only a percentage of those rough sleepers who do use soup runs are sleeping in Westminster. The numbers of people who use soup runs is not equivalent in any way to the numbers of individuals found rough sleeping on street counts.

6.4.2 The LSE report of 2009 aimed to substantiate these concerns. Whilst far from exhaustive, their qualitative interviews with 105 soup run users showed that:

- 65 (61%) stated they were rough sleeping
- 23 (22%) stated they were in accommodation
- 17 (16%) unknown

6.4.3 The Council believes that even these statistics overestimate the number of individuals who are rough sleepers. The LSE researchers interviewed people in day centres, and so the process was disproportionately likely to involve rough sleepers.

6.4.4 It is difficult to get absolute clarity on who uses soup runs, simply because the numbers involved makes it dangerous and problematic to approach groups of such size. However anecdotal evidence from the police and outreach teams suggests that a large percentage of users are not long term rough sleepers, and an increasing percentage are A10 nationals (either those accommodated or transient individuals who are not seen on the streets for any length of time).

## **6.6 Current enforcement powers**

6.6.1 There are no current enforcement powers that the police or the City Council can use against Soup Runs, provided that no existing laws are being broken (e.g parking, environmental health, noise etc). As soup runs overwhelmingly take place in the late evening or very early morning, car parking restrictions usually do not apply.

6.6.2 Group Dispersal Zones can be applied for and granted where there is particular concern and evidence about crime and anti social behaviour in a designated area.

Group Dispersal Orders enable the police to:

- Tell people in the group to disperse (either immediately or a stated time and in a stated way).
- Tell people who don't live in the affected area to leave (either immediately or a stated time and in a stated way).
- Tell people who don't live in the affected area not to return to the affected area or any part of it for such period (not exceeding 24 hours) from when the direction was given, as he/she may specify.

The order can only be granted after extensive consultation with the local community.

6.6.3 In the South Westminster area, the Group Dispersal Zone (GDZ) has run for two periods in recent years – 24<sup>th</sup> July 2007 – 23<sup>rd</sup> April 2008, and 14<sup>th</sup> December 2009 – 14<sup>th</sup> December 2010.

GDZs have to be reviewed regularly, and will only be renewed if it can be evidenced that there is ongoing, documented crime and anti social behaviour at a level similar to that which prompted the creation of the GDZ in the first place. This is an unsatisfactory enforcement tool for dealing with the issue of rough sleeping and soup runs, which are ongoing problems in the area and which temporary measures will not abate.

- 6.6.4 Police records of call-outs related to the GDZ in the Piazza area during the time the GDZ was in operation are included in Appendix 7. Names of those stopped or moved on by the police have been blocked out. The vast majority are verified rough sleepers.
- 6.6.5 Byelaws for Good Rule and Government and the Suppression of Nuisance are designed to combat anti social behaviour, but are also meant to combat a number of much wider concerns, some of which may not constitute anti social behaviour. The level of complaints as evidenced in section 6.7 below, many of which were received during the periods in which the GDZ was in operation, shows that this particular mode of enforcement has not been effective in dealing with the issues surrounding soup runs.

## **6.7 Complaints**

- 6.7.1 The local resident and business population have been vocal in their complaints about the problems associated with soup runs for many years.
- 6.7.2 Much of that evidence has been anecdotal or verbally relayed at public and private meetings with residents and the business community. However there is also a wealth of written correspondence from residents, the police and businesses, some examples of which are detailed below. The full correspondence is available by way of background papers but some statements from partner agencies are attached as Appendix 8. The evidence provides a graphic picture of the level of disturbance to daily life, harassment, alarm and distress that the local population have to put up with on a daily basis.
- 6.7.3 Some selected examples of complaints have been grouped according to the 5 broad categories listed above:

### **1) Large groups:-**

“The existence of the soup runs attracts groups of (predominantly) men to the area who congregate in quite threatening groups. I am often nervous walking home from the tube” Local resident

“In the late afternoon/early evening, it is very difficult to navigate from Horseferry Road through Howick Place towards the Cathedral due to the large volumes of people. I have two pre-school children and I am never comfortable with bringing them into such close proximity with large groups who are shouting and generally appear leery and aggressive.” Local resident

"Many of the people that gather in these locations have breeds of dogs that are known to be aggressive, which is intimidating and makes the areas a no go area for myself" Local resident

"..certain areas around the Piazza were – and still can be – distinctly no-go for all of us after dark" Local resident.

"The gatherings by the Army and Navy are threatening and oppressive to passers by and make one feel extremely unsafe when passing in early evening or thereafter. One has to find another route from Victoria Street or face a very disturbed and disturbing group of rough sleepers." Local residents.

"Never once have we (or indeed I as a woman on her own) felt threatened... rather glad that these people are being fed" Local resident.

"I am so concerned that, for instance, tomorrow, I will go to the Coliseum/ENO and take a bus home, but will be met by a friend at the bus stop to accompany me back to my flat" Catherine A Baudino, resident.

