

## **Appendix 2: Policy Statement**

### **City of London Corporation – Tackling the negative impacts of rough sleeping**

#### **Introduction**

**Our Policy approach: The City of London Corporation (the City Corporation) is committed to helping those who find themselves homeless on the streets. This means providing help and support, and safely managing the areas in which people sleep rough.**

Sometimes there are impacts – such as increased antisocial behaviour – that are associated with rough sleeping which can have a negative impact on those homeless and on the wider community. Where these impacts are problematic, the City Corporation may use legal powers to manage and reduce them.

#### ***Balanced and proportionate***

The approach to using legal powers to tackle some problems is described below. It aims to ensure there is a balanced and proportionate response that supports those who are vulnerable, and protects both them and the communities of the City. Our response to some issues may need the use of legal powers, but these powers are never used solely because someone is sleeping rough or homeless.

#### ***Credible Offers of support***

Our approach sits alongside our Credible Offers Policy<sup>1</sup> - which commits to ensuring that everyone homeless on the streets of the Square Mile has a route off the streets. For many this will be accommodation, and for others it will be support to regularise immigration status or to achieve a planned and supported return to a home country.

#### ***Complexity and harm***

Rough sleeping is complex. Many of those who sleep rough in the City are entrenched and have multiple 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.

However, long term rough sleeping puts individuals at risk. Sleeping rough poses significant risks to the health, wellbeing, and safety of those experiencing homelessness. Street homelessness is hazardous, distressing, and isolating. Individuals sleeping rough are more susceptible to violence and serious health issues.

#### ***Welfare first***

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<sup>1</sup> <https://democracy.cityoflondon.gov.uk/documents/s139976/App.%201%20to%20Credible%20Offer%20Policy.pdf>

The approach we are setting out, balances our commitment to a welfare driven approach to rough sleeping, with the need to ensure the City is a safe, secure and accessible environment for all. Any intervention to address negative impacts will only be undertaken where there is both clear evidence of the support offer provided to individuals, and of the impact their behaviour or actions have.

## **Supporting those who sleep rough**

**Our Policy approach: The City Corporation is committed to assisting individuals who sleep rough in the Square Mile by providing tailored routes off the streets that address their specific needs and circumstances.**

The City Corporation resources a range of specialised services including outreach services, specialist hostel accommodations, a dedicated social worker, health and substance misuse services, and a newly established assessment centre offering emergency beds and a secure assessment space away from the streets.

Our services, along with those provided by our partners, prioritise the urgent need to support individuals in transitioning away from street homelessness and mitigating the harms associated with long-term rough sleeping.

### ***Limited or no recourse to public funds***

Some of those who sleep rough have “No Recourse to Public Funds”. This is a legal immigration restriction imposed by government policy which prevents the individual concerned from accessing welfare benefits and support other than in exceptional circumstances.

With people in this circumstance our services will work to ascertain if there is any underlying entitlement to public funds through, for example, achieving settled status under the EU scheme or working with advice/legal services and/or the Home Office to regularise immigration status. If this cannot be achieved – making a credible offer of accommodation impossible – the outreach team and our assessment centre staff will work with the individual rough sleeper to achieve a planned and supported return to a home country.

Consideration will also be given to providing temporary accommodation rough sleepers while immigration status is confirmed. In this case reasonable timescales should apply.

## **Supporting our communities**

**Our Policy approach: Where there are specific concerns of crime and anti-social behaviour linked to rough sleeping the City Corporation and its partners in the City of London Police, have a responsibility to act to safeguard those who are vulnerable and those in our wider community. We will always take a welfare first approach.**

**We will never use such powers on somebody just because they are sleeping rough or are homeless.**

Rough sleeping can sometimes be associated with activities like aggressive begging, street drinking, substance misuse and other antisocial behaviour. Encampments of tents can block pavements or put off people from using the pavement.

For those who live, work or learn in the City, these behaviours can be intimidating or have detrimental impact. Where they persist, they can cause distress and alarm.

Were the City Corporation intervenes to address these impacts, it will always take a welfare first approach. Identification and consideration of a person's specific circumstances, including their safeguarding and support needs, are an integral part of the City Corporation's approach. However, where detrimental issues persist or are likely to persist, we will consider the use of legal powers and tools to intervene.

