

Comhairle Contae Fhine Gall

Fingal County Council



SAMANTHA
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Social Anti!

Behaviour
Strategy

2010

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Section 1

Introduction

Fingal County Council manages a total of 4464 dwellings located in a number of housing estates throughout the county. The Council has a duty to manage and control dwellings let under the Housing Acts.

We will make strenuous efforts within our powers under current legislation, to resolve a range of problems emanating from anti-social behaviour, understanding the detrimental affect on the quality of life for communities, where it occurs.

The increased incidence of anti-social behaviour has become a marked feature of society generally in recent times and local authority estates have not escaped. However, this unwelcome kind of behaviour is also occurring in private estates and in both urban and rural areas. It is important to point out that there are several categories of anti-social behaviour and various levels of seriousness within these categories. Unfortunately, it is our experience that in an increasing number of cases, anti-social behaviour is of such a nature, that it is properly a matter for the Garda authorities to deal with it. It would be inappropriate in some cases for us as a local Authority to engage beyond our competence, particularly where cases of extreme violence or criminal behaviour are involved.

Fingal County Council maintains a close liaison with the Garda Authorities, and the HSE and other statutory and non statutory bodies in its efforts to remedy disharmony or problems in the estates whether these be of an individual or family nature.

It is also important to make the point that in many cases, it may be a member of a household and not the principal tenant who is the instigator of anti-social behaviour. In all cases, responsibility rests with the tenant to prevent and to take the necessary steps to put a stop to the anti-social behaviour.

As a local authority Fingal County Council will do its utmost to deal with the problem of anti-social behaviour. We will do this using the full range of powers available to us. We urge those affected by anti-social behaviour to make contact with us for further information and guidance.

Section 2

Statutory Background

Fingal County Council manages its estates in conformity with its delegations and powers under the Housing Acts, particularly the Housing Act 1966 and the Housing (Miscellaneous Provisions) Act 1997, as amended.

The Anti Social Behaviour Strategy is prepared in accordance with Chapter 5 (Section 35) of the Housing (Miscellaneous Provisions) Act 2009.

The key purpose of the strategy is to set out measures for the prevention and reduction of anti-social behaviour in a local authority's housing stock. The principal objectives that must be included in the anti-social behaviour strategy are as follows:

- “(a) the prevention and reduction of anti-social behaviour;
- (b) the co-ordination of services within the housing authority that are directed at dealing with, preventing or reducing anti-social behaviour;
- (c) the promotion of co-operation with other persons/bodies, including the Garda Síochána, in the performance of their respective functions in relation to preventing/reducing anti-social behaviour, in order to avoid or reduce duplication of effort between the housing authority and the other person/body in performing their functions; and
- (d) the promotion of good estate management (as defined by section 1 of the 1997 Act).”

Housing authorities are also required to detail in the strategy the way in which its principal objectives are to be attained, including the following:

- “(a) procedures for making an anti-social behaviour complaint to a housing authority;
- (b) initiatives for preventing and reducing anti-social behaviour; and
- (c) education and research in relation to anti-social behaviour, its prevention and reduction.”

Housing authorities are required to review and amend their anti-social behaviour strategy, or to draw up and adopt a new strategy, at least 6 months before the expiration of its Housing Services Plan. In accordance with Section 14 Housing (Misc. Provisions Act 2009). “Each Housing Authority shall make a plan (in this Act referred to as a “housing services plan”) setting out the objectives which the housing authority considers to be reasonable and necessary for the provisions of housing services having regard to the requirements of the housing strategy on strategies relating to housing supports for its administrative area.”

Housing services plans will cover the period of the local authority development plan (6 years). Therefore, housing authorities are required to review their anti-social behaviour strategy at least every 5-6 years.

An authority may revisit the strategy at any time when and if it sees fit.

It is a policy of this Council to review its anti-social behaviour strategy every two years.

