

**Comhairle Contae an Chláir**  
**CLARE COUNTY COUNCIL**

**Housing, Social and Cultural Services Directorate**

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**Anti-Social Behaviour Strategy**

**December 2010**  
**Adopted by Clare County Council**

# Anti-Social Behaviour Strategy

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A large print accessible version of this is available on request.

## 1. Introduction

Clare County Council is committed to the ideal that tenants of the Council and residents living near tenants of the Council are able to enjoy living in their dwellings free from anti-social behaviour and from nuisance behaviour that detracts from quality of life.

Clare County Council has had a policy in this regard since 2005. This policy which was adopted by Clare County Council arises from new legislation, the Housing (Miscellaneous Provisions) Act 2009, which *requires* each housing authority on a statutory basis to have an anti-social behaviour strategy in place.

This strategy applies to the administration by the Council of:

- ✚ Dwellings let under the Housing Acts 1966 to 2009
- ✚ Dwellings that are the subject of rental accommodation availability agreements
- ✚ Dwellings lived in by relevant purchasers (tenant purchasers/incremental purchasers) and their successors
- ✚ Sites for Travellers.

## 2. Policy Objectives

This strategy seeks to achieve the following objectives

- Prevent and reduce incidences of Anti-Social Behaviour in areas where housing units and sites, are provided under the Housing Acts, 1966 – 2009.
- Co-ordinate services, within the Housing Authority, that are specifically directed at dealing with, or preventing or reducing Anti-Social Behaviour,
- Promote co-operation with other persons, including An Garda Síochána, in the performance of their respective functions insofar as they relate to dealing with, preventing, or reducing anti-social behaviour, having regard to the need to avoid duplication of activities
- Promote good estate management

Clare County Council will endeavour to implement the strategy and achieve these objectives by adopting preventative, responsive and enforcement measures.

## 3. Preventative Measures

**The Council will take the following preventative measures aimed at preventing and reducing anti-social behaviour in social housing supported property and estates**

### **Apply screening to all applications for social housing support**

The Council will require applicants for social housing support to fully complete application forms and disclose all required information for each member of the household. No exceptions will be made to this.

The Council will apply to other housing authorities or appropriate statutory agencies, especially An Garda Síochána, for information in relation to any person seeking a house from the authority or residing or proposing to reside at a house provided by the authority.

### **Carefully consider lettings and allocations**

The Council will take both applicant and community profile factors into account in making lettings and allocations in the interests of achieving integrated and sustainable neighbourhoods.

### **Base all tenancies on binding agreements**

The Council will continue to base all tenancies on binding written agreements which contain clear clauses about anti-social and nuisance behaviour. The Council has incorporated revisions required in the 2009 Act into standard tenancy agreements.

### **Support the establishment & continuation of Residents Associations/Community Groups**

The Council supports, promotes and assists representative residents' groups to establish and to continue. The Council will also support their local work by facilitating crime prevention and sessional training on anti-social behaviour related issues.

#### **Take into account results of screening of all applications for social housing support**

The Council will refuse or defer lettings and allocations to any applicant who has a history of anti social behaviour. Such refusal or deferral will not be indefinite but may be reviewed not less than every 2 years. The Council will similarly refuse or defer lettings or allocations to any applicant who the local authority believes is or has been involved in antisocial behaviour or where the letting or allocation would not be in the interests of good estate management, but who has not been convicted of a relevant offence. Such refusal or deferral will not be indefinite but may be reviewed, as above.

#### **Take into account results of Garda vetting for all applications for tenant purchase or incremental purchase or in applications to the housing authority for consent to sale of a tenanted or incrementally purchased property**

The Council will refuse to sell under the tenant or incremental purchase scheme where the applicant is or has been involved in anti-social behaviour. Such refusal or deferral will not be indefinite but may be reviewed not less than every 2 years.

#### **Refuse to Sell a Dwelling on the Grounds of Good Estate Management**

Clare County Council will refuse to sell a dwelling to a tenant if it considers there is good reason on the grounds of good estate management and will also refuse consent to the sale/purchase of a dwelling on the same grounds. The tenant/tenant purchaser and the intended purchaser will be fully informed of the Council's decision. Such decisions may be subject to review not less than every 2 years.

