

SAFE NEIGHBOURHOODS

Dublin City Council's Plan for the
Prevention and Reduction of Anti-Social
Behaviour 2021-2025

Introduction

The Housing (Miscellaneous Provisions) Act, 2009 provides for the adoption of an Anti-Social Behaviour Strategy for the prevention and reduction of anti-social behaviour in local authority housing stock. This strategy contributes to a key strategic goal of Dublin City Council's Corporate Plan 2020 – 2024, namely: Safe, Thriving Neighbourhoods. The Dublin City Local Economic and Community Plan (2016-2021) similarly has objective around safety in the city and people's communities, and tackling the causes and consequences of the drugs crisis in the city through evidence informed actions. Having clear strategies to prevent, mitigate and tackle anti-social behaviour is a vital component in order to maintain these strategic aims.

Dublin City Council is the largest provider of social housing in Ireland. We have just under 25,000 tenancies across the city. The delivery of new homes and the regeneration of existing estates is a core priority for the city and we have a strong pipeline of delivery over the next 5 years. Developing our estate management capacity is critical to ensuring that we meet our objectives of providing safe, thriving neighbourhoods, reducing opposition to new social housing developments, supporting areas that have or will be regenerated over the coming years, and ensuring we sustain what is working well.

It is our experience that the vast majority of our tenants are responsible residents and neighbours. The behaviour of a small minority has at times distorted the general view of social housing or the reputation of particular estates. The discussion on estate management is often narrowed to the question of evictions but in reality we rely on a far broader range of interventions. It is also our experience that the majority of complaints are best managed through early and appropriate intervention strategies.

In 2019 we began an extensive review of estate management in Dublin City Council. Learning from what worked and what didn't has informed this review, as well as the recommendations of area specific reports, including on the North East Inner City, Darndale and the South Inner City. Additionally, there have been significant legislative changes since 2010, when the last policy was adopted; in particular the Housing (Miscellaneous Provisions) Act 2014. This strategy takes account of the requirements of the new Act.

Our strategies include prevention, partnership, enforcement and continuous improvement. To complement the work on the ground, we will develop high-level, targeted, collaborative, multi-agency responses in areas that have borne the worst effects of drug-dealing, criminality and gangland feuding. We will invest in strengthening our systems, processes and learning, including complaints investigation, and the use of proactive estate management strategies to really make a difference to our estates and complexes, and in multi-development units. We have many new communities in our estates since 2010: we will work on our approach to inclusion in considering the different needs of a diverse population.

In promoting good estate management, Local Authorities and An Garda Síochána have different powers to prevent and reduce anti-social behaviour. Dublin City Council commits to using its powers in full under the Housing Acts and to collaborating closely with key statutory agencies including the An Garda Síochána to prevent and reduce anti-social behaviour. We will do everything we can to support our tenants in the peaceful enjoyment of their homes but we respect the separate and distinct role of An Garda Síochána to investigate and prosecute criminal acts.

Given the changing environment and growth in organised and very serious criminality witnessed in the decade since the last strategy was adopted, I would like to take the opportunity to thank the staff who demonstrated bravery and resilience in tackling anti-social behaviour and to acknowledge the role of housing, waste management and community departments in working together to make our estates and complexes safer and better places to live.

Deputy Chief Executive Brendan Kenny

1. MISSION STATEMENT

Dublin City Council is committed to working towards the provision of safe, thriving neighbourhoods. We aim to ensure the tenants and their neighbours can live peacefully in their homes and communities. We will take all appropriate steps to prevent and reduce behaviour that compromises this objective.

2. POLICY

Every local authority has a statutory duty to adopt and review an anti-social behaviour strategy for the prevention and reduction of anti-social behaviour in its housing stock. It is the policy of Dublin City Council to:

- Inform tenants of their rights and responsibilities with regard to antisocial behaviour;
- Take seriously and investigate complaints of anti-social behaviour;
- Take appropriate action where anti-social behaviour is occurring;
- Ensure any actions are in compliance with the powers invested to it under the Housing Acts 1966-2014 (ref to Appendix 1)
- Adopt a multi-agency approach, ensuring close relations with the Garda Síochána, and other relevant in dealing with anti-social behaviour cases;
- Provide co-ordinated services internally to support the anti-social behaviour strategy.

3. 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
- Treat any complaint in a confidential manner and keep any information provided confidential, unless consent is obtained to do otherwise
- Aim to intervene early in cases of antisocial behaviour and apply persuasive measures before formal or legal enforcement action is instigated
- Take enforcement action that is proportionate to the seriousness of the antisocial behaviour
- Seek opportunities and learning from feedback from communities and stakeholders on our performance.
- Continuously evaluate the efficacy of our approaches and aim to consistently improve practice.

4. SCOPE

This strategy applies to those parts of the city where the Council has Tenancy Dwellings, Relevant Purchaser Dwellings and Traveller Sites. Anti-social behaviour (ASB) in Residential

Accommodation Scheme (RAS) and Housing Assistance Payment (HAP) properties is additionally covered under Landlord Tenant legislation (Residential Tenancies Acts).

5. STRATEGIC PRIORITIES

Our overall objective is to provide safe and peaceful neighbourhoods for Dublin City Council tenants, and their neighbours, to reside in. We will aim to prevent and reduce incidences of anti-social behaviour in affected communities where community members are negatively affected. We will deliver this through strategies that are based on Prevention, Partnership, Enforcement, and Continuous Improvement. Below is a summary of the commitments that we will adhere to in the delivery of this strategy, including actions and associated procedures.

Dublin City Council’s commitments to prevent and reduce anti-social behaviour are:

- 1. Proactive Estate Management: Prevention & Early Intervention**
- 2. Working In Partnership: Building Key Relationships**
- 3. Enforcement of Robust Consequences for Anti-Social Behaviour**
- 4. Effective Complaints Response: Efficient Investigation and Proportionate Sanction**
- 5. Continuous Improvement: Investing in the Delivery of our Strategy**

Proactive Estate Management: Prevention and Early Intervention

We commit to good estate management in order to prevent issues escalating into full scale anti-social behaviour. Estate management recognises that achieving evictions through legal processes can be complex and emphasises the use of all the other powers of the local authority to prevent getting to that point. This section lays out the preventative actions, in relation to estate management checks prior to allocation of housing, and early intervention, engaging tenants at the initial stages of their tenancy, and to provide assistance to tenants, throughout their tenancy, who require support to maintain and sustain their tenancies.

Working In Partnership: Building Key Relationships

We commit to working in partnership to effectively tackle anti-social behaviour. In recognition that better outcomes can be achieved by a co-ordinated multi-agency response, Dublin City Council will continue to identify, engage and build working relationships with key personnel in An Garda Síochána and other key external agencies, particularly where the relevant response extends beyond the remit of the Council’s authority and where outside expertise is required to resolve issues.

This section outlines the variety of partnerships we engage with in order to foster pro-active, preventative and reactive actions to combat anti-social behaviour and behaviours of concern in our communities.

Robust and Proportionate Enforcement: Consequences for Anti-Social Behaviour

We commit to enforcement measures, where anti-social behaviour has escalated to a scale that is causing severe disruption to the peaceful and safe enjoyment of one’s neighbourhood,

community and home. We will consider the use of all reasonable measures available to combat antisocial behaviour. We will ensure that all tenants are aware of the consequences and sanctions imposed upon them, pertaining to both their current and future housing options, should they be found to be willingly and consistently engaged in anti-social behaviour. Tenants will be made aware that, while the loss of one's home is the last resort, where preventative and deterrent measures have not been successful, consequences can be severe, up to and including legal action to repossess a tenancy on grounds of anti-social behaviour. This section lays out the type and duration of consequences for tenants and members of their household.

