

City of London Corporation Committee Report

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| Committees: Community and Children’s Services Police Authority Board | Dated: 16 January 2025 12 February 2025 |
| Subject: Policy and protocol to tackle the negative impacts of rough sleeping | Public report: For Decision |
| This proposal: <ul style="list-style-type: none"> • delivers Corporate Plan 2024-29 outcomes • provides statutory duties | Diverse Engaged Communities: Vibrant Thriving Destination: Providing Excellent Services: |
| Does this proposal require extra revenue and/or capital spending? | Yes |
| If so, how much? | £ To be determined |
| What is the source of Funding? | A funding bid will seek to provide a 6 month pilot |
| Has this Funding Source been agreed with the Chamberlain’s Department? | Longer term funding will need to be identified |
| Report of: | Judith Finlay, Executive Director of Community and Children’s Services |
| Report authors: | Simon Cribbens, Community and Children’s Services Nikki Gander, Chief Inspector, City of London Police |

Summary

This report presents a draft policy statement and protocol in support of interventions to tackle the negative impacts such as anti-social behaviour that can be associated with rough sleeping. It notes the harms to individuals from long term rough sleeping, and the negative impact on communities from behaviours that can be associated with rough sleeping. It seeks to ensure there is a transparent, balanced and proportionate approach that ensures continued welfare support, whilst protecting those who sleep rough and the wider community from harms.

It notes, that if approved, the implementation of the approaches set out will require resource to co-ordinate and properly manage them. A bid will be submitted to the Safer City Partnership for grant funding that could support an initial pilot period.

The report is for approval.

Recommendation

Members are asked to:

- Approve the draft policy, protocol
- Note risk and resource implications
- Note the proposed bid for funding to pilot an approach

Main Report

Background

1. The City of London Corporation is committed to supporting those who sleep rough on the Square Mile to have a route off the streets tailored to their needs and circumstances. The Corporation invests in specialist outreach services, hostel accommodation (including provision for those with complex needs), a dedicated social worker, health and substance misuse services and a recently opened assessment centre providing emergency beds and a place of safe assessment away from the streets.
2. Services are delivered in the context of increased pressures - with the level of rough sleeping increasing significantly across the capital. Many of those who sleep rough in the City are entrenched and have complex needs. Such individuals often refuse offers of support, accommodation and other welfare intervention. Others are without recourse to public funds, and therefore the service offered to them is very limited, and often unattractive to individuals concerned.
3. Almost all those who sleep rough in the Square Mile have slept rough elsewhere previously – either another London local authority or elsewhere in the UK.
4. For those who are street homeless, rough sleeping presents considerable risks to health and wellbeing. Research by the homeless charity Crisis reports that people sleeping on the street are almost 17 times more likely to have been victims of violence in the past year compared to the general public.¹
5. NHS England has reported that people experiencing homelessness and rough sleeping have a reduced life expectancy (44 years for men vs. national average of 79.4 and 42 years for women vs. national average of 83.1).²
6. Rough sleeping can also be associated with activities like begging, street drinking, substance misuse and other antisocial behaviour. For those who live, work or learn in the City, these behaviours can be intimidating or have detrimental impact, and where they persist, they may undermine confidence in the City Corporation's support services and the City of London Police.

¹ [New research reveals the scale of violence against rough sleepers | Crisis | Together we will end homelessness](#)

² [PowerPoint Presentation \(england.nhs.uk\)](#)

7. Not all those who sleep rough engage in aggressive begging, anti-social or criminal activities. However, anti-social behaviour has been associated with the presence of tent encampments and rough sleeping “hotspots” in the City. This has included dangerous substance misuse practices, verbal abuse of Corporation officers and contractors, and defecation and urination in public spaces. The City Police has also responded to increased criminal activity related to rough sleeping encampments.
8. The use of barbeques or fires for cooking – sometimes experienced - is dangerous. Encampments can also have wider detrimental impacts on the community, including deterring use of or blocking access to the highway or other public and privately owned spaces.
9. Homelessness support services also express concern that rough sleeping in tents can increase the risk of financial and sexual exploitation, and domestic abuse of some homeless people.
10. Two such encampments are present in the Square Mile – one at Peninsular House close to the Monument, the other at Baynard House on Castle Baynard Street. Both have elicited concerns from Members, City businesses and City Corporation Officers, and requests for action to be taken.

