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The impact of enforcement on street users in England

Findings
Informing change

July 2007

Concerns have mounted in recent years about the 'problematic street culture' sometimes associated with rough sleeping – especially begging and drinking in the street. There has been a significant shift towards enforcement measures aimed at street users involved in such activities. This study evaluated the impact of these measures on the welfare of street users in five different areas in England.

Key points

- Individuals involved in street activities were highly vulnerable; almost all had experienced substance misuse and/or mental health problems, a history of trauma and homelessness.
- Local rather than national pressures led to the shift towards enforcement action in the areas studied, though central government played a key role in providing the 'tools' to enable such action. Enforcement had sharply reduced the visibility of street activities in almost all the 'hotspots' examined.
- 'Softer' forms of enforcement – especially controlled drinking zones and environmental design measures – were effective in reducing the visibility of street activities in targeted localities, but did not provide any discernible benefits for street users.
- 'Harder' forms of enforcement – particularly anti-social behaviour orders (ASBOs) – had a powerful direct and indirect deterrent effect, and were key to the reduction of street activities in targeted areas.
- When integrated with intensive supportive interventions, ASBOs could also contribute to beneficial outcomes for some street users, causing them to desist from anti-social behaviour and engage with drug treatment and other services.
- However, ASBOs and other forms of enforcement led to the geographical displacement of street activity and also sometimes to the displacement of activity (e.g. from begging into acquisitive crime).
- The researchers conclude that it is impossible to predict with certainty the outcomes of enforcement measures for any individual street user. The impacts are potentially very negative for some street users, such as diversion into more dangerous activities or spaces and the possibility of lengthy prison sentences. Enforcement is therefore a high-risk strategy, only to be used as a last resort, and never with very vulnerable street users such as those with severe mental health problems.

The research

By Sarah Johnsen and Suzanne Fitzpatrick of the University of York.

Background

Street homelessness has been a policy priority in England since the early 1990s, with a substantial subsequent decline in levels of rough sleeping. However, concerns have mounted in recent years about the ‘problematic street culture’ sometimes associated with rough sleeping – especially begging and drinking in the street. There has been a significant shift towards enforcement interventions aimed at the street users involved in such activities.

Enforcement and coercive measures taken against street users include: anti-social behaviour orders (ASBOs); injunctions; arrests for begging or sleeping rough under the Vagrancy Act 1824; controlled drinking zones; dispersal orders; ‘designing out’ of street activities; and ‘alternative giving schemes’ (publicity campaigns which encourage the public to donate to charities rather than give money directly to those begging).

This research project studied five different areas in England to evaluate the impact of these enforcement interventions on street users’ welfare. The key objectives were to:

- explore the extent to which enforcement action has been linked to supportive interventions;
- identify the circumstances associated with particular positive or negative impacts of enforcement on street users’ welfare;
- assess the impact of enforcement measures on other stakeholders in the local community, in particular residents and businesses.

Providers of support, enforcement agents and members of the local community, as well as former and current street users, participated in the research. The study confirmed the findings of previous research that those involved in street activities are highly vulnerable. Almost all street users encountered were homeless or had a history of homelessness – i.e. sleeping rough or living in temporary or insecure forms of accommodation such as hostels, night shelters, squats, or ‘sofa surfing’ around the homes of friends or relatives. They also had substance misuse and/or mental health problems, and the great majority had suffered a traumatic childhood.

Local experiences of enforcement

It was mainly local rather than national pressures that led to a shift towards the use of enforcement measures in the areas studied, although central government played a key role in providing both encouragement and the ‘tools’ to enable action to be taken. In all cases, local residents and businesses perceived street activities – especially begging, and drinking in large groups – to have had a very negative impact on particular areas.

“The square was taken over by street drinkers ... It became very unpleasant to live around here, effectively ... They were totally anti-social. I mean they drink, litter, urinate and worse in public ... it was just unbearable ... You were looking over your shoulder when you were coming in and out because they’re there all the time, they’re watching you. You’re worried about your kids, people coming over.” (Resident, Brighton)

The concerns of members of the local community were usually founded on fear of threat or danger rather than personal experience of verbal or physical abuse from street users.

