



ANTI-SOCIAL BEHAVIOUR STRATEGY

Policies, Objectives and Strategies in Combating Anti-social Behaviour

Adopted by South Dublin County Council on the 10th day of December
2018

Table of Contents

1.	Mission Statement	3
2.	Introduction	4
3.	Definition	5
4.	Categorisation of Anti-Social Behaviour	6
5.	Objectives	7
6.	Action Plan	8
7.	Policy	11
8.	Principles.....	11
9.	Complaints.....	12
10.	Implementation.....	13
11.	Monitoring and Performance Indicators	13
12.	Strategic Proposals.....	16
13.	Tenant Association and Estate Management.....	15
14.	Procedure for Processing Complaints	18
15.	Information Sharing.....	19
16.	Investigation of Complaints	19
17.	Mediation	23
18.	Initiating Legal Action	23
19.	Refusal to Sell, consent to Re-Sale or Allocation of a dwelling	23
20.	Re-admission to Housing List – following termination of tenancy	25
21.	Rights of Tenants	25
22.	Responsibilities of Tenants.....	25
23.	Health and Safety of Staff	25
24.	Customer Service	26
25.	Appendices	27

1. South Dublin County Council's Mission Statement

The aim of South Dublin County Council is to make our county the best possible place in which to live, work and do business.

The objective of this strategy is to assist in the creation of and sustainment of a safe and peaceful living environment for the communities of South Dublin County Council by actively tackling anti-social behaviour through prevention, reduction, enforcement, support and rehabilitation.

DRAFT

2. Introduction

An Anti-Social Strategy is required to be drawn up and adopted by South Dublin County Council under Section 35 of the Housing (Miscellaneous Provisions) Act 2009. The Council's Strategy has now been reviewed to incorporate the necessary amendments to bring the policy into line with the new legislative requirements in the Housing (Miscellaneous Provisions) Act, 2014 and other relevant legislation.

The revised Strategy will apply to the parts of the administrative area of the Council in which are situated—

- (a) dwellings let by the housing authority to tenants under the Housing Acts 1966 to 2014,
- (b) dwellings which are the subject of Chapter 4 tenancy agreements,
- (c) dwellings in which relevant purchasers (within the meaning of section 1 of the Housing (Miscellaneous Provisions) Act 1997) reside, and
- (d) sites (within the meaning of section 1 of the Housing (Miscellaneous Provisions) Act 1997).

South Dublin County Council recognises that anti-social behaviour can have a very significant adverse effect on the quality of life of its tenants and on their communities. The Council has approximately 10,000 social housing properties, and it is accepted that only small numbers of persons are involved in anti-social behaviour.

The Council in the interests of all of its tenants and the community promotes the peaceful occupation and enjoyment of dwellings. The Council works in partnership with its tenants and various other stakeholders to take proactive steps to prevent and eliminate such behaviour.

The Council's powers in relation to Estate Management and Anti- Social Behaviour are contained in the Housing Acts 1966 to 2014 and in particular the Housing (Miscellaneous Provisions) Act 1997 and Housing (Miscellaneous Provisions) Act 2014. This Strategy will be implemented in conjunction with the Council's Allocation Scheme, Homeless Action Plan and the Traveller Accommodation Programme.

South Dublin County Council, is the housing authority, and attempts to strike a balance between the rights of the victim, to live without

having to endure the anti-social behaviour of others, with the rights of the perpetrator to a fair hearing and the opportunity to redeem themselves through changing their behaviour.

The Council seeks to support tenants and members of their households who lapse in their behaviour as citizens. A preventative staged warning process will be used to effectively manage anti-social behaviour issues and deter offenders. While the Council is usually prepared to give such persons every chance to mend their ways, cases will arise where the Council will be obliged, in accordance with law, to seek to remove tenants and/or members of their households in the interest of protecting other members of the community.

The Council will continue to work closely with An Garda Síochána and other agencies to share information, in accordance with the Data Protection Acts 1988 and 2018 and the Housing (Miscellaneous Provisions) Act 1997, in dealing with anti-social behaviour.

Multi-agency panels have been created linking the Council with both statutory and non-statutory organisations. The agencies for the purpose of this Strategy are as follow:

- An Garda Síochána
- Department of Social Protection
- Health Service Executive
- Tusla (Child and Family Agency)
- Probation Services
- Department of Education and Skills
- Tallaght and Clondalkin Drug and Alcohol Task Forces
- Clondalkin and Tallaght Traveller Community Development Groups

Co-operation between agencies will assist in ensuring a co-ordinated approach to dealing with, or the prevention or reduction of, anti-social behaviour and the successful resolution of anti-social problems, while having regard to the need to avoid duplication of activities by the housing authority and such other persons in the performance of their respective functions.

3. Definition

Anti-social behaviour is defined in the Housing (Miscellaneous Provisions) Act 2014 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 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 (as amended) of the Planning and 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 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

While particular incidents can fall within both anti-social and criminal classifications it is important to state that the Local Authority's role is to pursue incidents through the anti-social provisions of the Housing Acts using the civil law and An Garda Síochána's role is to pursue incidents through criminal justice mechanisms.