Effective Complaints Response: Investigation of Complaints & Associated Action

We commit to providing an accountable system of managing complaints related to anti-social behaviour, supported by robust policy and procedures. We will take every complaint seriously: taking, investigating and managing complaints, from a minor breach of tenancy agreement, to those of a more serious nature. We will treat every complaint confidentially¹. In our processes, we will guarantee procedural safeguards are in place, following due procedure: ensuring a fair and impartial investigation of complaints, with measures imposed proportionate to the findings. This section lays out the process in more detail, including the categorisation of complaints, the complaints process, and the variety of potential actions that can be taken by the Council, arising from the findings of the investigation.

Investing in Delivery of our Anti-Social Behaviour Strategy

Dublin City Council is committed to delivering on actions and targets detailed in this strategy. We are investing in a dedicated team to deliver on this strategy. Area Offices have the primary responsibility to respond to anti-social behaviour in their areas of operation, supported by a dedicated team in the central office, who provide technical support and will be responsible for monitoring the delivery of the identified strategic actions. This section lays out the responsibilities of each section. It also lays out details in terms of investment in staff training and in evaluating our process around complaints management, as well as consideration of investment in evaluation of key best practice pilots. We are committed to being accountable and examining our reporting systems, so that we can provide a comprehensive picture of the work carried out by our office in terms of mitigating and managing anti-social behaviour and delivering safer neighbourhoods.

Accountability and Continuous Improvement: Priority Actions

The final chapter in the strategy lays out the priority actions, expected outcomes and means of verification for each of these actions. Dublin City Council will compile and collate on a quarterly and annual basis, statistics for each of the housing areas. We will also review the progress against strategic actions on a yearly basis.

¹ (Refer to section 6.4.1.5).

6. STRATEGIC PRIORITIES IN FOCUS

Strategies are based on the objectives of Prevention, Multi-Stakeholder Engagement, Enforcement, and Continuous Improvement. Below is a summary of the commitments that we will adhere to in the delivery of this strategy. The associated strategic actions and procedures are outlined in subsequent sections.

6.1. PREVENTION & EARLY INTERVENTION

6.1.1 Allocations

The Allocations & Transfers section, and local Allocations staff, will have regard to the overall number of vacancies arising in an area and promote the best interests of estate management in making offers of available social housing to tenants in the offer zone. In addition, in schemes where multiple lettings become available at the same time, there will be regard to the tenant mix in order to promote good estate management. This will include consideration of the age and profile of household members, the mix between working and non-working households and the numbers of other family members in the same estate or immediate housing area. The Council's Housing Allocations scheme will have regard to the adopted Anti-Social Behaviour policy.

All applicants for housing by Dublin City Council will be subject to vetting in relation to Anti-Social Behaviour before a final decision is made. As part of its vetting procedure the Council will request information under section 15 of the 1997 Act as amended from An Garda Síochána, and other agencies if necessary. The social housing application form makes this clear to applicants.

In making an allocation, Dublin City will consider:

- a) History of previous tenancies;
- b) Issues specific to particular estates or housing areas.

Where incidences of anti-social behaviour are noted, each case will be considered on an individual basis, and consider:

- c) The nature and number of offences;
- d) The taking of responsibility for past behaviour;
- e) Where a person has previous convictions and has served their term/ has been discharged from prison, we must be satisfied that the person has desisted from anti-social behaviour and that sufficient time has elapsed to show evidence of this.

A decision to refuse /defer an allocation on grounds of estate management will be made in writing with the appeal mechanism as described in Section 3 'Decision and Right to Appeal'. To minimise voids the allocations and vetting processes may run in parallel but all offers of social housing **are conditional** on full estate management checks.

6.1.2 Tenancy Agreement & Tenants' Handbook

A revised Tenancy Agreement will be introduced as part of this Anti-Social Behaviour Strategy. The tenancy agreement is a legally binding contract and we will revise the tenants' handbook to provide an up to date, easy to read, guide to the rights and responsibilities of DCC's tenants.

6.1.3 Pre-Tenancy/Tenancy Signing

Area staff will meet with housing applicants at pre-letting stage. This is an opportunity to engage with tenants on being a good neighbour. A copy of the tenancy agreement terms and conditions will be made available on the website and applicants will be advised to read it prior to formal signing. This will allow more time for an applicant to ask questions and fully understand the terms of the agreement.

6.1.4 Tenancy Supports

Dedicated support for tenancy sustainment is provided for tenants of Dublin City Council where there is evidence that a tenant's support needs are affecting their ability to manage their tenancy.

Additionally, a specific services is provided to tenants who are exiting homeless services, in recognition that additional supports may be required to support people and families to re-adjust and adapt to managing their own home. This service is provided within the first 6 months of a person starting their tenancy and is complementary to that of Dublin City Council estate management staff, with the focus specifically on supporting tenants to understand their responsibilities when moving from homeless services and providing practical assistance.

6.1.5 DCC's Housing Welfare Service: Social Protection Section

The Social Protection section houses Dublin City Council's social work service. A housing welfare officer is a professional social worker employed by Dublin City Council. The Social Work section will directly assist and co-ordinate effective multi agency responses to tenants who require support to maintain their tenancy. They have a critical role in ensuring tenants can access the supports they need to maintain their tenancy.

The social work section also provides a professional mediation service. Mediation can be used for neighbour disputes, nuisance/noise disputes, conflict within families, landlord/tenant disagreements and home-owner/tenant disagreements. Mediation is confidential, non-confrontational, voluntary and free of charge.

6.1.6 Sheltered Housing Liaison Officers

In Older Persons' Accommodation, liaison officers maintain regular contact to provide practical support and guidance to older persons in our complexes. In instances of low-level anti-social behaviour, the liaison officer will intervene early.

6.1.7 Maintenance

The Housing Maintenance section is responsible for maintaining, repairing and controlling the City Council's rented housing stock. Houses and apartments are prepared to a specific standard before any new tenant moves in and we will carry out structural repairs to properties, as a result of fair wear and tear and as long the tenant is not in rent arrears. To curb any potential anti-social behaviour, Housing Maintenance will manage any vacant properties, as they can present an opportunity for anti-social gatherings and/or unlawful occupation. A plan will then be made to refurbish and re-let vacant properties. Any emergency repairs or actions, that are required due to health and safety reasons, will be accommodated in conjunction with the local area office.

6.1.8 Planning & the Built Environment

We will develop a built environment and public spaces that are designed to deter crime and anti-social behaviour, which promote safety and which accord with the principles of universal design. To this end, Housing Development will explicitly seek input from Estate Management Teams in the relevant area office to 'design out' potential blackspots in new build or regeneration projects.

We will continue to invest in lighting and CCTV as a deterrent in areas that have potential for anti-social behaviour.

6.1.9 Community & Integration

There exists substantial community groups striving for safe, vibrant communities with positive opportunities and alternatives for children and young adults in the area, funded by Dublin City Council and other statutory funded schemes. These provide vehicles for positive community action in the areas of community development, family support, youth services, drugs supports and youth justice.

We will prioritise allocation of Community Development resources to areas and projects that directly or indirectly promote good estate management and reduce anti-social behaviour.

6.2. BUILDING KEY RELATIONSHIPS

In recognition that better outcomes can be achieved by a co-ordinated multi-agency response, the City Council works very closely with a number of agencies to promote safe, thriving communities and good estate management.

As part of a strategic approach to community safety, we will develop local level multi-agency responses to targeting specific cases or where there are areas of very serious anti-social behaviour which will need collective action to be effective.

At the local area level, we engage with a broad spectrum of networks and groups in order to maximise cohesive action in relation to issues that cross-cut with actions to prevent, mitigate and respond to anti-social behaviour specific to each community.