“...they’re quite an ‘ugly’ bunch as it were. But I think the public really had very little to fear from them because, yes, they were involved in criminality, but that criminality would be shoplifting and drug misuse ... If it was things like assault or disturbances, invariably it would be amongst themselves and wouldn’t involve a third party.” (Police representative, Southwark)

However, a small number of people had been direct recipients of aggressive or threatening behaviour by street users. Thus, while community fears may well have been heightened by an instinctive fear of those who were visibly ‘different’, they were not groundless.

Members of the public and enforcement agents were generally sympathetic to the vulnerability of street users. So while their top priority was reducing the negative impact of street culture on the daily life of the local community, they were keenest on strategies that deterred individuals from anti-social street activities while also incorporating substantial supportive interventions. They generally felt that local enforcement strategies had been successful in sharply reducing problematic street activity in the targeted areas.

“It undid 25 years of agency malaise about a situation and location. It was fantastic. That’s what ASBOs can do for you. They can just change something overnight. That and putting sloping bricks on the wall where they [street users] used to sit, simple.” (Local authority representative, Brighton)

Specific enforcement interventions

The tools employed to address problematic street culture in the areas studied ranged from 'hard' forms of enforcement (such as ASBOs and arrests), through to 'softer' forms (particularly controlled drinking zones, alternative giving schemes and measures to 'design out' street activities). The degree to which supportive interventions accompanied these measures varied greatly across the case-study areas. In some areas, carefully co-ordinated support packages were integral to enforcement strategies; in others, enforcement and supportive interventions were virtually independent of one another.

Harder forms of enforcement – particularly ASBOs – were key to the reduction of problematic street activities in the targeted areas, given their powerful direct and indirect deterrent effect. While far fewer ASBOs had actually been issued to street users than commonly supposed, it was clear that even the threat of an ASBO could bring about substantial changes in street behaviour because of the possibility of a long prison sentence for breach of the ASBO conditions.

Moreover, when preceded by warning stages (such as Acceptable Behaviour Contracts or Acceptable Behaviour Agreements), and integrated with intensive supportive interventions, harder measures such as ASBOs could bring about positive benefits for some street users. These measures caused them to desist from anti-social behaviour and engage with drug treatment and other services. Enforcement in these instances acted as a 'crisis point' prompting reflection and change.

"As I say, this ASBO, in a kind of weird way, has done me a favour because I've faced my demons ... I've chilled out, I've slowed down, you know what I mean." (Street user, Southwark)

Some of the softer forms of enforcement – especially controlled drinking zones and environmental 'designing out' measures – were highly effective in reducing the visibility of street activities in targeted localities. However, such measures rarely provided any discernible benefits for street users.

Both hard and soft forms of enforcement clearly led to geographical displacement – i.e. relocation of street activities. In London especially, interviewees expressed concerns about a 'lowest common denominator' effect, whereby if one council took a tough stance against street culture, then neighbouring authorities would potentially feel obliged to do likewise.

"In one way it's effective because numbers are down, but at what cost? You can get numbers down if you work with the police and neighbouring

boroughs don't. But if everybody did it, where do the rough sleepers go? ... They're just going to get pushed into outer boroughs, and outer boroughs aren't geared up for homelessness." (Frontline worker, Westminster)

There was also consistent evidence of displacement of activity. Street users turned to shoplifting or, less commonly, sex work during clampdowns on begging, in order to generate the funds required for their drug and/or alcohol problems.

"It pushed me to do a little bit of shoplifting, petty shoplifting, which I wasn't happy about, but I had no choice." (Street user, Leeds)

The impact on street users

As indicated, softer forms of enforcement rarely if ever had discernible positive impacts on the lives of street users. Harder measures such as ASBOs were far more powerful. For a minority of the street users encountered, ASBOs appeared to have contributed to significant positive life changes. Positive responses by street users to enforcement action (i.e. a cessation/reduction in anti-social activities and engagement with services) were far likelier where these measures were integrated with intensive support, and where there was appropriate inter-agency working.

