



Laois County Council Anti-Social Behaviour Strategy

**Approved by
Laois County Council
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Introduction

Laois County Council has a duty to manage and control dwellings let under the

- a) Housing Acts 1966 to 2009,
- 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 Act of 1997)
- d) sites (within the meaning of section 1 of the 1998 Act)ⁱ

and to secure and protect the interests of tenants and their families in the peaceful occupation of those dwellings. To this end, Laois County Council is committed to taking action to, prevent and abate anti-social behaviour.

Anti-Social behaviour seriously adversely affects the quality of life of residents by a small minority. This policy seeks to address the problem of introducing good practice in preventing and combating it. **This policy will be subject to review on a regular basis and not less than six months before the expiration of our housing plan, as required by section (4) (a) (b) of the 2009ⁱⁱ Act**, in order to ensure that the Council's objectives in this area are achieved for the benefit of our tenants.

Anti-Social behaviour can also result in increased costs to the local authority in terms of vandalism to properties and communal areas, difficulties in letting vacant properties and generally destabilising local communities. It is acknowledged that the greater majority of tenants are law-abiding citizens who take great pride in their community and it is in their interests that this policy is **adhered to**.

There is no doubt that anti-social behavior has become a serious problem in some **housing estates**. Laois County Council is totally committed to preventing and combating this very real and unacceptable behaviour, where **it is empowered to do soⁱⁱⁱ**.

In order to achieve success in the area Laois County Council will liaise with residents associations, community groups, and other statutory agencies. **In particular, Laois County Council will promote co-operation with An Garda Siochana and other relevant statutory agencies in the performance of their respective functions insofar as they relate to dealing with, or the prevention or reduction of, anti-social behavior.**^{iv}

Laois County Council is fully committed to tackling anti-social behaviour and to maintaining a stringent, proactive stance, including eviction where necessary, against the minority of tenants involved in anti-social behaviour, particularly drug dealing.

Chapter 1

Policy on Anti-Social Behaviour

Laois County Council has a duty to manage and control dwellings let under the Housing Acts 1966 **to 2009** and to secure and protect the interests of tenants and their families in the peaceful occupation of those dwellings. To this end, Laois County Council is committed to taking appropriate action to prevent and abate anti-social behaviour as outlined in this Policy Statement and provided in legislation. The problem of anti-social behaviour can be addressed in a number of ways as appropriate to the individual case.

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

- The manufacture, production, preparation, importation, exploitation, 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 & 1984)
- 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 2009** 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; **behaviour which causes any 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.**

Legal remedies:-

- Under Section 62 of the **Housing Acts, 1966 to 2009** Laois County Council can apply to the District Court for a warrant for possession of a dwelling let under the

Housing Acts following the expiry of a Notice to Quit where a tenant has failed or refused to comply with a demand for possession.

- The Housing (Miscellaneous Provisions) Act, 1997 (as amended) was enacted to give housing authorities further powers to deal with the problem of anti-social behaviour

Relevant Legislation:

Housing (Provisions Miscellaneous) Act 1997

Housing Traveller Accommodation Act 1998 (S34, 35, 36)

Residential Tenancies Act 2004 (S197)

Housing (Miscellaneous Provisions) Act 2009

Housing Acts 1966-2009

Section 3 of the 1997 Act (as amended)

- Under Section 3 of the 1997 Act, a tenant, **including a person to whom a dwelling is let under a chapter 4 tenancy agreement (within the meaning of the Housing (Miscellaneous Provisions Act) 2009)**, can apply to the District Court for an order, known as an ‘excluding order’ against the person (including a joint tenant) whom he or she believes to be engaging in anti-social behaviour. An excluding order directs the person, if residing in the tenants house, to leave the house and, whether the person is or is not residing at the house, prohibits him/her, for the period during which the order is in force (up to three years), from entering or being in the vicinity of that house, or in the vicinity of any specified housing estate.
- An excluding order may also prohibit a person 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 house.
- Laois County Council can also make an application for an excluding order, but only if it believes that a tenant is

prevented from applying for an excluding order by reason of violence, threat or fear, and if Laois County Council believes that it is in the interests of good estate management that such an application should be made. Laois County Council **is required to consult with the tenant and the Health Service Executive before making an application.**

Section 5 of the 1997 Act

- Under Section 5 of the 1997 Act, any person who breaches an interim excluding order, or an excluding order, commits an offence. The penalty, on conviction of such offences, is a fine not exceeding €1,905. or, at the discretion of the court, imprisonment for a term not exceeding 12 months, or both.