In accordance with Section 35(6) of the Housing (Miscellaneous Provisions) Act 2009 **“the drawing up and adoption of, and the amendment of, an anti-social behaviour strategy shall be a reserved function.”**

In accordance with Section 35(7) of the Housing (Miscellaneous Provisions) Act 2009 **“the drawing up and adoption of, and amendment of, an anti-social behaviour strategy is not to be taken to confer on any person a right in law that the person would not otherwise have to require a housing authority in a particular case to exercise any function conferred on it under the Act of 1997 or this Act or to seek damages for a housing authority’s failure to perform any such function.”**

The strategy will apply to those parts of its administrative area where the authority has:

- dwellings let under the Housing Acts 1966 to 2009;
- dwellings that are the subject of Chapter 4 tenancy agreements [RAS].* 1
- dwellings in which relevant purchasers live*2
- Sites for travellers (site in this context is defined in the Housing (Miscellaneous Provisions) Act 1997, as amended)."

*1 In accordance with Chapter 4 Section 23, Housing (Misc. Provisions) Act 2009 – dwellings to which this chapter applies means a dwelling which is the subject of a rental accommodation availability agreement (RAS). In accordance with Section 25 (b) Housing (Misc. Provisions) Act 2009.

“Where it comes to the notice of the Housing Authority that a tenant is doing or has done any of the things specified in subsection 5(C) or is or was behaving in a way that is anti-social in breach of the obligation specified in Section 16(h) of the Act of 2004, the Housing Authority may notify the provider in writing, regarding the failure to comply with the said obligations”.

*2. In accordance with section 197 Residential Tenancies Act 2004 “relevant purchaser” means

- a) A person to whom a Housing Authority has sold a house under the Housing Acts 1966-2002 or;
- b) A person in whom there subsequently becomes vested (whether for valuable consideration or not and including by means of inheritance) the interest of the person referred to in paragraph (a) of this definition in the house referred to in that paragraph.

Section 3

Anti-Social Behaviour Definition

Anti-Social Behaviour (ASB) is defined in Section 1 of the Housing (Miscellaneous Provisions) Act 1997 as amended.

- (a) the manufacture, production, preparation, importation, exportation, sale, supply, possession for the purposes of sale or supply, or distribution of a controlled drug (within the meaning of the Misuse of Drugs Acts 1977 and 1984)”.
- (b) any behaviour which causes or is likely to cause any significant or persistent danger, injury, damage, alarm, loss or fear to any person living, working or otherwise lawfully in or in the vicinity of a house provided by a housing authority under the Housing Acts 1966 to 2002 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.”

Section 4

Measures For The Prevention And Reduction Of Anti – Social Behaviour

The Council will seek to prevent and reduce Anti Social Behaviour through the following mechanisms:

ESTATE DESIGN

The Council will ensure that best practice is incorporated into the design of its estates in order to lessen or eliminate the possibility of anti-social behaviour.

The Council will work towards eliminating Anti – Social behaviour black spots in existing estates through the closure of laneways, construction of infill housing, erection of railings, tree planting, improvements in public lighting and any other relevant physical landscaping or estate improvement works.

VACANT DWELLINGS – PRE LET REPAIRS

Vacant dwellings can be a magnet for Anti – Social Behaviour. The Council will make every effort to reduce the amount of time that a dwelling remains empty, and to this end dwellings identified as being vulnerable will be prioritised for pre – let repair

ALLOCATIONS

All housing applications will be assessed particularly with regard to the involvement of applicants in criminal and anti – social behaviour. This will involve an interview with Council Housing Staff and a formal request to An Garda Siochana for background information.

STRATEGIC ALLOCATION

Strategic allocation of tenancies will be made in accordance with the Council's Scheme of Letting Priorities. This will be achieved by adopting a sensitive and common sense approach to allocations of dwellings to qualified applicants. Transfers may be utilised in limited circumstances to resolve neighbourhood disputes and issues.

