



Comhairle Chontae na Gaillimhe  
Galway County Council

# Galway County Council

## Anti-Social Behaviour Strategy

2015-2017 Adopted on the 9<sup>th</sup> of May 2016

“People Working Together To Eliminate  
Anti-Social Behaviour”



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## Mission Statement:

“To prevent and reduce incidence of anti-social behaviour by working in partnership with all relevant organisations, but in particular with communities themselves to make Galway County a safer place to live, work and visit”

### Section 1.0 Introduction

Galway County Council (GCC) recognizes that Anti - Social Behaviour can have an adverse effect on the quality of life of our tenants and can threaten the sustainability of communities which often leads to further disadvantages for vulnerable households. In addition anti-social behaviour can generate significant costs for Local Authorities as a result of vandalism to property and create difficulties in letting accommodation.

The vast majority of tenants are law-abiding, and it is only a small number of tenants who are involved in this type of behavior. A multi-agency approach is required in order to deal effectively and efficiently with anti-social behaviour. It is the policy of GCC that anti - social behaviour will be tackled not tolerated and the Housing Unit undertakes to pursue proactive measures to prevent such behaviour. GCC will investigate and endeavour to resolve all complaints of anti-social behaviour made using all means within its powers in an effective and expeditious manner and to keep informed, the complainant at all stages of any investigation.

This strategy will apply to those parts of the Council’s Administrative Area where the authority has:

- (a) Dwellings let by the Local Authority to Tenants under the Housing Acts 1966 – 20014.
- (b) Dwellings in which relevant purchasers (within the meaning of Section 1 of the Housing (Miscellaneous Provisions Act 1997) reside.
- (c) Sites (within the meaning of Section 1 of the Housing Miscellaneous Provisions Act 1997)



Section 2.0 Definitions

**2.1 Anti-Social Behaviour** is defined in the Housing (Miscellaneous Provisions) Act 2014 as one or both of the following:

(a) The manufacture, production, preparation, importation, exportation, sale, supply, possession for the purposes of sale or supply, or distribution of a controlled drug (within the meaning of the Misuse of Drugs Acts 1977 to 2007),



(b) any behaviour which causes or is likely to cause any significant or persistent danger, injury, damage, alarm, loss or fear to any person living, working or otherwise lawfully in or in the vicinity of a house provided by a housing authority under the Housing Acts 1966 to 2014 or Part V of the Planning and Development Act 2000 or a housing estate in which the house is situate and, without prejudice to the foregoing, includes—

(i) violence, threats, intimidation, coercion, harassment or serious obstruction of any person,

(ii) behaviour which causes any significant or persistent impairment

of a person’s use or enjoyment of his or her home, or

(iii) damage to or defacement by writing or other marks of any

property, including a person’s home;”,



### **2.1 Anti-Social Behaviour- Multi Agency Approach**

Perception of anti - social behaviour can vary as normal standards of behaviour for one household or individual may be unacceptable to another. Furthermore anti- social behaviour is often symptomatic of social problems such as drug or alcohol abuse or family breakdown, which a Local Authority cannot address on its own. In this regard in many instances , successful resolution of anti - social behaviour can only be achieved based on a multi- agency partnership approach to include Gardaí, HSE, Tusla,.

Behaviour must for the purposes of the Act involve significant or persistent i.e. danger, injury or damage to persons, property etc. The definition does not include noise and nuisance or other activities, which would not normally be associated with the serious problems towards which the Act is targeted.

Continue to work closely with An Garda Síochána and other agencies and to share information in dealing with anti - social behaviour.

The Local Authority has extensive expertise in relation to all areas of housing provision and management. Multi - agency panels have been created linking this Council, with both statutory and non-statutory organizations. For the purposes of the Anti- Social Behaviour Strategy, the statutory agencies are as f o l l o w s :

- An Garda Síochána
- Health Service Executive
- Probation Services
- Department of Education & Science
- Department of Social Protection

The effect of this close co-operation will ensure a co-ordinated approach between the agencies in particular cases and to continue to contribute to the successful resolution of anti-social problems in areas that have experienced relatively high levels of such behaviour.

