

CLARE COUNTY COUNCIL
ANTI-SOCIAL BEHAVIOUR COMPLAINT FORM

Complainants Name :	
Complainants Address :	
Complainants Contact Tel No :	
Name of Person(s) about whom complaint is being made:	
Address of Person (s) about whom complaint is being	
Date of Incident:	

Location of Incident:

Nature of Complaint (Including times, dates, other witnesses as detailed as possible)

Reported to Gardai (Yes / No)	
If yes Name of Garda Station & Name of Garda :	

I hereby declare that the foregoing information I have supplied to Clare County Council is truthful and accurate.

SIGNATURE OF COMPLAINANT : _____ **DATE :** _____

Section 35 and Section 42(m) of the Freedom and Information Act 2014, as amended, requires public bodies to refuse to disclose information that was given to them in confidence. Please return completed form to Estate Management, Housing Directorate, Clare County Council, Áras Contae an Chláir, New Road, Ennis, Co. Clare.

Combating Anti-social Behaviour – Housing (Miscellaneous Provisions) Act 1997

Section 1 of this Act defines anti-social behaviour as either or both of the following :

- (a) 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 Act, 1977 and 1984).
- (b) 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 2002, or a housing estate in which the house is situate and without prejudice to the foregoing includes violence, threats, intimidation, coercion, harassment or serious obstruction of any person.

Possession of illegal drugs solely for personal use does not come within the definition of anti-social behaviour, nor does vandalism or damage to property unless the damage is used to intimidate or threaten. Serious violence and intimidation is frequently associated with drug dealing and must for the purposes of this Act involve significant or persistent danger, injury damage etc. to persons. The definition does not include noise and nuisance or other activities which would not normally be associated with the serious problems towards which the Act is targeted. However these lesser activities could represent breaches of the Tenancy Agreement and if this is the case legal proceedings under Section 62 of the Housing Act 1966 can be considered.

Cases of Domestic Violence do not come within the scope of this Act. The Domestic Violence Act 2001 is the appropriate legislation for such cases.

Excluding Orders

This legislation is designed to have a more targeted response to anti-social behaviour where by the specific offenders are dealt with thus avoiding the eviction of the entire household. In all cases every effort will be made by Clare County Council to pursue the option of seeking an Excluding Order before considering the eviction of the entire household. If granted, an Excluding Order can prohibit the respondent from entering the relevant dwelling or the entire estate for a period of up to three years. An Excluding Order can also prohibit a respondent from causing or attempting to cause any intimidation, coercion, harassment or obstruction of, threat to, or interference with the tenant or other occupant of the dwelling concerned.