Section 14 of the 1997 Act (as amended)

- Under Section 14 of the 1997 Act (as amended) , Laois County Council may refuse **to allocate or defer the allocation of a dwelling, including a dwelling the subject of a rental accommodation availability agreement** to a person where it considers that:

- (a) The person is, or has been engaged in anti-social behaviour
- (b) An **allocation** to that person would not be in the interest of good estate management
- (c) The person has failed to provide, upon request, information necessary in connection with an application for the **allocation**, including information relating to persons residing, or to reside, with that person.

Laois County Council may also refuse to sell a dwelling to a tenant, **or an eligible household in the case of incremental purchase arrangements and affordable dwelling purchase arrangements, where it considers that the tenant/ eligible household is, or has been, engaged in anti-social behaviour or that a sale of a dwelling to a tenant/eligible household** would not be in the interest of good estate management.^v

Section 15 of the 1997 Act (as amended)

- Under Section 15 of the 1997 Act, Laois County Council may request information in relation to any person seeking **a house or a site from the authority or seeking to occupy a caravan on a site or residing or proposing to reside at a house provided by Laois County Council or by an approved body , including a house the subject of a rental accommodation availability agreement , or seeking or receiving any other housing support with the meaning of the Housing (Miscellaneous Provisions) Act 2009** /or any person whom the Council considers may be or may have been engaged in anti-social behaviour, from :
 - (a) Another local authority
 - (b) The Criminal Assets Bureau
 - (c) An Garda Siochana
 - (d) The Minister for **Social Protection**
 - (e) The relevant Health Service Executive Authority area**
 - (f) An approved body under the Housing Acts.

Section 16 of the 1997 Act

- Under Section 16 of the 1997 Act , **the Health Service Executive may refuse**, suspend or terminate a supplementary welfare payment in relation to rent or mortgage interest in respect of any person who:
 - (a) Has been required to deliver up possession of a dwelling provided by Laois County Council, or an approved body for the purposes of Section 6 of the Housing (Miscellaneous Provisions) Act 1992 on the grounds of anti-social behaviour or in the interests of good estate management.
 - (b) To whom a letting has been refused or deferred under Section 14 of the Housing (Miscellaneous Provisions) Act, 1997(**as amended**)
 - (c) Is a respondent to an excluding order made under Section 3 or Section 4 of the Housing (Miscellaneous Provisions) Act 1997 (**as amended**)**
 - (d) Has been directed to leave a house under Section 20 of the Housing (Miscellaneous Provisions) Act 1997.

Section 18 of the 1997 Act

- Under Section 18 of the 1997 Act, any person who causes or attempts to cause any threat, intimidation or harassment, coerces, obstructs, impedes or interferes with, an officer or employee of a housing authority, or of a health board, or a member of the family of such officer or employee, or any person who provides or is to provide evidence in any proceedings under Section 62 of the Housing Act 1966 or the Housing (Miscellaneous Provisions) Act 1997, commits an offence. The penalty, on conviction, is a fine not exceeding €1905, or, at the discretion of the court, imprisonment for a term not exceeding 12 months, or both.

Section 20 of the 1997 Act

- Under Section 20 of the 1997 Act, Laois County Council can request An Garda Siochana to direct a person who is an illegal occupier of a dwelling owned by the Council and who is or has been engaged in anti-social behaviour to leave that dwelling. This provision does not apply to tenants or persons who have failed to vacate dwellings on termination of tenancies by notices to quit.