## 2) Litter

"..they see absolutely no restriction to stacking up their bags and trollies to block the street, dropping anything that they no longer require (either general rubbish or rubbish specifically created by the food they are eating)"Local resident

"litter, including old clothes, rags, cardboard and newspapers left behind." Local resident

"The neighbourhood is often littered with discarded clothes and items left by people who have slept in the area" Local resident

"they leave litter everywhere and it is nothing for me to urinate in front of me. Apart from the Passage there are no facilities for them to use, so of course they urinate and defecate in our streets. We have been pointing this out for years" Local resident.

"The activity inevitably results in large amounts of litter being left in the street" Sergeant Tim Casey, Met Police Safer Streets Homeless Unit.

## 3) Urination / defecation

" We have had a homeless man—in broad daylight—urinate against our floor-to-ceiling front window in clear view of customers and staff" Manager of business in Victoria Street.

"..one doorway near the Phillips de Pury gallery is soiled pretty much nightly with human faeces and every month sometimes every week I find faeces on the street on which I live (Thirleby Road). Once on our doorstep." Local residents.



“..the buildings opposite our bedroom windows used (as they still are) as a public lavatory. This was particularly unpleasant while my children were at school” Local resident.

“the litter, urination and human faeces to be seen around the area of the Cathedral, in particular, Howick Place and Eagle Place, is a genuine blot on the local landscape, and despite the good work of the Council and police who help to mitigate the problem it remains with us all year round” James Daly CVO, local resident.

“..I would say that the chief problem is the use of parts of the Plaza for urination. The stench is foul. The trees down the side of Morpeth Terrace are often used for the same purpose” Local resident.

#### 4) Violence / disorder

“I am concerned that there is no risk assessment undertaken by the organisations that provide this service...it is often under these circumstances that our clients are enabled to re-offend as there is no monitoring of behaviour or acknowledgement of the risk posed to other vulnerable individuals”  
Manager of street-based service for Rough Sleepers with criminal histories

“When coming across soup runs I find that the percentage of actual rough sleepers using them is very small. I do not know who the others are but I suspect the majority are economic migrants or those in hostels. My rough sleepers have reported back that the behaviour at soup runs (especially large ones such as on the Strand) often lead to antisocial behaviour and a lot of mess being left behind. This gives rough sleepers a bad reputation and leads to complaints from the community. Many rough sleepers have even stated that they won't use soup runs for fear of crime or bullying.” Beki Winter, Outreach Manager, Connection at St Martin's.

“For the most part they are harmless, but I have witnessed the aftermath of violent incidents when blood has been shed and the police have been called.”  
Local resident.

“A visibly drunk man lunged at our Assistant Manager then touched her inappropriately. He then went out of the shop and verbally abused an elderly woman who was passing by.” Manager of business in Victoria Street.

“I also noticed that a female friend walks in the middle of the road at night for fear of being abused or attacked from poorly lit porticos. You know from recent reports that there has also been a marked increase in the level of violence in the area in the last 2 years.” Secretary of local Leaseholders Assoc.

“The most unpleasant occasion last year was when I was spat at.” Local resident.

"There have recently been incidents of violence associated with groups gathered at soup runs. In July 2010 there were reported incidents of fights between opposing groups. It was alleged that individuals were carrying knives and threatening other soup run users. As a result police had to organise Operation Gort where high visibility patrols were undertaken in the immediate vicinity of Howick Place soup run." Sgt Tim Casey, Met Police.

"..aggressive begging and verbal harassment, in particular of female pedestrians by some individuals and groups of itinerant males" Cathedral Area Residents Group

5) Increase in rough sleeping

"I believe these {*Soup Runs*} are inadvisable as they bring people into the Victoria area that would not otherwise be there." Local resident

"For a lot of rough sleepers, the draws of Westminster (a large community of fellow rough sleepers, great begging opportunities and lots of free food) are too enticing to ignore and despite our best efforts and a strong coordinated multi agency (including the Metropolitan Police) approach, an individual determined to stick around eventually becomes entitled to services in Westminster. Soup runs obviously play a significant part in this." Beki Winter, Outreach Manager, Connection at St Martin's.

"The numbers for soup are much larger than the homeless, and this can be assessed by the smaller numbers who actually sleep out at night" Local resident.

"For those Clients that we have managed to house we believe that access to the soup run provision is not beneficial to their long term support plan and often hinders attempts at budget management; and in many cases enables the individual to spend more money on alcohol/drugs which in turn has consequences in behaviour and increases greater risk to the public." Manager of street-based service for Rough Sleepers with criminal histories

"I am not convinced that those consuming the soup are homeless or have any link with Westminster other than its apparent willingness to allow free soup to be dispensed." Local resident.

"The soup runs act as a magnet to the homeless and street dwellers and provides an unregulated support system that keeps them on the streets and in the vicinity in significant numbers." Local resident

"The problem is that the availability of soup runs has turned our neighbourhood into a magnet for homeless people and transients from outside the immediate area." Local resident.

