



ANTI SOCIAL BEHAVIOUR STRATEGY

Introduction

Background Information

The Housing (Miscellaneous Provisions) Act 1997 first introduced legal remedies to tackle the problem of anti-social behaviour in areas within which local authority housing is situate. For the purpose of the Housing Acts 1966 to 2014 the phrases “estate management” and “anti-social behaviour” are defined in the Act of 1997 as amended and those definitions are fully set out on page 5 of this Strategy.

Section 35 of the Housing (Miscellaneous Provisions) Act 2009, which was commenced on the 1st December 2009¹, requires housing authorities within one year of section 35 coming into operation to draw up and adopt a strategy known as an “Anti-Social Behaviour Strategy” in respect of that part or those parts of its administrative area in which certain dwelling types are situate.

Louth County Council adopted its first Anti-Social Behaviour Strategy on the 21st of June 2010. Under section 35 (4) of the 2009 Act a housing authority may, from time to time, review its anti-social behaviour strategy and amend the strategy or draw up and adopt a new strategy, as it considers appropriate. As the Housing (Miscellaneous Provisions) Act 1997 has been amended by section 19 of the Housing (Miscellaneous Provisions) Act, 2014, Louth County Council decided to review its Anti-Social Behaviour Strategy and to adopt a new strategy to incorporate the legislative amendments.

Consultation

This Strategy was drawn up in consultation with the Joint Policing Committee established under section 36 of An Garda Síochána Act, 2005 in respect of the administrative area of Louth County Council, An Garda Síochána and the Health Service

¹ Commenced by the Housing (Miscellaneous Provisions) Act 2009 (Commencement) Order 2009 (S.I. No. 449 of 2009), art. 2(e)

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Executive. Advocates of those suffering from Mental Health issues were also consulted in this process.

APPLICATION

This Anti-Social Behaviour Strategy applies to the following four categories of dwelling:-

- a) Dwellings let to tenants under the Housing Acts 1966 to 2009.
- b) Dwellings which are the subject of rental accommodation availability agreements made pursuant to section 24 of the Act of 2009.
- c) Dwellings sold by the housing authority under the Housing Act 1966 to 2014 (other than affordable houses) in which relevant purchasers² reside.
- d) Sites for caravans provided, managed and controlled by Louth County Council for the accommodation of travellers under section 13 of the Housing Act, 1988³ and sites provided or managed under section 6 of the Housing (Miscellaneous Provisions) Act, 1992.

Setting the Context

Louth County Council have been developing and providing social housing for many decades and currently have approximately 4,000 residential units in stock. The Council employs Tenant Liaison Officers, manage the landlord tenant relationship and Investigation Officers who are specifically tasked to investigate incidents of anti-social

² See definition of relevant purchaser in section 1 of the Act of 1997 as amended by section 19 of the Act of 2014

³ As substituted by section 29 of the Housing (Traveller Accommodation) Act 1998

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behaviour. Various grant schemes operate to enable resident associations build support and develop communities.

Approved Housing Bodies (AHBs) directly provide more than 700 residential units in the administrative area of Louth County Council and also act as managing agents in respect of certain dwellings owned and let by the Council. AHBs deal with any anti social behavioural issues that arise in respect of dwellings managed by them on behalf of the Council having regard to the Anti-Social Strategy adopted by the Council.

It should be noted that Louth County Council have no role in addressing problems of anti-social behaviour caused by persons residing in private rented accommodation. The Council, however will continue to remind private landlords of their statutory duties under section 12 of the Residential Tenancies Act 2004 when the anti-social behaviour of the tenants or occupiers of their properties impacts adversely on Council tenants in the use and enjoyment of their homes. The statutory duties of private landlords are enforced under the Act of 2004 by the Residential Tenancies Board.

Statutory Definitions

Anti-social behaviour⁴ includes either or both of the following:-

- 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

⁴ As defined in section 1 of the Act of 1997 as amended by section 19 (1) (a) of the Act of 2014

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Development Act 2000, or a housing estate in which the house is situate and, without prejudice to the foregoing includes:-

- i. Violence, threats, intimidation, coercion, harassment or serious obstruction of any person.
- ii. Behaviour which causes any significant or persistent impairment of a persons 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.