Examples of Anti-Social Behaviour

- (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 1984),
- (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 2009**, 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; **behavior which causes any 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.**

Other Appropriate Legislation

Laois County Council will **endeavour** to implement all relevant legislation in the interests of good estate management, including Housing Acts, Control of Dogs Acts, Control of Horses Act 1996, and Litter Pollution Act 1997 **(as amended)**, **Waste Management Act 1996**, etc.

Statement of Policy

Laois County Council proposes to prevent and abate anti-social behaviour in accordance with this policy statement and its statutory powers under the Housing Acts and all other appropriate legislation in order to deal with anti-social behaviour. Laois County Council proposes to use its statutory powers under the Housing Acts to deal with tenants or members of tenants households who are, or have been, involved in anti-social behaviour.

This will have consequences for tenants or members of their households, where Laois County Council has reasonable grounds for believing that they are involved or have been involved in anti-social behaviour. Offending tenants and/or their families **could face legal action**.

There is an obligation on all tenants to ensure that they do not cause damage or become a nuisance to their neighbours. In particular this means:-

- No drugs
- No criminal activity
- No violence or threats of violence
- No harassment, or abuse
- No loud noise
- **Control of animals and no animals other than domestic pets**
- **Control of visitors to the tenancy and its environs and tenants responsibility for actions /behaviour of visitors**

In considering the appropriate actions the Council will have regard to the following:-

- The seriousness of the complaint
- The reliability of the information about the complaint
- The tenants response to the complaint
- The tenants past behaviour history
- The interest of good estate management
- The remedies available appropriate to the case

Laois County Council will **endeavour** to use all necessary measures to prevent and abate anti-social behaviour. Each complaint of anti-social behaviour will be fully investigated and, if proven, immediate action which could involve the institution of legal proceedings and the termination of tenancy will be taken.

- **Excluding Orders and Minors**

Laois County Council will consider an application for an excluding order against a minor where appropriate.

All tenants are responsible for the behaviour of all members of their household, including minors, as per the conditions of their tenancy agreement. If difficulties arise with any member of a household, Laois County Council will work with the relevant statutory agencies and take relevant action, as appropriate, to abate the difficulty. **All options, including the use of Anti-Social Behaviour Orders by the Gardai, will be considered prior to applying for an excluding Order.**

- **Tenancy Dwellings used for ‘Drug Dealing’**

Laois County Council will consider the termination of the tenancy of any dwelling let by Laois County Council which has been used for the manufacture, production, preparation, importation, exportation, and sale supply, possession for the purposes of sale or supply, or distribution of drugs.

- **Section 3 – Excluding Orders**

Laois County Council will consider the Provisions of Section 3 of the 1997 **(as amended)^{vi}** Act, where a member of the tenant’s household is, or has been engaged in anti-social behaviour. **Prior to applying for an Excluding Order, Laois County Council will endeavour to resolve the matter whilst working in partnership with the relevant statutory agencies. All options will be considered in an attempt to resolve the issues, including, where appropriate, the use of Anti-Social Behaviour Orders.**

- **Refusal of an allocation – Anti Social Behaviour**

Laois County Council may refuse to **allocate a dwelling** to an applicant where it considers that the applicant is, or has been, engaged

in anti-social behaviour. This applicant will not be housed until such time as Laois County Council is satisfied that he/she is capable of living, and is agreeable to living, in the community without engaging in such behaviour.

- **Deferral of an allocation – Anti-Social Behaviour**

Laois County Council may defer the **allocation of a dwelling** to an applicant where it considers that the applicant is, or has been, engaged in anti-social behaviour. A deferral will continue until such time as Laois County Council is satisfied that the applicant is capable of living, and is agreeable to living, in the community without engaging in such behaviour.

- **Refusal to Sell a Dwelling – Anti-Social Behaviour**

Laois County Council may refuse to sell a dwelling to a tenant, where it considers that the tenant is, or has been, engaged in anti-social behaviour.