## **6.8 Westminster attempts to deal with issue to date**

- 6.8.1 Westminster Council have long been of the view that the presence of soup runs in the borough, especially in the quantity that exists, is detrimental to our attempts to reduce the level of rough sleeping by seeking appropriate and long lasting solutions for each individual.
- 6.8.2 To that end, Westminster Council's Rough Sleeping Team have for many years been seeking ways in which to resolve the situation, through a mixture of dialogue and persuasion to attempts to seek legal redress.
- 6.8.3 In July 2001, Westminster held a Soup Run Forum meeting to debate the issue with soup run providers. All known Soup Runs in Westminster were invited to the event. The meeting aimed to inform soup run operators of the services available to rough sleepers in Westminster, and to put the case that an excess of soup run provision was actually counter-productive in that regard. There was no noticeable reduction in provision as a result.
- 6.8.4 In 2005 a similar event, the Soup Run Summit, was held, chaired by Cllr Angela Harvey the then Cabinet Member for Housing. Again, similar points were made to soup run providers, but again regrettably there was little reduction in provision.
- 6.8.5 In 2005 an action plan was devised by the Cathedral Piazza Liaison Group, after concerns were raised by the Group about the impact of soup runs on the area. Potential solutions were identified:
- Enforcing against illegal parking by soup run operators
  - Enforcing against potential breaches of health and safety regulations
  - Establish a voluntary code of good practice, asking soup runs to relocate
  - Assist soup run operators to get involved in other activities to help rough sleepers
- 6.8.6 In 2007 Westminster took the lead in working towards establishing a specific bill to be placed on the agenda in the "London Bill", which would seek to regulate soup run provision and specify areas where soup runs could not locate. Westminster obtained the support of its voluntary sector partners in its efforts. However the previously agreed political support was withdrawn at a late stage by some local authorities, which meant that aspect of the bill did not go through.
- 6.8.7 The City Council believe that the creation of Byelaws to regulate soup runs will be a vital tool in bringing the provision under control and reducing the negative effects on the community as a consequence. However undoubtedly there are many soup run providers who will continue to come into Westminster and will locate just outside any designated Byelaws area. This is of concern, but it is very likely that any relocation will be to a less residential, and consequently less problematic, area. The City Council will have to monitor this for impact on other communities.

6.8.8 However, the proposed Byelaws area has been extended to cover those areas which in the past (distant and recent) have suffered disproportionately from the effects of large congregations of people waiting for soup runs, and also those areas close to streets currently used by soup runs which would be likely displacement destinations for their activities if only those streets currently used were included in the Byelaws.

## **7 Rough Sleeping**

### **7.1 Background**

7.1.1 Soup Runs feed into a much wider problem of rough sleeping in the South Westminster area. The area suffers disproportionately from a level of rough sleeping that is unique to such a residential area, and for individuals from across the world the Victoria area has developed a reputation as an end destination at which a rough sleeping lifestyle can be easily sustained.

7.1.2 Undoubtedly a large part of the attraction is the availability of free food each night. However, in addition street begging is rife in the area, as is a street drinking culture and a well developed drugs market. There are a number of hostels for rough sleepers in the area, as well as a large day centre (The Passage).

7.1.3 The table below shows the number of rough sleepers found on official street counts <sup>1</sup> in the Victoria area, between June 2005 and November 2010. The specific areas included are shown in maps in Appendix 9, as well as a map of the whole borough which shows that the area in question is a mere fraction of the overall size of the borough. The split into two areas was made because of the large numbers of rough sleepers found in the area, meaning that practically it was more time-effective to split the area into two patches in order to count.

Date	Victoria South	Victoria North	% of WCC total
Nov 2010	15	16	32%
Oct 2010	6	26	30%
Apr 2010*			
Nov 2009	8	13	30%
Sep 2009	10	10	22%
Mar 2009	4	15	22%
Nov 2008	3	20	29%
Sept 2008	4	10	20%
Mar 2008	3	16	21%

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<sup>1</sup> Official street counts are carried out a number of times (between 3 and 6) per year. They are large scale operations which involve counting all those individuals seen bedded down in Westminster on one particular night, and obtaining their details where possible. The methodology for these counts is set and applied across all other local authorities that undertake street counts, and the counts are independently verified. Westminster is split into a number of 'count patches' in order to make the area manageable.

Nov 2007	7	15	24%
Sept 2007	14	10	24%
Mar 2007	7	8	16%
Nov 2006	7	8	15%
Sept 2006	9	9	17%
May 2006	14	14	19%
Mar 2006	12	10	14%
Nov 2005	21	24	29%
Sept 2005	15	23	24%
June 2005	8	18	20%

\* Figures unavailable for this street count due to administrative malfunction . The table shows that rough sleeping in the Victoria area is disproportionately high compared to the size of the area.

This table does not show the number of A10 nationals rough sleeping in the area. This is because this section of the rough sleeping population is counted separately.