Current Position

11. The City Corporation and City Police have co-ordinated action with wider partner services to reduce the impact of anti-social behaviour associated with individuals within the encampments at Peninsular House and Baynard House. While this has had a positive impact (including resulting in the acceptance of accommodation offers previously refused) several tents remain in these locations, with the continued risk to the wellbeing and safety of those who remain, and risk of negative impact on the local community.
12. The presence of tents and rough sleeping at Peninsular House has persisted for six years. During that period, the number of people sleeping rough fluctuates – reaching 12-15 people at times. In April 2024 16 tents were present. Where numbers of tents or individuals sleeping rough have reduced, it is common for people to return, or for those new to rough sleeping in the City to occupy tents that remain.
13. At Baynard House in the west of the Square Mile - twenty tents have been reported in this location. A recent violent incident established a crime scene preventing occupancy of some tents. Support offers to provide route off the streets to those occupying these tents had not previously been accepted. This group is mostly without recourse to public funds, and therefore the support offer focuses on regularisation of immigration status or supported return to country of origin. In the circumstances of the recent crime, the City Corporation has been able to use discretionary powers to provide temporary accommodation to nine

individuals. This enabled recent action to remove unoccupied tents and clean the area.

14. Interventions to respond to encampments in the City have been reactive in relation to escalating issues and risk. They have not been planned as part of a wider and longer-term approach. This is because the City Corporation does not have a clear policy position to guide and empower officers. Neither is there the necessary resource required for more co-ordinated and sustained interventions were that approach to be pursued.
15. It is notable that some other authorities – where there is much greater issue and incidence - have developed and resourced clear and agreed approaches in the form of policy, protocols or guidance. These ensure clarity and transparency about the approach to interventions, and a clear authorisation process which drives consistency with that approach. They ensure issues of welfare support, risk and proportionality have been fully considered and evidenced.
16. A range of powers exist that can be used to intervene with and tackle anti-social behaviour – including that associated with the behaviour of some who sleep rough.
17. It should be noted that the limited use of enforcement powers to date - such as Community Protection Notices - and any future use, is never solely because someone is sleeping rough or homeless.
18. A summary of the key powers is given in Appendix 1. They include powers that attach to an individual (such as those contained in the Anti-social Behaviour, Crime and Policing Act 2014), a location or address (Highways Act) or trespass. Some spaces are additionally protected by local bylaws.
19. Any enforcement action requires careful planning in terms of ensuring that capacity/wellbeing assessments take place before any action is taken and equalities and human rights assessments are completed. Action requires the involvement of a range of partners including homeless outreach services, social services, health services, cleansing services and the City Police.

Options

20. The options set out, and that recommended, have been informed by engagement with:
 - Thames Reach the specialist homelessness charity (provider of the City Corporation's rough sleeping outreach and assessment centre services)
 - Rough Sleeping Specialist Adviser – Ministry of Housing and Local Government
 - Homelessness and Rough Sleeping Sub Committee
 - Chairman – City of London Police Authority Board
 - City of London Police

- Homelessness and Rough Sleeping Strategy Group
- Safer City Partnership
- City of London Corporation services

21. The use of legal powers is rightly challenging, and open to legal challenge. It is imperative that such powers are used carefully and proportionately and are underpinned by robust evidence of both support to an individual, and the impact of behaviours. Their use must align with all with the legal obligations of specific powers and be underpinned by assessments of Equalities Impact and (for some powers) a Human Rights Act assessment.

22. Interventions are operationally complex and require a range of activity by many services and partners in advance and at the time. Consideration must be given to many humanitarian and practical issues.

Option 1: Welfare based//passive approach only

23. Although clusters of rough sleepers, such as those in tent encampments, can pose significant risks to the homeless and can adversely affect communities, the City Corporation and associated services might consider a passive approach in which only welfare support is offered. However, such an approach could enable tented encampments to persist, leading to environments that are unsafe for those who are street homeless, in which associated anti-social behaviour occurs, and which cause distress to communities. The focus of the City Corporation's response to rough sleeping has always been underpinned by the urgent need to prevent entrenchment and bring individuals into services that can provide support.

24. A welfare only approach reflects current practice, in which interventions to tackle negative behaviours have only been used when issues have escalated to a significant level.

Option 2: Planned and proactive approach to tackle the negative impacts

25. An approach based on tackling anti-social behaviour or using powers to address obstructions or trespass will necessarily have to be tailored, appropriate and proportionate. There may be circumstances where the use of such powers would not be proportionate, and therefore interventions would be very limited and fall short of the expectations or requests of some stakeholders.

26. If an approach were taken to clear a site because of the scale of negative impact related to it, consideration will need to be given as to how this will be sustained through follow up action or design changes.

