

Impact of the Vagrancy Act 1824 on the Levelling Up Missions

Background

The Government is clear that homelessness is too high and can have a devastating impact on those affected. As announced at the Budget, funding for Homelessness and rough sleeping is increasing next year by £233m compared to this year (2024/25). The increased spending will help to prevent rises in the number of families in temporary accommodation and help to prevent rough sleeping. This brings total spend to nearly a billion pounds in 25/26. This is the first step towards achieving the Government's commitment to get us back on track to ending homelessness.

In seeking to deliver on Government's commitment to get us back on track to ending homelessness, Government views the Vagrancy Act as antiquated and no longer fit for purpose. No one should be criminalised for simply sleeping rough on the streets.

At the same time, tackling anti-social behaviour is a top priority for this Government, forming part of our mission to take back our streets. Anti-social behaviour hits the poorest communities hardest, and if not addressed can lead to more serious offending. While most people who are rough sleeping cause no harm to others, and often face harm themselves, it is also important that communities feel safe. Therefore, we will carefully consider how we can support local authorities and the police to utilise existing powers where street activity is detrimental to communities.

We are publishing this document in response to requirements of Section 242 of the Levelling Up and Regeneration Act 2023¹, which requires the Secretary of State to publish a report on the impact of sections 3 and 4 of the Vagrancy Act 1824 on the levelling-up missions. Section 3 prohibits begging, while section 4 sanctions 'sleeping out' (rough sleeping) alongside an offence for 'being in enclosed premises for an unlawful purpose'.

The twelve missions were established by the previous government through the Levelling Up and Regeneration Act 2023. This Government was elected on a manifesto of five long-term missions on growth, opportunity, clean energy, a NHS fit for the future and safe streets. Section 242 of the Levelling Up and Regeneration Act 2023 requires a report in relation to the pre-existing levelling up missions. That analysis is set out here, focusing on prosecution data in England and Wales to identify whether any geographical inequalities are apparent in its use among police forces in England and Wales.

Analysis

In meeting the requirement for a report of the pre-existing levelling up missions, we have not identified any clear link between the impact of the Vagrancy Act on any of the individual twelve missions outlined in the Levelling Up and Regeneration Act 2023. The Levelling Up and Regeneration Act 2023 outlines that Levelling Up Missions are objectives to pursue to reduce geographical disparities. To ensure we can meet the requirement of the report, we have therefore focused on geographical disparities in the use of sections 3 and 4 of the Vagrancy Act 1824.

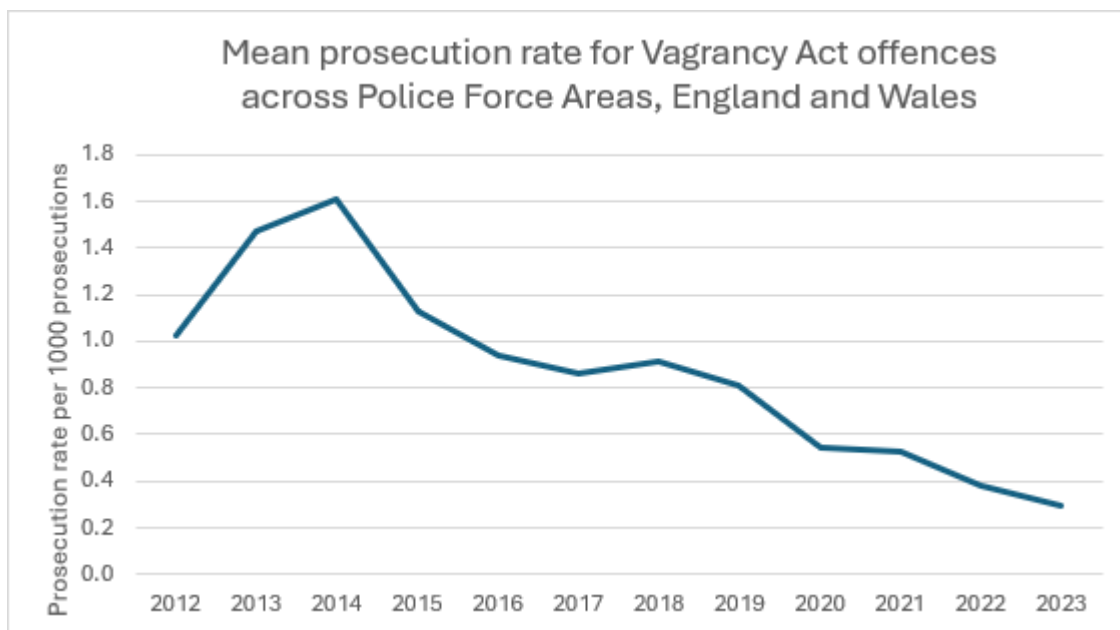
¹ <https://www.legislation.gov.uk/ukpga/2023/55/enacted>

We have focused on prosecution data across police forces in England and Wales to measure the impact given it is a publicly available dataset at a national level which shows regional breakdowns in the use of the Vagrancy Act.

Across police force areas in England and Wales, we have measured the mean prosecution rate for Vagrancy Act offences. This shows number of prosecutions for Vagrancy Act offences in relation to the overall number of prosecutions recorded in each Police Force Area.

While there was a slight increase in the mean prosecution rate from 2012 to 2014, there has since been a marked decline up until the most recent published data in 2023.

In terms of regional inequalities, only one police force area (Merseyside) had a mean prosecution rate above the rate for all other areas that was statistically significant. Merseyside had 2.6 Vagrancy Act prosecutions per 1000 prosecutions compared to a combined average of 0.9 for all other areas.



Source: Proceedings and Outcomes by Home Office Code 2012 to 2023, offence codes 182, 183 & 185 only, Ministry of Justice.

In 2023, for 17 out of 43 police forces in England and Wales, the Crown Prosecution Service (CPS) did not prosecute at all using the Vagrancy Act. Where an arrest by police led to charge by the CPS, only two police force areas, Wiltshire and Derbyshire, had a statistically significant higher use of the Vagrancy Act than other police force areas. While only two police forces demonstrated a statistically significant higher use, the fact that 17 police forces did not use it at all points towards differing local approaches.

Local areas are often best placed to determine the appropriate use of both the Vagrancy Act and other possible legislation, such as the Anti-Social Behaviour, Crime and Policing Act 2014. They are best placed to understand what is driving the behaviour in question, the impact that it is having, and to determine the most appropriate response.

Overall, the use of the Vagrancy Act from 2012 to 2023 shows limited statistically significant difference between individual police forces. The same pattern also exists in 2023, the most recent year where data is available. While it is challenging to draw definitive conclusions, we would

suggest the impact of the Vagrancy Act on levelling up missions in relation to geographical inequalities is limited.

Conclusion

While we have identified limited impact of the Vagrancy Act on levelling up missions in relation to geographical inequalities, the prosecution data does point towards differing levels of use of these powers, especially in 2023 with 17 forces not using the powers at all.

In considering our next steps on the Vagrancy Act, we will work closely with local partners. We will ensure we avoid criminalising those who are the most vulnerable while also ensuring the police and local authorities have the tools they need to make sure communities feel safe.