## 7.2 Location of rough sleepers and complaints

- 7.2.1 There is a rough sleeping problem in Westminster as a whole. However historically the worst issues are felt in particular areas of the borough, of which the most prevalent over the years has been the Victoria Cathedral Piazza and surrounding streets (as evidenced in the table above). These streets include Ashley Place, Ambrosden Avenue, Howick Place, Buckingham Gate.
- 7.2.2 It is proposed that initially the area that the Byelaws will cover will be that area for which a Group Dispersal Zone has been previously designated. That Group Dispersal Zone was granted on the basis of evidence showing crime and anti social behaviour, and a significant percentage of that was directly attributable to the rough sleeping client group.
- 7.2.3 The level of rough sleeping in this area is indisputable. There are a number of statements and complaints from residents, businesses and even Westminster Cathedral. These complaints, which span a significant period of time, are available by way of background papers but some statements from partner agencies are attached as Appendix 10. Below are some selected examples:

“There are a number of rough sleepers in the Piazza area, some of whom sleep outside our premises, either in the doorway or by the window...They can get very loud, shouting and swearing, as well as drinking, throwing food around and vomiting. This is very off-putting for staff and customers alike..”  
Manager, local business situated on Cathedral Piazza

“I attend the Piazza on Mondays, Wednesdays and Fridays for the Homeless Action Scheme from 6am to 9am. During these shifts I have witnessed people bedded down in the area, blocking pavements, urination and human faeces, drug paraphernalia (needles, empty bottles, spoons). This is a regular occurrence and is associated with the rough sleeping on the Piazza.”  
Christopher Nkwele, City Inspector.

“Conditions locally are worse at night. Although numbers fluctuate, there are always rough sleepers on the Piazza, and frequently others occupying ‘opportunity berths’.....young female friends require escorting back to their bus stops/tube if they have stayed late for supper. They find the presence of itinerant males and rough sleepers intimidating.” Local resident and chair of local Residents Group .

“ I am disappointed and distressed by the current situation. My wife feels threatened, she takes longer routes to go home to avoid...the pedestrian section going from Howick Place to Victoria Street, in front of Caffè Nero...The Piazza, which could be a wonderful gathering place, looks like a dump littered with pieces of cardboard, rags, urine, empty bottles, sleeping bags etc. We feel bullied and unsafe in front of our doorstep.” Local resident.

“Historically the Piazza has been an area of concern in terms of rough sleeping. Its proximity to railway and coach stations means that it is a magnet for people who first arrive in London, but it also acts as a meeting place. The impact of this can result in anti social behaviour..” Hannah Hunter, Manager, St Mungo’s Street Population Team.

“Local residents and community repeatedly complain of the harassment, alarm and distress caused by anti social behaviour....Rough Sleeping and Street Drinking is a current Safer Neighbourhood Panel priority for the Vincent Square Safer Neighbourhood Team.” Eugenia Anderson, Anti Social Behaviour Caseworker, Westminster City Council

“Rough sleepers fall asleep outside during the day, and seem to get more aggressive when drinking alcohol in the sun....These rough sleepers leave a large amount of rubbish on the streets...they also urinate in public, particularly against lampposts in the area...Staff are concerned about the risk of being harassed or attacked, both in the Piazza and in the area around the office.” Security Manager, Local Business

“Of those homeless people who congregate in the area, there is a minority of hard drinkers and drug takers who cause residents and visitors distress, which I have both witnessed and been told about. During the day they can often be seen in groups of up to fifteen, and this can dramatically increase in the evenings with the soup runs.” Representative of Westminster Cathedral

### **7.3 Council commissioned services for rough sleepers**

- 7.3.1 The range of services provided by the Council, either directly or indirectly, for rough sleepers is detailed in section 8 of this report. There are always a very small percentage of all rough sleepers who are not able to access these services, usually temporarily. This is because agencies have to be able to exclude individuals from their services where behaviour has been unacceptable, otherwise management of the service becomes impossible.

- 7.3.2 Day centres and hostels do charge a nominal amount for food. Day centres make this charge at point of purchase and hostels levy a weekly service charge. Rough sleepers are eligible for the same benefits as anyone else, and so it is widely accepted that making a very small charge is important as it allows individuals to develop skills in budgeting etc that are vitally important steps on the road to independent living.

#### **7.4 Support needs of rough sleepers**

- 7.4.1 There exists a London-wide database (CHAIN – Combined Homeless and Information Network) which captures a wide range of information on rough sleepers found and worked with in each borough.

CHAIN documents the support needs and institutional histories of rough sleepers (excluding ‘not known’ data):

- § In 2009/10 50% had alcohol support needs, 38% had drug support needs, 35% had mental health needs.
- § 38% had previously been in prison, 11% had previously been in care, and 5% had previously been in the armed forces.

- 7.4.2 It is felt likely that these figures significantly under-represent in all areas, and in particular in the area of mental health. This is partly because those whose status is ‘not known’ at the time of entry onto CHAIN are a significant number, and because many mental health issues are complicated and to an extent hidden, especially at an early stage of contact with professionals.

- 7.4.3 This explains the importance, in the view of the Council, of individuals being linked into professional services where they can access qualified professionals who can assist in resolving, or at least ameliorating, these support needs. Rough sleeping is detrimental to the health of these individuals, placing them at great risk, and the combination of sleeping rough and accessing free food on the streets increases the risk to the health of each individual.