6.2.1 An Garda Síochána

We have a strong working relationship with An Garda Síochána, and this will continue to be fostered and worked upon. To further enhance this good relationship Dublin City Council and An Garda Síochána will continue to jointly agree protocols governing the liaison process, particularly at local level.

We work closely with An Garda Síochána and other agencies in relation to the vetting of prospective tenants and in gathering evidence as part of the investigation of complaints. Depending on the seriousness of the anti-social behaviour this may range from coordination to joint initiative.

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 resolutions 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.

6.2.2 HSE

There is increasing emphasis on encouraging and facilitating all persons, irrespective of the mental and physical health needs, to live in the community, rather than in congregated residential settings. Funding and investment in these residential facilities is now targeted towards community support and the HSE is building its capacity to provide more care in the community. Where there are cases involving clients that may require additional health/care supports to meet their tenancy obligations, timely access to community based specialist services and supports is vital.

The local Area Housing Officer, along with our Welfare Service and/or our Tenancy Sustainment service, will engage with relevant persons in the HSE, where the reasons that a tenancy is breaking down or in jeopardy are related, in part, to the health presentation of persons residing in the home. Multi-disciplinary case conferences are arranged, with the purpose of pooling information to identify and determine actions from relevant sections, to seek alternative actions that will contribute to the tenant remaining in their home and preventing potential exclusion from, or re-possession of, the home.

6.2.3 TUSLA

Where there are complaints related to child welfare concerns, we will refer these immediately to TUSLA, who are the statutory agencies responsible for investigating and responding to child welfare concerns. Dublin City Council housing staff will remain in close contacts with these services in order to support families with complex needs whose tenancies are in jeopardy.

6.2.4 Voluntary agencies

We partner with a number of voluntary agencies to support and augment our support services in the community, such as tenancy sustainment services for people who have come from homelessness, as well as voluntary organisations that support elderly people.

6.2.5 Management Agents and Owner Management Companies

Recognising the increasing provision of social housing in mixed developments and apartment complexes, we will aim to develop our relationships and engagement with management agents and owner management companies with respect to our obligations around tenant and anti-social behaviour management.

6.2.6 Other Local Authorities and Approved Housing Bodies

Dublin City Council has a good relationship with other local authorities and often engages with them regarding shared responsibilities in the area of combating Anti-Social Behaviour. Information is also exchanged in relation to housing applicants moving from one authority's jurisdiction to another.

Close links are maintained with Approved Housing Bodies to support good estate management, manage nominations and to exchange information regarding anti-social behaviour.

6.2.7 Area Based Initiatives

Within each area of Dublin City Council, there are area based, cross-cutting initiatives taking place under the lead of Directors of Service for Northside and Southside. These initiatives will set up bespoke responses to that area.

Local Community Development Committees & Community Consultative Forums: Dublin City Council is committed to working in partnership with residents and tenants to promote good estate management in their communities. We will consult with recognised groups in relation to tackling anti-social behaviour, and on issues which may affect their physical environment and/or their community safety. Our Community Officers will promote the development of tenant associations and the involvement of tenants in building safer communities. Through relevant forums, we will actively seek feedback from communities on how the Council is managing its housing stock and what improvements can be made at the local level.

Joint Policing Committees and Local Policing Fora and Community Safety Groups: Joint Policing Committees (JPCs) provide a dedicated forum to support consultation, cooperation and synergy on policing and crime issues between An Garda Síochána, local authority officials, elected representatives, and the community and voluntary sectors. Public meetings are held on a quarterly basis to discuss relevant issues from the respective areas. Local Policing Foras (LPFs) are four community level structures within the overall JPC framework including the South West Inner City, Canal Communities, Dublin 12 and Ballyfermot/Chapelizod. Dublin City Council is providing funding for a coordinator support person for the four LPF's which will provide better cohesion. Dublin City Council also participates in Community Safety Groups (CSGs) where there is collaboration on issues from community, law enforcement and landlord (Dublin City Council).

Local Safety Partnerships: In recognition that communities themselves are best placed to both understand the context of the environment they are living in and, consequently, to identifying home ground solutions to the issues they face, the Local Community Safety Partnerships (LCSP) initiatives are being piloted in a number of areas across the country, as part of the recommendations of the Commission on the Future of Policing in Ireland (CFPI), one of which is the North East Inner City. It recognises the vital importance for sustainable communities that there is active engagement of the community in owning both the challenges and the solutions to their specific problems. Dublin City Council will working in partnership and closely support the pilot to develop and implement local community safety plans that respond to the specific needs of the community.

Similar initiatives are taking place in other areas, such as Safer Ballymun and Safer Finglas, an action based, problem solving partnership between An Garda Síochána, Dublin City Council and the local community, and Building Community Resilience in Dublin South Central Area.

Local Drug Task Forces were established in response to the drug crisis that was devastating the most disadvantaged and marginalised communities in Dublin at that time. There are eight Local Drug and Alcohol Task Forces (LDATF) in Dublin City: Ballyfermot, Ballymun, Canal Communities, Dublin 12, Dublin North East, Finglas Cabra, North, Inner City and South Inner City. We work closely with the LDATF to support the development of effective responses to the drug crisis through the use of area-based partnerships between the statutory, voluntary and community sectors including public representatives. We work with the Task Force to develop and implement area specific strategies and working to address gaps in services.

Youth Services: We engage with a variety of local services that are aimed at reaching out to young disadvantaged children. The Children and Young People's Services Committees (CYPSCs) are county-level committees that bring together the main statutory, community and voluntary providers of services to children and young people. They provide a forum for joint planning and co-ordination of activity to ensure that children, young people and their families

receive improved and accessible services. Staff in our Area offices will engage with youth development and diversion projects. This will include coordination of efforts through CYPSC's.

We also work closely and support projects such as Young People at Risk (YPAR) in the North East Inner City and other similar services across the city and the TRY programme in Dublin South Central Area. Dublin City Council also supports the Dublin 8/12 Restorative Practice Project and the Ballyfermot Restorative Practice Project that are a coalition of youth workers, community workers, Gardaí and Dublin City Council staff who believe that Restorative Practice can make a valuable contribution to effective work in local schools, neighbourhoods and community and youth centres. We also engage closely with Youth Centres in all areas where we operate.

Community Inclusion: Taking a steer from the Government's Migrant Integration Strategy, the North East Inner City (NEIC) Initiative, supported by Dublin City Council and the Department of Justice, has invested in research to outline the challenges and opportunities for building cross-community cohesion. Tentative steps are being taken to realise some of the recommendations within this report and will act as a guide for further enhancement of engagement in preventative measures around anti-social behaviour targeted at minority ethnic people.

6.3. ROBUST CONSEQUENCES FOR ANTI-SOCIAL BEHAVIOUR

While it is the primary objective to support tenants to remain in their home, the actions outlined in the previous two priorities, in terms of supporting sustainment of tenancies, prevention and early intervention measures do not always suffice. It is necessary to have sufficient sanctions in place that will provide an extra layer of deterrence in place for tenants and/or their household members to desist in acting in a way that interferes with the safe and peaceful occupation of their neighbours' homes. Where a tenant or a household member has been found to have been or currently is engaged in anti-social behaviour, there are significant consequences to their actions.

The section outlines the consequences that will be in place for households found to have been or currently engaged in anti-social behaviour by Dublin City Council. This includes tenants who are the subject of a tenancy warning, or where they have previously been found to have been involved in serious anti-social behaviour in recent years, and are applying to let, purchase, seek permission to reside, or seek to succeed a home from the Council.