Please note: 'Tenant' and 'Tenancy Agreement' and analogous terms include reference to "Licence Holder" and "Bay Licence" and analogous terms as appropriate.

4. Categorisation of Anti-Social Behaviour Complaints

For the purposes of defining and monitoring different types of anti-social behaviour, the Council will use the following categories. Some of these complaints will come within the definition of Anti-social behaviour as defined within the 1997 Act as amended and some will be outside the definition but entail breaches of the Tenancy Agreement.

Category 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 Acts, 1977 and 2007)

Category 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 2014, or a housing estate in which the house is situated and without prejudice to the foregoing includes violence, threats, intimidation, coercion, harassment, racism or serious obstruction of any person.

Category C

Breaches of those terms within the tenancy agreement that do not fall within Category A and B above.

Within each of these three categories, priority will be allocated on the basis of seriousness and impact of the particular incidents.

Some complaints in Category C may not in fact constitute 'anti-social behaviour' under the definition but the behaviour complained of may nonetheless constitute a breach of the tenancy agreement by the tenant and in those cases, the Council may also take action against the tenant.

Noise

Unreasonable noise from a dwelling is a common problem and if a resolution cannot be agreed then a complainant can make an application to the District Court for a Noise Abatement Order in accordance with **Section 108, Environmental Protection Agency Act, 1992**. If the noise is significant and persistent and affects more than one neighbour it will be viewed as a breach of the tenancy agreement and will be investigated.

5. Objectives

The principal objectives of this Strategy are:

- The prevention and reduction of anti- social behaviour
- The co-ordination of services to deal with anti- social behaviour
- The continuation of a multi agency approach to dealing with anti-social behaviour

- The promotion of co-operation with other persons/bodies including an Garda Síochána in the performance of their respective functions in relation to preventing/reducing anti-social behavior
- The promotion of good estate management

6. Action Plan

The objectives outlined above will be achieved by implementing the following action plan.

6.1. Allocation Support Unit: will investigate all complaints of anti-social behaviour fairly, objectively, and impartially; and in appropriate cases and where necessary recommend to the Chief Executive the initiation of court proceedings to seek the possession of dwellings and/or the exclusion of persons from dwellings or other areas in accordance with law

6.2. Estate Management Unit: will continue to promote greater resident involvement in the management and development of their estates.

6.3. Traveller Accommodation Unit: The Council has a dedicated unit to deal with the management and control of Traveller Specific Accommodation and to deal with anti- social issues that may arise. This unit will build meaningful relationships with the Traveling Community and will mediate disputes where possible.

6.4. Response Times: The Council will respond to all complaints within 5 working days (serious cases prioritised) and initiate an investigation into all complaints within 10 working days. Thereafter it depends on the action considered necessary.

6.5. Relationship Building: Established links with agencies such as the Gardaí, the Health Service Executive, the Probation service, the Childhood Development Initiative, the Traveller support groups, Drug addiction support services, Tallaght and Clondalkin Drug and Alcohol Task Force, Youth Services, Homeless Agencies, Community Groups, and Schools will be further developed and nurtured for the benefit of the Community.

6.6. Housing Welfare Service: The Council provides this service so as to sustain as many tenancies as possible and to provide support for tenants who require such support. The Housing Welfare Service will

link in with other social services and will represent the Council at case conferences where multi- agency intervention is required.

In implementing the strategy the Council will seek also to be consistent in its operation with the Homeless Action Plan for the South Dublin area and the National Homeless Strategy.

6.7. Homelessness: Each of the Dublin Local Authorities is now responsible for dealing with homelessness in its own administrative area. Changes to the way in which homeless services are configured will ensure that households achieve a seamless and timely exit from homelessness. However in the first instance the Council will explore all avenues including intensive tenancy sustainment efforts to ensure that homelessness occurs in the absolute minimum number of instances.

South Dublin County Council is aware of its statutory functions regarding all homeless persons including those who have been evicted for anti- social behaviour or for non payment of rent.

6.8. Community Services Department: The Council will draw on its resources to promote Community development as a counter to conditions where anti -social behaviour can flourish. Responses to anti- social behaviour will be addressed in the context of community safety at all times. Use of Council facilities and participation in pro-social initiatives will be promoted.

Information about all the community facilities which are available in the South Dublin Area are available in the Council's website www.sdcc.ie

6.9. Estate Management Clinics: The Council will continue to actively participate in the Estate Management Clinics which are also attended by the Community Gardaí. The operation of the clinics will be advertised at every available opportunity so that members of the public may avail of this confidential means of bringing information to the attention of the Council and the Gardaí. A list of the clinics is available at www.sdcc.ie

6.10. Local Policing Fora: Three local Policing Fora have been set up by the South Dublin Joint Policing Committee. The fora will facilitate public meetings to discuss relevant issues from the respective areas they cover. These meetings are held regularly in Tallaght and Clondalkin and bring together the various parties with responsibility for public order matters. The Council is committed to active participation in the fora as a means of furthering safer communities.

