



RetailNI

Standing up for
Independent Retailers

Response to Department of Justice Proposals to Repeal the Vagrancy Act 1824 and Vagrancy (Ireland) Act 1847

Retail NI welcomes the opportunity to respond to Department of Justice Proposals to Repeal the Vagrancy Act 1824 and Vagrancy (Ireland) Act 1847. Commentary to date on these proposals has primarily focused on the perspective of charities, housing, and human rights groups. We strongly believe that the business voice must be heard in equal measure.

We have no objection to their repeal but only in circumstances whereby an alternative framework is in place which recognises the rights of the individual, but also provides clear protections for business owners and their employees.

We are concerned that once again little or no thought has been given to the needs of businesses, especially retailers, when it comes to policy formulation. We fully appreciate the argument regards criminalisation of the homeless, and the need to address the issues in a constructive and generous way. On many occasions, it is local businesses who do more than many statutory agencies to support people who find themselves in such demanding situations.

These businesses deserve to be supported. They provide employment, pay ever increasing costs in terms of wages, employment contributions, business rates, in-store security, and many other outgoings. They are quite literally on the front line but once again those proposing new legislation appear to have completely disregarded the impact repealing legislation without putting in place alternative arrangements, will have.

Retail NI supports housing-led solutions, with multi-agency interventions, voluntarily participates in working groups such as Belfast City Council's City Centre Working Group. We appreciate the efforts of initiatives such as Complex Lives and believe that properly supported, they can make a real difference. However, it would be incredibly naive to believe there are not situations when a more robust response is required.

In February 2024, the Retail NI crime against business survey highlighted the level of crime and anti-social behaviour faced by retailers on a daily basis. We engaged with officials subsequent to this launch, so we are extremely disappointed that there appears to be little evidence of any consideration of the impact on business that repealing current legislation will have without any replacement framework being brought forward.

At this stage, it is useful to highlight some of the findings from that report

- *Can you describe the most common forms of crime and/or anti-social behaviour which has impacted your business - 91% Theft and shoplifting*

- *Do you call the PSNI to report issues whenever they occur? If yes, are you satisfied with their response and follow up actions? 72% Yes (91% of those who are satisfied with police response, but disappointed with follow up action)*
- *Have you or your staff been impacted by physical violence or threats while working? 67% Yes*
- *What impact does crime/ASB have on your business? Substantial additional investment in security measures Reluctance to invest to expand*
- *Have you ever had a situation when staff have left as a reaction to criminal or anti-social behaviour? 51% Yes*
- *How do you feel crime/ASB can be best tackled, beyond a policing response? 85% believe policing is the primary and only response necessary, 10% referenced restorative justice practices/community support*

Summary of additional comments:

- *Rise in drug addiction is fuelling the rise in crimes against retailers and the single greatest threat to the future of many shops*
- *Professional begging is rising and not being effectively tackled*
- *The judicial system is weak and ignorant on crime against businesses, and this had led to the perception that it is a victimless crime*
- *Politicians do not take the issue of retail crime seriously and do not appreciate what is happening day-to-day*

If Retail NI were to rerun this survey today, we fear the results would be similar or worse. Yet in the time since we have published these findings, and having sat on various forums and working groups, there is little sign of progress to address the problems associated with homelessness and begging on our streets. Occasionally small-scale projects are highlighted and when they work, they should be commended but the fact is retailers, and other businesses see little change.

We note with interest the submission made by Professor Kevin Brown, Queens University School of Law, who comprehensively points out why suggested alternatives would not work, are inappropriate or simply disproportionate. To take this a step further, this is a recipe for confusion, with police unclear whether to proceed in challenging situations. It is interesting to read that despite the experience of other UK jurisdictions, the Department of Justice has chosen to proceed, nonetheless.

We believe that measures introduced in the Republic of Ireland provide a degree of comfort for business owners – *Gardaí are empowered to direct individuals to move on if their begging at certain designated locations: an ATM, vending machine, a night safe, a dwelling or the entrance of a business premises during opening hours.* While it is welcome to have such powers available, reassurance is only obtained by rigorous enforcement.

The reality is that customers and potential customers are made uneasy by behaviour they too often experience during shopping visits. As retailers we see it with our own eyes, and our customers tell us their concerns. They fully understand societal challenges, and many express understanding and compassion towards those in difficulty. However, they too should be allowed to go about their lawful business without fear of harassment or impediment. Unfortunately, too often businesses who are the victims of crime or anti-social behaviour are frustrated by the lack of action to arrest offenders, and on occasions when they are apprehended, they face minimal sanction.

Many of our members have concerns about the potential for an increase in nuisance behaviour associated with street activity such as aggressive begging or anti-social behaviour in the absence of proper legislation. It is not unreasonable to want your trading space to be safe and consumer friendly.

We support new, modern, targeted powers that allow authorities to address genuinely disruptive or intimidating behaviour that could negatively impact trade and public safety.

In conclusion, Retail NI believes that this clause should be halted until proper consideration is given to bringing forward an alternative framework, one which considers the needs of employers.