



Comhairle Cathrach
Bhaile Átha Cliath
Dublin City Council

Report to Housing SPC

Date: Wednesday 9th March 2022

Item No. 4i

ESTATE MANAGEMENT STRATEGY

FOSTERING SAFER NEIGHBOURHOODS

THROUGH PROACTIVE AND RESPONSIVE MANAGEMENT OF ANTI-SOCIAL BEHAVIOUR

2022-2027

Policy	Prevention and Reduction of Anti-Social behaviour
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Policy Owner	Alice Simington
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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) includes an 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.

The Council has over 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 five years. Developing our estate management capacity is critical to ensuring that we meet our objectives of providing safe 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 the Council began an extensive review of estate management. 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, Ballymum 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 and complexes and we will work considering the differing 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 Coliin O'Rielly (Insert signature)

1. MISSION STATEMENT

The Council is committed to the provision of safe, thriving neighbourhoods. We aim to ensure that 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. SCOPE

This strategy applies to those parts of the city where the Council has Tenancy Dwellings, Relevant Purchaser Dwellings and Traveller Sites. While this anti-social behaviour strategy applies to those parts of the city where the Council has social housing¹, there exists procedural differences depending on the nature of the tenancy. Anti-social behaviour (ASB) in Residential Accommodation Scheme (RAS) and Housing Assistance Payment (HAP) properties are additionally covered under Landlord Tenant legislation (Residential Tenancies Acts).

3. CONTEXTUAL ANALYSIS

The majority of the 25,000 tenants of Dublin City Council live in housing estates and complexes where most of the community are living in housing built, secured or financed by the City Council, peppered with privately owned and private rented properties, as well as other areas where the proportionate divide between private and social housing is better balanced. In a move to encourage residential settings in which housing is affordable to individuals and families with different income levels, there is a gradual move towards greater mix of tenures: social rented; owner-occupier; private rented; and shared ownership; we are seeing a gradual move to a greater social mix within communities.

In many of the localities where there is a high concentration of social housing, there are correlated high levels of deprivation. There have been many area-based interventions which have directed special resources at neighbourhoods that have been selected on the basis of their social disadvantage. These interventions have focused on re-building and regeneration of housing, community employment and the upgrading of social services including intensive, high-quality support services for acutely disadvantaged households, particularly in the fields of health, education and criminal justice. Notwithstanding, the historical, intergenerational and underlying root causes of poverty and deprivation in many of these areas remain ever present.

In some estates and complexes, crime and social order problems are pervasive, while in others, the issues are significantly less pronounced. A number of areas have suffered from serious criminality in recent years, associated with open drug dealing and criminal networks, with very serious crime most prominent in hotspots or specific areas within communities.

¹ In or in the vicinity of a house provided by a local authority

In response, Dublin City Council recently commissioned a number of studies in areas of high crime and disadvantage, which highlight the underlying and pervasive root causes of crime where poverty-fuelled drug-dealing and violence is being normalised. The reports cover Ballymum², Darndale³, and the North East Inner City⁴, complemented by other recent studies around the area of community safety and crime, including the South Central⁵ area. The main contents and recommendations of these reports, summarised in this section, have served to influence the direction of this strategy and the respective strategies of each local area office.

The reports have many findings in common. All reports note the array of services in their respective areas, both State, Dublin City Council, Health Service Executive (HSE) and non-governmental organisations, all providing much needed support, advice, education, youth and outreach, health and treatment services to those in need. All reports recognised the valiant efforts of these providers but call for the necessity to provide a greater level of coordination for improved outcomes, and in targeting the right level of resources in specific areas, based on the prevailing needs in the area.

The reports validate what we know about our communities: A very small percentage of people are engaged in criminal networks and criminality, yet there is often an unjustifiable stigma attached to communities in affected areas that taints the reputation of the entire community – through the conflation of anti-social behaviour on the part of a small proportion of residents with the characteristics of all residents⁶. While one report⁷, found that around 2% of the population have any involvement in these networks, all reports confirmed the impact of criminal network activities in related communities is extreme. The report notes the increasing propensity for young people to get involved with these gangs, some as young as 12 years of age.