## **Section 3.0 Legislative Framework –National Context**

Section 35 of the Housing (Miscellaneous Provisions) Act 2009, which was enacted on the 1<sup>st</sup> of December 2009, provides for the legislative framework and guidelines for all Local Authorities to adopt, by reserved function, an Anti - Social Behaviour Strategy for the prevention and reduction of anti - social behaviour in its housing stock.



The legislative framework for the operation of the anti-social behaviour strategy is:

- The Housing Act 1966 & the Housing Miscellaneous Provisions Act 2014 are the primary legislation for the Council as a Housing Authority.

## Section 4.0 Objectives / Strategic Aims

4.1 The Primary Objectives and Strategic aims of this Strategy are:

- To prevent & reduce anti - social behaviour on an annual basis.
- To investigate all complaints of anti - social behaviour fairly, objectively and impartially.
- To pursue legal remedies, where necessary.
- To adopt a multi-agency approach in dealing with anti-social behaviour.
- To work with voluntary and community groups in relation to preventing and reducing anti- social behaviour.
- To co-ordinate services within the Council in dealing with anti-social behaviour.
- To promote the principles of good estate management on our estates and the communities in which they are located.
- To establish Management Information Systems which will assist in identifying trends in anti - social behaviour by carrying out regular analysis of reported incidences.  To provide CCTV in high priority estates to prevent ASB
- Reduce the number of vacant of LA houses.

4.2 To Work closely with the Joint Policing Committees

Joint Policing Committees (JPCs) provide a forum where the local authority (local authority officers and elected members) and Senior Garda Officers policing the local area can participate with Oireachtas members and community representatives to consult, discuss and make recommendations on issues relating to policing and crime in the local area. Joint Policing Committees review crime levels and patterns, cooperate on local responses to issues and consult on antisocial behaviour issues in the area.

Recommendations from JPCs may inform divisional and district policing plans. Members of the public and media are welcome to attend Joint Policing Committee meetings. The Local Authority will liaise with the Joint Policing Committees established under Section 36 of An Garda Síochána Act 2005. The Housing section will attend meetings as requested and link- in with the Committee as required. Joint Policing Committees (JPCs) aim to develop greater



consultation, cooperation and synergy on policing and crime issues between An Garda Síochána, Local Authorities and elected local representatives.

## **Section 4.0 Objectives / Strategic Aims**

### **4.3 Design of Housing Schemes**

The Local Authority will continue to ensure that the planning for and design of all new council housing estates maximizes the potential for natural surveillance and defensible spaces and minimizes the opportunity for anti - social behaviour. The same principles will also apply when designing remedial works and / or regeneration works on older schemes.

### **4.4 Allocation of Tenancies**

Section 15 Housing (Miscellaneous Provisions) Act 1997 allows Local Authorities to obtain information from other agencies regarding applicants who may have a history of anti- social behaviour. The Local Authorities will use this legislation to carry out checks on all social housing applicants and have developed strict protocols to protect the information. These checks will be carried out at allocations stage . If information is obtained regarding a negative Garda report, Galway County Council may consider the deferral of an offer of Social Housing.

### **4.5 Pre- Tenancy Training**

The Local Authority organizes pre-tenancy training for all prospective tenants and it is obligatory for potential tenants to attend these courses. The course explains the functions of the Council and the services it provides & examines the Tenancy Agreement and explains the consequences of breaching the terms of the agreement.

There is a specific module in the Pre-Tenant Training courses relating to anti – social behaviour during which this Council’s strategy on dealing with the matter and the procedures in reporting cases is clearly explained.

Each new tenant of this Council personally signs up to the standard letting conditions which contain specific clauses prohibiting tenants from engaging in anti -social activity. The Council will ensure that these are clearly explained to each tenant in advance of every letting.

## **Section 4.0 Objectives / Strategic Aims**

### **4.6 Staff Training**

The Local Authority will provide appropriate training for relevant Housing Department staff. This training will include all aspects of the Council’s strategy on preventing and combating anti-social or nuisance behaviour, customer care, interpersonal communication, health and safety procedures including personal health issues such as stress management skills and skills updating courses.



