

Anti-Social Behaviour Strategy

This policy relates principally to social housing provided and
managed by Limerick City & County Council

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Table of Contents

SECTION	PAGE
----------------	-------------

Introduction	3
---------------------	----------

Definition of Anti-Social Behaviour	3
--	----------

Legislation	4
--------------------	----------

Scope of Strategy	4
--------------------------	----------

Aims and Objectives of the Anti-Social Behaviour Strategy	5 - 6
--	--------------

Procedures for Dealing with Complaints	7 - 8
---	--------------

Options & Decisions	8 - 9
--------------------------------	--------------

Issue of Breach of Tenancy Letter/Tenancy Warning	9 - 11
--	---------------

Conclusion	11
-------------------	-----------

Introduction

Section 35 of the Housing (Miscellaneous Provisions) Act 2009 places an obligation on a Housing Authority to prepare and adopt an Anti-Social Behaviour Strategy.

Limerick City & County Council (*hereinafter called "The Council"*), acknowledges that anti-social behaviour can have a seriously negative impact on the lives of people and is committed to promoting a safe and secure environment for all residents of its housing estates.

It is the policy of Limerick City & County Council to investigate all anti-social behaviour complaints fairly and objectively through the use of available resources and legislative powers. It is also the policy of the Council to promote interagency collaboration and community participation as a core value of this strategy.

This Anti-Social Behaviour Strategy outlines the following;

1. Definition of Anti-Social Behaviour
2. Legislation
3. Scope of Strategy
4. Aims and Objectives
5. Strategies for preventing and combating anti-social behaviour
6. Procedures for dealing with complaints

Definition of Anti-Social Behaviour

The *Housing (Miscellaneous Provisions) Act, 2014* defines anti-social behaviour as:

"Anti-social behaviour" includes either or both of the following, namely -

- a) The manufacture, production, preparation, importation, exportation, sale, supply, possession for the purpose of sale or supply, or distribution of a controlled drug (within the meaning of the Misuse of Drugs Acts, 1977 to 2007),*
- b) Any behaviour which causes or is likely to cause any significant or persistent danger, injury, damage, alarm, loss or fear to any person living, working or otherwise lawfully in or in the vicinity of a house provided by a housing authority under the Housing Acts 1966 to 2014 or Part V of the Planning and Development Act 2000 or a housing estate in which the house is situate and, without prejudice to the forgoing includes*
 - (i) violence, threats, intimidation, coercion, harassment or serious obstruction of any person",*
 - (ii) behaviour which causes any significant or persistent impairment of a person's use or enjoyment of his or her home, or*
 - (iii) damage to or defacement by writing or other marks of any property, including a person's home".*

Legislation

The legislative basis available to the Council to deal with incidents of Anti-Social Behaviour is covered in a number of pieces of legislation. These include:

- Housing Act 1966
- Housing (Miscellaneous Provisions) Act 1997
- Housing (Traveller Accommodation) Act 1998
- Housing (Miscellaneous Provisions) Act 2009
- Residential Tenancies Act 2004 and 2015
- Housing (Miscellaneous Provisions) Act 2014

In implementing the provisions of this Strategy, the Council will have regard to the following legislation:

- Data Protection Act 1988-2018
- Freedom of Information Acts 1997-2014
- Planning and Development Act 2000
- Local Government Act 2001

Scope of Strategy

The Strategy will apply to those parts of its administrative area where Limerick City & County Council has:-

- (a) Dwellings let under the Housing Acts 1966 as amended;
- (b) Dwellings that are the subject of Chapter 4 Tenancy Agreements in accordance with the Housing (Miscellaneous Provisions) Act 2009 (*Rental Accommodation Scheme*);
- (c) Dwellings let under the Social Housing Leasing Initiative in accordance with the *Housing (Miscellaneous Provisions) Act 2009 (Long Term Leasing Scheme)*;
- (d) Dwellings in which relevant purchasers live (*as defined in the 1997 Housing Act, as amended*)
- (e) Sites for Travellers (*'site' in this context is defined in the Housing (Miscellaneous Provisions) Act 1997, as amended*)

The Strategy will also cover:-

- (f) Tenant purchasers under Section 90 of the Housing Act 1966, and their successor(s) in title.
- (g) Incremental purchasers under part 3 of the *Housing (Miscellaneous Provisions) Act 2009* and their successor(s) in title.