The Council is also represented on and actively involved in the Community Safety fora. These will be developed and expanded, where possible, to encourage mechanisms whereby confidentiality / anonymity might be provided to residents bringing forward information about Estate Management issues.

6.11. Dublin Bus/Luas Community Forum: The Council will continue to actively participate in this forum with the ultimate aim of ensuring that no disruptions occur to this vital public transport service. Preventative measures will be taken as necessary to deter such activities.

DRAFT

7. Policy

It is the policy of South Dublin County Council to utilise its powers under the Housing Act 1966-2014 to:

- deal with, prevent and reduce anti-social behaviour within its functional area.
- Inform tenants of their rights and responsibilities in regard to incidents of anti-social behaviour
- Develop linkages and integration both within the local authority and with other agencies to create a more cohesive, coherent and effective approach to enforcement of all local authority responsibilities (for example dumping, rent arrears, dog licences, pollution etc.)
- Adopt a multi-agency approach, ensuring closer relations with the Garda Síochána, other agencies and sharing information in dealing with anti-social behaviour cases
- Make decisions on individual cases on the basis of thorough and fully informed investigations
- Utilise the extensive powers granted to the Council under Section 15 of the Housing (Miscellaneous Provisions) Act 1997 whereby information may be obtained from the Gardaí and other agencies about *‘any person seeking a house or site from the authority or seeking to occupy a caravan on a site or residing or proposing to reside at a house provided by the authority or by an approved body, including a house the subject of a rental accommodation availability agreement, or seeking or receiving any other housing support (within the meaning of the Housing (Miscellaneous Provisions) Act 2009) under the Housing Acts 1966 to 2009 , or whom the authority considers may be or may have been engaged in anti-social behaviour’.*

8. Principles

Listed below are the principles that the Council will abide by in the implementation of this policy:

- All cases will be dealt with in accordance with fair, impartial and objective procedures
- Confidentiality is ensured for both the accused and the complainant

- The Council will work in partnership with all relevant stakeholders particularly where the relevant response extends beyond the remit of the Council's authority
- The Council will take a holistic approach to the issue
- The Council will act within the framework set out in legislation
- The Council will have regard to the need to eliminate discrimination, promote equality of opportunity and treatment of the persons to whom it provides services, and to protect the human rights of the persons to whom it provides services.

9. Complaints

Complaints of anti- social behaviour and/or breaches of tenancy will be accepted by

- Phoning the Estate Management Unit on 01-414 9000 or email cccounter@sdublincoco.ie or by submitting a **Customer Care Contact Form**.
- Freephone 1800 200 245 and leave a message with details of the anti-social behaviour or;
- Complete an **Anti-Social incident report form** and return to our Customer Care Centres in Tallaght/ Clondalkin Civic Offices, or call to one of the Estate Management Clinics, details of venues, dates and times of clinics are available on www.sdcc.ie

9.1. How long does it take?

The Council will respond to all complaints within 5 working days (serious cases will be prioritised) and commence an investigation into all complaints within 10 working days. Thereafter it depends on the action considered necessary.

9.2. Confidentiality in the Anti-Social Process

All complaints relating to anti-social activity and breaches of Tenancy Agreements will be dealt with in a confidential manner subject to law.

9.3. Data Protection in the Anti-Social Process

All investigations are protected under Data Protection Acts 1988 and 2018 and therefore information cannot be given out about any investigation to the complainant or the public save in accordance with law.

9.4. Enforcement

While dealing with the root causes of anti-social behaviour, the Council also acknowledges the need to deal effectively with incidents of anti-social behaviour and breaches of analogous provisions of tenancy agreements where they occur. The Council recognises that this is critical to the development and sustaining of trust and relationship building with individual tenants and the wider community. It is a key factor in the effective implementation of this policy. The Council will take a very proactive approach on the issue of enforcement. This may result in applications to the Courts for repossession of dwellings which will result in the termination of tenancies and in applications for the exclusion of named persons from dwellings and other areas.

9.5. Support

Recognising the need to provide adequate support to both the accused and complainant, the Council aims to work in partnership with service providers to facilitate access to essential services that may be required during the development of different strategies but particularly during the enforcement process.

10. Implementation

This policy will be implemented through the development of an annual action plan for the Estate Management Section.

Procedures will be reviewed and clearly set out in order that the objectives of this strategy are achieved through the day-to-day processes and practices of the staff.

11. Monitoring and Performance Indicators

A system of performance measures will report on the levels of activity and will give a clear indication on how the implementation of the strategy is progressing, these will include the following:

- Number of Anti- Social incidents reported
- Number of Complaints received
- Number of House calls/Inspections
- Number of Demands for Possession
- Number of Abandonment Notices Served

- Number of Surrenders obtained
- Number of Interviews held
- Number of Pre- Tenancy Courses

A new integrated Housing Management System will be introduced which will assist in identifying trends in anti-social behaviour by type and geographical area throughout the county.