6.3.1 Refuse to/Defer to Allocate

We will refuse to make an allocation of social housing, or will defer the making of an allocation, where we consider that a household (or member of the household) has been engaged in anti-social behaviour **or** where an allocation to that household would not be in the interest of good estate management **or** where the household doesn't provide information requested relating to persons residing or proposing to reside together as part of the household.

6.3.2 Refuse to/Defer to Sell a Dwelling

We will refuse to sell or defer the sale of a dwelling to a person if we consider the person has been engaged in Anti-Social Behaviour or the sale would not be in the interest of good estate management.

6.3.3 Refusal to Succeed

Dublin City Council makes provision in its allocation scheme for the succession of household members in prescribed circumstances where a tenant is deceased. We will refuse an application to succeed if we consider a person has been engaged in Anti-Social Behaviour or if we believe the succession to tenancy would not be in the interest of good estate management.

6.3.4 Refuse Permission to Reside

We will refuse an application to reside to any person who has been engaged in anti-social behaviour or if we consider such permission would not be in the interest of good estate management.

6.3.5 Rehousing Following Eviction / Exclusion

Any persons who are/were the subject of an excluding order, or Notice of Termination on grounds of Anti-Social Behaviour will not be considered for rehousing for a minimum period of two years and / or until such time as Dublin City Council is satisfied that they are capable of living, and agreeable to living in the community without engaging in such behaviour.

6.3.6 Housing Assistance Payment (HAP)

We may refuse to permit a person who proposes to take up, or resume residence, or enter or be in a dwelling the subject of housing assistance (HAP) where we consider the person is or has been engaged in Anti-social behaviour. We will refuse an application for HAP if the property is in the vicinity of the area from which a tenant was evicted or excluded or engaged in anti-social behaviour.

6.3.7 Maintenance

We may refuse to provide standard, non-emergency, non-Health and Safety/Environmental Health related maintenance to a household where they have a tenancy warning

6.3.8 Decision & Right to Appeal

In determining if a person has been engaged in anti-social behaviour, we will use the powers given to the Housing Authority under Section 15 of the Housing (Miscellaneous Provisions) Act, 1997 as amended which allows us to carry out checks on all social housing applicants including obtaining information from other agencies.

An applicant will be informed in writing of the grounds for a refusal/deferral on estate management grounds by the relevant section. An appeal of such a decision may be made in writing within 21 days. An applicant may also apply in writing to have a decision reviewed after 12 months. Each case will be considered on an individual basis but we must be satisfied that the person has desisted from anti-social behaviour and that sufficient time has elapsed to show evidence of this.

6.4. INVESTIGATION AND PROPORTIONATE SANCTION

This section lays out the phases involved regarding complaints related anti-social behaviour.

The first phase outlines the making of a complaint. The second phase outlines how the complaint will be categorised. Phase three outlines the process of investigation. The fourth phase outlines the various options available to the council in deciding what appropriate action to take, following the findings of an investigation and includes detail of how to submit a review of a tenancy warning. Phase five outlines specifically legal actions that can be taken, where all other options, outlined in Phase three, have been exhausted, or where the anti-social behaviour was of such a serious nature, that the reasonable consequential action is exclusion or repossession of the home. Phase six outlines the procedure for the repossession of a home.

6.4.1 PHASE ONE: MAKING A COMPLAINT

6.4.1.1 Where & how to make a complaint

Dublin City Council will accept and deal with complaints of anti-social behaviour against tenants, relevant purchasers, Chapter 4 tenants (RAS) and licencees within its areas of responsibility.

If a person is a victim of anti-social behaviour by a Dublin City Council tenant, or a member of a tenant's household, they should make contact with their local Area Housing Office to make a complaint. Initial complaints can also be made via email or letter, over the phone, or in person via the following channels:

1. A complaint can be made via email to customerservices@dublincity.ie
2. Contact Customer Services - 01-2222222 who will transfer the complaint or refer the complainant to relevant housing area office. The addresses and telephone numbers of area offices can be found in the Tenants' Handbook, the Anti-Social Behaviour leaflet and Dublin City Council website..
3. A complaint can be made in writing to the Dublin City Council, Anti-social Behaviour Unit, Housing and Community Services, Block 1, Floor 1, Civic Offices, Dublin 8.
4. In the case of Traveller specific accommodation a person also has the option of making the complaint to the Traveller Accommodation Unit, Block 1, Floor 2, Civic Offices, Fishamble Street, Dublin 8.

Where a complaint is made to the central office, the complaint will be referred to the relevant local office.

Where a person has made a complaint of anti-social behaviour, they will normally be contacted within 5 days of the complaint being received by the relevant office. They will usually be requested to attend Dublin City Council Offices so that the housing officer can take a detailed complaint. It is important to establish all of the facts of the complaint, in order to determine the next steps.

Many complaints can be dealt with at the first point of contact - an incident may be resolved without resorting to a formal process. The designated officer will then need to establish the reliability and credibility of the complaint. They must capture the nature, duration, and scale of the anti-social behaviour, and who was involved and impacted. They will then need to

review if any previous complaints of a similar nature have been received in relation to the same tenant within a reasonable timeframe, to determine the category of the complaint and whether or not to proceed with a formal process.

In some cases, an investigation will not be carried out as it will have been determined that the complaint was vexatious or without substance, or does not relate to a relevant Dublin City Council tenant or is outside the remit of Dublin City Council.

Complaints will be recorded on the Housing Department's computerised system. Access to these records is restricted to staff with an assigned responsibility for managing anti-social behaviour.

6.4.1.2 Complaints related to a criminal matter

It is beyond our powers to investigate a complaint with an associated criminal nature, without having this matter at first being addressed by An Garda Síochána. While it is important that neighbours and community members notify us of concerns that they may have, regarding tenants of Dublin City Council, whom they suspect may be involved in anti-social behaviour of a criminal nature, in the tenants respective home or in the vicinity of their home, this must be addressed by An Garda Síochána in the first instance.

A criminal matter requires investigation by An Garda Síochána and complainants contacting about criminal matters must be referred to this body. We will give every assistance to An Garda Síochána and take enforcement measures where there is evidence of Dublin City Council tenants engaged in persistent or serious behaviour.

6.4.1.3 Complaints related to Domestic Violence and Child Welfare

An Garda Síochána and TUSLA are the statutory agencies responsible for investigating and responding to domestic violence and child welfare concerns respective. Dublin City Council staff will advise complainants of the remedies and supports available to them. Affected families can be referred to Dublin City Council's welfare section, who can support with appropriate help and advice, including onward referral to specialist services. Where a case has been referred to our Social Protection section, Dublin City Council social workers will remain in close contacts with these services in order to support families with complex needs whose tenancies are in jeopardy.

6.4.1.4 Vexatious Complainants

In a small minority of cases a complaint may turn out to be vexatious or malicious. If we believe there is an abuse of process we will refuse to investigate further complaints unless there is corroboration.

6.4.1.5 OUR COMMITMENT TO CONFIDENTIALITY

Information given to the Council as a confidential complaint is protected under Section 32 and Section 35 (1) of the Freedom of Information Act 2014.

The names and addresses of complainants who fear reprisal are kept confidential and are not divulged to the respondent (the alleged perpetrator) or to any person acting on his / her behalf.

If the complaint itself would tend to identify the complainant, then they will be made aware of this and asked if they wish an investigation to proceed on foot of the complaint.

If it is considered essential for the respondent to know the true nature and extent of the complaint, the complainant is advised that the information would need to be furnished to the respondent in the interest of fairness, and in these circumstances the complainant will be asked if they wish an investigation to proceed.

If it emerges that the behaviour complained of is regular or ongoing, the complainant may be advised to keep a log of incidents indicating for example the date, time, and location, identity of alleged perpetrator and description of behaviour, which can be submitted to Dublin City Council to assist in the investigation.

