

# Northampton Borough Council Overview and Scrutiny



## Overview and Scrutiny Committee

29 July 2014

### Briefing paper – Street Drinkers & Beggars

#### **Background**

As with other major towns and cities, street drinking and begging has long been an issue for Northampton. The partners within Northampton Community Safety Partnership recognise that this is a public concern and the anti-social behaviour that arises from it can contribute to the fear of crime, as well as potentially discouraging people visiting the town centre. NBC, in partnership with the police has taken these concerns very seriously. Over the years a strong partnership has been created, and a range of interventions and enforcement have been undertaken in order to counteract the problem and respond to public concerns.

Those involved in street drinking and begging are generally highly vulnerable individuals with very complex needs. Some street drinkers and beggars do have, or have at some point, also had substance misuse problems, mental health problems, and may have suffered a traumatic childhood. It is also often found that there is a history of homelessness. Therefore, when dealing with this group it is important to recognise that enforcement on its own will not necessarily resolve the issue. Due to this, Northampton has adopted a multi-agency approach in addressing the problem.

Over the years a range of legislation has been introduced to tackle street drinking and begging issues and associated anti-social behaviour, and NBC has historically adopted these powers to enable an effective response

There are a wide range of interventions and enforcement measures at the disposal of the police and local authorities to tackle street drinking and begging in Northampton. It is important to note that with effect from 20/10/2014 the Anti-Social Behaviour Act 2003 was superseded by the Anti-Social Behaviour, Crime and Policing Act 2014. This has resulted in the merging of a number of powers and also the creation of new ones.

#### **Multi-Agency Case Management Meetings**

Due to the complex needs, and chaotic lifestyle of most street drinkers, a multi-agency case management approach is adopted in addressing individuals. Cases can be referred by any of the agencies involved. At the meetings cases are discussed with relevant officers, issues identified and a support plan developed which ranges from intervention

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through to enforcement, if required. It is important to note that agencies, in the first instance, will always try to engage and provide support to the individual. However, if it is abundantly clear that they will not engage, the enforcement process will be followed.

## Support & Intervention

**Substance 2 Solution (S2S)** – S2S works with partners and provides advice, information and medical treatment for people worried about alcohol or drugs, and offer support to their families and friends. S2S has been commissioned by Northamptonshire County Council and works in partnership with two voluntary organisations: The Bridge which provides drug & alcohol recovery services, and Aquarius, a specialist recovery agency that engages with individuals on issues with alcohol and drugs.

**Oasis House** - offers accommodation & support to homeless people in Northampton. There are 48 units at the scheme with 9 direct access beds & 39 move on apartments. Oasis House services are delivered in partnership by Northampton Borough Council who have their Gateway Housing Solutions team on site, Northampton Hope Centre who provide day centre services to the homeless by providing meals, clothing, training & activities. NAASH deliver accommodation related support to the residents of Oasis House.

**Gateway Housing Solutions** - Gateway is a housing service provided by the council for vulnerable people who have housing needs. It aims to help people with a range of circumstances, including people with people with complex multiple needs and alcohol and or drug addiction.

Gateway officers work with people who approach the council for help ( particularly if they are homeless) as well as taking referrals from other agencies such as the County Council, Clinical Commissioning Groups, Job Centre Plus, Probation and Northamptonshire Police. The Gateway officers role is to undertake a detailed needs assessment of people referred to them

**Street Drinkers Outreach Project** – delivered by the Bridge Project, who provide a dedicated support worker to link in with street drinkers at risk of enforcement proceedings. The support worker looks at a wide range of issues including health & welfare, housing, addiction issues. They also link in with other agencies such as Oasis House, S2S and CAN. This enables a wider range of rehabilitation support options to be utilised. Five referrals are currently the focus for the worker, with varied engagement taking place. In some cases there has been a notable reduction in reports of ASB relating to them.

**Killing with Kindness** - publicity campaigns to discourage the public from giving directly to those begging, together with the provision of donation boxes at awareness raising events - proceeds are passed to local homelessness charities. Also raises awareness around the complex needs of beggars and street drinkers.

## Enforcement

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**Designated Public Places Order** - In 2001, following issues with street drinkers on the Market Square and problems within the night time economy a Designated Public Places Order (DPPO) was established for the town Centre through the Criminal Justice and Police Act 2001. Due to other issues being experienced in other areas across the town the DPPO was extended to cover the whole borough in 2009.

The DPPO is NOT a ban on drinking alcohol outdoors. Drinking alcohol outdoors only becomes an offence if you are behaving in an anti-social manner and are asked by an accredited enforcement officer to stop doing so and you refuse. The DPPO is not applied to people who drink sensibly in a public place.

