

LIBERTY

Natalie Stevens
Head of Legal Services
Westminster City Council (Housing)
City Hall
64 Victoria Street
London SW1E 6QP

By email only
Our ref: 11001-50-0

2 March 2021

Dear Madam

Harassment of rough sleepers in Southampton Street

We have been contacted by [Museum of Homelessness](#) (“MoH”) who informed us that several of the people they are working with who are living outside in Westminster (sleeping rough) have been harassed by security guards without good reason.

This activity from the security guards takes place outside the Cotswold shop in Southampton Street, which is located within your authority’s [Northbank BID](#). Your authority has previously harassed people rough sleeping in the area by [hosing down their belongings in the middle of winter](#).

Some of the rough sleepers have since moved but we have been contacted by the MoH who informed us that those who remain rough sleeping in Southampton Street have been filmed inside the cardboard boxes they sleep in, when they are asleep, without their consent. This has happened on most mornings for the last 16 months.

No offer of help is made on these interactions, the security guards simply ask the rough sleepers if they “are alright”. The security guards filming the rough sleepers have described it as a “welfare check” that, in fact, seems to be closer to policing of the area. Either way, both “welfare checks” and policing are functions of a public nature and your authority should therefore ensure that the security guards’ actions are compliant with your obligations under the Human Rights Act 1998 (“HRA”).

Human Rights Act 1998

As you are no doubt aware, by section 6 HRA, your authority is required to act in a way that is compatible with a person’s rights under the European Convention on Human Rights (“ECHR”).

LAWYERS

HEAD OF LEGAL CASEWORK
Louise Whitfield, Solicitor

Rosie Brighouse, Solicitor
Lara ten Caten, Solicitor
Megan Goulding, Solicitor
Lana Adamou, Solicitor
Katy Watts, Solicitor

The solicitors employed by Liberty are individually authorised and regulated by the Solicitors Regulation Authority

Such intrusive filming is very likely to be in breach of article 8 ECHR that enshrines everyone's right to respect for their private and family life.

On the basis of the above reports, it seems that the security guards are unaware that there must be no interference by a public authority with the exercise of article 8 rights unless this is prescribed by law, serves a legitimate aim, and is proportionate. Needless to say, it is not necessary to record inside someone's sleeping space to check on their welfare.

About MoH

MoH is a community driven social justice museum. Since the onset of the COVID19 pandemic MoH has worked with partners to provide emergency support to the homeless community. Since October 2020 MoH has been working with the [Simon Community](#) to provide support and supplies to people living on the streets in Westminster.

About Liberty

The National Council for Civil Liberties (now known as Liberty) was founded in 1934 and is now a membership and campaigning organisation that promotes the values of individual human dignity, equal treatment, and fairness as the foundations of a democratic society throughout the United Kingdom. Liberty campaigns to protect basic rights and freedoms through the courts, in Parliament and in the wider community. It does this through a combination of public campaigning, test case litigation, parliamentary work, policy analysis and the provision of free legal advice and information.

Liberty has taken a particular interest in protecting the rights of rough sleepers. It has led public campaign against Public Spaces Protection Orders ("PSPO") since the Anti-Social Behaviour Crime and Policing Act 2014 was enacted; in 2020 Liberty successfully brought a case that resulted in a PSPO that targeted rough sleepers and beggars being dropped by Bournemouth Poole and Christchurch council [that resulted in a PSPO that targeted rough sleepers and those begging being dropped by Bournemouth Poole and Christchurch Council](#).

Liberty also currently campaigns to [scrap the Vagrancy Act](#).

Our request

Liberty supports genuine offers of assistance to rough sleepers. However, there are good reasons why some rough sleepers choose to remain sleeping in a particular area. When this happens, it is not reasonable for security guards to film rough sleepers inside their tents or sleeping site materials without their consent and for no apparent good reason. Indeed, this is a shocking way of checking on someone's welfare.

We therefore request that as soon as possible and in any event by 4 pm on 16 March 2021 you:

1. Direct that the security guards stop filming rough sleepers in the way described above, OR
2. Confirm the legal basis on which you consider filming rough sleepers is proportionate and necessary.

We look forward to hearing from you.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Lara ten Caten', written in a cursive style.

Lara ten Caten
Lawyer

Copied to:

James Tompsett, Rough Sleeping Commissioner

Katherine Fleming, Operations Director at Northbank BID

Jacqueline Chambers, Director of Public Affairs at Northbank BID