

## COUNCIL 9. 2. 2012

### 17. STREET PROSTITUTION ISSUES IN THE RESIDENTIAL PART OF MANCHESTER STREET

<b>General Manager responsible:</b>	General Manager Regulation and Democracy Services
<b>Officer responsible:</b>	Legal Services Manager
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#### PURPOSE OF REPORT

1. This report is to provide information to the Council regarding its resolutions on 8 December 2011.

#### EXECUTIVE SUMMARY

2. The following resolutions were made by the Council on the 8 December 2011, relating to street prostitution issues in Manchester Street:

- “(b) That the Mayor be authorised to write to the Mayor of Auckland and Government indicating that we support in principle the intention of the Manukau City Council (Regulation of Prostitution in Specified Places) Bill and would like to be involved in any future discussions with the aim being to allow similar provisions to be available to Christchurch City and other local authorities.*
- (c) That Council staff work with the Police and the Prostitutes Collective to determine a range of mechanisms that may collectively work to move streetworkers from residential areas to a more appropriate environment.*
- (d) That our legal team explore what options there are to mediate the effects of street prostitution where a problem exists in residential areas eg Traffic and Parking.”*

Resolution (b) has been completed. This report discusses resolutions (c) and (d).

#### **Council staff meeting with the New Zealand Police, New Zealand Prostitutes Collective and Youth and Cultural Development Society Incorporated**

3. On 21 December 2011 Council staff met with Anna Reid and Rochelle David from the NZ Prostitutes Collective (NZPC), Gordon Spite and Jeremy Siddell from the NZ Police (from the beat section), and Anni Watkins and Kim Boyce from Youth and Cultural Development Society Incorporated (YCD) (who both NZPC and the Police had recommended we include in the meeting as they work very closely with the street workers).
4. The first part of the meeting discussed the problem; street workers had located on Manchester Street from Bealey Avenue, north as far as Edgeware Road. The usual number was around four to six girls but there could be anywhere from two to ten in YCD's experience. There were usually four girls on each corner of Purchas Street and two by the Bealey Avenue lights. The numbers of girls on Manchester Street has not grown since the earthquakes, they have just moved north. However, there has been an overall decrease in streetworkers in the city as many have left since the earthquakes.
5. It was agreed at the meeting that the “more appropriate environment” referred to in the resolution was likely to be back to the part of Manchester Street on the south side of Bealey Avenue where the street workers were located prior to the earthquakes.
6. YCD also noted that some of the streetworkers are getting mixed messages from residents. Some residents do not seem concerned about the location of the streetworkers, and have offered them the use of their toilets and given them cups of milo.
7. The Police also advised of the actions they have been taking since the February earthquake in relation to this issue. Although this is not a high priority matter for them, in light of other issues in the city (such as robberies and domestic abuse), it is not the case that no action has been taken (as appeared to be suggested by some of the deputations).

## COUNCIL 9. 2. 2012

### 17 Cont,d

8. In the early days following the earthquake the Police were always in the area. In March 2011 they arranged for the street lights to be turned on down Manchester Street right down to Gloucester Street (even though some of that area was at that time still in the redzone). The Police arranged for an extra camera at the Manchester Street and Bealey Avenue intersection facing north. It used to be a traffic camera but then became a crime prevention camera. Reassurance patrols operated for sometime, but since June it has been business as usual for the Police and normal patrol cars have been out.
9. However, in the six weeks prior to the week before Christmas the Police noted there had been a greater Police presence in the area as a result of the residents' complaints, and there have been less problems during that time. The Police beat section has offered to take the Councillors out on the beat with them to get a first hand view of the issues in and around the area, if that would be of assistance. (Since 21 December, it appears some Councillors have already visited the area, so this offer may not be needed.)

### **Resolution (c): Mechanisms to encourage street workers to move**

10. The group agreed that environmental design mechanisms are the best way to encourage streetworkers to move rather than any form of enforcement. This is because the people involved in this activity will tend to do the opposite of anything they are "directed" to do.
11. Gentle persuasion and other forms of encouragement will mean they move back to where they used to be, rather than remaining in the residential part of Manchester Street, north of Bealey Avenue. The Police (and NZPC) noted the primarily good relationship the Police have with the street workers and considered that this should be maintained. This relationship could be jeopardised if harsher enforcement steps were taken. (Although see below in relation to Police actions in the section of the report "Since the 21 December meeting".)

