

Comhairle Contae Thiobraid Árann Thuaidh
North Tipperary County Council



ANTI – SOCIAL BEHAVIOUR STRATEGY 2010

COUNTY MANAGER

CIVIC OFFICES

LIMERICK ROAD

NENAGH

JUNE 2010

PHONE: (067) 44500

FAX (067) 31162

*‘AG OBAIR LEIS AN BPOBAL’
‘WORKING WITH THE COMMUNITY’*

INTRODUCTION

North Tipperary County Council (hereinafter called “the Council”) acknowledges that anti-social behaviour can have a negative impact on the lives of people and is committed to promoting a safe and secure environment for all residents of its housing estates. In order to achieve this, the Council has adopted a very strong position where such acts of anti-social behaviour are proven.

This Strategy on Anti-Social Behaviour outlines the Council’s:

1. Objectives.
2. Strategies for Preventing and Combating Anti-Social Behaviour.
3. Procedures for dealing with complaints.

Definition of Anti Social Behaviour

The Housing (Miscellaneous Provisions) Act, 1997 as amended by the Housing (Miscellaneous Provisions) Act 2009 defines Anti-Social Behaviour as:

- (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 Act, 1977 and 1984)”.*
- (b) *“Any behaviour that 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 2009 or Part V of the Planning and Development Act 2000 as amended or a housing estate in which the house is situate or a site 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*

In cases where the use of drugs, as defined in the Misuse of Drugs Acts, result in incidents of anti-social behaviour, such incidents will be dealt with under the terms of this Strategy.

In addition to the above, acts of anti-social behaviour are outlined in Section 18 of North Tipperary County Council’s Tenancy Agreement. Any breaches of this Agreement can be dealt with under Section 62 of the Housing Act, 1966.

Objectives

- 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 co-operation with other persons or bodies including the Health Service Executive and the Garda Síochána, in the performance of their respective functions in relation to preventing or reducing anti-social behaviour in order to avoid or reduce duplication of effort between the housing authority and the other person or body in performing their function.
- the promotion of good estate management as defined by Section 1 of the 1997 Act.

Strategies for Preventing and Combating Anti-Social Behaviour

The strategy will apply to those parts of its administration where North Tipperary County Council has:-

- (a) dwellings let under the Housing Acts 1966 to 2009;
- (b) dwellings that are subject of Chapter 4 tenancy agreements in accordance with the Housing (Miscellaneous Provisions) Act 2009 (RAS);
- (c) dwellings in which relevant purchasers live (as defined in the 1997 Housing Act, as amended) see appendix note 1
- (d) sites for Travellers (site in this context is defined in the Housing (Miscellaneous Provisions) Act 1997, as amended)

The strategy will also cover:-

- (a) tenant purchasers under Section 90 of the Housing Act 1966, and their successors
- (b) incremental purchasers under Part 3 in accordance with the Housing (miscellaneous Provisions) Act 2009, and apartment tenant purchasers under part 4 in accordance with the Housing (Miscellaneous Provisions) Act 2009, and their successor.

Preventing Anti-Social Behaviour:

- Implement more rigorous screening of applicants. The Council may request information on applicants for accommodation and on persons it believes are or have been engaged in anti-social behaviour, from other local authorities or from specified bodies including the Garda Síochána, Health Service Executive and the Criminal Assets Bureau in accordance with the provisions of Section 15 of the Housing (Miscellaneous Provisions) Act, 1997.
- The Council may use its right under Section 14(1) of the Housing (Miscellaneous Provisions) Act, 1997 to refuse to let or to defer the letting of a dwelling where:-
 - (a) the garda report confirms a conviction(s) (the period of deferral will depend on the seriousness of the crime – see Appendix note 2);
 - (b) the Council receives information that there is a serious criminal investigation ongoing against the applicant or against a person who forms part of the application – see Appendix note 3
 - (c) the Council believes an applicant is or has been engaged in anti-social behaviour, and where such a letting would not be in the interest of good estate management - see Appendix note 4
 - (d) the applicant fails to provide information, including information relating to persons residing or to reside with the applicant, and which the Council deems necessary to assess his or her application for housing.
- Improving the design of estates.
- Facilitate and encourage tenant participation in preventing and combating anti-social behaviour.
- Introduce this Policy to all new tenants as part of Pre-Tenancy Training and issue all new tenants with the Tenants Handbook which contains a section on anti-social behaviour.
- The Council may refuse to sell a dwelling to a tenant whom it believes is or has been engaged in anti-social behaviour or where such a sale would not be in the interests of good estate management (Section 14(2) of the Housing (Miscellaneous Provisions) Act, 1997).