Estate Management⁵ includes:-

- (a) securing or promotion of the interests of any tenants, lessees, owners or occupiers, whether individually or generally, in the enjoyment of any house, building or land provided by a housing authority under the Housing Acts, 1966 to 2014 and
- (b) the avoidance, prevention or abatement of anti-social behaviour in any housing estate in which is situate a house provided by a housing authority under the Housing Acts, 1966 to 2014

⁵ As defined in section 1 of the Act of 1997

PRINCIPAL OBJECTIVES OF STRATEGY

1. The prevention and reduction of anti-social behaviour

Proposals to achieve this objective

Estate Design

- The Council will ensure that buildings and open green space in all new residential estates, regeneration schemes or remedial works schemes are designed and planned so as not to facilitate crime and anti-social behaviour
- The Council will remove, wherever possible, opportunities for anti-social behaviour to develop in the built environment. This could be the creation of additional lighting or removal of congregation points.

Tenancy Management

- The Housing Authority will utilise the investigation and warning process outlined in Appendix A with regard to complaints of Anti-Social Behaviour
- The Housing Authority will investigate all complaints of Anti Social Behaviour made in writing and where the complainant has provided his or her name and address. Anonymous complaints may be investigated on the approval of the Senior Executive Officer of the Housing Department.
- All complaints will be handled sensitively with due consideration to the confidentiality of all parties involved.

- Where a tenant continues to engage in Anti-Social Behaviour following the service of a tenancy warning the Housing Authority will make an application to the District Court for an order for possession of the dwelling where it is appropriate, in all the circumstances, to make such an application.
- The Housing Authority will, where a tenant is convicted of an offence involving the manufacture, cultivation or supply of drugs in a dwelling provided by the Housing Authority, apply to the District Court for an order for possession of the dwelling.
- The Housing Authority will, where a member of a tenant's household is convicted of an offence involving the manufacture, cultivation or supply of drugs in a dwelling provided by the Housing Authority, apply to the District Court for an Excluding Order.
- Where the Housing Authority believes that a joint tenant or a member of a tenant's household or any other person residing in a dwelling provided by the Council or in a dwelling sold by the Housing Authority to a relevant purchaser is engaging in anti-social behaviour, the Housing Authority will apply to the District Court for an Excluding Order if
 - i. such behaviour does not cease in accordance with the requirement of a tenancy warning
 - ii. the tenant or relevant purchase does not intend to apply for an excluding order or is prevented by violence, threat or fear from pursuing such application
 - iii. the Housing Authority considers that in the interest of good estate management, it is appropriate, in all the circumstances, to apply for the excluding order.

Allocation Management

- All eligible housing applicants, prior to being allocated a local authority dwelling, will be required to furnish to the Housing Authority personal information – names, dates of birth, former current and former addresses, prosecutions and convictions – and to authorise the Housing Authority to furnish that information to An Garda Síochána or other agencies for vetting purposes.
- The Housing Authority will defer consideration of an application for social housing where an applicant refuses to furnish necessary information concerning past addresses and details of any prior convictions or who knowingly provides misleading or false information to the Housing Authority.
- All eligible housing applicants, prior to being allocated a local authority dwelling, will be subject to a Garda vetting procedure for the purpose of certifying whether or not they have or have being prosecuted for, or convicted of, a crime.
- Louth County Council may defer making a letting to an eligible housing applicant, for a period of one year, where it considers that the applicant has been involved in anti-social behaviour and a risk assessment indicates that there is a real risk of such behaviour continuing.
- Where a tenant applies to the Housing Authority seeking permission for another adult person to take up residence in the tenant's dwelling, that person will be subject to a Garda vetting procedure for the purpose of certifying whether or not he or she has being prosecuted for, or convicted of, a crime.
- Any allocation made will always take into consideration the background of any applicant in considering the overall estate management of the area.
- The Housing Authority will refuse to sell a dwelling to a tenant where subsequent to carrying out a risk assessment, it is satisfied that the tenant is or has been involved in anti-social behaviour.
- The Housing Authority will have regard to the layout of any housing development when allocating tenancies to eligible households.

Research and Publicity

- The Housing Authority will publish this Strategy and promote it among all tenants with a view to educating tenants
- The Council will continue to highlight the role of the Residential Tenancies Board in enforcing matters within the Private Rented Sector.
- Research into monitoring, managing and combating the occurrence of anti-social behaviour will be encouraged in the Housing Authority area.
- Monthly statistics will be brought before the Elected Council in relation to the number of complaints received and how they were resolved.