Anonymous Complaints

Anonymous complaints are treated with caution and may not warrant further investigation other than consideration of the complaint at the initial stage, and noting of same. However, if more than one separate anonymous complaint are received against one household, then it is reasonable to assume that there may be substance to the complaints and an investigation may be initiated on that basis.

Supporting Complainants

The best means by which we can implement a successful anti-social behaviour strategy is having clear communication on the complaints process. This includes setting realistic expectation in terms of what is and is not within the remit of the City Council.

The investigating team will keep the complainant generally up to date with progress, but are not permitted to disclose confidential information gathered during the investigation, nor is it possible for us to disclose matters between a landlord and tenant where there are limits on what information can be provided. The complainants will be update at reasonable intervals on the progress of the case, until the case is closed.

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.

Boundaries of Confidentiality

Dublin City Council have a duty to report any concerns about possible harm, abuse or neglect related to a child or vulnerable adult.

6.4.2 PHASE TWO: CATEGORISING COMPLAINTS

Complaints received will initially be categorised Levels 1 – 3 by the assigned officer. The primary purpose of categorising is for reporting and monitoring but additionally to inform the scope of the investigation and response to the complaint. The categorisation of a complaint may change following investigation.

6.4.2.1 LEVEL 1: Low Level Anti - Social Behaviour and/or First Complaints

A categorisation of this level refers to an incident that **may** be resolved without resorting to a formal process. However, the designated officer must consider the nature, scale and history of reported anti-social behaviour in categorising the complaint.

Where there are persistent behaviours/incidents (more than 2 complaints not relating to the same incident) or where the nature of the breach is more serious this may warrant a Level 2 categorisation.

Indicative breaches of tenancy, which depending on scale and frequency, may fall into Level 1 category include:

- Animal Nuisance including dog fouling
- Vehicle Nuisance including non-authorised parking of vehicles
- Littering
- Garden Nuisance (e.g. overgrown or waste in garden)
- Misuse of Common Area
- Complaints about designated spaces
- Use of Balcony
- Visitors
- Personal Nuisance
- Noise that is significant and persistent and affects more than 1 other tenant.
- Any other behaviour that does not fall into the legal definition of Anti-Social Behaviour but is a breach of tenancy.

Some level one Level 1 complaints can be dealt with via the following channels

Noise: A complainant may make an application to the district court for a Noise Abatement Order in accordance with Section 108 of the Environmental Protection Agency Act, 1992.

Abandoned Vehicles: Abandoned vehicles can be notified on Dublin City Council's website or by contacting 01 2222222.

Dogs

Dog Barking - Section 25 of the Control of Dogs Act 1986 deals with nuisance by barking dogs. A complainant may make an application to the district court under Section 25 of the Control of Dogs Act which facilitates any person to take a case in the District Court in relation to barking dogs. The court may order noise nuisance to be abated, limit the number of dogs kept at a premises or the delivery of a dog to the dog warden to be dealt with in accordance with provisions of the Act.

Dog Faeces - Under Section 22 of the Litter Pollution Act 1997 it is an offence to allow a dog to foul a public place. This means the owner or person in charge of the dog is required to remove dog faeces and dispose of them in a suitable, sanitary manner. A complaint can be made to the District Court under the litter laws against an owner or someone in charge of a dog who allows that dog to foul public places and who fails to act responsibly.

6.4.2.2 LEVEL 2: Serious Anti -Social Behaviour (and/or Persistent Breaches of Tenancy not Resolved by Level 1)

This categorisation should be assigned to all incidents that relate to violence, threats and intimidation, repeated breaches of tenancy, persistent or serious impairment of neighbours' enjoyment of their homes, damage to property, racism or harassment on any of the nine equality grounds (gender, marital status, family status, age disability, sexual orientation, race, religion, and membership of the Traveller community), obstruction of local authority officials or contractors or any other such agency carrying out work with the permission of the Council.

6.4.2.3 LEVEL 3: Serious Anti-Social Behaviour Drug-Related

A Level 3 complaint includes any alleged act or behaviour, where the anti-social behaviour relates to the manufacture, production, preparation, importation, exportation, sale, supply, possession for the purposes of sale or supply or distribution of a controlled drug (within the meaning of the Misuse of Drugs Act 1977 – 2007), any serious threats or intimidation, where there is suspected involvement in organised crime or where any part of the allegation involves the use of weapons will be categorised as a Level 3 complaint.

6.4.3 PHASE THREE: INVESTIGATING THE COMPLAINT

Dublin City Council will carry out such investigation as it considers necessary to establish if there is a reasonable basis for believing that the tenant or person against who the complaint has been made is engaging or has engaged in the behaviour complained of. We will have regard to balancing the concerns of the complainant against the respondent's right to a fair investigation.

6.4.3.1 Designated Officer

A staff member in the area office will be assigned responsibility for opening the case and managing the process of the investigation. The categorisation of the complaint will determine the next steps in the process. They will gather evidence from a variety of relevant sources to inform the process.

6.4.3.2 Information Requests

In the case of serious Anti-Social Behaviour, such as drugs, violence, threats, etc., information will have been requested in writing from An Garda Síochána prior to interview. Details of information provided by the Gardaí and other relevant agencies will be kept on record.

<p>In efforts to enhance community safety, in carrying out its functions under the Housing Acts of 1966-2014, the local authority may request and obtain information from another local authority, the Criminal Assets Bureau, An Garda Síochána, the Department of Social Protection, the Health Service Executive (HSE), the Revenue Commissioners, the Department of Justice, or an Approved Housing Body in relation to occupants or prospective occupants of, or applicants for, local authority housing, that the authority considers may be engaged in anti-social behaviour.</p>
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6.4.3.3 Invite to Interview

If there is a reasonable basis for believing that the tenant or person may be engaging in the alleged behaviour, and that such behaviour is a matter for the local authority, Dublin City Council² will inform the tenant of the complaint and request the tenant (the respondent) and the member of their household to attend for interview, to allow them an opportunity to respond.

6.4.3.4 Interview No-Show

If a respondent does not respond to the invitation for interview, the complaint will be upheld if the investigating officer has reasonable grounds for believing the respondent is involved in anti-social behaviour or has breached their tenancy agreement.

6.4.3.5 Interview Process

The respondent may be accompanied at any interview by an assistant or adviser or family member. In the event of disability or language difficulty appropriate facilities will be provided on request. Third parties and representatives may make submissions and representations in writing in relation to any respondent.

At interview, the respondent is informed of the possible consequences should Dublin City Council form the belief that there is substance to the complaints of Anti-Social Behaviour³.

The respondent may submit any rebutting material or information, and for this purpose a second interview can be arranged.

In deciding the appropriate course of action Dublin City Council will consider any representations, submissions, documentation and observations made to it by or on behalf of the respondent, and any other relevant matters.

A written record (minute) of the respondents' interviews are made and kept on the case files. Minutes of interviews are signed by the investigating officers conducting the interviews.

Interview must not be digitally recorded by either party.

If, at the second interview, the respondent submits rebutting material then further inquiries will be carried out if warranted. They are again informed of the possible consequences should Dublin City Council form the belief that there is substance to the complaints of Anti-Social Behaviour. A written record (minute) is made of this interview and kept on the case file. Case files are treated as confidential and are stored in secure filing cabinets with restricted access.

Any additional complaints received after the initial interview but before the termination of the tenancy (in the case of a tenant) will be subject to the same inquiries.

² In the case of Chapter 4 tenancies (RAS) the landlord is notified of the investigation and the reasons for it. In Chapter 4 tenancies (RAS) the landlord will also be asked to contact the tenant directly and inform the tenant of the process under the Residential Tenancies Act.