Combating Anti-Social Behaviour:

- Co-ordinate the Council's response to anti-social behaviour with those of other relevant bodies including co-operating with the joint Policing Committee for North Tipperary County Council, the Garda Síochána and the HSE, that could play a role in dealing with problems of this nature.
- The Council guarantees confidentiality to the complainant (covered under Section 26 of the Freedom of Information Act, 1997, as amended).
- Inform tenants of their right to apply for an excluding order against any other occupant of their dwelling where the tenant believes that the other occupant is engaging in anti-social behaviour (covered under Section 3 of the Housing (Miscellaneous Provisions) Act, 1997).
- Where the tenant, through fear, will not make the application, this Council may exercise its right to make the application for the excluding order (also covered under Section 3 of the Housing (Miscellaneous Provisions) Act 1997).
- Where there is a conviction for drug dealing, the Council will immediately proceed for either an Excluding Order as above, or where all occupants are involved, an Eviction Order under Section 62 of the Housing Act, 1966.
- The Council are committed to putting in place, good practice guidelines in relation to preventing and combating anti-social behaviour and will continue to carry out research in this area

Procedures for dealing with complaints:

Recording a Complaint:

- Complaints will be accepted by telephone or in writing provided the complainants give their name, address and if possible, telephone contact details.
- All complaints will be treated in a confidential manner.
- If the nature of the complaint would tend to identify 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.
- The responsibility for investigating each complaint will be given to an official nominated by the Senior Executive Officer, Housing.
- Anonymous complaints will not be recorded or investigated by the Council.

- Before an investigation takes place, preliminary enquiries will be made to ensure that complaints are not vexatious or without substance and to establish the reliability and credibility of complainants.

Examples of Complaints

Drug Dealing

Violence

Threats and Intimidation

Coercion

Harassment

Serious Obstruction

Damage to Property

Defacement of property by writing (Graffiti)

Noise

Dogs/Horses

Investigating:

Investigations may be carried out in different manners 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:

- Interview the complainant.
- Interview the person against whom the complaint is made.
- Make door to door enquiries within the estate where the alleged incident occurred.

If the complainant requests confidentiality, a file will be marked “Confidential” and kept in a locked cabinet.

All statements and interview notes will be put on file.

If the complaints of anti-social behaviour are proven, the course of action to be taken in dealing with the offender may be decided at a case conference, depending on the seriousness of the complaint.

Before any action is taken, the necessary contact will be made by the Tenant Liaison Officer to engage the person/s who is/are the subject of the complaint, to deal with the issues. Their permission will be sought to involve other agencies in an effort to draw up a programme of social supports to meet their needs.

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 if the person or persons refuse to comply or engage with the Council the procedures set out hereunder will be followed.

Involvement of other Agencies:

The Council will not apply to the District Court for an Excluding Order or to terminate a tenancy by serving a Notice to Quit for reasons of anti-social behaviour without first consulting with the Health Service Executive and the Garda Síochána with regard to its intention to bring such an application.

The Council will also notify the Health Service Executive and the Garda Síochána of the outcome of any court proceedings under the Housing (Miscellaneous Provisions) Act 2009.

Action:

If a tenant is convicted of drug dealing or serious acts of violence, the Council will immediately:

- (i) Apply to the District Court in the Court Area where the property is situated for an Excluding Order under the Housing (Miscellaneous Provisions) Act, 1997 – where not all occupants are involved.
- (ii) Apply to the District Court in the Court Area where the property is situated for a Warrant for Possession under Section 62 of the Housing Act, 1966.

In complaints of a lesser nature the Council may deal with them in the following manner:

- (a) Interview offender and issue a verbal warning.
- (b) Issue a written warning.
- (c) Issue a final warning.
- (d) Issue a Notice to Quit.
- (e) Commence Court Proceedings to recover possession of the property.

Where an Excluding Order or Warrant for Possession is granted to the Council as a result of Anti-Social Behaviour, the tenant will be deemed to have deliberately rendered himself or herself homeless within the meaning of Section 11(2)(b) of the Housing Act, 1988 and will not be considered for rehousing by this Council.

APPENDIX

- (1) A relevant purchaser is defined in the 1997 Housing Act (as amended) as a person to whom a housing authority has sold a house under the Housing Acts 1966 to 2009, and/or his or her successor in title, whether by sale or other means.

- (2) An applicant or a person who forms part of the Housing Application who has a conviction must demonstrate a subsequent period of two years crime free before their application can be processed any further (excluding any period of custodial sentence).

- (3) Where there is a serious criminal investigation ongoing the application will be deferred for a period of two years or pending the outcome of any investigation.

- (4) Where the Council believes an applicant, or a person who forms part of the Housing Application, is involved in anti-social behaviour the application will be deferred for a period of six months or until the Council is satisfied that the person has demonstrated a period of six months free of involvement in such behaviour