

Chief Executives – Local Authorities



4 September 2012

Dear Sir or Madam,

BYELAWS PROHIBITING STREET BEGGING

Over the past few years the Scottish Government has received a number of inquiries from local authorities seeking views on whether byelaws prohibiting street begging would be an appropriate mechanism for dealing with this issue. Therefore, I thought it would be helpful if I set out below confirmation of the Scottish Government's policy on street begging in the context of the use of byelaws.

For anyone begging and behaving in a manner that constitutes a breach of the peace or anyone begging and using threatening and abusive behaviour, existing criminal laws can be used to prosecute them for this behaviour. That is why there are currently no byelaws banning street begging in force anywhere in Scotland as we consider it is unnecessary to introduce byelaws to tackle 'aggressive' street begging because there is adequate legal provision in place in Scotland to deal with such behaviour. In addition to the criminal offences noted above, there are also provisions contained in the Civic Government (Scotland) Act 1982 and the Antisocial Behaviour etc. (Scotland) Act 2004 which local authorities and police can use to deal with acts of aggressive street begging. As a matter of policy, we believe that if the act of begging does not involve any alarming or distressing behaviour that may constitute a breach of the peace or any other type of behaviour that breaches other existing criminal offences, then the act of begging itself should not to be criminalised and we will not support any byelaws that seek to criminalise the act of begging.

As you will be aware, begging raises cross cutting social justice issues such as homelessness, drug and alcohol addiction as well as issues relating to poor mental health which we believe need to be considered when dealing with the issue of street begging. I welcome the fact that a number of local authorities have been pro-active in working with a variety of bodies such as health boards, the police, social services, the UK Border Agency (if foreign beggars have been identified) and Third Sector bodies to engage with street beggars to help them seek appropriate support and advice they require to help them deal with their immediate needs.

We believe that this multi-agency approach to address the complex social issues associated with street begging is the most positive and productive way of dealing with this issue and its associated problems. I hope you will appreciate why the Scottish Government has adopted this approach and like me, you are convinced of the benefits of adopting such a multi-agency approach to tackle this issue rather than criminalising individuals with complex social needs.

I hope you find this letter helpful.

Kind regards
Kenny

KENNY MACASKILL