³ Including termination of tenancy in the case of tenancy dwellings and Chapter 4 tenancy dwellings (RAS), termination of licence in the case of Traveller site,s and excluding order (not RAS), in the case of the aforementioned dwellings and in the case of relevant purchasers.

6.4.4 PHASE FOUR: DECIDING ON APPROPRIATE ACTION

Dublin City Council will have regard to the number of complaints, the seriousness or persistent nature of the anti-social behaviour complained of, the reliability of the information grounding the complaint, the response of the respondent to the complaint, representations and submissions, previous warnings, the adequacy of alternative measures, the interests of good estate management, the effects of the anti-social behaviour on others and reports from An Garda Síochána.

Having fully considered all relevant information relating to the investigation, and having consulted with their Area Housing Manager and other relevant staff, the investigating officers may conclude any one of, or a collection of, the following to be the most appropriate course of action:

6.4.4.1 No Further action

Where the complaint has not been upheld because of lack of evidence or because it is unfounded then no further action will be taken.

6.4.4.2 Referral

Referral of the complainant to An Garda Síochána if the complaint is of a criminal nature.

Referral to other services such as youth services; social worker; relevant NGO's; Tenancy Sustainment/Specialist support such as HSE addiction services, TUSLA, Mental Health Services, Elder Care.

6.4.4.3 Informing all Tenants

In cases where anti-social behaviour is widespread and/or the perpetrators cannot be identified, it can be useful to send a letter to all tenants in the complex reminding them of their obligations under their tenancy agreements.

6.4.4.4 Mediation

If it is decided that mediation is the appropriate course of action in a case, then the relevant request is made to the Chief Welfare Officer. Mediation is not deemed suitable in cases of serious anti-social behaviour but may be suitable for some lower level complaints. Both parties must agree to this process.

6.4.4.5 Additional Tenant Training

This is to ensure the tenant fully understands their responsibilities.

6.4.4.6 Multi-Agency Case Meeting

The Area Housing Manager or Team Leader Social Work section will convene if appropriate.

6.4.4.7 Case Management

Ongoing check-in with support services, the respondent and/or the complainant, physical calls to the dwelling.

6.4.4.8 Further Interview

The respondent may be requested to attend for further interview in order to confirm the decision of Dublin City Council, particularly in the case where a written agreement is being entered into regarding future behaviour. The consequences of breaking the terms of the written agreement can be explained at this interview.

6.4.4.9 Warnings Prior to Tenancy Warning

If the decision is to issue a verbal, written or final warning then the respondent is informed of the consequences if further substantiated complaints of anti-social behaviour are made⁴.

- Verbal Warning – usually reserved for instances of first offences of a trivial nature
- Written Warning
- Final Written Warning Prior to the Issuing of a Tenancy Warning

6.4.4.10 Tenancy Warning

We may issue a tenancy warning to a tenant where the tenant, or a member of their household, or a visitor, has breached a specified term of the tenancy agreement. A specified term includes anti-social behaviour, nuisance or conduct likely to cause annoyance or disturbance to neighbours or a tenant knowingly permitting a person, against whom an exclusion order (reference below) is in force, to enter the dwelling specified in the order. It will require that specified actions are ceased and/or that the tenant undertakes specified actions. There are serious consequences for a tenant who has been issued with a tenancy warning.

A tenancy warning is live for a period of 12 months. Any further breaches, as outlined in the warning, may result in legal action. A tenancy warning issued to a client has additional implications (detailed in section 3: Robust Consequences for Anti-Social Behaviour) for a tenant related to housing.

Review of Tenancy Warning

Where a tenant does not accept that a breach of tenancy agreement has occurred as set out in a tenancy warning issued under section 7 and Section 9 of the *Housing (Miscellaneous Provisions) Act 2014*, they may request in writing a review of the tenancy warning issued to them within 10 working days from the issuing of the tenancy warning. A reviewer will be appointed by the Chief Executive who was not involved in the decision to issue a tenancy warning and who is senior in rank to the officer or employee who made the original decision.

6.4.4.11 Dwelling surrendered - in lieu of Legal Action

In such cases, the housing officer must be satisfied that the applicant is not going to be homeless, has undertaken repayment of any outstanding rent arrears and understands the implications for future rehousing.

6.4.4.12 Estate Management Transfer

In exceptional circumstances, taking into account reports from An Garda Síochána, a transfer on estate management grounds may be considered in cases where there is no gain or improvement afforded to the alleged perpetrator and where there is a compelling rationale

⁴ In Chapter 4 tenancies (RAS) this should be issued by the landlord.

supporting the potential abatement effect of a transfer. The rent arrears policy as regards transfers will apply. Where a transfer is made, where possible, consideration will be given to the location of support services or other services the person or members of their family are linked into.

6.4.4.13 Removal of Illegal Occupiers

Where a person squats in a Dublin City Council dwelling and is or has engaged in Anti-Social Behaviour and refuses to leave when requested to do so, it is the policy of the Council to formally request An Garda Síochána to instruct that person to leave the dwelling. This does not require a court order as there is no tenancy in place. Where the person fails to comply with the instruction of the Gardaí, that person can be arrested by the Gardaí without warrant. This is in accordance with section 20 of the 1997 Act as amended. This provision does not apply to a tenant or person who has failed to vacate the dwelling following the service of a Tenancy Warning.

Any additional complaints received regarding a tenant who has already been issued with a decision, other than decision a) no further action, will subsequently be investigated, and, may warrant the tenant receiving a more consequential warning.

6.4.5 PHASE FIVE – LEGAL ACTION

Where there has been serious or persistent anti-social behaviour and/or a further breach following a tenancy warning, Dublin City Council may pursue a legal remedy as set out below.

In cases of significant anti-social behaviour, in exceptional cases, a tenancy warning may be bypassed and legal recourse will be applied for directly.

6.4.5.1 Legal Action – Apply to Courts for Exclusion Order

An exclusion order may be applied for which will exclude a person, who has been found to be acting in an anti-social way in the area, from a specific house or from the vicinity of a house. This can be a member of the household or an associate of the tenant. This must be applied for through the courts. This can be applied for either by Dublin City Council or the tenant of the property in question.

The application is made to the District Court and they will decide on the merits of the case. If the application is refused then the case will be reconsidered as to the appropriate course of action to be taken.

An excluding order may relate to a specified dwelling, area or estate. An Exclusion Order provides for either the removal or attachment of conditions where a member of the household is engaged in serious and persistent anti-social behaviour. The excluding order provisions apply to standard tenancy dwellings; relevant purchaser dwellings (including house tenant purchase, apartment, tenant purchase and incremental purchase) and Traveller sites.

6.4.5.2 Legal Action – Apply to Courts for Possession Order

If the behaviour detailed in the Tenancy Warning continues within 12 months of the issue of a Tenancy Warning, Dublin City Council will make a Possession Application to the District Court detailing the grounds on which the application is being made and may include information on oath by an official. In exceptional circumstances, where anti-social behaviour is of a significantly alarming nature, Dublin City Council can move directly to apply for possession, without issuing a tenancy warning.

The District Court will decide if a Possession Order is to be granted or may grant an Excluding Order, if relevant, instead.

In considering an application the Court will take into account the steps taken by the Local Authority, the response of the tenant, the effects of the behaviour on the quality of life of those in the locality of the dwelling and the proportionality of making a possession order, having regard to the grounds set out.

6.4.6 PHASE SIX – CLOSING THE CASE WHERE POSSESSION GRANTED

The Council lodges the warrant in the District Court office for signing by the judge. When the warrant is signed and taken up from the court the Council lodges it with the City Sheriff who provides a date for enforcement of the possession order. The eviction must take place within 28 days of the signing of the warrant.