TENANT INDUCTION COURSES

Prospective Tenants will be obliged to attend for tenant induction. Induction training will provide tenants and their families with information on the tenant's responsibilities to the Council and their neighbours – as set out in the Tenancy Agreement. This training is compulsory and must be completed prior to the signing of the Tenancy Agreement. Advice will also be given at this stage of the procedure for reporting Anti – Social Behaviour if they themselves are victims of Anti – Social Behaviour or witness incidents of Anti – Social Behaviour. The local statutory and voluntary agencies e.g. Gardai, Public Health Nurse, School Principals, and MABS will be invited to contribute information at this training.

WRITTEN DOCUMENTATION

1. Prior to signing the Tenancy Agreement, the prospective tenant will receive the Council's tenant's handbook and an Anti – Social Behaviour information leaflet for information.
2. In order to ensure that long standing tenants are in receipt of the most up to date information, the Council will distribute this information as required.

TENANT RESPONSIBILITY AND ENFORCEMENT OF TENANCY AGREEMENT

The Tenancy Agreement is a legal document which clearly sets out the Tenant's responsibilities. Alleged breaches of the Tenancy Agreement will be investigated. Where a breach of the tenancy agreement in relation to anti-social behaviour has been established, the Council will enforce the terms of the Tenancy Agreement in accordance with the procedure set out in Section 5.

Mediation may be offered where appropriate to deal with inter-neighbour disputes. It should be noted that the Council will also seek to intervene with Anti – Social tenancies through its Tenancy Sustainment Service and the involvement of the various Statutory Bodies.

TENANCY SUSTAINMENT SERVICE

Where tenancies become associated with Anti Social Behaviour, the Council's Tenancy Sustainment Service will intervene where appropriate. Families who are involved in Anti – Social Behaviour may require assistance, support or linkage to other agencies and services. Often this form of intervention can lead to a change in the behaviour of members of the household. This service will also support vulnerable tenants to assist them in making their tenancy a success and establishing a home. The Council has adopted the Pathways to Home Model and is committed to early intervention to prevent homelessness.

HOUSING INSPECTORATE

The Housing Inspectorate will maintain a strong presence in our estates. This will facilitate a local daily interaction with tenants and also provides up to date information in relation to the physical Environment of the estates. In addition the Council's Housing Inspectorate will liaise locally with Community Gardai.

GRAFFITI REMOVAL

The Council will continue to remove graffiti from Council estates. The presence of graffiti is considered to bring down the appearance of a neighbourhood and contributes to creating an environment where Anti – Social Behaviour is perpetrated.

RESIDENT PARTICIPATION

Where residents take ownership and pride in their estates a good community spirit will grow. The Council will promote engagement with Residents groups to encourage a sense of community and pride in the Council's housing estates. New residents groups will be fostered encouraged and assisted in the newer Council Developments which are increasingly multi tenure in nature and have a multi ethnic mix.

REFUSAL TO SELL/LET

Section 14 of the Housing (Misc Provisions) Act 1997 as amended, empowers local authorities on the grounds of anti-social behaviour or good estate management to refuse to sell a dwelling under the Tenant Purchase Scheme.

Section 5

Policy & Procedures For Making An Anti-Social Behaviour Complaint

OBJECTIVES OF ESTATE MANAGEMENT SECTION

- To investigate all complaints of anti-social behaviour.
- To sustain Tenancies through co-operation with other statutory bodies.
- To interview/challenge/caution the alleged perpetrators.
- To take preventative measures, including written & verbal warnings where necessary.
- To pursue legal remedies where necessary.

PROCEDURES FOR DEALING WITH ANTI-SOCIAL BEHAVIOUR

The problem of anti-social behaviour in Local Authority dwellings and housing estates can be addressed in a number of ways. The measures adopted by Fingal County Council to tackle anti-social behaviour will vary according to the circumstances of each case. The powers and remedies available to Fingal County Council are outlined in the Housing Acts of 1966-2009.