In Ballymum, a report commissioned by Dublin City Council demonstrates how underlying disadvantage, addiction and unemployment has directly impacted on the creation of open drug markets in the area. Despite huge efforts made and huge expenditure incurred in the overall regeneration of the Ballymun area up to 2012/13, the area remains one of the most socially deprived in the country. The main issues identified were: the surge in the supply and consumption of crack cocaine; the number of young people drawn into criminality and antisocial behaviour; open drugs markets selling to local people, and to people from outside the area; and, the lack of adequate policing resources to deal with the serious problems in the area.

² Montague, Andrew. Ballymum - A Brighter Future: A plan to tackle the underlying causes of addiction and crime and to tackle open drug dealing, 2020. Ballymum Local Drugs and Alcohol TaskForce and Dublin City Council

³ Nolan, Dr. Jack. Darndale: A Long View of an Enduring Challenge, A Socio-Economic & Community Plan, 2020, Report for Dublin City Council.

⁴ Mulvey, Dublin North East Inner City: Creating A Brighter Future: The Social and Economic Regeneration of Dublin's North East Inner City, 2017

⁵ Connolly, Dr. John, Centre for Crime, Justice and Victim Studies, School of Law, University of Limerick, Building Community Resilience, Responding to Criminal and Anti-Social Behaviour Networks Across Dublin South Central, A Research Study, Four Forum Network & Dublin City Council.

⁶ Carnegie, Anna et al., Changing Perceptions: Stigma and Social Housing in Ireland, School of Social Policy, Social Work and Social Justice, University College Dublin 2017, Cluid Housing

⁷ The South West Inner City, Canal Communities, Dublin 12 and Ballyfermot/Chapelizod Fora.

The report commissioned by Dublin City Council for the Darndale area in response to the escalating levels of violence in the Darndale, Belcamp and Moatview areas of North Dublin found a similar profile of disadvantage, where the three estates were categorised as very disadvantaged or disadvantaged according to all socio-economic indicators, with significant deprivation when considering the demographic profile, social class and labour market indicators for the area.

In the North East Inner City (NEIC), a report was commissioned to inform the plan for the social and economic regeneration of Dublin's North East Inner City⁸, an initiative that was precipitated by drug-related violent crime in the area. The underlying context and issues are similar to those in other disadvantaged areas.

The issue of youth involvement in crime was highlighted as a concern in these reports, noting that it is imperative that the current generation of young people are dissuaded from criminal lifestyles, to avoid intergenerational cycles of disadvantage, and are positively influenced to engage in pro-social behaviours. It is recognised that there is a challenge of encouraging people to make alternative choices, given the material gains and sense of belonging provided by involvement in drug networks.

There is reference in these and other reports to the issue of drug related community violence and intimidation. What is referred to in criminology as the 'dark figure of crime'⁹, that is; the number of crimes that are either never reported to the police or never recorded by them when they are, is significantly higher for drug-related crimes. It is the case that people are reluctant to report to the authorities for a variety of reasons: Many victims of crime know the offender, and/or lived near them. There were real, immediate safety reasons for not reporting drug-related crime: for fear of reprisal from those locally involved in the illicit drugs trade. Other reports note the organised and deliberate function of anti-social behaviour, as a concerted means of exercising drug network control over areas, creating 'hotspots'¹⁰ or places where anti-social behaviour and drug related crime are particularly intense and unrelenting, a source of public nuisance and intimidation. The fact that much drug related crime and intimidation goes unreported, creates a challenge for the Council, as we can only investigate and act upon anti-social behaviour on the basis of complaints made and corroborated with factual evidence.

Another emerging issue is that of hate crime/hate incidents, specifically related to racism. In 2020, eight percent (8%)¹¹ of applicants for social housing with Dublin City Council were from non-European Economic Area countries. A research report, carried out by the Immigrant Council of Ireland (ICI) in collaboration with Dublin City Council¹², found that during 2013 and 2014 almost half (48%) of all incidents of racism in housing reported to the ICI took place in

⁸ Mulvey, Dublin North East Inner City: Creating A Brighter Future: The Social and Economic Regeneration of Dublin's North East Inner City, 2017

⁹ Mulcahy, J, Safety in Numbers: An Evaluation of Community Crime Impact Assessment (CCOIA) Pilot Projects, 2019

¹⁰ Connolly, Dr. John, Centre for Crime, Justice and Victim Studies, School of Law, University of Limerick, Building Community Resilience, Responding to Criminal and Anti-Social Behaviour Networks Across Dublin South Central, A Research Study, Four Forum Network & Dublin City Council.