#### **Refuse/Defer Lettings or Allocations on the Grounds of Good Estate Management.**

Clare County Council will refuse to make a letting or defer a letting to any housing applicant if it considers there is good reason for doing so on the grounds of good estate management. Each case will be treated on an individual basis and the applicant will be fully informed of the Council's decision. Such decisions may be subject to review not less than every 2 years.

#### **Publicise the anti-social complaints procedure**

The Council will publicise the complaints procedure and the strategy using communications to tenants, the Council's website, the network of residents associations, the offices of other agencies, and any available fora.

#### **Engage with research and education about anti-social behaviour**

The Council acknowledges the benefits of research and education in the delivery of all its housing programmes. As part of this strategy, housing personnel will work with any external researchers linked to educational or research institutes to further the ideals at the heart of this strategy. The Council will continue to require new tenants to undergo pre-tenancy training including a module about anti-social behaviour, its impact, reporting procedures and measures that can be taken against it. The Council will continue to enable its personnel to receive training in best practice in this area.

### **The Council will take the following preventative measures aimed at co-ordinating services specifically directed at dealing with anti-social behaviour**

#### **Build up closer relations with the Garda Siochana and other Agencies and to share information in dealing with anti-social behaviour.**

The Council will foster the ongoing multi-agency links with, the Health Service Executive, the Gardai, Department of Social Protection, and any other statutory or voluntary bodies that can be brought to bear on problem cases. In particular, meetings with Garda divisions will be held once every two months to discuss particular cases in that geographical area.

The Council will also participate in case conferences organised by other state agencies with a view to working with those agencies where vulnerable families or juveniles are involved and anti-social behaviour complaints to the housing authority are involved.

#### **Direct resources towards dealing with anti-social behaviour in Traveller Group Schemes**

The Council, as housing authority, will lead the Accommodation sub-group of the Integrated Strategy for the Provision of Services to the Travelling Community and will endeavour to deliver the agreed accommodation

actions some of which are aimed at preventing and reducing anti-social behaviour and increasing positive estate management in Traveller specific group housing schemes.

#### **Integrate this strategy and its outcomes with the Joint Policing Committees**

The Council will update Joint Policing Committees as appropriate on the implementation of this strategy.

## **4. Responsive Measures**

### **The Council will take the following responsive measures in dealing with anti-social behaviour.**

#### **Record and investigate complaints in a fair manner and within specified timeframes.**

The Council will facilitate complaints to be made in a variety of ways – by phone, in writing, or face to face to housing staff. The Council commits to initiating an investigation into complaints within a maximum of 15 working days of being received. The complainant will be kept informed as to outcome of initial investigation, as appropriate.

#### **Facilitate people to make complaints in a confidential way by using the provisions of the Freedom of Information Act 1997 as amended where the complaints are given in confidence**

The Council will consider its complaints system as a confidential service and every effort will be made to protect the identity of the complainants. The Council assumes that a complainant requires the complaint to be dealt with in conditions of complete confidentiality unless the complainant specifically states (in writing) otherwise. Access to the complaints records is restricted and written records are locked and secure at all times when they are not actively in use.

If the nature of the complaint is likely to compromise the identity of the complainant, an investigation will not proceed, unless the latter gives specific written authorisation to do so.

The Council will fully comply with the provisions of the Freedom of Information Acts, 1997-2003. Information given to the Council by persons complaining of anti-social behaviour can be protected by Section 23, 26 and 27 of the Acts and the capacity to protect information given to the Council in this regard will be publicised.

## **5. Enforcement Measures**

The Council will use its enforcement powers to the fullest possible extent, but it is considered appropriate to note that the appropriate course of action will depend on a variety of factors including:

- ✚ The nature & seriousness of the complaint or adverse behaviour;
- ✚ The number of associated incidents;
- ✚ The readiness of the complainant to pursue the remedies available;
- ✚ The powers at the Council's disposal, or at the disposal of other bodies;
- ✚ The quality of the evidence and reliability of information grounding the complaint.
- ✚ The response of the respondent to the complaint.