12. Strategic Proposals

12.1 Interagency Approach

The Council's Anti-Social Behaviour Strategy will be developed in co-operation with any other agency which could play a role in preventing, investigating and combating these problems, including the Gardaí, the HSE, the Local Traveller Accommodation Consultative Committee, Resident Associations, Family Support Services and the Tallaght and Clondalkin Drug/Alcohol Task Forces.

- Written protocols will be devised for the sharing of information on Anti-Social Behaviour with other relevant statutory agencies and the referral of cases to these agencies when appropriate
- Identification of named contacts in these agencies who are responsible for providing information to the council
- Information will be sought and provided in writing and appropriate records will be kept of all information exchanged
- The authority of any person seeking information will be established
- Where information is in the nature of opinion received from other sources it will not be passed on to other agencies but the agency in question will be referred to the original source of the information in accordance with data protection guidelines.
- Information of this type about tenants and applicants for social housing will be circulated to the minimum possible number of persons in the Council
- Information obtained under the Housing Acts will be used for local authority functions only relating to housing
- Multi – agency fora established for the exchange of information and for the co-ordination of responses to problems in individual estates will be maintained and this model for tackling anti- social issues will be extended to further suitable estates

12.2 Communication

A summary of this document will be communicated to all of our tenants, and elected members either by post, public meetings, pre-tenancy/information courses, residents meetings, estate management clinics, or by the display of leaflets in all of our Council offices, including County Hall, Tallaght, the Clondalkin Civic offices, libraries and the Council's website www.sdcc.ie. Leaflets will be provided to surrounding Garda Stations.

12.3 Good Practice

Systems already in place will be refined to ensure effective coordination between the Housing Department and other relevant departments of the Council especially those involving legal and community work.

- The potential for preventing, reducing and combating anti-social behaviour through the design of new accommodation units, the re-design of the existing stock, the planning of maintenance and large scale refurbishment will be key considerations in decisions relating to capital expenditure
- The dedicated budget for the prevention and combating anti-social behaviour will be maintained or expanded as resources permit
- The Council's statutory powers under the scheme of letting priorities and the tenancy agreement will be utilised to the greatest extent possible in preventing and dealing with anti-social behaviour
- Every opportunity to upskill staff will be availed of particularly those which develop interpersonal skills necessary for the effective interviewing of complainants and alleged perpetrators and liaison with outside agencies involved in this area of work
- Dedicated staff will continue to be assigned to this area of work including housing welfare and social work staff with appropriate qualifications

12.4 Complaint Management

The complaint reporting procedures will be reviewed regularly to ensure they are simple, easy to use and accessible to all residents of South Dublin County Council.

12.5 Applications for Housing Accommodation

The Council has put in place written protocols for requesting information on the involvement of applicants and those included on their housing application in anti-social behaviour from other Local Authorities, the Gardaí, Health Service Executive, the Criminal Assets Bureau, the Minister for Social and Family Affairs and approved voluntary and co-operative housing providers.

The tenancy agreement for accommodation contains a clause prohibiting anti-social and nuisance behaviour. This clause states clearly the types of behaviour which are prohibited. The pre-tenancy pack, which includes a summary of Tenant's obligations under their Tenancy Agreement specifies the different types of behaviour that are considered anti-social.

The Council will avail of every opportunity to make clear that it is the policy of the local authority to investigate anti-social activities and to take appropriate action to deal with them and advise that:

- Procedures are in place for protecting the welfare of victims and supporting the rehabilitation of perpetrators of anti-social behaviour
- Procedures exist for appeal and review of all actions taken by the local authority to combat anti-social behaviour and for assessing customer satisfaction with the anti-social behaviour service
- Procedures for making a complaint about the service are in operation and for addressing customer complaints, including target response times

13. Tenant Associations and Estate Management

The Council believes that the establishment of tenant associations and the involvement of tenants in housing management, encourages a sense of community and pride which discourages anti-social activity. Tenant associations can also play an active role in preventing anti-social behaviour in their area by helping to ensure that activities of this type are reported to the local authority and the Gardaí. Therefore, encouraging the development of and liaising with tenant groups is central to a strategic approach to preventing anti-social behaviour.

Pre-tenancy meetings are held with all new Council tenants at which their responsibilities as tenants of the Council are outlined to them including their responsibility to ensure that neither they, members of their household or visitors to their dwelling engage in anti-social behaviour.

The Council will at all times seek to develop links with existing tenant associations, or with other representative groups for tenants such as Traveller support groups, and encourage and support the development of new associations in areas where tenants do not have a representative body, with a view to involving them in preventing anti-social behaviour.

Tenant associations and individual tenants may also be consulted regarding the refurbishment and redesign of accommodation to incorporate security and anti-crime features.