Further training for staff designated with specific responsibility for investigating and dealing with alleged perpetrators of anti-social or nuisance behaviour will be provided in / the following areas:

- Understanding the reasons why people engage in anti-social / nuisance activities.
- Recognising when alleged perpetrators of these activities should be referred to other agencies for support.
- Interviewing techniques / negotiation skills/ mediation skills.
- Dealing with difficult / aggressive / violent situations.
- The legal framework for combating anti-social / nuisance behaviour.
- Expert witness training.

## **Section 4.0 Objectives / Strategic Aims**

### **4.7 Residents Associations and Community Groups**

#### **Promotion of Good Estate Management**

Galway County Council recognises the valuable input of local communities and the importance of empowering them to play a positive and proactive role of day to day living their area.

#### **(1) Establishment of Residents' Associations**

GCC actively encourages the establishment of residents' associations in all new housing estates. It will assist residents in existing estates to form Residents Associations where they do not exist, and will further support such associations as appropriate. GCC will endeavour to attend meetings where operationally possible.



## **(2) Establishment of Community Development Support Projects**

Galway County Council provides both fiscal and advisory support to residents associations and will continue to work with Community and enterprise to provide youth diversity programmes

Council tenants will increasingly realise that there is a quality service offered by GCC in respect of combating antisocial behaviour and it is anticipated that there will be a gradual reduction in complaints in the future. **Section 4.0**

### **Objectives / Strategic Aims**

#### 4.8 Issue Maintenance Letters for non-upkeep of property

If breaches of the Tenancy Agreement in relation to non-upkeep of property come to the attention of the Local Authorities, breach of tenancy letters may be issued. This has a positive effect on the community and encourages Council tenants to maintain their dwellings to an acceptable standard.

#### 4.9 Schools' Initiative Programme

Galway County Council will consider a programme of visiting Local Secondary Schools in order to highlight to our younger citizens the negative affect anti-social behaviour can have on families and communities. This initiative is in compliance with the requirements of the S35 (3) Housing (Miscellaneous Provisions) Act 2009 regarding education and research.

#### 4.9 Communication

This strategy will be available on the County Councils website.

## **5.0 Health & Safety**

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

GCC will not tolerate any assaults, threats, intimidation, obstruction, harassment or interference with its employees who are involved in the implementation of this strategy in accordance with the provisions of the Housing Acts 1966 to 2014 and may issue legal proceedings against any person engaged in such activity and make a statement of complaint to Gardaí for prosecution. Any incident must be reported as per the Council policy on mandatory reporting of incidents.

### **5.2 Risk Assessments, PPE & Communications**

Staff will carry out risk assessments both dynamic if on site and normal when preparing to go on site and will ensure in so far as is reasonably practical that they have sufficient resources with them to achieve a successful conclusion to a site visit.

Staff will ensure that they have adequate personal protective equipment and communications devices such as tetra radio and mobile phone prior to going on any site visit.



## Section 6.0 Complaints Categorisation/Procedure.

All valid complaints will be investigated in a constructive, fair and impartial manner. Complaints will be categorized, from high priority to low priority. If deemed necessary an investigation will be initiated within 15 working days or as resources permit. The Council will seek to prioritise the more serious allegations of anti-social behaviour such as allegations involving serious ASB activity and threats/ violence. Any allegation involving drug related activity will be afforded the highest priority by the Council and referred without delay to the Gardaí. Tenants will also be advised to make a complaint to the Gardaí.

**Category A** - The manufacture, production, preparation, importation, exportation, sale, supply, possession for the purposes of sale or supply, or distribution of a controlled drug (within the meaning of the Misuse of Drugs Acts, 1977 -2007)

**Category B** - Any behaviour which causes or is likely to cause any significant or persistent danger, injury, damage, loss or fear to any person living, working or otherwise lawfully in or in the vicinity of a house provided by a housing authority under the Housing Acts 1966 to 2014, or a housing estate in which the house is situate and without prejudice to the foregoing includes violence, threats, intimidation, coercion, harassment or serious obstruction of any person.