The Council informs the respondent in writing of the date of the pending eviction and will answer any queries they may have.

The respondent is given the opportunity of surrendering prior to the eviction date if they so wish.

The eviction is carried out (warrant is executed) by the office of the City Sheriff with Council staff in attendance.

6.5. INVESTING IN OUR ESTATE MANAGEMENT CAPACITY AND RESOURCES

Good Estate management requires integrated working across sections. The coordination of the strategy in relation to anti-social behaviour in the Council has recently been supplemented by identifying a Senior Executive Officer (SEO) to the post. The SEO will have responsibility of oversight on the delivery of the specified actions in this strategy.

5.5.1 Coordination of Internal Services to Support the strategy

In order to determine progress and priority actions for tackling anti-social behaviour, in particular where cases are moving towards the more consequential sanctions, the Central office meets with all area managers on a monthly basis to progress cases.

Updates on progress with all serious cases, including excluding order and eviction, are submitted as well as relevant statistics. Discussion on all aspects of Anti-Social Behaviour is facilitated at these meetings where proposals and agreed actions are recorded and minuted.

These meetings are chaired by the Senior Executive Officer. While the Area Housing Managers are decision makers with regard to appropriate action in anti-social behaviour cases within their respective areas, including legal action, it is important to have an overall and consistent application of sanctions across areas, and for each area to cross-fertilise on ideas and best practice in terms of tackling anti-social behaviour and managing complex cases. The Central office will provide oversight and advice in this regard.

The Allocations Section, Maintenance, Housing Supply, Community and Integration, Training (HR) and Health and Safety will be periodically invited to attend these meetings, contributing to pro-active responses and presenting on particular areas of concern that cross over with anti-social behaviour and good estate management.

5.5.2 Specific Responsibilities with regard to Anti-Social Behaviour Management

The main services within Dublin City Council that have a role in dealing with issues of Anti-Social Behaviour are:

1. Area office staff are responsible for handling complaints, conducting interviews, gathering evidence relating to breaches of tenancy;
2. The central anti-social behaviour unit acts as an expert resource to staff and is responsible for the servicing of Tenancy Warnings and application for Possession Orders where a Tenancy Warning has been breached. Where there is a known risk to Area staff the central unit will offer additional support;
3. The Law Department supports the preparation of cases for court applications and any ensuing appeals;
4. Many other sections support the work through estate improvements, social work interventions, enforcement of waste regulations, community development and diversion programmes.

5.5.3 Central Serious Anti-Social Behaviour Support Unit

As noted above, the central unit provides a specialised service, dealing specifically with cases where legal proceedings may be applied and/or where, for reasons of staff safety and security, it is considered more appropriate to separate the investigation from the local area. The responsibility to delegate the investigation to the central unit will be made by the Area Manager. The responsibilities of the Central Unit are:

- To review submissions prior to the issuing of a tenancy warning;
- to interview respondents in serious cases when requested to do so by the local Area Housing Office, particularly when a tenancy warning or excluding order is being considered;
- to terminate tenancies by serving Tenancy Warnings and Possession Orders;
- to process tenancy warning cases, from the serving of the notice to the close of the case;
- to give evidence in court in regard to terminated tenancies;

- to process excluding order cases, from the consultation with the respondent to the close of the case;
- to give evidence in court regarding excluding order cases;
- to collate and manage statistics;
- to liaise with the Law Dept.;
- to liaise closely with the local Area Housing Offices where most complaints are made, and from where investigations are initiated;
- to liaise with all other relevant sections;
- to meet with outside agencies, such as the HSE, An Garda Siochana, Tenancy Sustainment Agency, housing agencies, and other local authorities as and when required;
- to assist in training courses and to provide ongoing training to staff involved in anti-social behaviour issues;
- to monitor changes in legislation and to keep policies and procedures up to date
- to oversee the carrying out of evictions.

5.5.4 Building Staff Competence

Staff in Area Housing Officers will receive ongoing training to develop consistent and confident practice in good estate management and in the investigation of complaints. As part of this strategy, a review of training needs will be carried out as well as an assessment of quality training options available either in person or online. Training will include and understanding of the legal process as well as other complementary training, identified as part of this review.

5.5.5 Pilots and Best Practice & Resourcing what Works

One of the expectations of the strategy, as laid out in the Housing Miscellaneous Act, 2009, is that local authorities will carrying out research into anti-social behaviour and its prevention and reduction. We are committed to investing in what works. We will identify a number of pilot projects that are occurring over the lifetime of this strategy and invest in research into one of these pilots, in terms of its impact on preventing and/or reducing anti-social behaviour and promoting pro-social behaviour. There are currently three interesting initiatives taking place that could offer an opportunity for such an investment including the Local Community Safety Partnership in the North East Inner City, the work on the Inclusion Strategy by Dublin City Council, with respect to further enhancement of and engagement in preventative measures around anti-social behaviour targeted at minority ethnic people, and a pilot initiative that will take place as part of this strategy to enhance tenancy support to people residing in our Older Persons complexes or any other person who is elderly and presenting with support needs related to sustaining their tenancy.

7 PRIORITIES IN ACTION

7.1 Proactive Estate Management: Prevention and Early Intervention

Dublin City Council is committed to good estate management through proactively managing the initial stages of developments, tenancy allocations, coordination within and between sections with respect to delivering safer neighbourhoods.

Targeted Actions

1. Coordinate protocols between departments to resolve cross-cutting ASB issues
2. Refine protocols for early engagement and support for tenants
3. Refine protocols for Area Housing Officers/Local Input for consultation on new developments/regeneration to design out ASB

Expected Outcomes:

1. More cohesive and coordinated internal mechanisms for preventing and responding to ASB
2. Clear and established protocols for escalating cases of ASB
3. Early identification of vulnerable individuals and families who may require intensive tenancy support
4. Local knowledge improves investment in designing out ASB on new builds/regeneration

Indicative Means of Verification/Indicators

1. Revised Templates and Protocols
2. # & % of transfers on bases of estate management
3. # & % of pre-tenancy training carried out (as % of new tenants)
4. # & % of referrals to DCC Social Welfare (where appropriate)

7.2 Working In Partnership: Building Key Relationships

Dublin City Council is committed to working in partnership in order to seek the best possible outcomes for solutions and resolutions regarding preventing and tackling the causes and consequences of anti-social behaviour.

Targeted Actions

1. Develop Action Plan Templates and Referral Letters
2. Invest in tenancy support service for Older Persons
3. Invest in targeted responses and follow up for particular tenants
4. Develop specific guidelines for engage with Multi-Unit Developments
5. Review tenancy agreements incorporating requirements of specific units/complexes

Expected Outcomes:

6. Vulnerable tenants identified and linked in with internal/external agencies
7. Older Persons supported to sustain their tenancies
8. Positive relationship fostered on Mixed Tenure Developments

Indicative Means of Verification

9. # & % of action plans developed (where this is appropriate)
10. #&% AND nature of referrals with external agencies (where this is appropriate)
11. # & % of case conferences (where appropriate)

7.3 Enforcement of Robust Consequences for Anti-Social Behaviour

Dublin City Council is committed to clearly communicating with all tenants on their obligations as tenants and the consequences of not meeting these obligations. In this way, all tenants are clear that we take issues of anti-social behaviour seriously.