In order to achieve best practice in preventing anti-social behaviour, tenants living in areas where these problems are particularly common will be encouraged to liaise with the local community Gardaí on a regular basis and to establish neighbourhood watch and community alert projects.

The Council will seek to strengthen estate-focused management systems in estates where levels of anti-social behaviour are high. This process may involve the following steps:

- Designation of individual Allocation Support Officers with responsibility for a specific estate or groups
- Re-organisation of clinics to improve accessibility
- Facilitate the making of complaints about anti- social behaviour on estates
- Improvement of relations with local communities
- Establishment of additional liaison committees
- Development of links with housing associations where mixed tenure estates are involved
- Facilitate the setting up of neighbourhood watch or community alert schemes in conjunction with the Gardaí
- Provision of recreational facilities for young people and children
- Community CCTV schemes in accordance with **Section 38 of the Garda Síochána Act 2005**, which provides for the installation of CCTV systems for public security purposes under the authority of the Garda Commissioner

If the monitoring of trends in anti-social incidents and cases reveals that social and community problems are contributing to this activity, the Council will endeavour to ensure that appropriate community, social and youth services are put in place, by informing relevant service providers, providing accommodation for relevant community projects in estates and by helping community projects to make applications for funding by providing grant aid if resources allow.

14. Procedure for Processing Complaints

The Council acknowledges that even the most sophisticated systems for preventing anti-social behaviour are unlikely to completely eradicate incidents of this type. Therefore efforts will be made to put in place a strategy for addressing these activities when they do occur.

In devising such a strategy the Council will aim to strike a balance between dealing promptly with complaints regarding anti-social behaviour, on the one hand and ensuring that cases are investigated thoroughly and fairly, on the other. Account will be taken of the necessity for measures to protect the welfare and ensure adequate customer care for both the complainants and alleged perpetrators of anti-social behaviour.

Assessing what action to combat anti-social behaviour is required and selecting the type of response appropriate to each case, is a three-stage process. (Please see Appendix 1)

Stage 1

The incident must be categorised on the basis of the type of activity involved. The Council has decided that action will be taken in all cases of drug related activities and dealing. Complaints regarding other types of anti-social behaviour, particularly those falling into category C, will only be dealt with if deemed appropriate.

Stage 2

The types of activity that do not automatically warrant action maybe examined accordingly to the seriousness of the incident in question.

Stage 3

The number of anti-social incidents associated with each case (individual or household) will be examined. In some cases it may be appropriate to take action if an incident is the latest in a long list or wide variety of problems associated with a household or an individual.

14.2. Case Conferences

Decisions to further investigate or initiate non-legal or legal action in cases of anti-social behaviour will be decided by means of a case conference comprising of staff with responsibility for anti-social behaviour including senior housing department staff where appropriate and may include other agencies where appropriate.

The vast majority of complaints regarding anti-social behaviour will warrant further investigation before they can be properly assessed. A number of techniques can be employed to do this and in some cases more than one method of investigation will be required to accurately assess complaints.

15. Information Sharing

The Housing (Miscellaneous Provisions) Act 1997 and the Housing Traveller Accommodation Act 1998 enable local authorities to request information on persons it believes are or have been engaged in anti-social behaviour from other local authorities or from specified bodies including the Gardaí, Health Service Executive and the Criminal Assets Bureau.

When seeking this information the Council will adhere to the protocols and Data Protection Acts 1988 & 2018 for sharing information on anti-social behaviour with outside agencies.

Whether information is sought from all of these bodies will depend on the nature of the case in question. However, in all cases concerning anti-social behaviour the Council will request the following information from local Gardaí under Section 15 of the Housing (Miscellaneous Provisions) Act 1997:

- Whether complaints have been made to them in relation to the individual, household or unit of accommodation concerned
- Whether a criminal prosecution is pending for any offence connected to the complaint received
- Whether the Gardaí have carried out any searches of the accommodation in question in relation to anti-social behavior and the results of searches
- Whether the person who is the subject of the complaint has any conviction for activities connected with behaviour described in the complaint or other anti-social behavior

16. Investigation of Complaints

In some cases it may be necessary to seek additional information from complainants regarding allegations of anti-social behaviour. This can be done by interviewing the complainant or asking them to keep records of any related incidents of anti-social behaviour.

If the interview method is used, local authority staff shall adhere to the guidelines for interviewing tenants in respect of allegations of anti-social behaviour.

Complainants will now be provided with standardised forms for recording each separate anti-social incident.

In order to achieve best practice in investigating anti-social behaviour the Council may consider seeking additional information from tenants, residents associations and Elected Representatives based in the areas in which the activities in question allegedly took place. The members of these groups have local knowledge which means that they can often provide information on anti-social behaviour that could not be easily accessed by other methods of investigation. However, fair procedure requires that this method of investigation should be used carefully. Tenants and residents associations that are not fully representative of the community as a whole will not be included in consultations of this type. In addition, in order to protect the identity of alleged perpetrators of anti-social behaviour and the personal safety of members of residents and tenants associations, all such consultation will be conducted in general terms, and specific details of anti-social incidents or alleged perpetrators will not be sought.