## ***How is it enforced?***

- If you are acting in an anti-social manner whilst consuming alcohol, or look as though you are likely to, you may be asked to stop drinking by a PSCO, police or other accredited officer.
- If you refuse to stop drinking the officer has the right to confiscate and dispose of the alcohol.
- If you surrender the alcohol and behave, no further action will be taken.
- If you refuse to give up the alcohol you may be arrested and have a fine of up to £500 or be issued with a fixed penalty notice of £50.
- If you surrender the alcohol yet continue to behave in an anti-social manner you may be arrested and convicted of a Public Order Offence.

*(NB. With effect from 20/10/2014 the Anti-Social Behaviour, Crime and Policing Act 2014 commenced. From that date the existing DPPO transferred to a Public Spaces Protection Orders, still keeping the same powers as listed above.)*

**Anti-Social Behaviour Warning letters** – written notice issued to individuals advising that their behaviour is unacceptable and should it continue a more stringent enforcement route will be progressed.

**Acceptable Behaviour Contracts (ABCs) (and Acceptable Behaviour Agreements [ABAs])** - written agreements between a person involved in anti-social behaviour (ASB) and agencies – such as the police, local authorities or RSLs – defining acceptable standards of behaviour that the person agrees to abide by. These Contracts are not often used for street drinkers due to the level of unacceptable behaviour.

## **Community Protection Notice -**

- To stop a person, business or organisation committing ASB
- Council and police powers, social landlords can request designation from LA Chief Executive
- Behaviour having detrimental effect on the quality of life, is persistent or continuing & unreasonable

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- Breach is an offence - Fixed Penalty Notice of up to £100 or prosecution with a fine (£2500)
- Written warning issued first
- If behaviour persists CPN issued
- Remedial works, seizures and forfeitures
- Behaviours include - loud music, untidy sites, disrepair, verbal abuse, unauthorised works, street drinking, begging, busking, nuisance vehicles, neighbour disputes etc.

## ***Criminal Behaviour Order -***

- Issued in criminal court upon conviction
- Individuals are persistently anti-social and engaging in criminal activity
- CPS prosecutes upon the request of police or council
- Scope for positive requirements
- Breach is a criminal offence - fine, supervision order, imprisonment

## ***Civil Injunction -***

- To stop or prevent individuals engaging in ASB
- Councils, Police, social landlords
- Balance of probabilities
- Two tier test - housing and non-housing
- Can include 'positive requirements'
- The council and social landlord will prosecute

## ***Dispersal Powers -***

- Replacing s30 and s27 dispersal powers
- Police powers only
- Requires a person acting, or likely to act anti-socially to leave an area for 48 hours
- A police inspector must have been designated in advance for the powers to be used

## ***Public Spaces Protection Order -***

- To stop individuals or groups acting anti-socially
- Council power in consultation with police, PCC and community
- Behaviour having or likely to have a detrimental effect on the quality of life of the community
- Specific area has designated restrictions or requirements eg street drinking, ASB, begging, littering
- Breach is an offence - FPN of £100 or prosecution

***Anti-Social Behaviour Orders (ASBO):*** introduced by the 1998 Crime and Disorder Act, ASBOs are civil orders intended to protect the public from behaviour that causes, or is likely to cause, 'harassment, alarm or distress'. ***Any ASBO's***

***granted prior to October 2014 and run past that date still stand despite the change in legislation.*** They contain specific prohibitions around a street drinker's and beggars behaviour, such as not drinking in a public place, not being drunk in a public place, not being in possession of an open vessel. There are currently 13 live ASBO's on street drinkers, with a further 6 cases pending.

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**Street Begging** - It is an offence to “place yourself in a public place, street, highway, court or passage to beg or gather alms”. Contrary to section 3 of the Vagrancy Act 1824 and section 70 of the Criminal Justice Act 1982. This offence dates back to 1824 and often results in a very low level fine if pursued through the court system

**Injunctions:** the 1972 Local Government Act (Section 222) enables local authorities to apply for injunctions against behaviour that is a public nuisance.

**Designing out:** this is manipulation of the built environment to make ‘hotspots’ of street activity less habitable for street users (by, for example, removing seating regularly occupied by street drinkers).

**Specific Police Operations** – mainly take place over the warmer summer months when street drinking issues are more prolific. Increased patrols focus on the removal of alcohol, issuing warnings, requiring offenders to leave the area. These operations are also supported by the Neighbourhood Wardens.

## Conclusion

Street drinkers are a difficult client group to work with due to their chaotic lifestyles and complex needs. It is therefore important to have good partnership working in place in order to address a wide range of issues. Northampton has established a multi-agency approach, in order to effectively utilise available interventions and enforcement tools. The approaches outlined above demonstrate the wide range of work that is undertaken by agencies. With the introduction of new powers in 20/10/2014, there is now the opportunity to further strengthen this work.

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