#### **7.5 Current enforcement powers**

- 7.5.1 The current enforcement powers available to the local authority and the police have been proved to be wholly inadequate over the years. The one legal measure that does exist on the statute book is the Vagrancy Act. This is a very old piece of legislation (dating from 1824), and was not designed with current social problems in mind. The one area in which the Vagrancy Act is still used is to tackle begging. Section 3 of the 1824 Vagrancy Act makes begging an offence, and on average 35-40 arrests are made in Westminster each month under that section of the act.

The Safer Streets Homeless Unit, the dedicated police team in Westminster dealing with rough sleepers and street activity, have confirmed that the Vagrancy Act is inadequate, in their view, in dealing with either rough sleeping (in the quantities it is present in Westminster), or soup runs. The statement to this effect from Inspector Rees of the SSHU is included in Appendix 10. The following extract is taken from that statement:

“The use of S.4 Vagrancy Act 1824, has been considered in an attempt to combat the social behaviour occurring at soup runs, as well as regular anti social behaviour caused by rough sleepers. In my opinion this piece of legislation does not fulfil the requirements to prevent such anti social behaviour” Insp. Martin Rees, Met Police

- 7.5.2 However, the act is very difficult to use to tackle the issue of rough sleeping, and has no measures that are useful in tackling the problem of soup runs. Section 4 of the 1824 Vagrancy Act effectively says that individuals can be arrested if it can be shown that they are sleeping rough, having refused an acceptable offer of free accommodation. There are a small number of options available to agencies in Westminster to source accommodation that is free on the point of entry (FOPE). For example, the Council have access to a small amount of funding that can be given to hostel providers to pay for beds for a short period. This has been used to that effect a few times. However, clearly this funding is finite and in the current financial climate only likely to reduce. There is no long term accommodation option in Westminster that is free indefinitely.
- 7.5.3 In addition, there is an accommodation project in Islington, St Mungo's Rolling Shelter, which is free for a short period (maximum of 3 weeks), and which can be accessed by Westminster services.
- 7.5.4 All other accommodation for rough sleepers requires payment of rent, usually through Housing Benefit. Rough sleepers are as eligible for these forms of Benefit as any other citizen.
- 7.5.5 The level of accommodation that can be provided, time-limited, for free, either at the Rolling Shelter or through other resources funded by FOPE funding, is insufficient to cope with the level of rough sleeping in Westminster. In any event, even if there was sufficient accommodation for this purpose, it would be inappropriate to provide accommodation for such a large number of individuals in Westminster, who have no connection with the borough other than they have travelled to it to sleep rough.<sup>2</sup>
- 7.5.6 The Vagrancy Act has also been proven to be unworkable in practice in the majority of cases. Experience of making applications to the courts in Westminster for Anti Social Behaviour orders and to tackle persistent begging, has shown the police and the local authority that the court generally look unfavourably upon prosecution against this client group, who they deem to be vulnerable and undeserving of enforcement action. In addition courts are reticent to convict individuals who are incapable of paying any fine issued for such offences. It is the considered judgement of the Metropolitan Police and

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<sup>2</sup> Evidence from a hostel review undertaken by Westminster showed that 92% of rough sleepers in Westminster do not have a connection with the borough. Therefore the best long term solution in most cases is for individuals to be reconnected to their home area, where they have some social capital, are more likely to qualify for social housing, and where pressure on accommodation resources generally is less. Westminster services aim to carry out these reconnections, which can be complicated and time consuming, as a first resort for most individuals.



Westminster Council, having taken legal advice, that courts are highly unlikely to be willing to hear cases brought under the Vagrancy Act for the offence of rough sleeping.

- 7.5.7 Consequently, the Vagrancy Act has been used up until now solely as a 'threat of action', to encourage particular, entrenched, targeted individuals to accept offers of accommodation. This has proved successful on a very small scale (less than 5 individuals, carefully chosen by outreach services as being in desperate need of accommodation, resistant to previous attempts to house, and unlikely to pursue legal action against coercive attempts).
- 7.5.8 However this level of usage does not and will not make an impact on the level of rough sleeping in the area. Neither does the Vagrancy Act have any facility to deal with the issues relating to soup runs (i.e.as mentioned above).
- 7.5.9 In the view of the City Council, there is no doubt that there is a reciprocal link between rough sleeping and soup runs in the relevant area. Individuals travel to the area because it has developed a reputation as a relatively 'comfortable' place to sleep rough, with the added bonus that free food is available in large quantities each evening.
- 7.5.10 There is an urgent need to enforce against rough sleeping in this particular area, as the area is particularly susceptible to the development of large hotspots and current enforcement powers are inadequate. Recently, on Howick Place, there were as many as 25-30 individuals bedding down on any one night. This led to the establishment of a particular Police Operation, Operation Gort, in Autumn 2010, after a Police Community Support Officer witnessed a Soup Run user brandishing a knife. Operation Gort involved using a Mobile Knife Screening unit at Howick Place, and all soup run users at that time were screened accordingly. There was concern from Soup Run operators, who expressed reluctance to operate out of Howick Place through fears for their own safety. These fears were communicated to the council through the Soup Run Core Group.
- 7.5.11 The Council do not feel that Byelaws preventing Soup Runs from operating in the designated area will be sufficient to resolve the rough sleeping problem in that area. The Soup Runs are clearly a contributory factor towards rough sleeping, but there are many other contributory factors. These include the proximity of national and international transport hubs, which bring individuals in financial and personal crisis directly to the area. Furthermore the historic nature of rough sleeping in the area has led to it becoming an area to which people gravitate and are directed when in crisis. There is also the simple fact that the centre of London has from time immemorial been a destination for people seeking to make a change to their life, including those who have no immediate resources upon which to rely.
- 7.5.12 The level of rough sleeping in the area impacts greatly on the local community and the ability of commissioned services to help vulnerable rough sleepers, who frequently can become subsumed and hidden in large groups, often being taken advantage of by more manipulative and (superficially) capable individuals. Therefore, given the paucity of other available enforcement options, it is necessary to establish an area in which rough sleeping is deemed