Once the Council is satisfied that a complaint regarding anti-social behaviour has some basis and that the alleged activity is sufficiently serious to warrant action, it will make contact with the tenant of the dwelling associated with the anti-social behaviour and invite them to attend a meeting to discuss the incident in question. Fair procedure requires that all communication and meetings with the tenant are objective and impartial. The purpose of this stage of the investigative process is to provide the tenant with an opportunity to present their side of the story.

16.1 Procedure for inviting tenants for interview in respect of allegations of anti-social behavior:

- First letter issued to tenant inviting them for interview giving them at least 5 working days notice, (unless a serious case); The letter will outline the allegation(s) of anti-social behaviour;
- If tenant fails to attend interview and makes no contact a second interview letter will issue giving a new date;
- If tenant continues to fail to attend or make contact with the Council a **Final Letter** for interview will issue by Registered Post and will inform the tenant of the consequences of failing to engage with the Council.

- If no response is received to the Final Letter the Council may take appropriate action to issue a Tenancy Warning (which provides for a review of the warning) and if not complied with to seek an order for re-possession resulting in the termination of the tenancy under Part 2 of the Housing (Miscellaneous Provisions) Act 2014, or an Excluding Order under the Housing (Miscellaneous Provisions) Act 1997 as amended.

16.2. Interview Procedure

16.2.1. Location

- When interviews are to be conducted in Council Offices, they will take place in a private meeting room
- Sufficient time will be allowed for the conduction of the interview
- No interviews should be conducted at the public counter or in a public place
- If interview takes place in the interviewee's home it should be conducted in an appropriate public part of the dwelling such as the living room

16.2.3. Interview Process

- Interviews will be conducted by two officers
- One Officer will take lead in interview while the other takes a record of the interview
- To ensure the interviewee understands the purpose of the meeting, the allegations being made and the consequences if the allegations are found to be substantiated the interview will be conducted in informal language
- It will be explained to the interviewee that the purpose of the interview is to hear their response to the allegations made
- The interviewee will be given sufficient time to make relevant points
- The interviewee will be allowed to have a person attend the interview with them, however, this person will not be permitted to make comments/statements in respect of the allegations. However, they will be permitted to ensure that the interviewee understands what is being said to the interviewee by the Officers
- It will be clearly explained to the interviewee that the interview is just part of the investigations into the allegations and that they will be informed of any action in writing that the Council intends to take in respect of the allegations and that any such action may include the issuing of a Tenancy Warning (which may

be reviewed) under the Housing (Miscellaneous Provisions) Act 2014 which if breached may lead to the Council seeking a Possession Order for the dwelling which may result in interviewee's tenancy being terminated and restricting them for applying for social housing supports or may result in an application for an Excluding Order under the Housing (Miscellaneous Provisions) Act 1997 as amended. The tenant will also be advised in general terms of the effects of a Tenancy Warning or a finding of engagement in anti-social behavior or a failure to provide information lawfully required, on consent to sale, re-sale or on the allocation of dwellings

- At the end of the interview the Officer who took the record of the interview will read the record back to the interviewee and request that the interviewee to sign the record; the record should also be signed by both Officers present

16.3. Non-legal solutions to Anti-Social Behaviour

Where possible, non-legal solutions will be employed in the first instance in cases of anti-social behaviour. However, measures of this type may be inappropriate in cases that involve criminal behaviour or intimidation and threats of violence against staff or tenants.

16.4. Liaising with tenants and tenants associations

In cases where anti-social behaviour is widespread in a particular area and/or the specific perpetrators of these activities are difficult to identify, informing all tenants in the area about the activities may help to combat such behaviour.

This may be achieved by means of a letter informing all tenants that the Council has received complaints regarding anti-social behaviour. It will remind tenants of their obligations under their tenancy agreements, stating that it is the policy of the authority not to tolerate these activities. It will advise that engaging in activities of this type could potentially result in the exclusion of perpetrators from their accommodation, or the repossession of the dwelling.

16.5. Supporting those alleged to be engaged in Anti-Social Behaviour

Where possible and appropriate, the Council will provide the necessary support to help persons believed to be involved in anti-social behaviour address the root causes of their behaviour. For instance, the alleged offender may be visited regularly by the housing welfare officer or social worker or by a tenancy sustainment worker.

It is acknowledged that most solutions to the types of personal problems that affect anti-social behaviour, such as drug or alcohol abuse or family breakdown, lie outside of the remit and expertise of local authorities. In such cases the Council will ensure that persons alleged to be involved in or responsible for anti-social behaviour are referred to appropriate agencies to receive the support necessary to help them address the root causes of their behaviour.

17. Mediation

Mediation is an approach to conflict resolution that involves a trained mediator meeting with the parties to a dispute, individually at first, and then together in order to try to reach a solution that is agreeable to both. The Council will consider using **independent mediation** in cases such as these.

