



COMHAIRLE CHONTAE CHORCAI

CORK COUNTY COUNCIL

Anti-Social Behaviour Strategy 2016

(Adopted by Cork County Council 14th March 2016)

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Introduction

Managing Local Authority estates in the 21st century is becoming more challenging, especially in relation to Anti-Social Behaviour. Cork County Council is committed to work towards the prevention and elimination of Anti-Social Behaviour. To this end, the Council has adopted a very proactive approach. It will investigate and endeavour to resolve all complaints of Anti-Social Behaviour received. Links have been established with An Garda Síochána and other State Agencies in an attempt to work in partnership in as far as possible to address these challenges.

It should be emphasised however, that the incidence of Anti-Social Behaviour in Cork County is very low.

Cork County Councils Estate Management & Anti-Social Behaviour Unit was established in 2004 to implement the Council's policy with regard to combating and preventing Anti-Social Behaviour. The Estate Management & Anti Social Behaviour Unit is divided between the Councils three Divisions with Area Officers attached to each division.

The housing stock of the former Town Councils of Clonakilty, Cobh, Fermoy, Kinsale, Macroom, Mallow, Midleton, Skibbereen, and Youghal became part of the Councils housing stock in July 2014.

On the 1st of December 2009, the Housing (Miscellaneous Provisions) Act 2009 was enacted by Commencement Order S.I. No. 449/09, Section 35 of the Act 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.

In updating the strategy Cork County Council have had regard to the good practice guidelines issued to Housing Authorities in 2003 by the Housing Unit in conjunction with the Department of the Environment, Heritage and Local Government, the City and County Manager's Association and the Housing (Miscellaneous Provisions) Act 2014

The Housing (Miscellaneous Provisions) Act 2009 addressed the following issues in relation to Anti-Social Behaviour:-

- Introduces a requirement for Housing Authorities to prepare an Anti-Social Behaviour Strategy
- Amended the definition of Anti-Social Behaviour in the 1997 Act to include damage to property, graffiti and impairment of the enjoyment of a person's home

- Included Rental Accommodation Scheme (RAS) tenants in the excluding order regime in similar manner to other social housing tenants, allows for tenancy termination by reason of a breach of an order and allows authorities to refuse or defer support where there has been Anti-Social Behaviour.
- Included Incremental Purchasers in Anti-Social Behaviour regime in similar manner to tenant purchasers
- Provided that tenancy agreements should have clear terms and conditions relating to Anti-Social Behaviour.

All Local Authorities are required to carry out consultation with other key stakeholders in the preparation of the Strategy.

- Joint Policing Committee
- An Garda Siochana
- HSE
- Any other relevant agency

Cork County Council carried out this consultation and asked for submissions by 27th November 2015. **A number of submissions were received and have, where appropriate, been incorporated in this Strategy.**

Cork County Council acknowledges the input from other Agencies in the preparation of this document and looks forward to working in conjunction with all other relevant Bodies in the implementation of this Strategy.

Tim Lucey
Chief Executive
Cork County Council.

Mission Statement

“To investigate all complaints fairly, impartially and objectively, and provide a professional service to those who are victims of Anti-Social Behaviour and to work towards the elimination of Anti-Social Behaviour in accordance with the Housing Acts 1966-2014

Policy Statement

It is the policy of this Council that Anti-Social Behaviour will not be tolerated and it will take all necessary measures to prevent such behaviour by improving the effective management of its estates, by encouraging the formation of local Residents Associations and by interaction with local Residents Associations. Where incidents of Anti-Social Behaviour occur, the Council will as necessary use all legislative means available to it in combating such behaviour.

This Strategy will be implemented by striving to achieve the primary operational objectives, and applying the strategies detailed in this document. The Council hereby reaffirms its strong commitment to tackling Anti-Social Behaviour issues.