¹¹ Housing Agency, Housing Needs Assessment Summary, 2020

¹² Immigrant Council of Ireland, Taking Racism Seriously: Experiences of Racism and Racially Motivated Anti-Social Behaviour in Social Housing, 2017

social housing. Additionally, the proportion of aggravated offences perpetrated on people was far higher in social housing compared with other areas. One significant concern is that children under 18 comprised 42% of victims of racial harassment and discrimination in social housing. The Community Crime Impact Assessment in Dublin 8¹³ found amongst other issues, persistent racial abuse, particularly of shop staff and small groups of local young children involved in low levels of anti-social behaviour including smashing windows, bullying other children and name calling of non-Irish national children/families using the playground. The ICI found there was a lack of reporting of complaints of a racial nature to Dublin City Council. They cited a lack of legislation to pursue racism as a crime in wider Irish society, in addition to critical barriers related to language difficulties, cultural differences and a lack of knowledge of the system¹⁴. All of these issues are exacerbated by being new to the country, possibly with status issues, and with little or no English language skills, with additional levels of fear around racism¹⁵.

In certain areas, staff safety is becoming an increasing issue, with direct aggression targeted at housing staff members. Work managing community complaints is complex, and at times, fraught with risks for community workers. There remains continuous challenges of community safety, gang culture and anti-social behaviour, and the difficulties that community workers face in responding to complaints related to these issues.

In many cases, anti-social behaviour is a symptom of more complex issues. Those who have experienced high levels of adverse childhood experiences (ACE's), including various forms of physical and/or emotional abuse, neglect, and household dysfunction, are more likely to develop physical and or mental health issues and/or addictions and/or experience homelessness. Individuals who have experienced high levels of trauma in their childhood can often present with difficulty reading facial and social cues, have heightened startle responses, practice avoidance, have memory problems, poor decision making skills and aggression. These difficulties, and difficulties with emotional regulation, are factors that prevent those persons from appropriately engaging with mainstream services. It can render day to day tasks challenging and it can lead to conflict, particularly with people in positions of 'authority'. Individuals can often present as aggressive or agitated, which is, in fact, an adaptive responses to a perceived threat that no longer exists¹⁶.

Some people with mental health issues may have presenting issues that challenge their ability to manage their home, such as excessive hoarding which, if unmanaged, can result in

¹³ Mulcahy, J, Safety in Numbers: An Evaluation of Community Crime Impact Assessment (CCOIA) Pilot Projects, 2019

¹⁴ An Garda Síochána, as part of their Diversity and Integration Strategy 2019-2021, have developed a working definition of Hate 'Crime': Any criminal offence which is perceived by the victim or any other person to, in whole or in part, be motivated by hostility or prejudice, based on actual or perceived age, disability, race, colour, nationality, ethnicity, religion, sexual orientation or gender¹⁴. A Hate 'Incident' is non-criminal and is: Any non-crime incident which is perceived by any person to, in whole or in part, be motivated by hostility or prejudice, based on actual or perceived age, disability, race, colour, nationality, ethnicity, religion, sexual orientation or gender.

¹⁵ North East Inner City, Securing Roots: Integrating Minority Ethnic People into Local Community Services in the North East Inner City, 2020

¹⁶ Lambert, S, Moving Towards a Trauma Informed Care: A Model of Research and Practice HSE; Cork School of Applied Psychology, UCC, Cork Simon, 2017.

environmental health issues, where an underlying health issue becomes a housing issue. As there is an increasing focus on de-congregation of mental health, intellectual and homeless residential services, it is essential that housing staff have the skills to engage with vulnerable tenants and to seek the support and collaboration of other statutory and voluntary health providers to meet the needs of people who now reside in the community and require supports and services where they live.

An approach to tackling youth crime related anti-social behaviour calls for a 'care and control'¹⁷ approach, tackling both the symptoms, or underlying issues, and causes of gang engagement, in addition to punitive responses. This requires a localised integrated response among service providers in collaboration with resident representative organisations and the resourcing of intensive social provision. The Ballymun report called for a joined up trauma informed approach to dealing with youth engaged in anti-social behaviour citing the fact that young people engaged with Garda Youth Diversion Programmes have significantly higher levels of traumatic life experiences than people in the general population, where higher levels of trauma increase the likelihood of engagement with the criminal justice system.