Mediation would not normally be carried out by local authority officials but by a professional mediator. However, relevant officials may have some training in the use of mediation.

18. Initiating Legal Action

In situations where following an investigation a *prima facie* case for legal action is apparent, the seriousness of the activities involved and the prospects that the court action will be successful will be the overriding consideration in selecting cases appropriate for legal action.

18.1. Case Conferences prior to Initiating Legal Action

Decisions to initiate legal action in respect of anti-social behaviour and breaches of Tenancy Agreements will be approved following a full review of the file which may include a case conference of Senior Housing Management, the Council's Legal Advisors and the Officers responsible for investigating cases of anti-social behaviour. The Council may also consult An Garda Síochána prior to the initiation of any legal action.

19. Refusal to Sell, consent to Re-Sale or Allocation of a dwelling

Where a Tenancy Warning under the Housing (Miscellaneous Provisions) Act 2014 has been served on a tenant the Council may, during the period of 3 years following the service of the Tenancy Warning coming into effect, take account of the Tenancy Warning when considering whether:

- (i) To consent, under section 90(12) of the Housing Act 1966, to a sale of the dwelling to a person identified in the Tenancy Warning as causing the breach of the specified term, where the grounds for refusal would be those set out in subparagraph (a)(ii) of that subsection
- (ii) To consent, under section 48(3) of the Housing (Miscellaneous Provisions) Act 2009, to a sale, during the charged period, of a dwelling to the person identified in the tenancy warning as causing the breach of the specified term, where the grounds for refusal would be those set out in paragraph (b) of that subsection,
- (iii) To consent, under of section 76(4) of the Housing (Miscellaneous Provisions) Act 2009, to a sale, during the charged period, of a dwelling to the person identified in the tenancy warning as causing the breach of the specified term or specified terms, where the grounds for refusal would be those set out in paragraph (b) of that subsection
- (iv) To consent, under section 29(3) of the Housing (Miscellaneous Provisions) Act 2014, to a sale, during the charged period, of a house to the person identified in the tenancy warning as causing the breach of the specified term or specified terms, where the grounds for refusal would be those set out in paragraph (b) of that subsection,
- (v) To refuse, under section 14(2) of the Act of the Housing (Miscellaneous Provisions) Act 1997, to sell a dwelling to
 - (a) the tenant (within the meaning of Part 4 of the Housing (Miscellaneous Provisions) Act 2009 or to whom *Part 3* applies) concerned,
 - (b) the eligible household (within the meaning of Part 3 or 5 of the Act of the Housing (Miscellaneous Provisions) Act 2009) concerned, or
 - (c) the person concerned (in a case to which section 90 of the Housing Act 1966 relates),
- (vi) To refuse, under section 14(1) of the Act of the Housing (Miscellaneous Provisions) Act 1997, to allocate a dwelling or defer the allocation to the tenant or to the household member identified in the tenancy warning as causing the breach of the specified term.
- (vii) To refuse or defer such permission under section 14 of the 1997 Act as amended in respect of subs. (1) by s19(9) of and the 2014 Act and in respect of subs (2) by the 2009 Act (Sch 2 Part 5) whereby the tenant of the dwelling or the

person concerned fails to provide information that is requested by the authority and which the authority considers necessary in connection with deciding whether to give, refuse or defer such permission

20. Re-admission to Housing List – following termination of tenancy

The Council has devised protocols governing applications for housing by households whose tenancies have been terminated on the grounds of anti-social behaviour. These protocols enable such households to reapply for accommodation after a standard minimum period of time has elapsed and/or the local authority is satisfied that the anti-social behaviour will not recur.

21. Rights of Tenants

- To enjoy peaceful use of their home/site without disruption from anti-social behaviour
- To expect the Council to take reasonable action in accordance with law to deal with, prevent or reduce anti-social behaviour
- To make a complaint to the Council and the Gardaí regarding anti-social behaviour in their area
- To have all complaints about anti-social behaviour investigated swiftly and fairly

22. Responsibilities of Tenants

- Not to engage in anti-social behaviour and to comply with the anti-social and nuisance provisions of their tenancy agreement
- To treat all Council staff with due courtesy and respect
- To report anti-social behaviour to the Council and co-operate with investigations of these incidents

23. Health and Safety of Staff

South Dublin County Council will not tolerate any assaults, threats, intimidation, obstruction, harassment or interference with its employees who are involved in the implementation of this strategy.

