

# Sligo County Council

## Anti-Social Behaviour Strategy 2018

Adopted by reserved function on 01/10/2018



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## **1.0 Preface**

Managing Sligo County Councils estates can be challenging, especially with problems arising as a result of anti-social behaviour. Sligo County Council is committed to the prevention and elimination of anti-social behaviour in its estates. Sligo was one of the first counties in Ireland outside of the greater Dublin area to be proactive in dealing with anti-social behaviour issues and have had an adopted policy regarding anti-social behaviour since 2005.

Sligo County Council currently manages housing stock of approximately 2,300 dwellings and 5 halting sites. The Council has a duty to manage and control its tenancy dwellings and accommodation let under the Housing Acts and to secure and protect the interests of its tenants, tenant purchasers and licensees, as far as is reasonably possible, in the peaceful occupation of those dwellings.

The Council will investigate and endeavour to resolve all complaints of anti-social behaviour made to it. It will continue to adopt a multi-agency approach to dealing with anti-social behaviour and will liaise with An Garda Síochána, HSE, Joint Policing Committees and other agencies to identify areas where there is a high incidence of anti-social behaviour and to work together in solving the problems. It should be emphasised however, that the incidence of anti-social behaviour is very low and most Council tenants are able to enjoy living in their dwellings free from any difficulties from anti-social neighbours.

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.

In accordance with S.35 Housing (Miscellaneous Provisions) Act, 2009, the Strategy has also been subject to consultation with An Garda Síochána, the HSE, and other persons that the Council considered appropriate to include Tusla, and the Joint Policing Committee.

Bartley Gavin  
Acting Director of Services

## **2.0 Mission Statement**

Sligo County Council's mission Statement in relation to Anti-Social Behaviour is:

***“To address anti-social behaviour when it occurs, investigate all complaints fairly, impartially and objectively, and provide a modern and professional service to tenants who are victims of Anti-Social Behaviour and to work towards the elimination of Anti-Social Behaviour in all Sligo County Council estates, dwellings and sites and to promote good estate management”***

## **3.0 Policy Statement**

The Council recognizes that it has a responsibility to promote the peaceful occupation and enjoyment of our dwellings. Accordingly, it is the policy of the Council that Anti-Social Behaviour will **not** be tolerated. The Council undertakes that it will be proactive in seeking to prevent such behaviour by improving the effective management of Sligo County Council estates and sites and will, where it occurs, if necessary, use all legislative means available to it in combating such behaviour. This policy will be implemented by achieving the primary objectives and applying the actions detailed in this document. The Council hereby affirms its strong commitment to tackling this problem and to the promotion of good estate management.

## **4.0 Overview of Legislation**

### **Legislative Framework**

Legislation relevant to the operation of the anti-social behaviour strategy:

- Housing Act 1966.
- Housing (Miscellaneous Provision) Act 1997
- Housing (Traveller Accommodation) Act 1998.
- Housing (Miscellaneous Provisions) Act 2009.
- Housing (Miscellaneous Provisions) Act 2014.
- Data Protection (Amendment) Act 2003
- Freedom of Information Act 2014
- Residential tenancies Act 2004, as amended

## **5.0 Interpretation**

### **Anti-Social Behaviour**

Anti-Social Behaviour is considered to be present when a person's or a family's behaviour adversely affects the quality of life of those living in the locality of the disturbances up to and including the quality of life of the overall neighbourhood.

Anti-Social Behaviour is defined in the Housing (Miscellaneous Provisions) Act 1997 (as amended) as including:

- 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) to include psychoactive substances (within the meaning of the Criminal Justice (Psychosocial Substances) Act 2010).
- 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 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.

### **Estate Management**

Estate Management is defined in Section 1 of the Housing (Miscellaneous Provisions) Act 1997 and includes:

- a) 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 1966 to 2009 or Part V of the Planning and Development Act 2000.

- 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 2009 or Part V of the Planning and Development Act 2000.

## **6.0 Strategy-Objectives and Proposals**

The Strategy shall apply in respect of that part or those parts of Sligo County Councils administrative area in which are situated.

- a) Dwellings let by Sligo County Council to Tenants under the Housing Acts 1966 – 2014.
- b) Dwellings which are the subject of Chapter 4 Tenancy Agreements (Rental Accommodation Scheme).
- c) Dwellings in which relevant purchasers reside within the meaning of Section 1 of the Housing (Miscellaneous Provisions) Act 1997 as amended by the Housing (Miscellaneous Provisions) Act 2014.
- d) Sites provided for traveller accommodation.

