

Paper for 4th National Homelessness Conference 1-3 March 2006

City of Port Phillip's Homelessness Protocol.' 'Engagement first /enforcement last-

Despite the rapid and highly publicized gentrification over the last 15 years, City of Port Phillip (CoPP) located 2 kms southeast from the Melbourne CBD still experiences significant diversity in the socioeconomic status of residents with extremes of wealth & poverty. Port Phillip currently has less than 1 % affordable private rental from a former large pool of rental flats and rooming houses. Over 4000 local households receiving the lowest 40% of incomes spend more than 30% of their income on housing costs and a quarter of our residents live on less than \$300.00 per week. Others experiencing homelessness are drawn to the region, as many Statewide SAAP services are also located in Port Phillip. It is therefore crucial as the local Council to have developed integrated policy responses to both housing need and homelessness.

CoPP robustly and publicly acknowledges that a lack of secure and affordable, accessible housing is detrimental to an individual's health and well-being and understands prolonged housing stress often precedes homelessness but is operating within a highly dynamic property market, where all space is contested space.

CoPP has sought to actively address the many complex challenges and tensions by taking a lead role in developing an **'engagement first/ enforcement last'** Homelessness Protocol as part of a broader Community Amenities Local Laws review in 2001 after an extensive community consultation process. Community agencies and social planners within Council involved with responding to the development of the Victorian Government's Homelessness Strategy strongly advocated for an approach to 'camping on council land' that would address the homelessness and complex needs experienced locally by the majority of 'campers'.

In the 5 years since the protocol has been implemented, there have been numerous instances where an integrated engagement first approach has directly led to more sustained and improved outcomes. Leading up to the Commonwealth Games in March this year, CoPP and local community agencies have had a well-established, cooperative approach to homelessness in public places, directly communicating this to the Victorian State Government departments involved in their development of the broader metro public place Games protocol.

Responding to homelessness in public spaces or on council land

Council land refers to public roads and footpaths, laneways and nature strips as well as parks and foreshore area. Requests from a varied range of sources are regularly made to local councils and may fall within areas of enforceable, statutory offences for example, someone sleeping in an unregistered vehicle that may be parked illegally, a pitched tent on the foreshore or on a mattress in a park rotunda.

CoPP has implemented the Homelessness Protocol in response to instances that may fall under Council's 2001 Local Law No.1 Clause 44 A "Camping on Council Land", recognising that some individuals 'camping on Council land' may have complex needs and/or be in need of accommodation.

Local government has a legal responsibility to promptly address public safety and environmental health issues that may be associated with site use of public places. Councils frequently receive requests or complaints, from a range of callers to 'eradicate' or remove actual or perceived hazards-sometimes identified by the caller as a homeless person. Significant tension develops in the surrounding neighbourhood and presents operational challenges to a range of local government services: Local Laws, Environmental Health, Parks and Gardens, Traffic, Parking,

Customer services and Street cleaning. A consistent and integrated approach is essential within Council across these units, especially if services are externally contracted.

An automatic 'moving on' or infringement/ enforcement are not necessarily the immediate or only responses. At Port Phillip an initial assessment is made of the site, whilst simultaneously relevant support links are identified. Eg. local assertive outreach programs - Alfred Hospital Mental Health Homeless Outreach, Community Connection Program, Hanover Outreach, Mobile Health Outreach Service and Koori Outreach workers.

ASSIST (CoPP's phone/front desk reception) receives all referrals relating to camping on Council Land. Staff ascertains from the caller the exact location and will take as many details as possible. Where the caller states that it is private land, ASSIST advise referral to local police for further action. The initial referral is directed to the Community Amenity Team (Local Laws) Leader with a copy to the Housing Information & Support Worker.

The Community Amenity Team Leader allocates the referral on the same day for an initial site visit. Using an initial assessment tool, the Community Amenity Officer determines the person's status and, where the person is homeless, a referral will then be made to the Housing Information & Support Worker for follow up action.

A Pin or Notice to comply is not issued at this time. Case notes by both Council services are shared on the same Pathway Case Record (central electronic management model) for ease of access and complaint resolution purposes. Where the person is deemed not to fall into the category of homelessness, enforcement action will be taken. Impounding of any person's belongings must only be carried out by the authorised officer as per procedural guidelines.

Where there are major environmental health issues resulting from the person's residence in the area, a clean up of the area is arranged by Council.

The following case studies outline some of the mixed outcomes (note real names have not been used):

.... **Chris and Julie**, a teenage couple were sleeping in a park rotunda mid winter, Parks/Gardens staff were concerned that as they were obviously struggling with the weather and Julie heavily pregnant, they were probably homeless and might need support. Following their report to Council, a risk assessment was made of the site-no overt damage was being done to the structure, but amenity was being impacted as no one could access the rotunda. Support service information was left at site and a referral made for assertive outreach.

Over the course of the following 10 days, contact with Chris and Julie was initiated by a community midwife and outreach workers, crisis accommodation options explored and Chris and Julie were referred into a furnished transitional flat and early housing applications considered. Throughout, Parks/Gardens staff were kept informed that a care plan was unfolding with Chris and Julie and that time was being taken that would allow them to feel a greater sense of control.