as unacceptable. This will provide vital respite for the local community and enable commissioned services to work with entrenched rough sleepers in smaller groups or ideally on a one to one basis.

- 7.5.13 There are a minority of individuals who choose to sleep in this area who can be categorised as dangerous to both the public and staff in the various street-based teams. This includes individuals with very serious criminal histories, Registered Sex Offenders, and people with serious mental illnesses. The presence of these types of individuals on the street, amongst large groups of other rough sleepers, presents an obvious danger to the public and outreach teams. This means that when large groups of rough sleepers form, health and safety concerns dictate that outreach workers need to be accompanied by the police when seeking to engage with these groups. This is clearly highly resource intensive and cannot be sustained over long periods of time. Where there are not such large congregations of rough sleepers, outreach teams are able to engage with individuals without the assistance of the police.
- 7.5.14 It is important to stress that the object of these Byelaws is to reduce the nuisance suffered by residents, businesses and tourists in the designated area. The Byelaws do not outlaw rough sleeping elsewhere in Westminster. Moreover, vulnerable individuals will not be left without support from existing services wherever they choose to sleep.
- 7.5.15 In addition to the Vagrancy Act and the other enforcement tools mentioned above, there is of course the option of Anti Social Behaviour Orders. This has been exhaustively explored by the Council and partner agencies against rough sleepers and other individuals in the Piazza area.
- 7.5.16 It is, however, clear that whilst this is a useful tool for those individuals causing particularly problematic behaviours over a sustained period of time, it has very little short-term impact on anti social behaviour generally in the area, and requires a level of evidence against particular individuals that is very hard to achieve, particularly given that much of the behaviour is carried out by individuals of no fixed abode during night time hours.
- 7.5.17 There is a stand-alone, multi agency Anti Social Behaviour meeting for rough sleepers and the Street Population, chaired by the Manager of Westminster's Street Population Team. She states that:
- “In 2010 51 names were monitored at the Rough Sleepers ASB meeting. Of that number 41 at some point during the year were monitored at Westminster's Anti Social Behaviour Action Group (ASBAG). From the list of names, a total of 5 were given ASBOs and 2 interim ASBOs. While ASBOs are a useful tool in keeping the community safe where there has been significant alarm and distress caused, they can take time to obtain and are not a quick solution to addressing anti social behaviour” Hannah Hunter, Manager Street Population Team, St Mungo's.
- 7.5.18 Therefore it is the view of the Council that these current enforcement tools (anti social behaviour orders, anti social behaviour agreements) are not satisfactory in enabling the police and other agencies to confront the

behaviour, often lower level than the bar for ASBOs and definable as nuisance, of individuals that these byelaws seeks to enforce against.

## **7.6 Previous attempts to deal with the problem**

- 7.6.1 The level of complaints directed to the City Council about rough sleeping and associated street activity in the Piazza area, through a variety of fora, has been incomparable to any similar sized area in the borough.
- 7.6.2 A number of different teams and departments within the Council have been working to confront these problems. This includes the Rough Sleeping team, who commission services for rough sleepers across the whole borough. They work closely with the Passage, who provide outreach services in the particular geographic area, the St Mungo's Street Population team who work across the whole borough with those causing anti social behaviour on the street, and the Homeless Arrest Reachout and Referral Team (HARRT), who work with high tariff offenders across the borough.
- 7.6.3 The Council Rough Sleeping Team have ensured that the designated area is a high priority for all of those street teams, as well as for the Safer Streets Homeless Unit at the Met Police, the dedicated police team for rough sleepers and the street population.
- 7.6.4 The Council Rough Sleeping Team have ensured that effective and innovative practices are put in place to deal with the particular, localised rough sleeping problem in the area. This has included the withdrawal of outreach and day centre services from any individuals found sleeping on the Cathedral Piazza and other notable 'hotspot' areas such as Howick Place. This has a temporary effect in some cases, but is not effective against those individuals who do not use Passage services and who use soup runs for sustenance.
- 7.6.5 The Crime Reduction Service have also employed a range of tactics to attempt to manage behaviour in the area, in addition to the Group Dispersal Zone (6.6.3). This has included the establishment of a Police problem solving and recording procedure ('302'), which documents all instances of anti social behaviour in a designated area, providing information that enables problem solving to be attempted. Please see Appendix 11 for an evaluation report of the 302.