### **The principal objectives of this strategy include:**

1. The prevention and reduction of Anti-Social behaviour
2. The coordination of services within the Council directed at dealing with, or preventing or reducing, Anti-Social behaviour.
3. The promotion of cooperation with other persons, including An Garda Síochána, in the performance of their respective functions insofar as they relate to dealing with or the prevention or reduction of anti social behaviour having regard to the need to avoid duplication of activities by the Council and such other persons in the performance of those functions.
4. The promotion of good estate management

### **The following are proposed actions for achieving these objectives, including but not necessarily limited to, the following:**

- (a) Procedures in relation to the making of complaints to the Council in respect of anti-social behaviour;
- (b) Initiatives for the prevention and reduction of anti-social behaviour

- (c) The provision of education relating to and the carrying out of research into Anti-Social Behaviour, and its prevention and reduction, where resources allow.
- (d) The investigation of all complaints of Anti-Social Behaviour fairly, objectively and impartially
- (e) The establishment of Management Information Systems which will assist in identifying trends in anti-social behaviour by carrying out regular analysis of reported incidences.
- (f) The provision of CCTV in high priority areas where resources or funding opportunities allow to deter Anti-Social Behaviour
- (g) The continuation of running compulsory Pre-tenancy Courses.
- (h) Building on the existing good relationship with An Garda Síochána and other relevant agencies and to share information as permitted by statute in dealing with Anti-Social Behaviour. The effect of this close co-operation will continue to contribute to the successful resolution of Anti-Social Behaviour problems in areas where it is problematic.
- (i) To continue to determine the allocation of tenancies whilst always having regard to the principles of good estate management. This will be achieved by a collaborative approach including structured communications and dialogue between staff dealing with allocation of tenancies and with any and all staff involved in Housing Management.
- (j) To encourage tenant participation in our estates through the Estate Officers and Community Wardens. Tenants will be encouraged to set up or join existing Residents Associations and to take part in community based activities and programmes.
- (k) To encourage tenants to notify the Council about incidents of Anti-Social Behaviour in their community.
- (l) To swiftly enforce the legislation if required.

## **7.0 Implementation of Policy**

It is the policy of the Council to address problems of Anti-Social Behaviour in or in the vicinity of its dwellings and sites to which the strategy applies by taking measures to prevent and abate such behaviour.

Where serious complaints are made, which are verified to have foundation and substance, the tenants against whom such complaints are made may face eviction, or the persons against whom such complaints are received may be excluded from both the

dwelling or site, or accommodation and the vicinity of that dwelling or site (excluding order) or accommodation (site excluding order), as appropriate.

The Council will exercise its statutory functions appropriately in line with legislation and will afford due process to persons affected as outlined below:

### **7.1 Breach of Tenancy Agreement**

Sligo County Council may issue a tenancy warning to a tenant where the tenant or a household member has breached a term of the tenancy agreement that prohibits or is aimed at preventing anti-social behavior. Failure to comply with the terms of the tenancy warning may result in the Council applying to recover possession of the dwelling or site, or seeking an Excluding Order against the persons) concerned. A tenant can, in writing, request the Council to review a tenancy warning within 10 working days from the issuing of the tenancy warning to the tenant. An officer or employee of the Council, who was not involved in the decision to issue the tenancy warning and who is senior in rank to the officer or employee who decided to issue that warning will be appointed to carry out the review. The decision of the reviewer will be advised in writing to the tenant.

### **7.2 Excluding Orders**

Sligo County Council will use Section 3 of the Housing (Miscellaneous Provisions) Act 1997, as amended (Excluding Order) where appropriate in order to allow for a more targeted approach in dealing with persons engaged in anti-social behaviour and in order to avoid if possible the eviction of an entire household. Except in exceptional circumstances, applications to the District Court for Excluding Orders in relation to adults will be for three years and will be in respect of the dwelling or site and the estate in which the dwelling or site, from which the anti-Social Behaviour is emanating, is situate and any other relevant estate. In accordance with legislation, the Council will not seek an Excluding Order against a juvenile who is under 12 years of age. Where the juvenile is over twelve and less than eighteen years, and the case is serious and significant, the application to the District Court will refer to a specified property, place or area other than the juvenile's family home.

### **7.3 Drug Dealing**

Sligo County Council will implement and enforce a strict policy in relation to tenants/occupants involved in drug dealing from Council dwellings and sites.

The Council will not tolerate 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 1977-2007), to include psychoactive substances (within the meaning of the Criminal Justice



(Psychoactive Substances) Act 2010), in any of its dwellings and sites and will seek to take immediate action to deal with the matter. This action may include seeking an Excluding Order in the District Court or instituting Possession Proceedings in the District Court against the entire household.

#### **7.4 Letting and Sale of Local Authority Housing**

The Council may refuse to make or defer the making of a letting of a dwelling or site to a person where-

- a) the Council considers that the person is or has been engaged in anti-social behaviour or that a letting to that person would not be in the interest of good estate management, or
- b) the person fails to provide information including information relating to persons residing or to reside with that person, which is requested by the Council and which the Council considers necessary in connection with an application for the letting,

A person will also include a tenant who has been approved for a transfer.