Also crucial were the personal circumstances of individual street users. Those most likely to respond positively to enforcement had something positive to return to or aspire to, and/or had experienced other recent crisis points (such as an overdose scare or the death of a friend), prompting them to contemplate their lifestyle and future.

"Before when I first started taking drugs and drinking and everything I didn't feel no self-worth, I didn't think I was worth it. But now I think to myself I've got a little girl ... so I can't go out there and kill myself or inject and drink myself to death like because I've got to be a role model to her." (Street user, Southwark)

Conversely, street users were less likely to benefit from enforcement if they had a very long history of street living and/or substance misuse, had inadequately treated mental health problems, already had an extensive criminal record, or considered themselves to be 'hopeless cases'.

"They kept asking me if I wanted treatment and it was like 'I've been there and done that and it don't work, not for me' ... I'd resigned myself to the fact that I was going to be found dead in a car park somewhere." (Street user, Brighton)

Despite these general patterns, enforcement agents and support workers often found it difficult to account for divergent responses in individual cases.

“There were people who had ASBOs who we thought were set up to fail and we were wrong because they have changed their behaviour.”
(Support provider, Southwark)

This unpredictability of outcome, and the potential for very negative impacts for some street users (e.g. diversion into more dangerous activities or spaces and the possibility of lengthy prison sentences), meant that enforcement was undoubtedly a high-risk strategy regarding street users’ well-being. But given the very desperate and indeed life-threatening circumstances of some of the most vulnerable street users, many support providers and frontline workers took the view that the use of enforcement was a risk worth taking as a last resort.

“I’m happy to go down the enforcement route when we’ve tried everything else and the person is still gradually killing themselves and we’re getting nowhere...” (Support provider, Birmingham)

Conclusion

A key policy implication from the study’s analysis is the importance of addressing gaps within local service networks. This is not only to increase the likelihood of successful resettlement and the treatment of drug or alcohol addictions, but also to improve the incentive for street users to move away from lifestyles that are damaging to themselves and, sometimes, to the local community. While access to drug treatment has improved significantly in many areas in recent years, provision of alcohol treatment services remains inadequate, and the availability of appropriate treatment for mental health problems is frequently poor.

It is impossible to predict with certainty the outcomes of enforcement actions for a given individual or group, but the impact depends to a significant degree on the local policy and practice context. It is also necessary to take into account the specific actions and personal circumstances of street users in making considered judgements on whether enforcement action is both necessary and likely to be effective in each particular case. Blanket enforcement policies are inappropriate. Harder enforcement measures such as ASBOs ought only to be used as a last resort, after appropriate warning stages. They ought never to be used with extremely vulnerable street users, such as those with serious mental health problems who are unable to comprehend or respond constructively to enforcement action.

For enforcement to have a reasonable prospect of prompting a positive response from a street user, it always needs to: be carefully integrated with individually tailored and immediately accessible supportive interventions; involve effective inter-agency working; and be expressed in such a way as to emphasise the positive options open to the street user, particularly the availability of appropriate accommodation and support.

About the study

The research comprised an in-depth evaluation of the impact of enforcement interventions in five case-study areas across England: Westminster, Southwark, Birmingham, Leeds and Brighton. These areas were selected to represent different geographical contexts where street-culture activities were viewed as a significant problem, and where diverse enforcement approaches were being pursued. Across these areas, a total of 66 former or current street users participated in the research: 37 through in-depth interviews and 29 in focus groups. In addition, 82 support providers and enforcement agents were interviewed, along with 27 local residents and business proprietors.

For further information

The full report, **The impact of enforcement on street users in England** by Sarah Johnsen and Suzanne Fitzpatrick, is published for the Foundation by The Policy Press (ISBN 978 1 84742 001 5 price £12.95). You can download this report free from www.jrf.org.uk

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