Objectives

Primary Objectives:

- a) To Prevent and reduce Anti-Social Behaviour**
- b) To co-ordinate services to deal with Anti-Social Behaviour**
- c) To promote and co-operate with a multi-agency approach in dealing with Anti-Social Behaviour**
- d) To promote good Estate Management**
- e) The Council will act within the framework set out in legislation**

Consultation on Preparation of Strategy

The update of the Strategy is a reserved function for the Council Members and must be presented for adoption. The draft Strategy will be brought to the Housing SPC for consideration.

Adoption of the Strategy will also be agreed in consultation with the following bodies:

- Joint Policing Committee
- HSE
- Cork Local Drugs Task Force
- An Garda Síochána

- Other approved bodies such as the Cork Homeless Forum

Strategies

The Council will endeavour to achieve its objectives by utilising the following:

- Encouraging greater tenant participation in estates in order to build positive community spirit that reinforces the benefits of ownership of their estates and voluntary involvement in community initiatives.
- Encouraging younger residents to participate in the activities of Residents Associations and their committees. Evidence would suggest that their involvement in such activities reduces Anti-Social Behaviour as it has encouraged a pride of place and ownership in younger people.
- Maintaining linkages and integrated approaches both within the local authority and with other agencies to create a more cohesive, coherent and effective approach to Estate Management.
- Working in partnership with other Agencies and Associations in the pursuit of Community Development Strategies, Education Initiatives and projects aimed at minimising Anti-Social Behaviour and developing the communities resident in local authority estates.
- Working in tandem with agencies and organisations to encourage and promote youth development within the area.
- Publicising and disseminating information on the Anti-Social Behaviour Strategy as widely as possible in order to create greater awareness of options available.
- Taking a pro-active approach in raising awareness generally of the issues associated with Anti-Social Behaviour and its effects on communities and individuals.
- By striving to enforce legislation in the most serious of cases as outlined in this document.
- Maintaining the close relations with An Garda Síochána, HSE and other Agencies in developing a multi Agency approach to dealing with Anti-Social Behaviour.
- Continue to support and actively engage with established Local Policing Fora in partnership with An Garda Síochána and also engage with An Garda Síochána in the expansion of the Fora as set out in recent guidelines from the Department of Justice.
- Prepare Action Plans to address specific problems in specific areas within agreed timeframes.
- Continue the system whereby Cork County Council Officials engage on a regular basis with An Garda Síochána on a formal setting. The success of such engagement depends on the relationship developed between Council Officials and Gardai at all levels

- Participation in Pre-Tenancy Courses which are compulsory for prospective tenants prior to occupation of a dwelling.
- Housing Department will liaise with the development of the Council's Design Guide for the Residential Estate Development in relation to design issues in Estates to ensure that new housing developments are built according to integrated and sustainable models.

This Anti-Social Behaviour strategy will interface with all other related strategies and policies including the provisions of the Housing Services Plan, Traveller Accommodation Plan, Homeless Action Plan, Incremental Purchase Scheme, Scheme of Letting Priorities, Tenancy Agreement, amongst others.

The Council may review and amend its Anti-Social Behaviour Strategy from time to time to take into account new legislation.

Legislation

The legislative provisions as set out in Schedule A will govern the implementation of the Policies set out in this document.

Cork County Council is committed to investigating all complaints of Anti-Social Behaviour in a fair, impartial and objective manner.

Complaints Procedure

Complaints against unidentified persons will not be investigated by Cork County Council.

Cork County Council has a complaints system to deal with complaints of Anti-Social Behaviour as defined by the Housing (Miscellaneous Provisions) Act, 1997(as amended). Dedicated personnel in the Housing Department will deal with such complaints. Complaints will be accepted by telephone or in writing and all such complaints will be recorded.

The complaints system is a confidential service and every effort is made to protect the identity of the complainants. The Council assumes that a complainant requires the complaint to be dealt with in conditions of complete confidentiality unless the complainant specifically states (in writing) otherwise. Access to the complaint files is restricted and written records are secure at all times.

If the nature of the complaint is likely to compromise the identity of the complainant, an investigation will not proceed, unless the latter gives specific written authorisation to do so.

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 may be protected by Section 23 (a) and Section 26 of the 1997 Act.