- **Refusal to Sell a Dwelling – Good Estate Management**

Laois County Council may refuse to sell a dwelling to a tenant where it considers that the sale of the dwelling would not be in the interest of good estate management.

- **Informing Tenants of Policy/Procedure**

Laois County Council will inform tenants, on an ongoing basis, of the Council's overall policy/procedure in relation to anti-social behaviour, through various means, which may include explanatory leaflets, notice boards in offices, tenant handbook, at pre-tenancy courses, etc.

Chapter 2

Confidentiality Clause

- Laois County Council will not normally accept anonymous complaints regarding anti-social behaviour. Where a complainant is unwilling to supply name/contact details, the complaint will be recorded but may not be acted upon.
- Complainants will be encouraged to supply their contact details.
- All information provided will be treated in the strictest confidence.
- Section 26 of the Freedom of Information Act, 1997, as amended, requires public bodies to refuse to disclose information given to them in confidence.
- Where the nature of the complaint is so specific that it could reveal the identity of the complainant, this issue will be discussed with the complainant.
- Where anti-social behaviour may have implications for the personal safety of the complainant they will be advised to contact An Garda Síochána or other appropriate support agency, e.g. Victim Support.
- All information/complaints received will be held in a secure location and will *only* be accessed by relevant staff.

Chapter 3

Preventing Anti-Social Behaviour

Laois County Council recognises that the most effective way to deal with anti-social behaviour is to prevent it in the first instance. The following means/procedures will be followed to achieve this aim:

- Continuous improvement of the design of the dwellings and estates in accordance with the Social Housing Design Guidelines and best practice.
- All new tenants will be made aware of Laois County Council's policy on Anti-Social Behaviour and the consequences of engaging in Anti-Social Behaviour at pre-tenancy induction courses.
- Establishment and support of Residents Associations through the Estate Management Programme.
- Assessment and screening of housing applicants through the allocations and transfers policy.
- Vigorous enforcement of tenancy agreements.
- Liaising and working with other relevant statutory and non-statutory agencies.
- Provide Community Development and Social Services support.
- Establish Complaints Procedure.
- Review tenancy agreement

Residents Associations play a very important role in preventing anti-social behaviour in estates and should ensure that any incidences of anti-social behaviour are reported to An Garda Síochána and Laois County Council's Tenant Liaison Officer.

Chapter 4

Procedure for dealing with Anti-Social Behaviour

- A person who wishes to make a complaint may do so in person at Áras an Chontae, Portlaoise, to any official working in the Housing Department, in writing to the Tenant Liaison Officer or by phoning the Tenant Liaison Officer.
 - A written record will be kept of all complaints.
 - Complaints will be dealt with in a confidential manner.
 - All complaints will normally be acknowledged **verbally and on occasion, where it is deemed necessary, in writing.**

Procedure for investigating Complaints

- Laois County Council will carry out such investigations as it considers necessary to establish if there is a reason to believe that a **tenant/person or persons residing with or visiting the tenant** is engaging, or has engaged in anti-social behaviour. In the course of this investigation, it may be necessary to contact witnesses, tenants, residents group, Health Services Executive, An Garda Síochána or other agencies, as appropriate.
- If Laois County Council has reason to believe that **the tenant/persons residing with or visiting the tenant** is engaging in anti-social behaviour, **the tenant** will be advised of the complaint and asked to attend for interview. This communication will be either verbal or in writing, interview or house visit as deemed appropriate. In some cases the Tenant Liaison Officer may call to the tenant's dwelling.
- In the event of the tenant failing to contact the Housing Department within 7 days of being requested, a written request will be issued. If no contact is made a final warning letter will issue to the tenant/person stating that failure to respond may result in **legal action** if it is found that there are grounds for the complaint.
- The tenant and **any other persons attending an interview** will be required to sign an attendance sheet for record purposes and will be advised that the interview is part of the investigation process. The tenant will be advised of the complaint and will be invited to respond to it and to make any submissions or representations they consider appropriate. The tenant will be made aware of the possible consequences in the event that Laois County Council has reasonable basis for believing that there are grounds for the complaint.
- Laois County Council will consider any submissions, representations, documentation and observations made by, or on behalf of the tenant. **Representations made on behalf of the tenant(s)**

must be accompanied by a written authorisation from the tenant, in each instance, to enable Laois County Council to comply with data protection legislation.