Complaints can be made in confidence as follows:

- Telephone during office hours
- Out of hours confidential freephone number 1800333444
- In writing
- By electronic mail
- Calling in person to the County Council Offices at Blanchardstown (main house offices), Swords, Baldoyle, Balbriggan.
- Via public representatives.

In order to assist the council in investigating an allegation of Anti-Social Behaviour, it is desirable that the following information is provided to the Estate Management Section:

- Date and time of occurrence of alleged incident.
- Location of where the alleged incident took place.
- Details of the alleged incident.
- If the alleged incident was witnessed by the complainant or by way of third party information.
- If the alleged incident was reported to An Garda Síochána.
- Name and address of the alleged perpetrators.

The Council accepts that a complainant may not be in a position to provide all of the above information.

In order to verify a complaint or allegation the Estate Management Section will request the name and address and contact details of all complainants. Anonymous complaints will be investigated where possible.

NOTE

All complaints are dealt with in the strictest of confidence

All complaints alleging anti-social behaviour are fully investigated and followed up by one or all of the following:

Investigation Procedure

- Visit from a Council Inspector.
- Letter to Gardai regarding the allegation.
- Interview with the complainant.
- Interview with the alleged perpetrators.

Following completion of the initial investigation, if it is established that the Tenancy Agreement has been breached actions will be taken by one or all of the following:

- Verbal Warning
- Written Warning
- Legal Action
 - Notice to Quit
 - Excluding Order

NOTE: The termination of the tenancy by a Notice to Quit is an option that the Council will consider only as a last resort. In addition **Excluding Orders** may be considered to deal with instances where the anti – social behaviour is perpetrated by an occupier (s) of the dwelling or a joint tenant. This facilitates a targeted response to Anti-social behaviour whereby the specific offenders are dealt with thus avoiding the eviction of an entire household. A Council tenant has the right to apply to the District Court for an Excluding Order against a person including a joint tenant who is engaged in Anti-social behaviour. The tenant can only apply for an order relating to his/her dwelling.

In some cases the intervention of the Council's Tenancy Sustainment service may identify that members of the Tenancy require support. This will be provided in accordance with the procedures set out in Section 4 (Tenancy Sustainment).

USEFUL TELEPHONE CONTACT NUMBERS:

Freephone	1800 333 444	An Garda Siochana	An Garda Siochana	An Garda Siochana
Telephone Numbers for Dublin 15:	8905406; 5017; 5410	Blachardstown Dublin 15	Swords Co Dublin	Balbriggan Co Dublin
Telephone Contact Numbers for North County:	8905405; 5415; 5386	Tel: 666 7000	Tel: 666 4700	Tel: 8412202

Written complaints/letters should be sent to the County Councils main housing office at: Fingal County Council, Housing Department, Estate Management Section, Grove Road, Blanchardstown, Dublin 15.

Section 6

Policy Of Co-Operation With Statutory Bodies – Inter Agency Approach

The effective elimination of anti-social behaviour cannot be effected by Fingal County Council acting on its own. It requires the co-operation and active participation of residents, community groups, An Garda Síochána and other statutory agencies.

Accordingly, The County Council commits to work in co-operation with Residents Groups, (where representative & properly constituted), An Garda Síochána, Health Services Executive, Dept. of Education, elected public representatives, other statutory agencies and the various voluntary bodies, including voluntary housing bodies to work to identify and respond to problems relating to anti-social behaviour, including alcohol, youth, health and mental health services where appropriate.