All reports recognise that there are clearly some serious social issues that require a more focused and multi-agency approach and recognise that the causes of anti-social behaviour are multiple and complex and not solvable by one single agency. Each of the reports focus on recommendations around the issues of community safety and prosperity. All of the reports call for a more coordinated service delivery structure. The Ballymun report calls for a broader and more integrated approach to better address social and criminality problems, involving a three pronged approach including: prevention; desistance and suppression of criminal activities. The Darndale report recommendations include mechanism that address the following issues: controlling crime effectively; dismantling and diluting gangs; enhancing community esteem; enhancing education uptake and community entrepreneurship; developing a system of collaborative service delivery. The NIEC report recommended four key areas to work on: policing and crime prevention: tackling drugs and crime; maximising educational training opportunities/creating local employment opportunities; creating an integrated system of social services; physical infrastructure – Refurbishment Plan. The Darndale report acknowledges the good work currently being done by both Dublin City Council and An Garda Síochána in efforts to stem the tide of disorder and dysfunction but call for increasing the visible presence of policing, and additional functions and activities including the establishment of a Community Representative Forum. The Building Community Resilience report recommends that the required response needs to be strategic, built on collaborative effort by a range of parties and based on a combination of controlling unacceptable behaviour and outreaching to offenders.

The findings and recommendations of the reports that have informed this strategy are situated in the emerging developments internationally, and more recently in Ireland, around how to progressively tackle issues of community safety. The Report of the Commission on the Future of Policing in Ireland¹⁸ recognises community safety, in its broad sense, is not just the responsibility of An Garda Síochána. This requires a multisectoral approach, stronger

¹⁷ Donoghue, J., Care and Control – Challenges for Creating Safe and Sustainable Communities, 2013 An Garda Síochána, Diversity and Integration Strategy 2019-2021

¹⁸ The Commission on the Future of Policing in Ireland, The Future of Policing in Ireland, 2018.

interagency collaboration and community engagement, with a key role for health and social services as well as other sectors of society. Dublin City Council is committed to continuing to play its part in this reform agenda, where it has powers and authority to do so.

Situating the Council's Powers in the Legal Context

During the course of the last strategy there existed significant challenges and legal impediments for Dublin City Council to effectively address good estate management including the use of tenancy warnings, repossessions and tenancy terminations.

Previously, under Section 62 of the Housing Act 1966, having followed their investigation processes, local authorities had the power to serve a notice to repossess a home (Notice to Quit) and apply to the District courts for an application for possession, without the burden of giving reasons to the Court. The District Court was effectively obliged to grant a warrant for possession, as long as a local authority had followed its procedures. An appeal, on a point of law, which commenced in 2005, altered this process. The point of law was that Section 62 was incompatible with the European Convention on Human Rights (ECHR), because it did not allow for an independent hearing of the merits of the proposed repossession with consideration of Article 8. The primary purpose of Article 8 is to protect against arbitrary interferences with private and family life, home and correspondence *by a public authority*. This was subsequently appealed to the Supreme Court, who ruled that there must be an independent hearing of the merits of any proposed repossession.

For a number of years prior to this decision no new cases could be taken pending the Supreme Court judgement. Following a Supreme Court judgement in 2012, which prompted legislative changes, there was a lacuna in housing legislation for a number of years. New legislation was enacted in 2014 to remedy the issues with the 1966 Act, however, it was 2015 before there was a commencement order, and late 2017 before court rules in the District Court were in place to allow housing authorities to take cases. Therefore, over a period of almost a decade, staff could prevent, encourage and warn but lacked the ultimate sanction of eviction to deal with serious anti-social behaviour of its tenants.

The Housing (Miscellaneous Provisions Act 2014 provides clarity to local authorities regarding expectations related to evictions and other allied legal sanctions, as a result of anti-social behaviour. In order for a possession order to be granted, a local authority must sufficiently justify their position. There must be a sufficient body of evidence to support the application. A local authority must prove that a tenant has caused *significant or persistent detrimental effects on the quality of life of those in the locality of the dwelling*¹⁹. An order to make someone homeless must be considered *proportionate* to the anti-social behaviour they have committed and whether it is just and equitable to make the order.

The local authority must demonstrate that it has taken all steps to secure the cessation or non-repetition of the breach of the terms of the tenancy, before taking legal action²⁰. The legislation sets out that a Tenancy Warning, a statutory warning, should be in place for 12

¹⁹ Housing Miscellaneous Act 2014, Part 2, Section 12 (3) (b).