All complaints will be categorised, and if necessary an investigation will be initiated within 15 working days or as resources permit. Categories may, but not exclusively, include the following:

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 and 1984)

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 2009, or a housing estate in which the house is situate and without prejudice to the foregoing includes violence, threats, intimidation, coercion, harassment or serious obstruction of any person.

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
- Joyriding
- Violence/Harassment/Intimidation
- Racism
- Vandalism
- Selling Alcohol

Category C

- Squatters/illegal Occupiers
- Noise/Disturbance
- Children Nuisance
- Pet/Animal Nuisance
- Physical Condition of Property

The complainant will be informed of the outcome of the investigation.

In certain cases where there is continuous incidents of Anti-Social Behaviour the complainant will be given the option to use a standardised form to record all details of Anti Social activity to assist with possible legal action. In addition, persons against whom numerous complaints have been received will be discussed with An Garda Síochána, where this is considered appropriate.

Investigation of Complaint:

Cork County Council will investigate every complaint in a fair, impartial and objective manner. This may involve enquiries with other Statutory Agencies in accordance with section 15 of the Housing (Miscellaneous Provisions) Act, 1997.

The respondent may be interviewed. All allegations will be presented to the respondent . Following interviews any responses will be fully investigated and taken into account. If the Council determines 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) the following ways:

- **Verbal Warning at pre-arranged Meeting**
- **First Warning letter**
- **Second Warning letter**
- **Referral to An Garda Síochána**
- **Referral to Health Service Executive**

If the Council determines that the complaint is unfounded then no further action will be taken.

If further complaints are received against a respondent then the case may be discussed in detail with An Garda Síochána and other relevant Agencies and appropriate action will be taken, i.e.

Await investigation by other Agencies

Apply for Excluding Order

Issue Statutory Tenancy Warning Letter & Repossession proceedings

Complaints of a serious or criminal nature i.e. drug dealing and serious violence, will be forwarded to An Garda Síochána for investigation.

Principle Legal Sanctions

Refusal/Deferral of a Letting on the Grounds of Anti-Social Behaviour.

Cork County Council may refuse to make a letting or defer a letting to any housing applicant where it considers the applicant has been involved in Anti-Social Behaviour. However this refusal/deferral may not be indefinite and every case will be treated on its individual merit. The applicant will be advised of the reasons for the refusal/deferral.

Refusal to Sell a Dwelling on the Grounds of Anti-Social Behaviour

Cork County Council may refuse to sell a dwelling to a tenant if it considers the tenant is or has been involved in Anti-Social Behaviour. The tenant will be advised of the reasons for the refusal. The Council may also refuse consent to the sale/purchase of a dwelling if it considers that the intended purchaser is or has been engaged in Anti-Social Behaviour.

Refusal/Deferral of a Transfer Request on the Grounds of Anti-Social Behaviour

Cork County Council may refuse a transfer of tenancy or defer a transfer of tenancy to any tenant where it has reason to believe the tenant has been involved in Anti-Social Behaviour/Breach of Letting Agreement. Every case

will be treated on an individual basis. The tenant will be fully informed of the reasons for the refusal/deferral.

Refusal/Deferral of a Letting on the Grounds of Failing to Provide Information

Cork County Council may refuse to make a letting or defer a letting to any housing applicant who fails to provide information requested by the Council relating to persons residing with or intended to reside with the applicant and which the Council considers necessary for the full consideration of the application. The applicant will be fully informed of the reasons for the refusal/deferral. The decision will be reviewed when the Council is of the opinion that all relevant information has been submitted.

Refusal/Deferral of Letting on the Grounds of Good Estate Management.

Cork County Council may refuse to make a letting or defer a letting to any housing applicant where it considers there is good reason for doing so on the grounds of good estate management. The applicant will be advised of the Council's decision.

Refusal to Sell a Dwelling on the Grounds of Good Estate Management

Cork County Council may refuse to sell a dwelling to a tenant where it considers there is good reason for doing so on the grounds of good estate management and may also refuse consent to the sale/purchase/ Incremental purchase of a dwelling on the same grounds. The tenant/tenant purchaser/ Incremental purchaser and the intended purchaser will be fully informed of the Council's decision.