Targeted Actions

1. Invest in Plain English tenancy agreements
2. Develop a Plain English ASB Booklet for tenants
3. Check list on understanding of agreement
4. Easy Read Tenancy Agreements/ Booklet in a selection of languages
5. Enforcement where infringements occur

Expected Outcomes:

6. Tenancy Agreement sufficiently robust and in line with legislation
7. Tenancy Agreement sufficiently understood by tenants
8. Clear understanding by tenants of consequences of breaching their tenancy agreement

Indicative Means of Verification/Indicators

9. Revised Tenancy Agreement/Easy Read Formats
10. Check List completed by the PEO on file
11. # & % of applications refused/deferred on EM Grounds
12. # Verbal Warning Served
13. # Written Warning Served
14. # Tenancy Warnings Served 7 (ASB) & 9 (Breach)
15. Number and % of TW Cases closed after No Further Breaches
16. Excluding orders - applied for by tenant/by Council, granted / refused / Other
17. Tenancies surrendered in lieu of Legal Action
18. Applications for Possession - granted / refused / Other
19. Court Orders (warrants for possession) granted
20. Appeals - Circuit / High / Supreme Courts
21. Warrants executed (evictions)
22. Section 20 evictions (Illegal Occupier)

7.4 Effective Complaints Response: Investigation of Complaints & Associated Action

Dublin City Council is committed to taking every complaint seriously, to following up with all complaints, to providing a complaints and investigation processes that is respectful of confidentiality, robust, fair and impartial, and with associated actions are proportionate to the findings.

Targeted Actions

1. Develop Risk Assessment and Community Harm Tool
2. Develop a set of Customer Service Standards and Communication Protocols with respect to complaints and complaints response
3. Develop a Revised Comprehensive Procedural Manual
4. Review and Revise all relevant templates related to investigation and sanctions
5. Review and Revise all relevant templates related to legal actions

Expected Outcomes:

1. Improved Customer Satisfaction in Complaints Response
2. Staff will be sufficiently guided in their approaches to complaints response

Indicative Means of Verification/Indicators

1. Revised Manual

2. Revised Templates
3. An annual report will be circulated to Members of the JPC and the Housing Strategic Policy Committee
4. # & % of complaints (vis-à-vis total # of tenancies in the area)
5. # & % of unique incident (can be multiple complaints linked to an individual incident)
6. # & % of unique case (tenant or hh member)
7. # & % of complaints resolved at first point of contact
8. Anti-Social complaints per 1997 Act - drug related
9. Anti-Social complaints per 1997 Act - not drug related
10. Level One Complaints
11. Level Two Complaints
12. Level Three Complaints
13. Other Tenancy Breach complaints
14. Anti-Social interviews - per 1997 Act
15. Other Tenancy Breach interviews
16. Requests for mediation
17. Complaints referred to Central Unit for action
18. Live case files at end of year
19. Case files closed throughout the year

7.5 Investing in Delivery of our Anti-Social Behaviour Strategy

Dublin City Council is committed to making our responses and actions in relation to tackling Anti-social behaviour a clear priority. We are committed to a learning culture of continuous improvement and commitment to best practice.

Targeted Actions

1. Develop a training plan for Project Estate Officers and Area Housing Officers
2. Invest in a pilot programme to support Older Persons in their tenancies
3. Invest in research around the impact on ASB as a result of selected pilot action
4. Pilot Customer Satisfaction Survey
5. Potential learning/exposure visit to UK to examine best practice in community safety/responding to complaints of hate crime/tenant engagement strategies
6. Review and augment key set of indicators and measurements that will provide analysis as to the effectiveness of our anti-social behaviour management and interventions⁵.

Expected Outcomes:

1. Staff have sufficient skills and knowledge to effectively manage ASB cases
2. Embedding a culture of continuous improvement and learning
3. Improved practice as a result of learning and associated actions
4. Detailed Statistical Data to demonstrate action on ASB

Indicative Means of Verification

1. Pilot Report
2. Customer Satisfaction Survey

⁵ The Means of Verification and Indicators that have been listed in this report will be subject to a review, consequently they are referred to as 'indicative' indicators. Any change in measurement will be notified during the course of review of this strategy.

3. # & % of new staff involved with taking reports of ASB/managing ASB who were trained in ASB management
4. # & % (relevant) staff involved with taking reports of ASB/managing ASB who have received refresher training in ASB management

APPENDIX

Governing Legislation

The legislation for Local Authorities for dealing with anti-social behaviour includes the following:

- Housing (Miscellaneous Provisions) Act, 1997,
- Housing (Miscellaneous Provisions) Act, 2009 and
- Housing (Miscellaneous Provisions) Act, 2014

Additional relevant legislation in relation to Traveller Accommodation includes:

- Housing (Miscellaneous Provisions) Act, 1992,
- Housing (Traveller Accommodation) Act, 1998

Definition of anti-social behaviour:

Housing (Miscellaneous Provisions) Act 2014 (Part 2 and amendment of Act of 1997)

'anti-social behaviour' includes either or both of the following, namely:

- 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 of the Planning and Development Act 2000 or a housing estate in which the house is situate or a site 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

Definition of estate management: (Housing (Misc. Provisions) Act 1997, as amended).

'estate management' 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 1997,
- (b) the avoidance, prevention or abatement or anti-social behaviour in any housing estate in which is situate a house provided by a housing authority under the Housing Acts 1966 to 1997 or a site.

Possession of illegal drugs solely for personal use does not come within this definition. However, it may be considered to be a breach of the tenancy agreement. The Housing (Miscellaneous Provisions) Act 2009 widens the powers to include acts of vandalism such as graffiti and criminal damage to property. Serious violence and intimidation is frequently associated with drug dealing and must for the purposes of this Act involve significant or persistent danger, injury, damage etc. to persons.

The definition does not include noise (see 7.6) and nuisance or other activities, which would not normally be associated with the serious problems towards which the Act is targeted. However these lesser activities could represent breaches of the tenancy agreement and if this is the case legal proceedings under current legislation can be considered.

5.2.3 Anti-social Behaviour Strategy:

The Housing (Miscellaneous Provisions) Act, 2009, S. 35 allows for the adoption of an anti-social behaviour strategy with the principal objectives being

- a) the prevention and reduction of anti-social behaviour
- b) the co-ordination of services within the housing authority directed at dealing with, or preventing or reducing, anti-social behaviour,
- c) the promotion of co-operation with other persons, including the 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 housing authority and such other persons in the performance of those functions, and
- d) the promotion of good estate management.

The drawing up and adoption of, and the amendment of, an anti-social behaviour strategy is a reserved function.

Possession Applications:

Part 2 of the Housing (Miscellaneous Provisions) Act, 2014 repeals S.62 Housing Act, 1966 and allows for the issuing of Tenancy Warnings, the carrying out of Reviews of Tenancy Warnings and proceedings for possession of local authority dwellings.

Excluding Orders:

The Housing (Miscellaneous Provisions) Act 1997, as amended, allows applications for Excluding Orders by a tenant/relevant purchaser or by a Local Authority. The legislation is designed to have a more targeted response to anti-social behaviour whereby the specific offenders are dealt with while avoiding the eviction of the entire household.

If granted, an Excluding Order can prohibit the respondent from entering the relevant dwelling or the entire estate for a period up to three years. An Excluding Order can also prohibit a respondent from causing or attempting to cause any intimidation, coercion, harassment or obstruction of, threat to, or interference with the tenant or other occupant of the dwelling concerned.

Under S. 19 of the Housing (Miscellaneous Provisions) Act, 2014 an application for an Excluding Order may not be made against a person who is under twelve years of age.

Intimidation of staff:

Section 18 of the Housing (Miscellaneous Provisions) Act 1997 is amended by S. 19 (11) of the 2014 Act which creates a specific offence of intimidation against housing authority officials or employees, or any members of their families or households or any person who provides or is to provide evidence in any proceedings under the Act or Part 2 of the 2014 Act, the penalty being a Class A fine or 12 months imprisonment or both.

Data Protection

The Council will fully comply with the provisions of the Freedom of Information Act 2014 (see S. 7.2) and the Data Protection Act, 1988 as amended