²⁰ Housing Miscellaneous At 2014, Part 2, Section 12 (9) (i).

months, to allow a tenant reasonable opportunity to correct their behaviours. It should be noted that there are a series of progressive warnings issued to a tenant, before reaching a statutory tenancy warning. Where there is a further breach during this 12 month period, and the behaviour is significant/persistent and is having a detrimental effect on the quality of life of those in the locality, *and* where it is clear that all alternative avenues have been exhausted, the Council can apply to the courts to seek possession of a dwelling. A high burden of evidentiary proof is required when bringing a case to Court.

The Court will then decide whether or not to grant an order for possession or excluding order. In terms of the Court judgement, the Court is obliged to consider Article 8 of the European Convention on Human Rights in deciding whether the application for possession and/or exclusion (effectively making a family or a person homeless) is *proportionate* to the anti-social behaviour they have committed. The judge will also decide, based on the facts of the case, whether in the circumstances it is *just and equitable* to make the order²¹.

The Housing (Miscellaneous Provisions Act) 2014 strengthens the powers of housing authorities in relation to securing excluding orders where there is anti-social behaviour in their housing stock. The latter allows for leeway in ensuring that a whole household does not face eviction, with only the individual found to be engaging in anti-social behaviour being excluded from the house and vicinity of the home.

As noted in the Community Resilience Report²², for the most part, human rights associated with community safety tend to be focused on the procedural rights of those suspected or indeed convicted of offences. It calls for more to be done on understanding and advocating for the rights of communities impacted by community safety issues, including rights relate to how the state can ensure minimum standards in terms of quality of life for people and certain groups of people. The author asks the question: Can a right to decent housing include the right to live in a home and a community free from persistent low-level intimidation? Part of the strategy for the Community Resilience Project in South Central Area, funded by Dublin City Council, will be to examine the extent to which the argument for safe communities can be situated with a human rights framework, with associated tools and mechanisms to articulate this aim²³. In the UK and other jurisdictions progresses has been made in this area. In the UK, the Crime and Policing Act in 2014 gives landlords a wide range of tools to tackle anti-social behaviour and associated guidance is *victim focused*, setting out the importance of focusing on the impact of anti-social behaviour on victims and on their needs.

Senior police officers can prepare a Community Impact Statement on the impact certain crimes have had on the local community to inform: the decision to charge a suspect with an offence; restorative justice interventions; decisions on possible conditions of a caution; proposals for sentencing in pre-sanction reports; partnership activity to tackle issues raised by the community; and, sentencing. The UK is also progressive in terms of responding to hate crime and hate

²¹ Housing Miscellaneous Act 2014, Part 2, Section 12 (9) (iv).

²² Connolly, Dr. John, Centre for Crime, Justice and Victim Studies, School of Law, University of Limerick, Building Community Resilience, Responding to Criminal and Anti-Social Behaviour Networks Across Dublin South Central, A Research Study, Four Forum Network & Dublin City Council.

²³ Commission on the Future of Policing in Ireland, 'The Future of Policing in Ireland', 2018

incidences. In Canada, Canadian Community Impact Statement model is not necessarily a police-led initiative: individual selected by the community in question can compile a statement on behalf of the community and present it in court²⁴.

It is our intention to continue to improve upon our practice in managing and responding to anti-social behaviour within our tenancies, refining our processes and approaches in line with Housing legislation, and to explore and take advantage of any new opportunities or initiatives that seek to minimise and mitigate against anti-social behaviour in our neighbourhoods.

4. STRATEGIC PRIORITIES

Our overall objective is to provide safe and peaceful neighbourhoods for Dublin City Council tenants, and their neighbours, to reside and work in. We will aim to prevent and reduce incidences of anti-social behaviour (ASB) in affected communities where citizens 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. The five approaches are set out in more detail in this document, including relevant actions and associated procedures.

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

- Proactive Estate Management: Prevention & Early Intervention
- Working In Partnership: Building Key Relationships
- Consequences for Anti-Social Behaviour which affects the Community
- Effective Complaints Response: Efficient Investigation and Proportionate Sanctions
- 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 ASB. 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 designing out crime in new developments. It covers early intervention, engaging tenants at the initial stages of their tenancy, and 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 ASB. 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. The relevant section outlines the variety of partnerships we engage with in order to foster pro-active, preventative and reactive actions to combat ASB and behaviours of concern in our communities.

²⁴ Mulcahy, J, