

Management report to Council

Agenda item 6.3

Update on the implementation and effectiveness of the Operating Protocol

Council

Presenter: Linda Weatherson, Director City Operations

26 June 2018

Purpose and background

1. The purpose of this report is to provide an update on the implementation and effectiveness of the new operating arrangements as per the Operating Protocol between the City of Melbourne and the Victoria Police (Protocol) introduced in late September 2017 (Attachment 2).
2. Whilst it is not illegal to be homeless, the presentation of rough sleeping in the central city had changed. There had been a shift in locations of where people sleep rough with higher numbers of people located in prominent pedestrian thoroughfares in the central city.

Key issues

3. A proposal to amend the Council's *Activities Local Law 2009* (Local Law) was presented to the Future Melbourne Committee on 7 February 2017. This amendment was proposed to assist Council in managing its dual role in working with people sleeping rough and undertaking compliance activities in the central city and parks.
4. In line with the Protocol and Council's *Pathways Homelessness Strategy*, City of Melbourne officers have worked extensively over the last eight months with the Victorian Government, health and housing agencies and Victoria Police to provide more housing, health and wellbeing services, and safe spaces to rough sleepers while maintaining the amenity for all in the central city.
5. All service providers and relevant Victorian Government departments were informed of the Protocol and the applicable sections of the Local Law in early October 2017. The Protocol has been adhered to by Victoria Police and Council Local Laws Officers. The relevant operational processes included in the Protocol document have also been tactically applied.
6. Overall the Protocol has provided greater clarity with regard to interpretation of the Local Law. There has been a decrease in the number of customer enquiries regarding Council's response to homelessness. Groups of people sleeping rough in close proximity have been positively managed by Local Laws Officers and Police as has the amount and types of belongings left unattended in public spaces. The number of complaints received by City of Melbourne has significantly reduced over the period.
7. One of the ongoing issues facing people who are sleeping rough is accessing Australian Government payments and services. Stringent 'welfare to work' type rules, combined with the difficulties involved in engaging with this group, mean that many rough sleepers are suspended for breaching administrative requirements, not on payment, or not even properly identified and known to Centrelink. These problems require very assertive outreach by relevant Australian Government agencies that is not currently taking place, and their involvement in the service coordination approach now in place.
8. There have been 40 housing outcomes and 1639 referrals to special services for people sleeping rough since the implementation of the Protocol. Attachment 3 provides data from 1 October 2017 to 31 May 2018.

Recommendation from management

9. That Council:
 - 9.1. Having considered the positive impact on amenity, enjoyment and use of public space by the implementation of the Operating Protocol since September 2017 does not proceed with the proposed *Activities (Public Amenity and Security) Local Law 2017*.

9.2. Advocates that the Australian Government, through Centrelink:

9.2.1. engages more proactively with rough sleepers to resolve practical difficulties that are preventing them receiving income support

9.2.2. takes on a strong role within the service coordination approach to resolve individual client issues early that are affecting other agencies' ability to secure a person the required pathway out of homelessness.

Attachments:

1. Supporting Attachment (page 3 of 7)
2. Policy Operating Statement (page 4 of 7)
3. Operating Protocol (page 7 of 7)

Supporting Attachment

Legal

1. There are no legal implications relating to management's recommendation.

Finance

2. There are no financial implications for the recommendation made by management. All services required to continue with the implementation of the Operating Protocol are funded within the 2018–19 budget.

Conflict of interest

3. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a direct or indirect interest in relation to the matter of the report.

Stakeholder consultation

4. Consultation with all stakeholders, including people who are homeless, health and housing agencies and the Victorian Government has occurred throughout the period.

OPERATING PROTOCOL / POLICY OPERATING STATEMENT

Adopted by:



.....
Chief Executive Officer
City of Melbourne



.....
Chief Commissioner
Victoria Police

Introduction

These protocols set out operating practice agreed and trialled by City of Melbourne and Victoria Police following ongoing engagement with the homeless sector service providers.

City of Melbourne (CoM), Victoria Police (VicPol), Department of Health and Human Services, and the homeless sector will partner to create an environment:

- That feels safe, friendly and accessible for the 900,000 people who daily live, work, study or socialise in the city
- Where people who are homeless are connected to the services and support that they individually request or require and their welfare is protected

By partnering we will ensure a stronger and more immediate approach to impacts on the amenity, enjoyment and use of the public space.

The key themes of the new operating protocols are:

- stronger connection and partnerships with service providers
- earlier intervention by CoM with support from VicPol
- more assertive actions by CoM and as required by VicPol
- lower tolerance of street clutter and amenity impacts
- a high level of consistency in application of the Local Law.

The parties commit to regularly reviewing the operation and effectiveness of the protocols in consultation with homeless sector.

Protocols

1. CoM will ensure rough sleepers are connected with appropriate services:
 - a. to commence the pathway to housing
 - b. to address drivers of homelessness which may include being a victim of family violence, alcohol addiction, drug addiction or poor mental health.
2. Belongings should be kept to a reasonable minimum, being two bags which can be carried and other bedding like a sleeping bag, blanket or pillow.

3. Belongings not to be kept in the public space are mattresses, furniture, tents or any other structure that could be deemed as camping.
4. Items left unattended which impact on the amenity, enjoyment and use of the public space or that create a potential security risk will be removed with personal items stored and the remainder disposed of.
5. In general, groups of people sleeping rough in close proximity will be strongly discouraged due to the heightened amenity impacts and the risks to welfare for the individuals involved.
6. Behaviour in the public space should not impact the enjoyment of other users of the public place.
7. Unacceptable behaviour such as using drug paraphernalia, blocking the thoroughfare, intimidation or unruly activity which impacts on others' enjoyment of the public space is not permissible.
8. Entrances to businesses and residences must not be blocked and customers are to be free to enter and exit all buildings when open.
9. Fire escape doorways are not to be blocked at any time.
10. Access for people with a disability must not be impeded.

Relevant Operational Processes

- CoM now has a dedicated Daily Support Team delivered by Launch Housing. The team delivers daily engagement with and provides support to people sleeping rough. The team is not involved in addressing non compliance matters.
- CoM will continue to work with the homeless sector to find appropriate storage solutions for people sleeping rough.
- VicPol Officers will not be authorised under Council's Activities Local Law, rather they will support CoM Authorised Officers if and when a safety risk is perceived.
- Authorised Officers, VicPol and the homeless sector (including the daily support team) work together daily to address immediate issues.
- The group, consisting of City of Melbourne (CoM), Victoria Police (VicPol), Department of Health and Human Services, and the homeless sector will meet weekly to ensure the appropriate and timely level of support and services are provided to the rough sleepers and that there is a balanced approach to support, compliance and enforcement.

- CoM has recruited 4 additional local law officers with the requisite skills and will upskill other Authorised Officers to deal with the complex issues relating to rough sleeping and ensure that those officers have appropriate and ongoing training.
- CoM will continue to undertake occupational health and safety assessments in considering all proposed actions.

Scenario Examples

- A. A small number (up to 4) of rough sleepers set up during the evening/night with their two bags and other bedding (like a sleeping bag, blanket or pillow), and sleep parallel alongside the shop fronts without blocking the doorways. When each individual leaves the area they take their belongings.
 - a. CoM has no issue.
- B. A small number (up to 4) of rough sleepers set up during the day with their two bags and other bedding (like a sleeping bag, blanket or pillow), and sleep parallel alongside the shop fronts without blocking the doorways. When each individual leaves the area they take their belongings.
 - a. CoM will monitor for breaches of the Protocol.
- C. A group of rough sleepers set up in one city block during the day which intimidates the other uses of the public space and impacts amenity.
 - a. CoM will use its power under the Activities Local Law regarding behaviour (part 2), specifically nuisance (clause 2.1a) and amenity (clause 2.1b) to take action and will call upon VicPol to intervene if safety risk is perceived.
- D. A camp is established which includes tents, furniture and bikes impacting the enjoyment and amenity of the public space for other users.
 - a. CoM will use its power under the Activities Local Law regarding behaviour (part 2), specifically nuisance (clause 2.1a), amenity (clause 2.1b) and camping (clause 2.8) to take action and will call upon VicPol to intervene if safety risk is perceived.
- E. An individual is consuming an illegal drug and or is behaving aggressively in public, impacting the enjoyment and amenity of the public space for other users.
 - a. CoM will ensure that VicPol is informed if criminal behaviour is present and/or a safety risk is perceived.

**Operating Protocol on Rough Sleeping
Homelessness response – 1 October to 31 May 2018**

The Operating Protocol commits that CoM will ensure that rough sleepers are connected with appropriate services.

Delivery on key relevant operational processes (as outlined in the Protocol):

1. Daily Support Team delivers daily engagement with and provides support to people sleeping rough
 - 100 per cent response to referrals
 - 654 referrals of rough sleepers into the Daily Support Team
 - 1468 interactions with people sleeping rough in the central city
 - 1998 referrals to specialist services (mental health, housing support, drug and alcohol services, nursing)
 - 40 housing direct housing outcomes.
2. Local Laws Officers Rough Sleepers Team have:
 - Patrolled a total of 5267 hours
 - Visited 4886 site where rough sleepers have been located
 - Had Victoria Police attend on 309 occasions
 - Issued 349 Notices to Comply
 - Referred 575 people to health and housing agencies
3. Authorised Officers, VicPol and the homeless sector (including the Daily Support Team) work together daily to address immediate issues
 - Ongoing collaboration through the Service Coordination Project and weekly Hotspots meetings.
 - Hotspots meetings are hosted by City of Melbourne and chaired by Special Advisor on Homelessness Bernie Geary. Meetings are attended by City of Melbourne, Victoria Police, Launch Housing, Salvation Army 614 Project, cohealth, youth projects, Inner West Area Mental Health Service, YSAS.
 - High level of daily coordination at key sites throughout the city.
4. CoM will continue to work with the homeless sector to find appropriate storage solutions for people sleeping rough