2. The co-ordination of services within the Housing Authority directed at dealing with, preventing or reducing anti-social behaviour

Proposals to achieve this objective

- The coordination of services within the Housing Department is a necessary component of managing and combating anti-social behaviour. The synchronisation of responsibility will ensure that resources are used efficiently in pursuit of the about objectives.
- The Housing Authority will aim to bolster the quality, frequency and consistency of internal communications between Tenant Liaison Officers, Investigation Officers, Social Workers and Assessment Officers.
- Anti-social behaviour procedures and policies will be implemented throughout the administrative area of Louth County Council.
- All complaints of anti-social behaviour will be managed on a case conference basis with subsequent reviews.

3. **The promotion of co-operation with other persons including An Garda Síochána, in the performance of their respective functions insofar as they relate to dealing with either the prevention or reduction of anti-social behaviour having regard to the need to avoid duplication of activities by the Housing Authority and such other persons in the performance of those functions**

Proposals to achieve this objective

- A report will be prepared annually for the Joint Policing Committee on all anti-social behaviour statistics within County Louth.
- A report will be prepared half yearly for each operational Garda District within County Louth on anti-social behaviour relevant to the Local Policing Forum.
- A multi agency approach will be activated whenever necessary to deal with specific needs in specific localities and will conclude only when the issues have been resolved.
- The Housing Authority will engage with the HSE, Statutory and Voluntary Support Organisations where necessary to ensure that the relevant authorities and supports are available in individual cases.
- The Housing Authority will support, where applicable, neighbourhood watch schemes and community policing initiatives.

4. Promotion of good estate management

Proposals to achieve this objective

The Housing Authority will

- Encourage greater participation in pre-tenancy courses.
- Encourage all residents and tenants to become involved in management of their estates.
- Support the development of residents associations.
- Support the community planning department and Tenant Liaison Officers to ensure the development of communities.
- Monitor Tenancy Agreements to ensure ongoing compliance with all conditions of tenancy.
- Utilise the offices of Sports Development Officers to encourage young persons in particular to participate in sports.

Appendix A

Louth County Council will investigate every complaint in a fair, impartial and objective manner. This may involve enquiries with other statutory agencies in accordance with section 15 of the Housing (Miscellaneous Provisions) Act 1997, and consulting other tenants/residents/ and resident committees.

The respondent may be interviewed at his/her dwelling, or in some cases at the Council offices. All allegations will be presented to the respondent and the file will be updated with any comments made. Depending on the circumstances of the allegation made, the local authority may refer the matter to Housing Support Services or Garda/Health Authority or indeed attempt to provide a mediation solution.

In all other cases, the respondent will be advised that he/she may be accompanied by a friend or other representative at the interview. Any responses will be fully investigated and taken into account, as appropriate. If the Anti-social Behaviour Section has reasonable grounds for believing that the respondent is involved in Anti-Social Behaviour or has breached his/her Tenancy Agreement, a recommendation will be made to the Senior Executive Officer, who will review the investigating officers' report and issue one of the following decisions:-

- **No Further Action**
- **Verbal Notification** advising of breach of tenancy agreement and consequences that may follow if the behaviour does not immediately cease or breach not remedied
- **Notification Letter** advising breach of tenancy agreement, warning that Tenancy Warning maybe served and/or possession application made if the behaviour is repeated or continued within the following 12 month period
- **Issue of a Tenancy Warning**
- **Application for an Excluding Order**
- **Application for a Possession Order in respect of the Dwelling**

Serious incidents of anti social behaviour may warrant an immediate application for an excluding order or the issue and service of a Tenancy Warning

Upon completion of an investigation a complainant will be advised that the matter has been concluded.

The investigation may also conclude that the complainant was vexatious and if so the sanctions of this Strategy may apply to the complainant.

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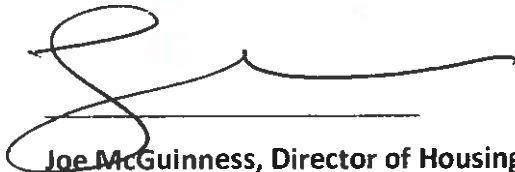
Review request

The tenant has the right to request a review of any statutory Tenancy Warning issued by Louth County Council. The tenant must submit any review request to the Housing Directorate in writing within 10 working days of the issue of the Tenancy Warning and upon receipt the request for review will be forwarded to the designated authorised officer for a decision on the review request.

The official seal of the Louth County Council was affixed hereto this 16th day of May 2016 in the presence of:



Cathaoirleach



Joe McGuinness, Director of Housing Services.