.... **Pat** in his 50's was reported to be residing in a fairly enclosed park adjacent to a playground, residences and bowling club. Local residents reported he alternated sleeping quietly and other times agitated, shouting at trees, shaking and punching his fists into branches. A brief encounter with Pat by Council's Housing Information worker and Community Amenities officer confirmed that he appeared subdued and sleepy much of the time with disoriented ideas. Consultation with the Psychiatric Homeless Outreach team identified him as someone with whom they had previously been intensely supporting and were keen to have admitted. It was requested that he be allowed to stay at this site whilst awaiting availability of an acute bed that they felt was imminent.

Over the subsequent 4 days, Council staff and outreach workers monitored him without asking him to move on from site. Council nominated one spokesperson to communicate with residents that Pat whilst unwell, had no history of violence to others and relevant services were closely supporting him whilst awaiting availability of a hospital bed. As contact was maintained consistently on a daily basis and initiated by the Council worker, residents were supportive of allowing him to stay unchallenged and were positive when he was able to get to hospital. Some had offered him food and warm drinks whilst he was in the park and felt they had been able to be part of the support response.

... **Ted** mid-60's, living in a van and his car on a disused empty block soon to be converted into a carpark, surrounded by light industrial businesses. Ted had set up an extensive campsite and four adjacent businesses had anxiously reported his presence to Council's parking officers. Ted was fairly easily angered and callers were loath to approach him, they felt there were obvious fire and health hazards as well as possible threat to staff leaving alone at night due to some of his behaviour.

Ted would be joined at night by others who would start drinking heavily with him. Following a range of investigatory steps via checking car registration and assessment of the site with evidence of these significant risks, a notice to vacate was placed on the car with information regarding support services. Preliminary conversation with Ted was limited as he made it clear he felt justified staying put and planned writing a book about his experience. Further checks with Police and mental health services identified him as someone known to have used physical force previously.

A complex and time consuming process of Council officers communicating with local Police, Psychiatric services (Crisis Assessment, Forensic and Aged) and the complainant businesses ensued over a period of several weeks as it seemed unclear whose responsibility and jurisdiction covered resolving his site use and reviewing his mental status whilst in an isolated outreach location. Daily communication was maintained intra-council on and shared with Police who ultimately able to take him to local hospital emergency for assessment. After one failed attempt, he was admitted to a high security unit but later absconded. By this stage, Council had been able to locate a family member who organised for belongings to be moved from the site and Ted did not return to the area.

Concluding Comments

CoPP's **Engagement first/enforcement last Homelessness Protocol** has been an innovative and achievable basis to address the challenging impacts of the very rapid gentrification Port Phillip has experienced in the past decade. It offers a more engaged pathway out of absolute homelessness for people who are frequently continuously being told to move on without consideration of their health and social support needs. It has led to our staff feeling more confident to deal with criticism to them from other parks users, businesses and residents. Another outcome is a more constructive community awareness of the complexities of homelessness as evidenced by comments made to us by many residents and traders at the conclusion of a case.

This protocol has relied heavily on trusting relationships between Council officers and a range of community and health workers. This ensures the most relevant and prompt service response, as well as separating the roles of advocate and adversary when enforcement aspects may later be required. Through increased sharing of information and case management, there has been a greater awareness of each other's roles and perspectives as well as a sense of sharing the 'load' when dealing with particularly complex situations. Operation of the protocol also relies on regular communication and 'reminding' within CoPP across all service areas as staff changes occurs. In order that it does not rely solely on these individuals to ensure the continuity of protocol, more work is required to further develop associated policy documents and guidelines.

“Local Governments have always been at the forefront of battles over competing claims for the use of public spaces and the development of activities within their boundaries”¹. They cannot continue to blatantly ignore these issues in their communities by claiming housing and homelessness are not Council responsibilities and taking the risk- adverse approach in sticking to the enforcement only approach. This is irresponsible, unsustainable and leads to a very inconsistent approach across regions, thus very confusing for people experiencing homelessness, as well as for homelessness support services operating across LGA's. Further research is needed to explore the range of local government responses to homelessness in public places, particularly the experiences of indigenous people.

Councils choose whether their responses will be planned, coordinated and well informed. They are daily responding to many of the place 'complaints' that will directly impact on people who are sleeping rough with no alternative to spending a great deal of their time in public places. Local government operate in the space these concerns arise and is uniquely positioned to take a lead role.

(Note some of this material was previously included in an article for August 2004 Local Government and Homelessness Chapter 4 Issues at Stake: Towards an Integrated Response. This paper is being published in Parity February 2006 Out in the Open, Public Space Edition)
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¹ Press, M & Szechtman, R “Whose Place is this? Shifting policy responses to illegal street sex and drug use in St Kilda” in Mendes, P & Rowe, J *Harm Minimisation Zero Tolerance & Beyond* Pearson Sydney 2004