27. It is proposed that an agreed policy, and protocol for its use, would provide for planned and proactive approaches to tackle the negative impacts of rough sleeping. This would not be an approach in isolation. Any intervention to address the negative impacts that can occur, would sit alongside a wider welfare offer including health, advice and accommodation offers.

28. Such a policy would reflect the balance of responsibilities the City Corporation and the City of London Police have to all sectors of the community.
29. The protocol would allow confident authorisation, ensuring demonstration that actions are a justified, reasonable and proportionate response to the detrimental effect of the activities.

Proposals

30. Option 2 is recommended.
31. A policy statement will set out the range of actions the City Corporation may take where there is anti-social behaviour associated with rough sleeping. It will provide the rationale for doing so, and the reassurance of the welfare and support targeted at those street homeless.
32. The policy will include the removal of abandoned property, including tents, and the circumstances in which they will be stored for a period in which the belongings can be reclaimed.
33. The proposed policy statement is found in Appendix 2. If approved, Members should consider whether this statement be made publicly available on the City Corporation website.
34. It will be accompanied by a protocol. This will be an operational tool but will set out the clear requirements of evidence – both of negative impact and support to those affected – that would inform decision making.
35. The protocol is designed to ensure that activity aligns with the values of the City Corporation's Homelessness and Rough Sleeping Strategy regarding the delivery of compassionate and humanitarian support to address the complex challenges linked to homelessness.
36. It recognises that there will be instances where partnership intervention may be required to address specific concerns and issues linked to rough sleeping associated crime and anti-social behaviour. Such interventions would be progressed where Initial interventions have failed to address the behaviour and reduce the harm being caused, and the behaviour is continuing or escalating. It must be evidenced that:
 - the behaviour is impacting numerous people and/or businesses;
 - the behaviour is impacting upon an agency's resources and day to day operations; and
 - the behaviour has significant impact on – or could be reasonably expected to negatively impact - vulnerable people.
37. The protocol outlines the authorisation process to be used by the City Corporation. It will provide for consistency regarding the decision-making process

and to ensure an increased level of communication with the senior officers and relevant elected members.

38. The proposed protocol is found in Appendix 3.
39. The approval of both policy position and protocol will enable officers to act with confidence of political support, while providing Members with reassurance.
40. The City Corporation will always work alongside the City of London Police to deliver any intervention, to ensure it is managed safely.
41. The wording of the policy and protocol may be subject to revision for communications purposes or to reflect changes to operational structures and roles. Changes will not be made to the substance of the policy without the approval of Members.

Risk and Issues

Limitation of offer to those with “no recourse to public funds” (NRPF)

42. The current profile of those engaged sleeping rough in tented encampments suggests the majority are NRPF.
43. Despite the Government’s intent to end rough sleeping, the law with regards to immigration status has not changed and no recourse to public funds conditions continue to apply.
44. These conditions limit the actions that local authorities can take – especially in the provision of accommodation. Where individuals have care and support needs that meet the eligibility criteria for support under the Care Act, accommodation can be provided. Other duties and powers provide some very limited circumstances in which accommodation can be provided. Where accommodation can be provided, there is risk of a significant financial burden to the authority
45. Section 21 of the Care Act clarifies that local authorities are not required to provide care and support to a person who is subject to immigration control solely for the purpose of alleviating destitution when that person has no additional care and support needs.
46. Often, individuals who have NRPF will be aware of their status, and are reluctant to engage with outreach teams, or support offers that may be limited to advice or supported return to a home country.
47. The City Corporation’s services will always provide advice and signpost to charitable organisations that offer services, and sometimes accommodation, to those who are without recourse.

Displacement

48. Interventions in response to anti-social behaviour can disrupt an area of concentrated rough sleeping. Such interventions can usefully encourage the take up of services and support previously refused. It can echo outreach practice, which does not seek to enable or support life on the streets, but challenges it assertively because of the significant risk street homelessness poses to individuals.
49. However, there is a risk that intervention may serve only to displace people sleeping rough from one area to another. These individuals may risk losing belongings or lose access to an area they perceive as good or safe for rough sleeping.
50. Such displacement could be across local authority boundaries which may create additional demands and challenges to the services in those areas.
51. This risk cannot be fully mitigated. Therefore, any planned intervention must weigh the impact of harms that are being addressed (or potentially not), against the risk the issue may be displaced.