### **Opening up the streets again**

12. Key to moving the street workers back is fully opening up Manchester Street and the surrounding area so there is a good traffic flow (the ability to do a loop), as well as good pedestrian oriented street lighting, good footpaths, and a feeling of it being a safe area. It was noted that without businesses around it is a little dark in the south of Bealey Avenue part of Manchester Street, even with normal street lighting operating, so the street workers feel safer in the residential area. Additional street lighting would assist with making it feel safer.
13. CERA have advised that fully opening up the area is not likely to be any earlier than April 2012. However, some streets are planned to be open a little earlier and much of Manchester Street is now open, and so is Latimer Square. There is also a traffic flow route south of Bealey Avenue, so cars (potential customers) can drive around a "block".
14. The meeting considered that notification to the residents of a timeframe when the area would be fully open (together with any other steps the Council or others might take) would provide them with some information on when things might be likely to change, rather than leaving it open-ended.
15. Greater publicity regarding what areas within the city are now open to traffic was also considered to be a useful step. Staff at the meeting have met with the Council communications team and some information to go to the public has been developed and is being discussed with CERA. Although nothing specific had been published at the time of preparing this report an update can be provided at the meeting.

17 Cont'd

**Practical encouragement for workers to move**

16. A portaloos (and possibly eventually a public toilet) located on both sides of Manchester Street, south side of Bealey Avenue would be welcomed by NZPC and YCD (and the Police) as a positive encouragement to move street workers away from the northern end of Manchester Street. At present the girls will be driven by their minders to toilets because there are not many public toilets in Christchurch (or use the toilets offered by residents). It was noted that Melbourne has a very good model of a public toilet system in their city. However, portaloos at this location or anywhere in the CBD are not recommended by staff because there is a high risk of vandalism. A small portacom building containing toilet facilities would be a possibility on the basis an appropriate site for the building can be found, including that it is close to a sewer main.
17. NZPC and YCD considered that the installation of rubbish bins would also be an encouragement, and would assist in reducing litter (although they pointed out that litter, noise and presence of people/foot traffic also resulted from the Speight's Ale House on Bealey Avenue at closing times).
18. As noted above, additional pedestrian oriented street lighting and ensuring the footpaths are fixed will also make the area feel more safe. The residential part of Manchester Street is presently seen as a safer location by the workers.
19. The area the Salvation Army are using to feed people is currently near the corner of Manchester Street and Aberdeen Street and was thought to be putting off the street workers. The Police considered the Salvation Army location tended to push the street workers further north. If the Salvation Army could move back to near St Lukes (corner Manchester Street and Kilmore Street) where they used to be then that may also assist in encouraging the street workers to move back south. Salvation Army have been contacted and will be happy to move if the Council considers this would be useful.
20. Introducing safe city officers to the area was not favoured by anyone at the meeting. The idea of a specific red light zone for street workers and brothels was also not considered to be a good idea. Street workers generally do not work in the same area as brothels are located. If a limited area where they could work was introduced, and enforcement of such areas attempted the view of NZPC and YCD was that this would more likely push the workers "underground".

**Since the 21 December meeting**

21. Since staff met with Police, NZPC and YCD, some Councillors have also been looking into the issues, with some Councillors visiting the area at night to gain a first-hand understanding of the issues. The Police carried out an operation in this area resulting in various arrests relating to outstanding warrants, and behavioural and dishonesty matters. The Beat section have since advised that it was another unit within the Police that carried out this operation, and not the Beat section<sup>1</sup>.
22. Various Councillors also met with Tony Edmonds from Auckland regarding the Auckland Council (previous Manukau City Council) Street Prostitution Bill and the Otara-Papatoetoe Local Board presentation on issues in their board area.

**Resolution (d): exploration of other legal options to mediate street prostitution effects**

23. The matter of bylaws as a potential enforcement tool has already been considered and was not re-considered for the purposes of this resolution. Clearly if new legislation was introduced providing additional powers for the Council to make bylaws then this could be reconsidered.

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<sup>1</sup> The Beat section staff had agreed at our meeting that encouragement rather than enforcement action was a better approach to encourage workers to move. They cannot say what the effect of the arrests will be but expect it will be barely noticeable in terms of changing behaviours in the medium to long term. They note that the occurrence of arrests along Manchester Street is nothing new, although this number in a short time frame is above average. However, it is common for the Police to find people wanted on warrant, drink driving, weapons etc.