Aims & Objectives of the Anti-Social Behaviour Policy

- The prevention and reduction of anti-social behaviour
- The co-ordination of services within the housing authority that are directed at dealing with, or preventing, or reducing anti-social behaviour
- The promotion of interagency cooperation to deal with anti-social behaviour
- The promotion of good estate management

Preventing Anti-Social Behaviour

- The Council will carry out Garda Checks on all persons over the age of 18 years, who are being actively considered for housing.
- The Council's Community Sustainment Unit plays a substantial role in the active and positive management of the Council's tenants and the Council's housing stock which includes:-
- Dealing with anti-social behaviour issues, which involves identifying families or individuals causing these problems and addressing them in a timely manner.
- Managing and implementing the Tenancy Induction training for all local authority tenants. As part of this training, the Anti-Social Behaviour Strategy is introduced, a copy furnished to tenants, together with a copy of the "Tenant Handbook". The obligations of tenants in relation to anti-social behaviour and those of their visitors are clearly explained.
- The Council works closely with Approved Housing Bodies (AHB's). In certain instances in advance of a tenancy being granted directly by the Council, it may be deemed prudent to enter into a Licence Agreement for a defined period with an AHB to manage the tenancy on behalf of the Council. The AHB provides wrap around supports, which in turn aids the prevention of anti-social behaviour and other breaches of tenancy.

Estate Management

- It is the policy of Limerick City & County Council to encourage the active participation of tenants in the management of their estates. The Council believes that tackling anti-social behaviour can be greatly assisted by the active participation and involvement of tenants in ensuring that their estates can develop a sense of community and pride, which discourages such activity.
- It is the policy of Limerick City & County Council to have an increased presence on the ground by its Community Sustainment Officers, to deal with all tenancy and any other issues within our estates.
- The active assistance of tenants in liaising with the Council and the Gardai in reporting incidents of anti-social behaviour is vital in ensuring that both organisations have accurate and meaningful data on the levels of activity, which can provide essential information when pursuing cases through the legal framework.

- Limerick City & County Council shall seek to establish residents' associations in all new Council housing estates and shall encourage the formation of residents' associations in existing estates, where by do not exist, and to further support such associations as appropriate.
- The Council will liaise with outside agencies, voluntary and statutory, whose co-operation and resources may assist in promoting better estate management, and arranging joint initiatives with other relevant agencies e.g. vulnerable clients (elderly, those in ill-health/disabled and those who are socially isolated/deficient in home life skills)

Combating Anti-Social Behaviour:

- The Council's response to anti-social behaviour will be co-ordinated with those of other statutory bodies including co-operating with An Garda Síochána, the Health Service Executive, the Department of Social Protection and the Probation Services, which could play a role in dealing with problems of this nature. The sharing of information as provided for under Law will be utilised to the maximum extent.
- Notwithstanding the role of the statutory agencies, Limerick City and County Council acknowledges and values the input of other organisations and groups that may be consulted in particular instances. These include:
 - a) Voluntary Bodies
 - b) Residents Associations/Community Groups
 - c) Family resource and outreach centres
- The inclusion of other agencies will be dictated by individual circumstances as they arise.

Categories of complaints may include the following;

Drug dealing
Violence
Damage to property/Vandalism
Racism
Alcohol/Solvent abuse
Threats and intimidation
Noise/Disturbance
Parking/Boundary Issues
Refuse – Hoarding/Dumping
Animal Nuisance (Horse, Dog, Fowl)
Physical Condition of Property

Procedures for Dealing with Complaints

Recording a Complaint:

- Complaints will be accepted by telephone, in writing (letter or by email) or in person. Complaints received in writing may require verification and, thus, should provide name, address and if possible, telephone contact details for the complainant.
- Limerick City & County Council has a confidential Customer Relationship Management System (CRM) to manage and monitor all complaints. Once a complaint has been received, a case is created and referred to the Community Sustainment Unit for appropriate action. In as far as possible complainants will be briefed on outcome of investigations.
- The complaints procedure cannot guarantee absolute confidentiality but every effort will be made to protect the identity of the complainants unless the complainant specifically states otherwise. If the nature of the investigation of the complaint is likely to compromise the identity of the complainant, then the person is made aware of this and will be asked whether or not they wish an investigation to proceed on foot of the complaint.
- All complaints received will be acted on as far as possible. However, complaints deemed to be vexatious in nature will not be actioned by the Council.