Return

52. Interventions may serve to reduce rough sleeping encampments or hotspots. However, their impact may be short term with homeless people returning to an area, or others replacing those who have left. Since the operation to remove abandoned tents at Baynard House location, four new tents have been erected in the area.
53. Some powers – such as a Public Space Protection Order (PSPO) – attach to a space rather than an individual. A PSPO can have effect for up to for three years, and therefore may provide a longer-term intervention if enforced. A PSPO could be directed at the detrimental effects often associated with encampments and hotspots – such as drugs paraphernalia, public urination/defecation and littering. The use of such powers must demonstrate the actual or likely detrimental effect and that it is, or is likely to be, persistent in nature.
54. Closure of areas, and design interventions, can deter hotspots and encampments from establishing or being returned to. Such changes can be difficult to secure and may have cost and other implications.

Legal Challenge and criminalisation

55. The use of powers and tools available to local authorities and the police is rightly open to legal challenge.
56. The establishment of a clear policy and protocol seeks to mitigate the risk of the disproportionate or inappropriate use of powers. Supporting processes will ensure that the necessary assessments – such as an Equality Impact Assessment or Human Rights Act Assessment – are in place, and the evidential base supporting intervention is robust and adequate.

57. Enforcement of powers such as Community Protection Notices or Public Space Protection Orders can escalate to criminal sanction. It is not the aim of this policy to criminalise rough sleeping.

58. It has been the experience of the City Corporation and City Police, that the use of powers such as a Community Protection Notice or Warning does have a deterrent effect. The possibility that failure to comply with the terms of a power may lead to criminal action must be weighed against the impact on the wider community of anti-social behaviours.

Reputational risk

59. Action to tackle issues such as anti-social behaviour associated with rough sleeping encampments has - in many local authorities - attracted negative news and social media coverage. A communications strategy should be considered and sit alongside the action being taken.

60. However justified, there is a risk that it is portrayed as disproportionate and motivated by a desire to remove rough sleepers.

61. The policy and protocol set out to mitigate this risk by making clear the rationale for an intervention and the requirement for evidence of the support offer provided to individuals, and of the impact their behaviour or actions have.

62. Reputational risk and impact are likely to be short term.

Equalities considerations

63. An Equality Impact Assessment is appended (Appendix 4). Members are asked to consider and have due regard to the equalities impact assessment.

64. Equalities data for the whole City rough sleeping population demonstrates limited over-representation of protected characteristics. The most significant over-representation is in terms of male sex with males accounting for 90% of those recorded on the streets. Negative impacts are mitigated through a welfare led approach to ensure needs are properly assessed and support offers are available.

65. Further detail is being sought in relation to the characteristics of those in tented encampment to see if they diverge from the wider rough sleeping population.

Resourcing

66. The planning and delivery of interventions has a range of resource implications.

67. The primary need is for capacity to co-ordinate and plan activity. This would include the assembly of the required evidence in advance, securing authorisation for a planned intervention and the co-ordination of the range of partner services involved. There is no role in place to deliver this function.

68. There will be additional costs association with the delivery of any action – such as translation, specialist advice, storage of belongings and specialist cleansing.
69. The City Corporation will offer provide emergency accommodation to those affected. Where this includes those without recourse to public funds (on a discretionary basis) this will be at the full cost to the City Corporation (other accommodation costs being offset by Housing Benefit). Recent action at Castle Baynard has cost the homeless budget almost £10,000 with costs continuing while accommodation is in place.
70. Interventions also require the resources of partners such as the City Police, homeless outreach services, the Community Safety Team and Cleansing Services.
71. Should Members approve the proposed approach, officers will bid for funding - to pilot a role and provide supporting budget - to the Safer City Partnership's Proceeds of Crime Act funding pot. The proposal is consistent with the priorities of the partnership's strategy and priorities for funding.

Corporate & Strategic Implications

Strategic implications

72. The policy is developed in line with the commitments and values of the City Corporation's Homelessness and Rough Sleeping Strategy.

Financial implications

73. Adoption of the proposed approach will have financial cost that are not currently budgeted for.

Resource implications

74. There is no current resource in terms of operational co-ordination and planning.

Legal implications

75. Noted within the report.

Risk implications

76. Noted within the report

Equalities implications

77. Noted within the report.

Climate implications

78. None

Security implications

79. None

Conclusion

80. The development of a clear policy and operational framework in relation to addressing encampments will provide confidence and clarity about the use of interventions in relation to the detrimental impacts of rough sleeping.

Appendices

- 1 Legal Powers Summary
- 2 Draft Policy Position
- 3 Draft Protocol
- 4 Equality Impact Assessment

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