**Category C** – those terms within the tenancy agreement that do not fall within Category A and B above

The following are indicative of the types of behaviour under each Category and will be prioritised as follows:

### Category A

- Drug activity as per legal definition

### Category B

- Non drug related criminal activity
- Violence/Harassment/Intimidation
- Racism- The Council will not tolerate racism and will address such issues robustly
- Vandalism
- Public Order
- Squatters/illegal Occupiers



## Section 6.0 Complaints Categorisation/Procedure

### Category C (Estate Management)

- Noise/Disturbance
- Children Nuisance
- Pet/Animal Nuisance
- Physical Condition of Property & rubbish or dumping.
- Graffiti

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

Complaints regarding rubbish and dumping will be jointly approached with the Community Warden for establishment of fact and in turn the environment section of the Council. Once fact has been established the TEM unit may issue breach of tenancy letters and environment may consider enforcement action also.

#### 6.1 Noise other than animals.

Where a complainant believes that there is unreasonable noise coming from a dwelling and if a resolution cannot be agreed between the parties involved, then a complainant can make an application to the District Court for a Noise Abatement Order in accordance with S108 Environment Protection Act 1992. If the noise is significant and persistent and affects more than one neighbour, it will be viewed as a breach of the tenancy agreement and the Anti-Social Behaviour Unit will investigate the matter.

#### 6.2 Noise & Control of dogs

Excessive dog barking that causes a nuisance is an offence. Where the dog owner has not made adequate attempts to control the noise the complainant may make a complaint to the District Court under Section 25 of the Control of Dogs Act 1986. Before the complaint is made, he shall serve notice in the prescribed form on the owner of the dog. The Control of Dogs Regulations 1998 identifies ten breeds of dog which are subject to stricter regulations and Galway Council tenants are prohibited from keeping these dog breeds: - German Shepherd, Rottweiler, Bull Terrier, Bull Mastiff, Staffordshire Bull Terrier, American Pit Bull Terrier, Dobermann, Rhodesian Ridgeback, Japanese Tosa, Japanese Akita, or any strain or cross of every breed of these dogs.



### **6.3 The Complaint**

Galway County Council has a process to deal with complaints of anti-social behaviour as defined by the Housing (Miscellaneous Provisions) Acts, 1997- 2014. The dedicated Estate Management Unit within the Council's Housing Department will deal with such complaints. Complaints that do not fall within the definition of the 1997 -2014 Acts as amended and may constitute breaches of the tenancy agreement. It may be possible for the Council to deal with such breaches through other means, notwithstanding that they would not be considered as "anti-social behaviour"

- **The person making the complaint will be known as the complainant.**
- **The person being complained about will be known as the respondent.**

Initial contacts are accepted by telephone, in writing, at the public counter, by email & ASB complaint form.

**Email: The Council will not be responsible for the security of information received by email. The authenticity of information and signatories supplied via email cannot be verified and we advise more traditional methods as outlined above.**

- All valid complaints are recorded on the Co Co Track TEM computerised system which will generate a unique reference number for each case. Each complaint is given this reference number for their complaint. This number should be quoted on all correspondence between the Council and the complainant during the course of an investigation.
- Complaints can also be made by attending the Estate Management Unit at the Council's Housing Offices by appointment.
- If staff of the Estate Management Unit are not available a voicemail facility or complaint forms are available at Council's Housing Offices
- Complaints may not be accepted from third parties, but they will be advised to ask the alleged victim of anti-social behaviour to make direct contact.
- Procedures are in place to identify and deal appropriately with malicious complaints where they occur.



- The complaints system is confidential and every effort will be made to protect the identity of the complainant. However confidentiality is not a right in law.