PROCEDURES:

- Information will be shared under protocols established in accordance with current legislation.
- In terms of individual tenancies or housing applicants who require multi-agency assistance, the Council's Tenancy Sustainment Service will co-ordinate on behalf of the Council. Where it is felt, a multi agency intervention is required in particular cases, multi agency case conferences will be organised.
- The Council's Housing Department will meet the HSE through its monthly Housing Welfare meetings, quarterly Homeless Forum meeting, bi-annual management meetings and any other forum which may wish to represent the welfare of citizens of the Council.
- The Council will meet monthly with the Justice and Supply Sub Group of the Blanchardstown Local Drugs Task Force and will liaise with the constituent members of the sub group i.e. Community Drugs Teams, CDP's, RAPID, An Garda Síochána and Probation Service.
- The Multi Agency Housing forum which has been in existence for several years with Estate Management will meet every 6 weeks to discuss housing issues.
- Close relations between Area Based Council Staff and the local Garda Stations will be fostered and developed. This will assist to prevent and reduce anti-social behaviour. This will also facilitate a swift and targeted response to anti-social difficulties when they arise.

- Council officials for the area and Community Gardai to be both present at Resident Association meetings where possible.
- Exchange of written information in accordance with Section 15 of the Housing Miscellaneous Provisions Act 1997 as amended.
- The advice of the Garda Crime Prevention officer will be sought where appropriate to assist in the eradication of anti-social behaviour black spots.
- Joint interviews will be carried out with members of An Garda Síochána as required.

Much of the serious anti-social behaviour that occurs in Council Estates falls into the criminal category and is a matter for pursuit by the Gardai. The Council has and will continue to initiate and maintain links with An Garda Síochána in relation to incidences of anti-social behaviour as follows;

JOINT POLICING COMMITTEE

In accordance with Section 36 of the Garda Síochána Act 2005, a Joint Policing Committee is now established in Fingal. Its key role is advising the Local Authority and the Gardai on how they might best perform their functions, in relation to preventing crime, disorder and anti-social behaviour. It is a policy of this Council to engage proactively with this committee and its local Policing Fora through membership of senior staff members and elected councillors.

Section 7

Co-Ordination Of Services Within The Local Authority

Fingal County Council commits to co-ordinate services within its own organisation, to deal effectively and efficiently in reducing and preventing anti-social behaviour as follows:

- Establishment of residents and community groups.
- Improved contact between groups and various council departments.
- Liaison with Gardai in relation to anti-social in parks and open spaces.
- Grass cutting; maintenance of vegetation and shrubberies.
- Litter picking on a regular basis.
- Removal of abandoned cars.
- Dog Licensing.
- Cleaner Community Awards Scheme - All residents and estates are encouraged to participate. (The Estate Management Section offers financial assistance to Residents Groups from Council estates willing to take part).
- Suspended street lighting
- Installation of ramps where requested
- Traffic Management schemes

Section 8

Promotion of Good Estate Management

Citizen Care, Education & Training, Citizen Training

CITIZEN CARE

Pride in our homes and neighbourhood is an important civic value. It helps to create a stable and caring society. The Council is committed to ensuring, as far as lies, within its power to do so, that conditions prevail for the peaceful occupation of each house in its estates. In giving this commitment the Council relies on the various statutory bodies who have a role to play and indeed most importantly seeks the active co-operation and support of estate representatives, tenants and home owners.

The Fingal Citizens Charter clearly sets out the rights of the citizens including right of review and the responsibilities of the local authority as a statutory body.

EDUCATION & TRAINING

In order to achieve good practice in the management of the anti-social behaviour service Fingal County Council commits to implement a policy of training and development for all staff who work in this area.

This training will seek to promote an integrated multi-disciplinary approach to the delivery of all aspects of the anti-social behaviour service and encourage and facilitate staff interaction and co-ordination with the other section of the authority's services.

CITIZEN TRAINING

The Council will provide training & development to residents committees to develop skills to enable them to run a successful group, understand leadership roles and obtain information and knowledge in relation to the workings of the statutory organisations.

END NOTE

This strategy provides the foundation for an integrated approach to address the challenges posed by anti-social behaviour. Implementation will require commitment from all stakeholders both statutory and non statutory in the housing area.