Investigating the Complaint:

Investigations may be carried out in different ways, depending on the seriousness of the complaint. This may involve making enquiries with other statutory agencies in accordance with Section 15 of the Housing (Miscellaneous Provisions) Act 1997.

The Council may also:

- Examine the Letting Agreement
- Examine tenant(s) file/previous history
- Interview the complainant
- Interview the person against whom the complaint is made (alleged offender)
- Make enquiries within the area where the alleged incident occurred
- All statements and interview notes will be recorded

Following investigation, and depending on the seriousness of the complaint, a case conference may be held to decide what course of action is to be taken.

As a possible course of action, the necessary contact will be made by the Community Sustainment Officer to engage with the alleged offender(s) to deal with the issues identified.

It is the aim of the Council to give all people who are the subject of complaints every opportunity to address the issues.

If these measures are not successful, or the person or persons refuse to comply or engage with the Council, the procedures set out hereunder will be followed;

Options and Decisions

Where Limerick City & County Council has sufficient and reasonable reason to believe that an individual tenant or member of a tenant's household is or has been engaged in anti-social behaviour, the Council will deal with the matter using one or more of the options listed below.

Discussion and Advice

In the case where the incident is a one-off or not persistent in nature, the Council will emphasise the terms of the Letting Agreement to the alleged offender and advise against further breaches.

Some cases involve families with complex welfare needs, mental health issues, addiction problems and domestic violence with clear needs for supports and assistance. The Community Sustainment Unit, with tenant consent, may make referrals to the appropriate bodies regarding specialised help and supports. This may require implementation of a case management approach.

Mediation

Upon thorough consideration of any complaint, the Council may consider the option of mediation, with the agreement of all parties, where common ground can be achieved and agreement can be reached. The aim of this process is for the parties involved in a housing estate to resolve the problems without the involvement of An Garda Síochána or the referral of the matter to the courts. Mediation can be carried out either separately or together and this will be decided by the two parties. The Council will not initiate mediation if there is any violence or threat of violence involved in the case.

Referral to An Garda Síochána

A referral to An Garda Síochána will occur as a matter of course where the complaint involves an allegation of drugs, criminal activity or public order offences.

An Garda Síochána is the Council's key partner in dealing with anti-social behaviour issues. Apart from the legal powers available to the Council, a considerable range of legislative tools are also in place for use by Gardai including:

- Public Order Act 1984 as amended – Offences relating to anti-social behaviour, drunkenness, aggressive begging etc.
- Criminal Damage Act 1991 – Offences relating to damage to property and threats to damage property
- Non-Fatal Offences Against the Person Act 1997 – Offences relating to threats to persons and assaults
- Criminal Justice (Theft and Fraud Offences) Act 2001 – Offences relating to thefts

- Misuse of Drugs Act 1977 as amended – Offences relating to the person use, and sale and supply of controlled drugs.
- Anti-Social Behaviour Warnings and Orders – Warning notices can be issued to both juveniles (over 12 yrs) and adults for engaging in anti- social behaviours, if behaviour continues then an application can be made to the Courts for an Anti-Social Behaviour Order.
- Various Road Traffic Acts – Offences relating to the use of vehicles (scramblers/motorbikes/cars) connected to anti-social behaviours
- Control of Horses Act 1996 – Offences relating to the licensing, ownership and keeping of horses in certain areas as outlined in local bye laws.

Referral to the Health Service Executive and TUSLA

As per best practice and in line with National Guidance, the Council may make appropriate referrals to TUSLA in respect of child protection and welfare concerns.

Where vulnerable adults are identified as being at risk of abuse, such cases may be referred to the Safeguarding and Protection Team as per the H.S.E.'s National Policy.

Verbal Warning

The alleged offender will be advised that all behaviour must cease with immediate effect. The verbal warning will be recorded on the case.

Issue of Breach of Tenancy Letter/Tenancy Warning

In the case where the complaint is proven or persistent in nature, the Council will consider a graduated sanction as follows:

Breach of Tenancy Letter (Tenancy Notification)

A letter is issued to the alleged offender outlining the complaint and the alleged breach of the Letting Agreement. Reference will be made to all correspondence and to any warnings previously issued to the alleged offender. In serious cases of alleged drug activity, violence and threats, information regarding the involvement of An Garda Síochána and other services may be requested for the records. This letter may contain reference to legal action that may be instigated against the alleged offender if the breach of tenancy persists.

Formal Interview

A formal interview may be held between the alleged offender and staff of the Councils Community Sustainment Unit at any stage in the process. At this interview, the allegations of breach of tenancy will be outlined to the alleged offender and the alleged offender will have the opportunity to respond to these allegations.

Statutory Tenancy Warning

If the alleged anti-social behaviour continues to occur the matter will normally progress to a statutory footing and a Tenancy Warning in accordance with Section 7 of the Housing (Miscellaneous Provisions) Act 2014 will issue.

Section 7 of the Act provides that a Statutory Tenancy Warning (legal written warning) be issued in circumstances of anti-social behaviour, while Section 9 allows for the same in the case of any other breach of the Letting Agreement.

The issue of a Tenancy Warning is a serious matter for any tenant(s) with particular tenancy and legal implications, which could lead to repossession proceedings. In certain situations where the Housing Authority believes that a particular case is serious and urgent enough to warrant it, the Authority may proceed to issue a Statutory Tenancy Warning in the first instance without having to adhere to the steps outline above.

Review of Tenancy Warning

If a tenant does not accept that he/she has breached their Letting Agreement in the terms set out in the Tenancy Warning, the tenant has a right to request the Council to review the Tenancy Warning. A request to review this Tenancy Warning must be made in writing to the Council and must outline the grounds upon which the tenant disputes the basis for the Tenancy Warning enclosing any relevant supporting documents. The tenant must also state if he/she, or a member of its household, wishes to make oral representations to the appointed Reviewer as part of the appeal.

Applying for Repossession

If the alleged offender does not deal with the breach of tenancy, following service of the Tenancy Warning, the Council may apply to the District Court for a Possession Order to enable it to repossess the dwelling under Section 12 of the Housing (Miscellaneous Provisions) Act 2014.

Excluding Order

Section 3 of the Housing (Miscellaneous Provisions) Act 1997 (as amended) provides for a Housing Authority to apply to the District Court for an Excluding Order of up to three years in duration against a person engaged in persistent Anti-Social Behaviour which impacts negatively on other residents. This targeted approach avoids the possible eviction of an entire household. The Housing Authority will engage with An Garda Síochána to ensure they are in full support of the Housing Authority's application for an Excluding Order.

Section 20 of Housing Act 1997

This section deals exclusively with illegal occupiers. It empowers the Garda Síochána, on notification by the Housing Authority, to direct any illegal occupant of a Local Authority house engaged in anti-social behaviour to leave the house. Non-compliance with An Garda Síochána's direction is a criminal offence. There are also powers of search and entry available to An Garda Síochána.

Transfer and Estate Management

The Councils' Allocations Scheme sets out the policy for dealing with housing transfer applications. Anti-social behaviour does not normally constitute grounds for transfer for affected parties. However, in very exceptional circumstances, and in the interest of good estate management, such an application may be considered where the Housing Authority's Community Sustainment Unit and a Superintendent of An Garda Síochána support the transfer application.

Conclusion

This Anti-Social Behaviour Strategy will be the first adopted as a unified authority and will be subject to review at the discretion of the Housing Authority and in line with current housing legislation. The successful implementation of the plan is subject to adequate financial and staffing resources being in place.