



BYRON SHIRE COUNCIL

POLICY 08/106

HOMELESSNESS POLICY

**INFORMATION ABOUT THIS DOCUMENT
(INTERNAL USE ONLY)**

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Further Document Information and Relationships

Related Legislation	State Environmental Planning Policy No 10: Retention of Low Cost Rental Accommodation
Related Policies	
Related Procedures/ Protocols, Statements, documents	Procedure - Working with Homeless People Management Plan #349501 Dealing with Homeless People (NSW Police Service/ Byron Shire Council)

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POLICY TITLE HOMELESSNESS POLICY

FILE REFERENCE COR050505

1. OBJECTIVE

1.1. To strengthen Council's role in partnerships to address homelessness.

2. POLICY STATEMENT

2.1. People are considered homeless when they do not have accommodation that is safe, secure, appropriate and affordable.

2.2. Council recognizes that all people have a right to housing that meets their individual needs and that all people have a right to enjoy public open spaces for activities that do not create an adverse impact on the rights of other users in the community.

2.3. The current level of homelessness is unacceptable in a modern democratic society. It is an indicator that society has not adequately met the needs of all its community. When people are unable to access adequate housing and are homeless this is a social justice issue, which is not appropriately dealt with through the criminal justice system.

2.4. Primarily homelessness is a result of ineffective macro economic, housing and social policies that are the responsibility of State and Commonwealth governments. These structural factors lead to the loss of affordable, accessible and appropriate accommodation options, family breakdown, poverty, lack of access to adequate housing, unemployment, health problems, substance abuse and domestic violence.

2.5. Homelessness occurs in a range of ways. Some people may have become suddenly homeless requiring crisis accommodation, while others may be chronically homeless, sleeping rough in public places over a long period of time.

2.6. Diverse, multi-disciplinary strategies are required to address this growing problem at a range of levels. Key strategies must involve the adequate provision of effective support services and a range of housing options. These are primarily a State/Commonwealth government responsibility. In comparison, Local Government's capacity to be involved in the provision of these facilities and services is very limited. However, it is appropriate that council undertake the following to assist and complement the work of other levels of government, the private sector, community based support services and neighbouring councils. These encompass strategies seeking better services for homeless people and pursuing structural changes that aim to reduce levels of homelessness.

3. STRATEGIES

3.1. Byron Shire Council will undertake the following strategies/activities:

- a) As part of council's commitment to the social planning process, in partnership with key stakeholders,
 - i) identify the extent of homelessness in the local area and region,
 - ii) monitor trends in homelessness and develop appropriate strategies for generating action to address homelessness.

4. PROCESS

4.1. This process includes:

- a) Participating in community forums and consultative structures that examine issues of homelessness in the local area.
- b) Assisting to facilitate a coordinated approach by local support services for homeless people.
- c) Working with other key stakeholders to ensure the availability of adequately resourced services and facilities in high need areas.
- d) Encouraging and participating in the research and development of alternative models of supported accommodation.
- e) Examining planning policies of council and key stakeholders to ensure there is a reasonable distribution of services and facilities for homeless people across the local area.
- f) Advocating to State and Commonwealth governments for changes in macro economic, housing and social policies that are linked to the cause of homelessness.
- g) Advocating to State and Commonwealth governments for adequate funding for existing homeless support services and for financial support to develop new innovative local approaches to homelessness.
- h) With financial assistance from the State and Commonwealth governments, undertake broad community education strategies. This would include explaining some of the issues/problems faced by homeless people to the broader community, providing information about local support services and identifying strategies local communities and individuals can actively pursue.
- i) Work with other public and private sector institutions that manage public space (these institutions include National Parks, RTA, State Rail, Department of Health and Education, Public Works, Australia Post etc and large commercial retail outlets) to ensure the rights of homeless people are protected. And together, identify how each could contribute land or buildings to the development of alternative models of housing.
- j) Actively implement State Environmental Planning Policy No 10: Retention of Low Cost Rental Accommodation.
- k) Identify strategies to encourage the provision of affordable housing options.
- l) Ensure that homeless people are not denied access to council public services and facilities and that positive measures are taken to encourage use by high need groups such as homeless people.
- m) Ensure that urban design strategies do not discriminate against homeless people and encompass the provision of designated space and facilities that provide a protective environment for homeless people.
- n) Provide appropriate training to council staff involved in planning of the urban environment, facilities and services to ensure that the needs of homeless people are taken into account and incorporated into designs.

- o) Use council's community information strategies to provide information to homeless people about where they can access support services and accommodation.
- p) Develop and implement policies that ensure that staff who come into contact with homeless people do so in a manner that is consistent with social justice principles.
- q) Develop policies that require staff to actively refer identified homeless people to designated support services.
- r) Provide appropriate training to council staff who have contact with homeless people, to talk to them about their needs, provide them with relevant information and ensure consistency with council procedure "Working with Homeless People".
- s) In line with current commitments in council's management plan, where appropriate, provide services to homeless people.