Post – Investigation Action

1. Having conducted the investigation, Laois County Council will consider the following options:
 - That no action is warranted
 - Refer the case to other appropriate statutory agency for report
 - Use mediation as a measure to resolve the issue if appropriate
 - Issue a warning letter to the tenant
 - Exclusion Order procedure
 - Issue a Notice to Quit
 - **Further legal action as appropriate**
2. The tenant will be informed in writing of Laois County Council's decision. Where possible, and appropriate, Laois County Council will **offer to refer to** the necessary support to help perpetrators of anti-social behaviour to address the root causes of the problem or refer them to the appropriate services to receive the necessary support, e.g., alcohol or addiction problems.
3. If a warning letter is issued, the tenant/person will be warned of the consequences of any further instances of anti-social behaviour.
4. If an excluding order is appropriate, the tenant will be advised to apply to the District Court and to provide proof of application within a reasonable period of time to Laois County Council, and, if/when granted, a copy of the excluding order. If an excluding order is refused, the case will be reviewed as to the course of action to be taken.
5. If a Notice to Quit is issued, the tenant will be notified and advised that they can request a review of their case in writing by submitting any additional information they may consider necessary to their case.
 - If a Notice to Quit is issued all relevant agencies will be notified.
 - In all cases, Laois County Council will convene a case conference with the **Dublin Mid-Leinster Health Services Executive** and An Garda Síochána before seeking a warrant for possession.
 - If a dwelling is not surrendered to Laois County Council after the expiry of the Notice to Quit, Laois County Council may seek a warrant for possession. The **Dublin –Mid-Leinster Health Services Executive** will be notified. A summons will be served on the defendant. If the court is satisfied that it is in order, a warrant for possession will issue to Laois County Council. The defendant has a right of appeal to the Circuit Court within 14 days of the District Court's decision.
 - **The defendant will be notified of the date fixed for execution of the warrant for possession.**
 - The defendant will be given the opportunity to surrender the dwelling to Laois County Council prior to eviction.

Chapter 5

Complaints Procedure

If a resident/tenant/person is not happy with the manner in which his/her grievance was dealt with, or with the outcome of an investigation, he/she may make a complaint to the **Director of Services, Housing**, Laois County Council, Áras an Chontae, Portlaoise, Co. Laois, **The Ombudsman's Office or the Courts**,

Review of Policy

This policy will be reviewed at intervals as Laois County Council sees fit, and not less than six months before the expiration of the local authority's housing services plan. The entire plan shall be reviewed and amended every six years. Any and all amendments shall follow a consultation route with the relevant agencies and persons.

Conclusion

Dealing with anti-social behaviour is complex and can be difficult. It requires the combined efforts of the Local Authority, Gardai, Health Service Executive, other agencies and residents in Local Authority Estates and other accommodations to which the new legislation is to apply, and strong legislation. The amendments to the 1997 Act will strengthen and expand the power of Housing Authorities and enable them to deal more effectively with anti-social behaviour in dwellings other than traditional local authority tenancies. The development of this strategy involving all stakeholders will also enable housing authorities to prevent anti-social behaviour happening and eliminate it where possible.

ⁱ Section 35 –(1) (a) (b) (c) (d)

ⁱⁱ Housing (Miscellaneous Provisions Act 2009.

ⁱⁱⁱ Under Section 35 –(1) (a) (b) (c) (d)

^{iv} Section 35 –(2) (a) (c)

^v Section 14 (a) and (b).

^{vi} Housing (Miscellaneous Provisions) Act 2009 amendments to 1997 Act item 2.