## **8 What other services are on offer?**

- 8.1 Westminster City Council commission 3 day centres (the Passage, Connection at St Martin's and the West London Day Centre). The Passage is situated in Carlisle Place, off Victoria Street. These day centres provide a wide range of services for rough sleepers and the insecurely housed. These include very heavily discounted food, washing and laundry facilities, clothes stores and storage, doctor, dentist, podiatrist and a range of other physical and mental health services. Furthermore, the day centres are host to professional support workers who help individuals with the wide range of support needs that they present with, as well as working ultimately to resolve individuals' housing situation.

- 8.2 In 2009/10 the Passage Day Centre worked with 5675 individuals. The Connection at St Martin's Day Centre, off Trafalgar Square, provides similar services. In 2009/10 they saw a total of 6947 people.
- 8.3 There are a small number of individuals with a significant rough sleeping history who do not accept the services on offer at these commissioned day centres. In addition, there are a small number of individuals who will be banned from the day centres for varying length of time, usually for serious breaches of behavioural policy (e.g assaults on fellow service users or staff). These individuals are still able to work with our outreach teams who can ensure that they are safe and well. Furthermore there are non-commissioned day centre resources in Westminster (e.g Jesus Army Day Centre, Salvation Army, Cardinal Hume) which individuals who do not access our resources are generally able to access for food and other necessities.
- 8.4 There are three commissioned outreach teams in Westminster who work day and night to encourage individuals off the streets and into accommodation or treatment. These teams are provided by the Passage, Connection at St Martin's, and St Mungo's, and they each operate in a different area of the borough. These outreach teams have very detailed knowledge of all individuals on the street and have the skills and experience to enable them to identify and resolve support need.

The Passage assessed 1248 people in 2009-10, and achieved the following outcomes with those individuals:

- 324 bookings into accommodation
- 499 reconnections

Connection at St Martin's outreach team assessed 1779 people in 2009-10 and achieved the following outcomes:

- 220 bookings into accommodation
- 547 reconnections

A third team, St Mungo's, operate in the North West area of Westminster. In 2009-10 they assessed 258 people, and achieved the following outcomes:

- 148 bookings into accommodation
- 49 reconnections.

- 8.5 On average, over the last year, on any one night there are between 100 – 150 individuals sleeping rough in Westminster. Between 25-35% of this number are A10 nationals from the new Accession State countries. These A10 nationals are not eligible for public funds and consequently hostel accommodation or most treatment, and so Westminster count this group separately. A joint project is in place with the UK Border Agency and the CLG to tackle the large numbers of A10 nationals on Westminster's streets. Many individuals are not fulfilling their treaty obligations<sup>3</sup> to be capable of and

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<sup>3</sup> EEA Regulations 2006 accorded 'free movement of Union citizens and their family members within the territory of the member states who are exercising their Treaty Rights', which are to either be working, seeking work (generally a 6 month time limit is applied), self-employed, a student or self-sufficient financially.

searching for work, and so reconnections (both voluntary and mandatory) are being completed.

- 8.6 There is a well developed and defined hostel pathway for rough sleepers in Westminster, with over 1000 bed spaces across a range of provision (generic hostel provision for short term stay, specialist drug and alcohol provision, provision for older males and females, supported semi-independent housing). This accommodation pathway can be seen as an Appendix to the Rough Sleeping Strategy 2010-13. This provision is borough wide, including a necessary percentage in the South Westminster area.
- 8.7 The Council are clear that there are sufficient resources in place for rough sleepers in Westminster, and in South Westminster particularly. Furthermore, the presence of soup runs in such volume actively detracts from the work of services already in place for Westminster, as it delays the point at which some vulnerable individuals will seek help from those services that are qualified to assist them.
- 8.8 There are reasons why individuals do not use services provided (commissioned) by the Council other than the presence of soup runs. For example, 33% of those met on the streets in Westminster each year are acknowledged as having mental health needs (evidenced by CHAIN annual reports). A proportion of this group will have paranoid ideations about engaging with services that are in any way allied with the City Council, and consequently will be resistant to engaging with day centres or outreach teams.
- 8.9 In addition, there are a small number of people at any one time who are barred from services due to unacceptable behaviour, usually of a violent nature. It is unusual for these bans to be permanent.
- 8.10 There is also a more significant group who access day centres and work with the outreach teams, but who refuse to accept offers of accommodation, for a wide range of reasons. However this group can still access day centres where their immediate needs can be met – many will choose not to as they can satisfy those needs through soup runs.

