

## **Appendix 3**

### **City of London Corporation - Tackling the detrimental impacts of rough sleeping operational protocol**

#### **1 Overview**

- 1.1 This protocol is designed to ensure that activity and intervention that addresses the detrimental impact of rough sleeping aligns with the vision and priorities of City Corporation's Homelessness and Rough Sleeping Strategy 2023-27.
- 1.2 The City Corporation's approach to rough sleeping will always focus on welfare. However, it is recognised that there will be instances where partnership intervention may be required in order to address specific concerns linked to rough sleeping associated crime and anti-social behaviour.
- 1.3 This protocol outlines the authorisation process to be used by City Corporation services and their partners, including the City Police, to ensure that activity is both appropriate and proportionate.
- 1.4 The protocol is designed to ensure consistency with regard to the decision making process and to ensure an increased level of communication with the senior officers relevant elected members.

#### **2 Definitions**

- 2.1 Rough Sleeping: sleeping outside or in places that are not designed for people to live in, including cars, doorways or abandoned buildings.
- 2.2 Encampments are defined by the Local Authority as "persons dwelling within temporary forms of accommodation – predominantly tents, and/or makeshift structures on land that is owned or maintained by the City Corporation or the Highway.

#### **3 Legal Framework and Compliance**

- 3.1 The protocol is influenced by the relevant statutory framework outlined within the following legislation:
  - Anti-Social Behaviour, Crime, and Policing Act 2014
  - Homelessness Reduction Act 2017
  - Highway Act 1980
  - Local Government Act (Miscellaneous Provisions) 1982 and/or the
  - Human Rights Act 1998
  - Housing Act 1996
  - s.187B Town and Country Planning Act 1990
  - Public Health (Control of Disease) Act 1984
- 3.2 All intervention activity within the scope of this protocol will align with the relevant legal obligations with regard to the need to fully respect the rights of individuals experiencing homelessness.

## **4 Engagement**

- 4.1 The City Corporation's specialist homeless outreach service operates daily in the Square Mile to engage with people who are rough sleeping, offering support, information about available services, and to assess their immediate needs.
- 4.2 For those in areas that may be subject to the use of enforcement powers, they will undertake risk assessments that will seek to identify risks relating to mental health, substance misuse and other relevant matters in order to support the development of tailored support. These will identify individual needs, and the capacity of individuals.
- 4.3 Intervention activities will be tailored to ensure the safety and well-being of vulnerable individuals, providing appropriate support and access to the relevant support services.

## **5 Planned Partnership Enforcement Activity**

- 5.1 The City of London Community Multi-Agency Risk Assessment Conference (Community MARAC) will consider issues of anti-social behaviour and crime associated with rough sleeping hotspots and encampments. If it recommends that enforcement action is necessary to tackle issues, formal authorisation will be sought.
- 5.2 City Corporation services shall not take part in any pre-planned enforcement or intervention activity which is likely to impact individuals or groups who are rough sleeping without written authorisation from the appropriate senior officers.
- 5.3 Enforcement activity shall only be considered in instances where there is specific intelligence which highlights a clear link between rough sleeping and crime and anti-social behaviour. In these instances enforcement/intervention activity shall be considered as a last resort option when offers of support have been refused.
- 5.4 The Community Safety Team submit a request for authorisation to be considered by the Executive Director of X and X. These will be submitted at least seven days prior to the planned activity
- 5.5 The request for authorisation will include:
  - An outline of the issue with key risks and a community impact assessment.
  - Details of the impact on any vulnerable individuals and proposed action to be taken to mitigate the impact.
  - Details of any outreach engagement and support activity delivered to date.
  - Explanation why enforcement action is being proposed (last resort option).
  - Evidence of relevant assessments of risk, equalities and human rights as appropriate
  - Confirmation that items will be cleared and stored unless it is appropriate to dispose of them
  - Confirmation that where items have been removed and stored the homeless outreach team shall continue to engage with those sleeping rough to agree the return of any possessions within an agreed timeframe
  - Confirmation that items shall only be disposed of once an agreement has been reached or if items have not been collected within an agreed timeframe

- Outline of any continued engagement and support to individuals sleeping rough to be provided post enforcement/intervention activity
- 5.6 The Community Safety Team will provide a briefing for relevant Members, Senior Officers and the Corporate Communications team.
- 5.7 The Community Safety Tea will produce follow-up debrief reports after any authorised enforcement and intervention related activity has been completed. Debrief reports/briefings shall be completed within one week of any on-street, pre-planned and coordinated enforcement/intervention activity.

## **6 Urgent Enforcement Planned Activity**

- 6.1 This protocol recognises that there are instances where enforcement/intervention action may be necessary in order to respond to high level risks such as any threat to life/public safety or the need to mitigate offending behaviour and the resultant impact on local communities.
- 6.2 The City Police shall utilise the relevant statutory powers (Community Protection Warning and Community Protection Notice) to address anti-social behaviour. The use of the statutory powers should only take place in instances where engagement activity has not resulted in a reduction or cessation in anti-social/offending behaviour.
- 6.3 Enforcement activity shall be regarded as a last resort option when outreach support offers have not been accepted by individuals sleeping rough.