### **The following enforcement measures will be taken by the Council.**

#### **Operate escalating warning system for tenancy breaches**

If breaches of the tenancy agreement come to the Council's attention, warning letters will be issued about the terms of the tenancy. The warning letters will give opportunity, where appropriate, for a tenant to remedy the breach and comply with requirements. The escalating warning system is design to afford due process. Tenancy file histories are maintained and follow up details are retained for reference purposes. These are necessary in the event that engaging with the tenant and warning the tenant fail and exclusion or eviction proceedings must proceed.

The warning due process will be dispensed with in the event of anti-social behaviour involving the production or sale or supply of drugs by a tenant in accommodation covered by this strategy. In such a case, eviction or exclusion proceedings will be taken by the Council.

#### **Enforce the legislation in the most serious of cases as outlined in the Council's policy in implementing the legislation.**

With a structured complaints system in place, serious cases can be identified and reacted to. If necessary, the Council will enforce the legislation and institute legal proceedings.

### **Sanction applicants for social housing support for breaches of the information provision requirement**

The Council will sanction applicants for social housing who provide false or misleading information or who fail to provide or conceal required information, relating to persons residing or to reside with the applicant, by refusing or deferring a letting in such cases. The Council may also prosecute an offence in this regard, using the provisions of section 32 of the 2009 Housing Act.

### **Apply sanction to tenants housed from rental accommodation availability agreements**

If the Council has reason to believe that a person in a rental accommodation agreement tenancy is engaging in anti-social behaviour, contrary to their tenancy obligations, and where the behaviour is persistent or very serious, the Council will notify the provider with a view to the termination of the tenancy.

### **Deal quickly with squatters**

Where squatters have taken up residence in property under Council management, the full available provisions will be brought to bear in removing the squatters from the property. In this regard, the Council will work closely with An Garda Síochána.

## **6. Legislation**

Clare County Council may use the powers available under current and future housing legislation to tackle problems of anti-social behaviour that may arise.

The legal framework in which this strategy is formulated is as follows –

- ◆ Conveyancing Act 1881
- ◆ Housing Act 1966
- ◆ Housing Act 1970
- ◆ Housing (Miscellaneous Provisions) Act, 1992
- ◆ Housing (Miscellaneous Provisions) Act, 1997
- ◆ Housing (Traveller Accommodation) Act 1998
- ◆ Part V, Planning & Development Act, 2000
- ◆ Housing (Miscellaneous Provisions) Act, 2002
- ◆ Freedom of Information Acts, 1997 and 2003
- ◆ Residential Tenancies Act 2004
- ◆ Housing (Miscellaneous Provisions) Act, 2009

The Council will utilise its powers to give evidence itself, in conjunction with An Garda Síochána, in serious cases in the court where other possible witnesses are not in a position to give evidence themselves due to intimidation or fear.

Arising from the Housing (Miscellaneous Provisions) Acts 1997 and 2009, **anti-social behaviour** is defined as

- ✚ “the manufacture, production, preparation, importation, exportation, sale, supply, possession for the purposes of sale or supply, or distribution of a controlled drug (within the meaning of the Misuse of Drugs Acts, 1977 and 1984),
- ✚ any behaviour which causes or is likely to cause any significant or persistent danger, injury, damage, 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 2009, or a housing estate in which the house is situated and without prejudice to the foregoing includes
  - violence, threats, intimidation, coercion, harassment or serious obstruction of any person.
  - Behaviour which causes significant or persistent impairment of a person’s use or enjoyment of his or her home or
  - Damage to or defacement by writing or other marks of any property, including a person’s home.

**Estate Management** is defined as

- ✚ the 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,
- ✚ 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;

## **7. Policy in implementing the legislation**

Clare County Council is committed to investigating complaints of anti-social behaviour that are relevant to this strategy in a fair, impartial and objective manner, and will enforce the available legislation in serious cases. The ultimate remedies in the most serious cases are the seeking of an excluding order or an eviction order.

The Council will endeavour to avoid the eviction of an entire household where the anti-social behaviour is being perpetrated by an individual within the household, by seeking to exclude that individual only.

The Council will not seek an excluding order against a person aged less than eighteen years. Where minors under 18 are involved in anti-social behaviour, the Council will engage with relevant personnel to address this, in particular the juvenile liaison officers of An Garda Siochana and the child welfare and protection personnel of the HSE.