## **9. Legal Implications**

- 9.1 The substantive legal issues are addressed in the body of the report. This section addresses some of the procedural issues.
- 9.2 The legal procedure for making Byelaws has changed with the implementation of section 236A of the Local Government Act 1972. This is a new provision that allows the Council to make Byelaws without needing to seek confirmation from the Secretary of State. However, although section 236A is now in force, it cannot be used until such time as the Secretary of State makes regulations setting out the new procedures. In those circumstances, the Council will proceed to make these Byelaws in accordance with the existing law.

- 9.3 If the recommendations in this report are agreed, a consultation exercise will be carried out with residents, local businesses, the police, the Cathedral, local day centres and hostels and third sector charities and other organisations working with homeless people. Thereafter, an application will be made to the DCLG for provisional approval. It is at this stage that the DCLG will determine whether the proposed Byelaws will meet the judicial tests for the validity of the Byelaws. Key issues that the DCLG will consider are whether there is a genuine problem, whether there is a need for new Byelaws, whether there is an alternative way of dealing with the problems identified and whether there are existing laws that can currently address those problems.
- 9.4 If provisional approval is granted, the Byelaws will be submitted to a meeting of the Full Council (via General Purposes Committee) with a recommendation to make and seal the Byelaws. The date of the Council meeting will depend on how long it takes the DCLG to grant provisional approval. Although the timeline is tight, it is hoped to report to the Full Council on 4 May. If that date is missed for any reason, the next meeting of the Full Council to which the matter can be reported will be 20 July.
- 9.5 Thereafter, the Byelaws have to be advertised in a local newspaper and placed on deposit in Council buildings and public libraries for a period of one month. Representations can be made to the DCLG during that period. The DCLG may ask the Council to comment on any representations that are received and will then decide whether to confirm the Byelaws. The DCLG will either confirm them or refuse the application. The DCLG cannot amend the Byelaws. If the Byelaws are confirmed they will usually come into force one month later. Assuming that the Byelaws are made at the meeting of the Full Council on 4 May, it is hoped that they will be confirmed in July and will come into force in August 2011. If the Byelaws are not made until 20<sup>th</sup> July 2011, they would not come into force until October 2011 at the earliest.
- 9.6 As intimated above, the DCLG recently announced their intention to implement the legislation that will enable local authorities to make Byelaws without the need to obtain confirmation from the Secretary of State. The intention was to bring the new legislation into force early this year. At the time of writing, there has been no indication as to when the new regime will actually come into force. If the new procedures are implemented before the Council has made the Byelaws under the existing procedures, there is a chance that the process will be slightly amended. The exact procedure may also depend on any transitional measures that are put in place. For example, the transitional arrangements may provide that the DCLG will remain as the confirming authority in respect of all applications where provisional approval has already been granted.

## **10. Equalities Implications**

- 10.1 An Equalities Impact Assessment (EIA) has been carried out in relation to this project.

- 10.2 To summarise, the EIA shows that no demographic or ethnic group will be disadvantaged by the creation of this Byelaws. Commissioned services, where food is available, are accessible to all and all have their own Equalities Policies. Moreover, soup run provision will continue to exist in other parts of the City. Most rough sleepers are entitled to receive benefits and therefore have the means to access both accommodation and food. However, if there are particularly vulnerable individuals who refuse to access commissioned services, outreach teams and other street based teams will ensure that adequate provision is made for them.
- 10.3 There is no necessity for individuals to sleep rough in the area of the Byelaws, rather than another part of Westminster (or indeed London). There is no excuse for individuals to live on the streets, given the level of service provision in Westminster. Therefore it cannot be argued that any individuals, of any demographic or ethnic group, would be disadvantaged by there being a designated area where rough sleeping is not permitted.

## **11. Human Rights Implications**

- 11.1 The Byelaws are considered to be compatible with the Human Rights Act 1998. Rough sleeping and the distribution of free refreshment are not being banned across the whole of Westminster. The Byelaws are designed to maintain order and to protect the rights and freedoms of residents, local businesses and visitors to a discrete area centred on the Westminster Cathedral Piazza. Many agencies whose functions are to assist homeless people and rough sleepers support the Council's approach. In those circumstances, the Byelaws are considered to be reasonable and proportionate.

## **12. Crime and Disorder Act 1998**

- 12.1 Under Section 17 of the Crime and Disorder Act 1998, a Local Authority has a duty "to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do it all reasonable can to prevent, crime and disorder in its area". The Byelaws have been specifically designed to assist the police and the local authority in dealing with nuisance and anti-social behaviour, but it is considered that the implementation of the Byelaws will also assist in dealing with some of the associated criminal activity and will generally help to prevent disorder in the area.

**If you have any queries about this Report or wish to inspect any of the Background Papers please contact: Rosemary Westbrook  
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## **BACKGROUND PAPERS**

**WCC Rough Sleeping Strategy 2007-10, and 2010-13**

**‘Soup Runs in Central London: The right help in the right place at the right time?’ London School of Economics, July 2009**

**Statements and complaints relating to either the provision of soup runs and/or concerns about rough sleeping**

**Equality Impact Assessment**