The Council may refuse to sell a dwelling to a tenant where the Council considers that the tenant is or has been engaged in anti-social behaviour or that the sale would not be in the interest of good estate management.

The Council may refuse to consent to a sale of a dwelling if they are of the opinion that the intended purchaser is or has been engaged in anti-social behaviour or that the intended sale of a dwelling would not be in the interest of good estate management.

#### **7.5 Anti-Social behaviour background checks/Provision of Information**

The Council may, for the purposes of any of their functions under the Housing Acts, 1966 to 2014, request from another housing authority or a specified person, information in relation to any person seeking a house from the Council or residing or proposing to reside at a house provided by the Council or whom the Council considers may be or may have been engaged in anti-social behaviour and, notwithstanding anything contained in any enactment, such other housing authority or specified person may provide the information to the Council requesting it.

In this Section “specified person” means any of the following, that is to say:

- a) the Criminal Assets Bureau;
- b) a member of the Garda Síochána;
- c) the Minister for Social Welfare;
- d) H.S.E. or

- e) a body approved of for the purposes of Section 6 of the Housing (Miscellaneous Provisions) Act, 1992.

The ASB background check is an important tool in the prevention of Anti-Social Behaviour in Sligo County Council estates and sites. The check will be carried out on all applicants/households prior to the making of an allocation. The check will also be used in relation to sales of houses to tenants, permissions to reside, transfer of tenancies, and will also be adopted for all applicable forms of social housing support.

## **7.6 Risk Assessment**

Anti- Social Behavior (ASB) risk assessment tool – see appendix. (1)

- (i) The Council requests an ASB background check from An Garda Síochána or other agencies if necessary in writing. Strict procedures are in place to request, record, store and retrieve and secure this information. The information is only used for the purposes of the Housing Acts 1966 to 2014. Some housing applicants from other jurisdictions may be required to submit relevant documentation regarding background checks from their local Police station.
- (ii) If the applicant does not have a clear ASB check, or estate management issues are evident, he/she may be requested to attend for a formal interview.
- (iii) The Council may refuse to make or defer the making of a letting of a dwelling or site to an applicant where the Council considers that the applicant is or has been engaged in anti-social behaviour or that a letting to that applicant would not be in the interest of good estate management. This decision will not be indefinite. In the interests of fairness and consistency, a matrix, as set out in Appendix 1 will be used to help reach a decision with regard to possible deferral/refusal.
- (iv) A decision to refuse to make or defer the making of a letting of a dwelling or site and the reasons for same will be sent to the applicant.
- (v) This decision can be appealed in writing to the Council within 21 days.
- (vi) Each case is treated on an individual basis. All interviews are documented and the applicant is offered the interview notes for signature.

## **7.7 Appeals Process**

Persons who are dissatisfied with a decision of the Council to

- a. Refuse to make or defer the making of a letting of a dwelling or site,
- b. Refuse to sell a dwelling to a tenant
- c. Refuse to consent to a sale of a dwelling

may, within 21 days of the decision, submit an appeal in writing to the Council, and outlining the reasons for the appeal.

## **7.8 Threats / Intimidation of Council Employees**

Sligo County Council will not tolerate any negative behaviour including verbal abuse, lack of due respect, assaults, threats, intimidation, obstruction, harassment or interference with its employees. The Council will consider legal proceedings against any person engaged in such activity. Assaults against employees including verbal abuse will be reported to An Garda Síochána.

## **7.9 Illegal Occupiers of Local Authority Housing**

The provisions contained in Section 20 (1) of the Housing (Miscellaneous Provisions) Act, 1997 apply as follows,

Where

(a) a house provided by a housing authority or any part thereof is occupied, whether continuously or otherwise, by a person (other than the tenant or a person who has failed to vacate a house on termination of a tenancy), and

(b) a member of the Garda Síochána has received notification from the housing authority that the authority believe that the person is or has been engaged in anti-social behaviour and that it is necessary in the interest of good estate management that the said person be required to leave the house,

a member of the Garda Síochána may direct the person to leave the house immediately in a peaceable and orderly manner and that person shall comply with the direction.

(2) A person who does not comply with a direction under *subsection (1)* shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,500 or, at the discretion of the court, to imprisonment for a term not exceeding 12 months, or to both.

(3) Where a person does not comply with a direction under *subsection (1)* a member of the Garda Síochána may arrest the person without warrant.

(4) For the purpose of arresting a person under *subsection (3)*, a member of the Garda Síochána may enter (if need be by use of reasonable force) and search any place (including a dwelling or site) where the person is or where the member, with reasonable cause, suspects that person to be.