Measures will be kept in place to reduce the possibility of this happening and to provide appropriate support for staff who have been victims of such activities including the following:

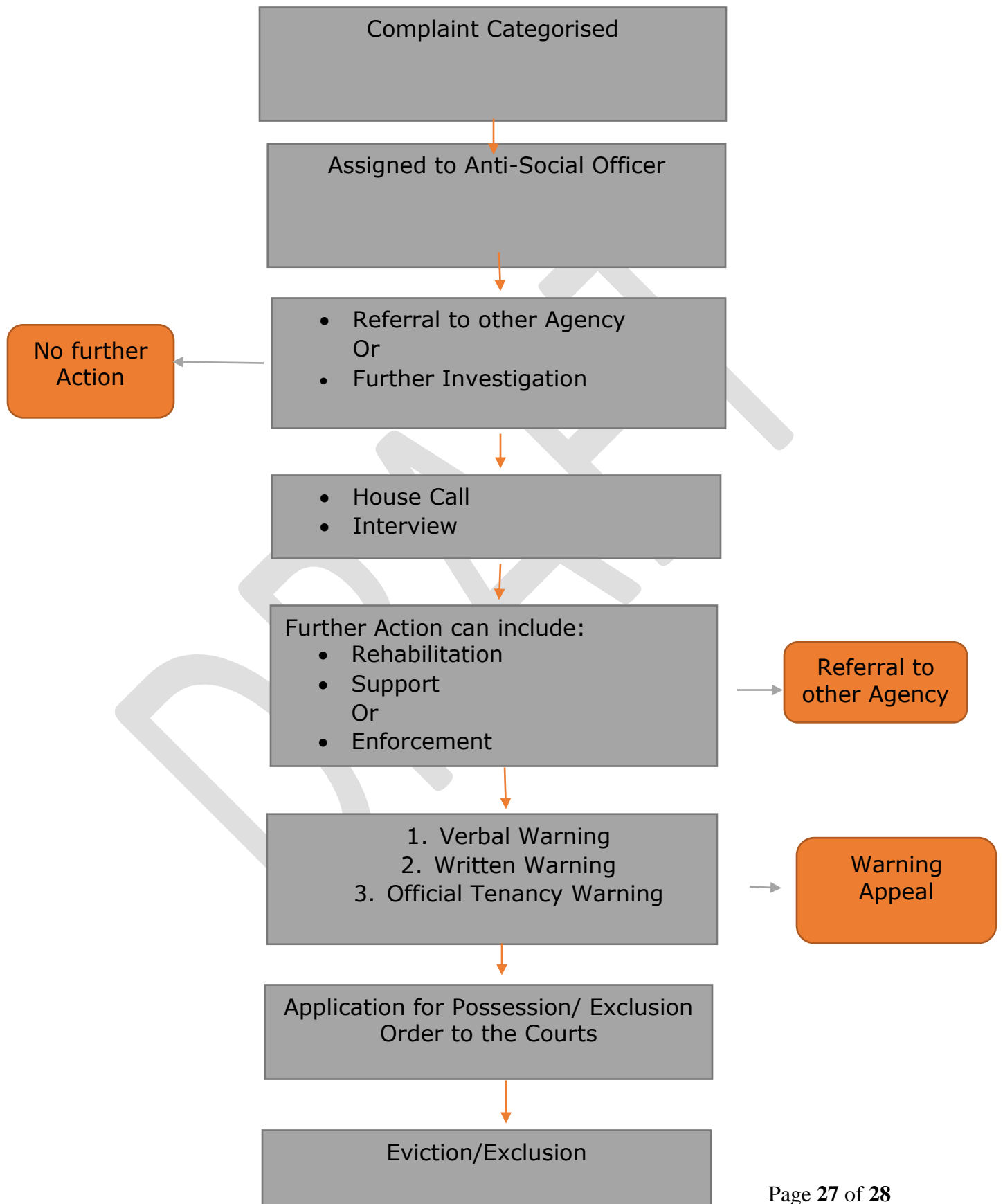
- Staff will be trained to recognise potentially aggressive and violent situations and to de-escalate and/or remove themselves from the situation
- Staff will be provided with appropriate equipment to enable them to call for help if necessary, e.g. mobile telephones
- Interview rooms and offices used by anti-social behaviour service staff will be fit for purpose
- Staff will maintain a written record of the date, time and location of and planned visits to locations outside of the authority's offices for the purposes of investigating anti-social behaviour. This 'duty log' should be accessible by other members of staff who may need to check their location for security purposes
- The Council will ensure that appropriate medical and counselling facilities are available, if required, to anti-social behaviour staff who have been victims of verbal or physical aggression or assault in the course of their work

24. Customer Service

South Dublin County Council is committed to providing a quality service to its tenants and the public. The approach to customer service/appeals will be consistent with the approach set out in the Council's **Customer Action Plan**.

Appendix 1

Complaint Process



Appendix 2**Estate Management Clinics**

Clinic Name	Address	Days Held	Time
Clondalkin	Civic Offices, Clondalkin	Every Thursday	10am to 11am
Ronanstown	Ronanstown CYC	Every Tuesday	11.30am to 12.30pm
Killinarden	Killinarden Community Centre.	Every 2 nd Monday	11am to 12 noon
Glenshane / Rossfield/ Macuilliam	Brookfield Community Centre	Monthly on Tuesdays	11am to 12 noon
Fettercairn	Fettercairn Community Centre	Every Tuesday	2.15pm to 3pm
Jobstown	Jobstown Community Centre	Monthly First Wednesday	2:00pm to 3pm