### ***Antisocial behaviour***

Antisocial behaviour is defined as 'behaviour by a person which causes, or is likely to cause, harassment, alarm or distress to persons not of the same household as the person' ([Antisocial Behaviour Act 2003](#) and [Police Reform and Social Responsibility Act 2011](#)).

There are three main categories for antisocial behaviour, depending on how many people are affected:

- Personal antisocial behaviour is when a person targets a specific individual or group.
- Nuisance antisocial behaviour is when a person causes trouble, annoyance or suffering to a community.
- Environmental antisocial behaviour is when a person's actions affect the wider environment, such as public spaces or buildings.

Where anti-social behaviour is associated with rough sleeping our specialist homeless outreach teams, and our community officers from the City of London Police will work with individuals to try and address the behaviour and reduce the harm being caused.

If anti-social behaviours persist or escalate, we will consider the use of legal powers where there is evidence that the behaviour is unreasonable, persistent, and has a detrimental effect on the quality of life of numerous people and businesses in the locality.

Powers such as a Community Protection Notice – or others – will only be used where the behaviours experienced is well evidenced and meets legal test required.

Where any power is used, the City Corporation will always continue to support those sleeping rough to end their homelessness.

### **Abandoned belongings**

**We will remove abandoned belongings if there is a public health risk, if they are causing an obstruction or if the owner tells us they no longer want them. We will remove belongings where they present a risk - such as a fire risk. Confiscation and destruction of tents or other personal possessions is not and never will be part of our approach for reducing rough sleeping.**

Sometimes belongings are abandoned in the Square Mile, including sleeping bags, clothes and other personal possessions. We will only remove these if they appear obviously abandoned, if there is a public health risk, if they are causing an obstruction or if the owner tells us they no longer want them.

If belongings are left in the street and are not being cared for – for instance, they are strewn around rather than placed together – or are placed against a bin, we will treat them as litter and dispose of them. We also treat soaked and ruined bedding as litter.

### ***Removal of sharps and needles***

We will always remove sharps and dispose of them safely.

### ***Storage of abandoned belongings***

Unless there is an immediate public health risk or items are identified as litter, we will monitor abandoned items for 48 hours before removing them. We will store them for 28 days before disposing of them, and notify the police and outreach teams of their location.

We recognise that some possessions – such as identification documents – are very important, and hard to replace. We will retain these documents and work with homelessness services within and beyond the Square Mile to ensure that they are returned.

### ***Removal of tents or other personal possessions***

We will not confiscate or destroy tents or other personal possessions as part of our approach to reducing rough sleeping.

However, there are circumstances under which we are required to act to remove items. Environmental protection legislation means we have a duty to investigate what are known as “statutory nuisances”. These are activities which are – or are likely to be – a nuisance which poses a threat to health.

In cases of statutory nuisance, we speak to people first. If the behaviour continues, or no-one can be found, we have a duty to issue abatement notices. An abatement notice requires whoever is responsible to stop or limit an activity to avoid causing a nuisance. It can include specific actions to reduce the problem.

Where tents that have been clearly abandoned and are no longer being used we will remove them tents, and store them so they can be retrieved.

If tents are on highways and causing an obstruction, they can be removed under section 149 of the Highways Act.

For tents causing nuisance on the highway e.g., uncontained/discarded belongings, noise, ASB related issues, a 28-day Notice of intention to remove can be served under the Highway Act 1980. This will be enforced with police in attendance if necessary and removed by City Clean / a contractor.

## **More information and how to help**

**Find out more about our support and services for those sleeping rough [here](#).**

**If you are concerned about a rough sleeper, or sleeping rough yourself, you can report this online using the [Streetlink\(external link\)](#) website**

You, or the individual you are concerned about, may also be able to use:

- [Providence Row\(external link\)](#) Day Centre  
82 Wentworth Street  
[E1 7SA\(external link\)](#)

If you see someone sleeping rough and you think they are suffering the effects of exposure to cold or extreme hot weather, please contact emergency services on **999**

Email the City Corporation's [Homelessness Prevention and Rough Sleeping Service](#)