(5) This section shall not prejudice any power of arrest conferred by law apart from this section

### **7.10 Pre Tenancy Training**

The Council organises pre-tenancy courses for all prospective tenants and attendance at these courses is compulsory. The course examines the tenancy agreement and explains the consequences of breaching the terms of the agreement. The obligations of the tenant are detailed as well as their rights with regard to service / response from the Council. The training encourages tenants to act in a positive manner in the community and emphasizes the need to prevent anti-Social behavior.

## **8.0 Complaints Procedure**

The 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 others including other tenants/residents and residents committees and may also include door to door enquiries. Where the Council has reasonable grounds for believing that the complaint is unfounded then no further action will be taken.

All complaints will be categorized as high or low priority, and if necessary an investigation will be initiated in accordance with estate management procedures and as resource allocations permit.

A complaint of anti-social behaviour may be made by a person to any member of the Council's housing staff. Complaints may be made by:

- Phone
- Letter or email
- Personal visit to the office
- Through a Public Representative, An Garda Síochána, HSE, Social Workers ETC. and who may refer such complaints or provide information to Sligo County Council

Anonymous complaints will generally not be dealt with save only in exceptional circumstances where there is corroboration and or supporting evidence. All parties will be informed of the outcome of the investigation into the complaint.

### **8.1 Recording and Investigation**

Sligo County Council are very conscious of the problems caused by issues of anti social behaviour and the effect that such behaviour can have on persons living, working, or otherwise lawfully in, or in the vicinity of Council Dwellings and sites.

The Council adhere to comprehensive procedures in relation to receiving, recording and investigating complaints in relation to anti social behaviour.

## **Contact Details Estate Management**

Phone: 071-9111217

Email: estatemanagement@sligococo.ie

Post: Housing Section,  
Estate Management,  
Sligo County Council,  
County Hall,  
Riverside,  
Sligo.

### **8.2 Procedure for possession of a local authority dwelling or site.**

Provisions for repossession of a Council dwelling or site are set out in the Housing (Miscellaneous Provisions) Act 2014 Part 2.

## **9.0 Health and Safety**

Employees who work in this area are at times exposed to violence, aggression and verbal abuse and therefore health and safety issues can be a concern. Every employee of the Council is entitled to have his or her dignity respected. In order to ensure, as far as practicable, the health and safety of the staff, the following and which are not exhaustive, have have been adopted within the housing section:

- a) Training is provided such as anger management courses, interviewing skills, interpersonal communication, mediation skills, and first aid.
- b) Protective clothing is provided.
- c) Where necessary for safety reasons, staff will generally operate in pairs.
- d) The assistance of An Garda Síochána will be called upon where considered appropriate.
- e) Violent offenders or persons who were previously abusive may be requested to attend County Hall for interview where a safe and more secure environment is available.
- f) Counselling and medical assistance is available to staff if required.
- g) The Council's PMDS scheme monitors the training needs and personal development of staff.
- h) Key personnel have availed of specific courses in dealing with Anti-Social Behaviour.

## 10.0 Appendix

### Appendix 1

#### Anti-Social Behaviour Risk Assessment Tool

Where, having consulted with An Garda Síochána under S.15 of the Housing (Miscellaneous Provisions) Act 1997, the Council considers the applicant is or has been engaged in Anti-Social Behaviour, a risk assessment will be carried out to inform the decision whether or not to make, refuse to make or defer the making of a letting of a dwelling or site to that applicant. The risk assessment tool, Matrix is set out below.

#### Anti-social Behavior Risk Assessment Deferral/Refusal Matrix.

Issue	Evaluation		Score
Difficulties relating to previous tenancies			0-5
History of Criminal Convictions- extent, nature and seriousness			0-10
<u>Timeliness (old/recent offences)</u>			0-5
Evidence of reform and Behavior change			0-5
Assessment of Suitability and capability of managing the proposed tenancy allocation			0-5
<u>Failure to disclose relevant information</u>			0-5
<u>Interest of good Estate Management</u>			0-5
		<b>Total Score</b>	<b>0-40</b>

The Council will take all available information into account and based on said information, the applicant will be scored under the above headings. A decision to make, refuse to make or defer the making of a letting of a dwelling or site will then be made

based on the total score received by the applicant. The assessment will be failed if the score is greater than the scores set by Chief Executive Order for deferral and refusal, and which will be reviewed from time to time.

Deferral periods will be based on the seriousness of the offences and will commence from the date of assessment or decision on the appeal whichever is later. The matter will be further reviewed at the end of the deferral period and a new risk assessment carried out. If a letting is deferred, such deferral will be for periods of between one and five years.

Regard will be had to offending behaviour and convictions that have occurred in the 5 year period prior to the date of the risk assessment.

Persons who are dissatisfied with a decision of the Council to refuse to make or defer the making of a letting of a dwelling or site, may, within 21 days of the decision, submit an appeal in writing to the Council, and outlining the reasons for the appeal.