### **6.3 The Complaint**

- Confidentiality cannot be guaranteed in all cases due to the nature of the complaint. However the Council will have due regard to protecting the identity of persons informing it of anti-social behaviour where the Council believes not to do so could render the Complainants liable to fear, threats or violence. If the nature of the investigation of the complaint is likely to compromise the identity of the complainant, an investigation will not proceed unless the latter gives authorisation to do so.
- Estate Management Unit staff may call to a complainant's address to clarify any allegations made, this should be done by appointment in order to protect the identity of the complainant.
- All respondents will be considered innocent of the alleged anti-social behaviour until proved otherwise, in accordance with the principles of natural justice.
- If criminal activity has been identified or a criminal investigation is underway or ongoing GCC may only proceed with their investigation of the complaint once Gardaí have been consulted and given their approval for GCC to commence their own investigation. This is very important as the Gardaí investigate crime in Ireland and GCC may compromise a criminal investigation by commencing their own.



#### **6.4 Confidentiality of the Complainant & Freedom of information**

The Council will fully comply with the provisions of the Freedom of Information Acts, 1997-2014. Information given to the Council by persons complaining of anti-social behaviour is protected by Section 35 of the 2014 Act.

#### **6.5 Investigating the Complaint:**

The Council will investigate every valid complaint in a fair, impartial and objective manner. This may involve enquiries with other statutory agencies in accordance with Section 15 of the Housing (Miscellaneous Provisions) Act 1997, and may consult other tenants/residents/ and resident committees.

The Council will use all available means at its disposal to investigate a complaint.

#### **Closed Circuit Television Cameras (CCTV)**

The Council has heavily invested in state of the art high definition CCTV in various estates across the County and this is proving to be an extremely effective resource in reducing the incidence of ASB, dumping, criminal activity, damage and GCC work very closely with Gardaí relating to CCTV and strictly adhere to the memorandum of

understanding between GCC and Gardaí for the Community Based CCTV schemes and in accordance with the Garda Siochana Act of 2005.

#### **All attendees will be asked to turn off mobile phones.**

If the respondent fails to respond to correspondence to meet with Estate Management Unit staff, he/ she will be notified in writing that an allegation of anti-social behaviour has been received and he/ she will be asked to make contact with the Council. All allegations will be presented to the respondent and the complaints file will be updated with any comments made. The respondent may be accompanied by a friend or other representative at

the interview. However it will be explained that any friend or representative present must identify themselves with their name and address and must not interfere with the interview in any way.

Their presence is to facilitate any difficulties in communication between the interviewer and the interviewee. Any responses will be fully investigated and taken into account, as appropriate. In serious cases the respondent will be



interviewed at the Council's Housing Offices. The Council will make every effort to facilitate persons with disabilities and will ensure appropriate adults/interpreters are present at the interview. A respondent who refuses

to attend for interview, or fails to respond to the Council's questions or investigation or obstructs or impedes the Council's investigation shall be deemed to be un co-operative and the Council can draw such an inference.

Any person who fails to respond to an investigation may have a complaint upheld against them. If the Estate Management Unit has reasonable grounds for believing that the respondent is involved in anti-social behaviour or has breached his/her Tenancy Agreement, the matter will be dealt with in any (or all) of the following ways:



### No Further Action

If the Estate Management Unit has reasonable grounds for believing that the complaint is unfounded or malicious then no further action will be taken against the Respondent. The Estate Management Unit may forward their file to An Garda Síochána in the case of unfounded or malicious complaints.

### Advice Given

Usually given where both parties are in the wrong and the complaint is of a trivial nature. Also used if complaints involve very young children under the age of criminal responsibility and it is more appropriate to offer advice and referral to the appropriate agencies.

### Referral to other Agencies such as Gardaí/Health Authority & Tusla

Some cases involve families with complex welfare needs, mental health issues, addiction problems, domestic violence, with clear needs for supports and assistance. These cases may be referred to the HSE/Tusla for appropriate help and advice.

Some complaints are so serious the complainant is immediately referred to An Garda Síochána and the HSE/Tusla. This usually involves complaints of drug dealing from dwellings and child protection issues. GCC will implement their child protection policy where child welfare/protection comes to their attention and if staff are in any doubt they WILL refer.