The Council will assist and advise tenants who wish to apply to the district court for an excluding order against a members of the tenant's own household.

### **Drug Dealing**

Clare County Council will not tolerate the manufacture, production, preparation, importation, exportation, sale, supply, or possession for the purpose of sale or supply, or distribution of a controlled drug by any tenant and will take legal proceedings by way of a targeted excluding order, or if necessary eviction proceedings against the entire household. Warning letters will not be sent to tenants involved in or convicted of drug offences as above.

Any persons who are the subject of an excluding order or eviction on grounds of anti-social behaviour will not be considered for rehousing for a period of 3 years and/or until such time as the Council is satisfied that he/she is capable of living without engaging in such behaviour. It is the Council's policy to advocate to the HSE that persons evicted for anti-social behaviour should not receive rent allowance for any property in the vicinity of the property from which they were evicted. It is noted that the decision to grant or withhold rent allowance is solely a matter for the HSE.

## **8.0 Complaints Procedure**

The Council in exercising its function as a housing authority will accept and investigate complaints of anti-social behaviour against tenants in Council properties, tenants in properties that are the subject of rental accommodation availability agreements, and relevant purchasers, within its area of responsibility. Complaints may be submitted by telephone or in writing (by paper or email) or may be taken in face to face contact with relevant officials. A standardised complaints record will be created at the outset on which to base subsequent work in investigating and following up.

The Council considers that complaints will be either of a criminal nature, falling within the definitions in the housing acts, or they may be in the category of breaches of tenancy agreement. They will all be recorded and investigated. Anonymous complaints will be recorded but may not be investigated, depending on the circumstances involved. The Council acknowledges that all complaints are very serious for the complainants and for the purposes of ensuring that resources are directed effectively and quickly on the most serious incidences, the Council will categorise some complaints as high priority.

An investigation will be initiated within a maximum of 15 working days of receipt, but high priority incidences will be expedited (eg. drugs for sale or supply, violence, damage to property, alcohol/solvent/drug abuse, threats, intimidation/harassment, house parties/noise/disturbance, damage to property/graffiti. Other complaint examples are rubbish/maintenance, unauthorised tenants staying in house.

The Council will involve relevant agencies for example An Garda Siochana, Department of Social Protection, the Health Service Executive and any other agencies, where considered appropriate. In this regard, the

Council will utilise fully the available powers in accordance with section 15 of the Housing (Miscellaneous Provisions) Act, 1997.

For persistent cases a standardised form may be provided to the complainant to record details of anti-social activity to assist with possible enforcement action.

The respondent may be interviewed at his/her dwelling or at the Council offices. All allegations will be presented to the respondent and complaints records will be updated with any investigation outcomes.

If the investigating official has reasonable grounds for believing that the respondent is involved in anti-social behaviour or has breached his/her tenancy agreement s/he will deal with the matter in any of the following ways:

- ✚ No further action
- ✚ Mediation;
- ✚ Tenant training
- ✚ Referral to other relevant Council sections
- ✚ Referral to other Agencies such as Garda/Health Board;
- ✚ Formal warning letters;
- ✚ Await investigation by other Agencies
- ✚ Apply for Excluding Order
- ✚ Terminate Tenancy by Service of Notice to Quit

The complainant will be updated with the progress of the investigation as far as is practicable and appropriate.

If it is the case that no further action can be taken about a complaint, this decision and the reason for it will be recorded.

If following investigation, the complaint is found to be untrue and vexatious or malicious in nature, consideration will be given to taking action against the complainant. The Council may refer the matter to An Garda Síochána.

## **9. Strategy Dissemination**

Clare County Council is committed to providing a quality service to all applicants for social housing support and beneficiaries of that support and to the wider community effected by housing policies.

A synopsis of this policy will be prepared and communicated to tenants at all available points of opportunity - via post, meetings, Council's website, pre-tenancy contacts, residents meetings, leaflet displays in Council outlets and the offices of other agencies.

### **Complaints can be made to**

*Housing Estate Management Officers*

Housing Department

Clare County Council

New Road

Ennis, County Clare

Hours of opening 9am to 5pm Monday to Friday

or by email to

ASBcomplaint@clarecoco.ie