



Housing Support Services LCCC
Presentation on Excluding Orders to Meeting of
Joint Policing Committee on
4th June 2021

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BRIEF BACKGROUND

- The Housing Miscellaneous Provisions Act 1997 confers power on the Council, as Housing Authority, to apply to the District Court for an Excluding Order against an individual who is or has been engaging in serious anti-social behaviour.
- Respondents do not have to be tenants or reside in a tenanted house. They can be from a privately-owned house in a council built estate or not living in the estate but causing problems within it.

- This can include a joint tenant but it does not cover a sole tenant or private home owner
- Orders can be obtained for a period of up to three years, at the discretion of the court
- The Council works very closely with An Garda Siochana in relation to initiating applications and, in almost all cases supporting evidence is given to the Court by a member of An Garda Siochana

- It is a criminal offence to breach an order and enforcement of same is a matter for An Garda Siochana. In this regard there have been a number of successful prosecutions brought.
- LCCC is one of the most proactive Local Authorities in the country in availing of this legislative tool and since 2013 has secured twenty four (24) such orders. Two further applications due for hearing next month.

CHALLENGES

- Managing Expectations
 - (i) There has to be a clear and consistent pattern of serious anti-social behaviour over a period of time
 - (ii) Receiving timely and accurate information regarding issues. All incidents should be reported to the Council and An Garda Siochana in order to establish a pattern and build a case.

(iii) All such reports will be treated in the strictest confidence and complainants will not have to attend court nor have their identities revealed in court

- Ensuring that any pending criminal prosecutions by An Garda Siochana are not compromised

- Maintaining and building on the current level of co-operation between LCCC and An Garda Siochana

SUCCESES

- Twenty four (24) successful applications
- A number of successful prosecutions for breaches of the Excluding Order
- It instills confidence and relief in a local community in the event of a successful application