PROTOCOL

DEALING WITH HOMELESS PEOPLE

NSW Police Service / Byron Shire Council

1. Background

Byron Shire Council rangers, police and relevant agencies were concerned over issues which involved homeless and transient people, most of whom gather and stay in public spaces in the business area of Byron Bay. There have been complaints from members of the public and various business houses concerning the acts and attitudes of some of the homeless and transient groups. This involved sleeping, congregating, uncontrolled dogs, fires, drinking and consuming drugs in public places. Such activities, on some occasions, result in confrontation with other members of the public.

Byron Shire Council approached the NSW Ombudsman's Office to assist in helping to find solutions to these issues, recognising that just moving homeless people on, or taking them into custody, was not an appropriate way of dealing with the problems. This was especially true where the homeless were not behaving in a disorderly manner or not a danger to themselves, others or property.

The General Manager believed that rangers employed by the Council needed to have protocols for dealing with homeless and transient people as Council staff often bore the brunt of disgruntled individuals. On 28 February 2002, the Deputy Ombudsman chaired a meeting of relevant agencies, including the police, and a working group was established. All parties involved in the working group acknowledge that the Shire is severely under-resourced in supported accommodation assistance. There was a general agreement that the needs of homeless and transient people who have addictions to alcohol and other drugs required multifaceted and specialised responses from a range of government and non-government agencies. Occupational health and safety matters were raised as a hazard to employees performing routine tasks in the vicinity of such groups.

2. Objectives of these protocols

- 2.1 To provide agencies with suitable guidelines for dealing with homeless and transient individuals or groups.
- 2.2 To minimise police intervention where not essential, or for public safety.
- 2.3 To improve co-ordination of support with related services to ensure that all needs are being recognised and appropriate action provided.

3. Understandings

- 3.1 Homeless people have the right of to be treated with dignity and respect.
- 3.2 Many homeless and transient people may have mental health issues. When a person is perceived as being in crisis well-resourced acute mental health teams are necessary.
- 3.3 Regular meetings should be held between key stakeholders to discuss concerns with a view to gaining some resolution to the broad issues which affect homeless and transient people. Such meetings should be located to maximise the access and participation by interested groups and individuals from within the community.
- 3.4 It is accepted that all people are expected to comply with the laws. However this must be balanced by the recognition that many homeless and transient people will have limited literacy skills, poor education and limited access to legal advice. Particular problems exist with regard to complying with certain regulations such as prohibiting alcohol consumption, supplying residential details, producing documents, companion animal laws and residence in certain places.
- 3.5 There is a need for key agencies to work together to put in place mechanisms that provide practical support to those homeless and transient people in need of aid.
- 3.6 Those involved with law enforcement need to be aware of, and constantly apply, key principles and procedures that have been developed to deal with homeless and transient people.
- 3.7 There is a need for additional training and support resources to be revised at least three monthly.

4. Protocols

- 4.1 If homeless person/s are in a public place but not causing trouble or committing any summary offences, then police and rangers are to use their discretion in asking them to move on. It is fair and just that everyone has an entitlement to the use of public spaces without fear of punitive action and this includes homeless or transient people.
- 4.2 If homeless person/s are consuming alcohol in a public place such as a park or on the beaches then rangers/police are to speak with the individuals or parties involved. If it is in the streets, then only police have the authority. Persons are to be warned that this is a summary offence and the liquor containers emptied out. Clear direction shall be given to party/ies that they can be fined. This will only occur on one occasion, for the first time offenders.
- 4.3 If individuals or parties are recidivist offenders then on this occasion of consuming alcohol in a public place an infringement notice will be issued to the individuals involved.

- 4.4 A further two infringement notices (three in total) will be issued to each individual for offences.
- 4.5 At a first warning rangers will record details of individuals involved (date, time, name) and inform them that this is the only warning and if a second offence occurs, then the parties involved will be fined. The individuals should not respond to this action with abuse of aggression toward Council rangers/police.
- 4.6 Following the issuing of the third infringement, the police will then take action, (by way of summons/or Field Court Attendance Notice), to bring the individual/s concerned before the courts.
- 4.7 If person/s are acting irrationally or are a danger to themselves, others or property, then police will assess the individual/s and refer them to the acute mental health team or other appropriate services, provided they are not affected by alcohol. If affected by alcohol then they may be detained until they cease to be intoxicated, then referred on to those services.
- 4.8 Homeless or transient persons issued with a first warning, who do not come under police or rangers' notice for a period of three month, shall be entitled to provisions of a discretionary "first warning" status.
- 4.9 Incidents and complaints shall be formally recorded and presented to the next working group meeting. With the benefit of collected data and statistics, this protocol shall be regularly reviewed.

Endorsed by

Signed See #349501

Robyn Read
General Manager
Byron Shire Council

Signed See #349501

Ian Fitzsimmons
Acting Commander
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Entered into operation on 27 September 2002