Appeals Procedure

An applicant may appeal the Council's decision to refuse sell, let or transfer within 7 days of date of said notification. The Director of Services may delegate consideration of an appeal to appropriate staff member(s). The Appeals Officer will not have adjudicated on the initial decision. An appeal must be in writing and set out in full the grounds for the appeal. The decision of the Appeals Officer shall be final.

The applicant may request that the local authority review the decision following a period of at least twelve months or prior to this if the circumstances of the applicant have changed.

Health and Safety of Staff

Cork County Council will not tolerate any assaults, threats, intimidation, obstruction, harassment or interference with its employees who are involved in the implementation of this policy in accordance with the provisions of the Housing Acts 1966 to 2014 and will institute legal proceedings against any person engaged in such activity.

Customer Service

Cork County Council is committed to providing a quality service to its tenants and the public. The Council will continue to meet tenants and Resident Associations on an on-going basis and will actively promote its services and the assistance it can provide in improving the quality of life on all our estates.

Addresses for making complaints of Anti-Social Behaviour:

Estate Management Unit, Cork County Council, Floor 4, County Hall, Cork. Tel. No. 021 4285249/021 4285529.

Estate Management Unit, Cork County Council, Annabella, Mallow, Co. Cork.
Tel. No. 022-21123.

Estate Management Unit, Cork County Council, Kent Street, Clonakilty, Co. Cork.
Tel. No. 023-8833328.

SCHEDULE A

The legislative provisions as set out in Schedule A will govern the implementation of the policies set out in this document.

Cases of Domestic Violence do not come within the scope of this Act. The Domestic Violence Act 2001 is the appropriate legislation for such cases.

Private property is beyond the scope of legislation.

Legislation defines Estate Management as:

(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 2014,

(b) the avoidance, prevention or abatement of Anti-Social Behaviour in any housing estate in which is situate a house provided by a Housing Authority under the Housing Acts.

Cork County Council will advise and assist any of its tenants who wish to make an application for an Excluding Order.

Legislation also allows Cork County Council to apply to other Housing Authorities or statutory agencies for information in relation to any person seeking a house from the authority or residing or proposing to reside at a house provided by the authority or whom the authority considers may be or may have been engaged in Anti-Social Behaviour and, notwithstanding anything contained in any enactment, such other Housing Authority or statutory agency may provide the information.

The Housing Acts create a specific offence of intimidation against Local Authority Officials, Health Service Executive Officials, any member of their family, or any person who provides evidence under the Housing Acts 1966-2014.

A person who causes or attempts to cause any threat, intimidation or harassment, coerces, obstructs, impedes or interferes with, an officer or employee of a Housing Authority or a Health Service Executive Official or a member of the family of such officer or employee or any person who provides or is to provide evidence in any proceedings under Housing Act 1966-2014 or this Act shall be guilty of an offence.

Penalty: - fine, 12 months imprisonment or both.

Section 20 of Housing Act 1997 (as amended)

This section deals exclusively with illegal occupiers. It provides a new power to An Garda Síochána to remove squatters who are engaging or have engaged in Anti-Social Behaviour from Council houses. It empowers the Garda Síochána on notification by the Housing Authority to direct any illegal occupant of a Local Authority house engaged in Anti-Social Behaviour to leave the house. Non-compliance with An Garda Síochána's direction is an arrestable offence. There are also powers of search and entry available to An Garda Síochána.

SCHEDULE B

Relevant legislation used by Cork County Council to deal with Anti-Social Behaviour.

- Housing Act 1966, as amended by;
- Housing Act 1970,
- Housing Act 1988
- Housing (Miscellaneous Provisions) Act 1992,
- Housing (Miscellaneous Provisions) Act 1997,
- Traveller Accommodation Act 1998,
- Residential Tenancy Act 2004,
- Housing (Miscellaneous Provisions) Act 2009.
- Housing (Miscellaneous Provisions) Act 2014
- Conveyancing Act 1881.