## COUNCIL 9. 2. 2012

### 17 Cont'd

24. The Council has powers under the Litter Act 1979 which could be used in respect of litter on Manchester Street. However, Council's Enforcement Unit has no Long Term Plan Levels of Service nor funding to provide a 24/7 enforcement service and therefore enforcement staff are not in the area at night-time when the primary littering is occurring. If litter officers were present it is unlikely they would catch anyone littering, as it is more likely to occur when they are not present. Moreover the Litter Act can only be enforced if the name of the person littering is known or volunteered when questioned. If the person offending refuses to supply their name then the Council cannot enforce the offence.
25. The noise that residents have complained of (which appears to be from street prostitutes calling out, their clients and/or from noisy bar patrons) is not such that the Council could take any noise control steps under the District Plan or the Resource Management Act. (It was acknowledged at the meeting that at times the street workers did yell out to each other across the street but YCD and NZPC said they are always encouraging the workers to be mindful of residents and not be noisy, or litter etc.)
26. The Council could make a resolution under the Traffic & Parking Bylaw to make the northern part of Manchester Street a no-parking area between certain hours. This would make it an offence for the "minders", or the clients, to park on the street during those hours. However, enforcement staff would need to be employed at the relevant hours (generally at night-time) to enforce any no parking restriction and as detailed above there is no Long Term Plan level of service or funding to support this.
27. The Police staff present at the meeting advised that Police would not be in a position to assist the Council should the Council consider that a 24/7 Council enforcement service was required. More importantly Police stressed that it would be very unsafe for Council staff to attempt enforcement action in the circumstances. In addition, it may only have the effect of moving the minders to nearby streets and/or the prostitutes and their minders to other residential streets.
28. When this possible action was discussed at the meeting it was considered, like other enforcement methods, that it would not be effective in encouraging street workers to move to a more appropriate environment and in fact could have the opposite effect.

### FINANCIAL IMPLICATIONS

29. If the Council determines to take any of the practical encouragement steps to install rubbish bins or provide one or more portaloos there will be some costs involved.

### Portaloos

30. The City Water and Waste team advise that Civil Defence purchased 960 portaloos as part of the earthquake. The Council has three contractors that service these portaloos. The average cost to have a portaloos serviced (extraction of waste) and cleaned (sanitization of portaloos) per week is \$96. In the past the Council has had portaloos in areas where used condoms and sharps have been left in the portaloos and the Council has had to ask another company to come in and handle the clean up of the portaloos. The cost for this per portaloos is \$35. As noted above, portaloos are not recommended because portaloos can be vandalised/burnt.

### Portacom building with toilet facilities

31. Advice from the Transport and Greenspace Unit on the approximate annual cost for a portacom toilet facility is as follows:
  - (a) port-a-com building and toilets \$7,000 (135 per week)
  - (b) cleaning and servicing \$14,000 (\$40 per day)
  - (c) maintenance \$2,000
  - (d) plus one time establishment (delivery/sewer connection) say \$2,000.

17 Cont'd

**Rubbish bins**

31. The Transport and Greenspace team have advised that the installed cost for one set of rubbish bins is approximately \$2,500. This is \$1,100 for each bin (the bins are now in sets of one recycling and one rubbish bin) and a \$300 installation cost for the posts, etc. There is also a cost for a contractor to empty the bins of around \$90 per month per pair, and they are emptied whenever they are full. Bins for sharps/needles are a specialist bio-hazard provision, which the Council does not normally provide (although it did provide these in the public toilets near the Manchester Street car park), and are not included in the above costs.

**Additional street lighting and/or permanent public toilet**

32. Additional street lighting and a permanent public toilet will be more expensive and should be the subject of a separate report as to their feasibility, location and cost, if the Council wishes to consider their installation as an option.

**LEGAL CONSIDERATIONS**

33. See above, regarding the legal options that may assist in dealing with the issues arising from the street workers and encouraging the street workers to move.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

34. Installation of and costs for rubbish bins or portaloos come within existing long term plan activities.

**ALIGNMENT WITH STRATEGIES**

35. Aligns with the Safer Christchurch Strategy.

**CONSULTATION FULFILMENT**

36. This report has been discussed with staff from the Strategy and Planning Unit, Inspections and Enforcement Unit, and the Community and Safety Manager, all of whom were at the meeting. Input as to costs of various items has also been received from City Water and Waste and Transport and Greenspace.

**STAFF RECOMMENDATION:**

That the Council:

- (a) Note the information in this report.
- (b) Determine if it wishes to take any of the following steps.
- (i) ask Salvation Army to move their location for feeding people back to outside St Lukes.
  - (ii) install rubbish bins on Manchester Street south of Bealey Avenue in appropriate numbers and locations determined by staff in consultation with New Zealand Prostitutes Collective and Youth and Cultural Development Society Incorporated.
  - (iii) install toilet facilities on Manchester Street south of Bealey Avenue in appropriate locations determined by staff in consultation with the Police and New Zealand Prostitutes Collective and Youth and Cultural Development Society Incorporated.
  - (iv) request a further report from the appropriate staff on the feasibility of additional pedestrian street lighting and public toilets on Manchester Street south of Bealey Avenue.
- (c) Resolve that information be sent to relevant Manchester Street residents advising about the date the Manchester Street area south of Bealey Avenue will be fully open to traffic, and on any other steps it determines to take.