### Mediation

The Estate Management Unit has access to trained mediators available to assist with disputes between neighbours. This has proved successful in the past and is available for willing participants. The cost is borne by the Council and a Garda will witness the final contract between all parties.

### First Breach of Tenancy Letter

Usually reserved for more minor breaches of the tenancy agreement whereby it has been established that a breach has occurred. Reference should be made in this letter to any verbal warning issued to the respondent at a previous stage. A tenant may receive numerous breach of tenancy letters. Escalation of this process may not be possible due to the individual specifics of each case and subject to GCC powers under the housing acts.



### Second Breach of Tenancy Letter

If the behaviour persists a second breach of tenancy letter may issue, which may threaten legal action and explain the consequences of failing to comply. This letter would issue when GCC are confident that an escalation of the breach has occurred and GCC have sufficient evidence and powers under the various acts to proceed to legal action if required.

### Referral to an In-House Case Conference

This occurs in serious cases where the above has failed, breach of tenancy letters have been ignored, or the behaviour is so serious it is considered that another breach of tenancy letter would not be sufficient and it warrants an immediate referral & action by GCC. The Council will request from Gardaí in writing substantiated evidence that this serious incident did in fact occur and if any investigation is ongoing.

In-house Case Conference: (May be held at any time during the procedure if thought necessary)

The In-house Case Conference is held as soon as is practicable and is attended by the staff of the Estate Management Unit and management staff in the Housing Department. Where deemed appropriate, representatives of other agencies may be invited to attend. Each case is discussed in detail and a collective decision is made which may include the following:

- No Further Action
- Await investigation by other Agencies
- **Referred back to Estate Management Unit /Authorised Person for further enquiries.**
- Apply for Excluding Order
- Statutory Tenancy Warning Letter
- Or other



### Statutory Tenancy Warning Letter

A Statutory Tenancy Warning Letter is a letter served on a tenant pursuant to Section 7, & Section 9 of the Housing (Miscellaneous Provisions) Act 2014 Part 2. Section 7 provides that a Statutory Tenancy Warning Letter be sent in circumstances of anti-social behaviour & Section 9 for breach of the tenancy agreement. Failure by a tenant to adhere to the requirements set out in any such Statutory Tenancy Warning Letter to immediately cease the antisocial behaviour or breach of tenancy agreement may result in the Council initiating repossession proceedings against the tenant in the District Court.

Legal action will be considered for cases involving drug dealing in dwellings or on the estate, and other factors will also be considered such as the number of complaints, breach of tenancy letters issued, effect on victims. The Council will seek the assistance & support of An Garda Síochána in all legal cases involving anti-social behaviour.

### Excluding Order

This is a more targeted approach to dealing with anti-social behaviour, whereby the specific offenders are dealt with, thus avoiding the eviction of the entire household.

If a decision is made that an Excluding Order should be sought, the tenant will be advised in writing to apply to the District Court for such an order in the first instance.

If the tenant/relevant purchaser, through violence, threat or fear will not apply for an Excluding Order, Galway County Council may apply for such an order and may consult with the tenant/relevant purchaser. An Garda Síochána will always be consulted and their support required.



### **6.7 Transfer- Serious Risk -Good Estate Management**

Requests to transfer on the grounds of ASB will be considered only in exceptional cases whereby it has been established that there is a serious threat to life. The behaviour has to be significant and persistent and any relocation has to be in the interests of good estate management & substantiated by written Garda correspondence. These cases are rare.

## **Section 7.0 Appeals and Reviews**

### **7.1 Appeals**

Tenants may appeal in writing to the Senior Executive Office of the Housing Section where they dispute the content of any breach of tenancy letter issued to them. The SEO will investigate and revert in writing to the tenant.

### **7.2 Tenancy Warning Review S10 HMPA 2014 Part 2**

A Tenancy Warning Reviewer appointed by the CEO will have the responsibility of reviewing a tenancy warning issued by the ASBO under S7 or S9 of the HMPA 2014 Part 2. This may occur if the tenant disputes the warning issued. The review must be in writing and set out in full the grounds for the review. The decision of the reviewing officer shall be final.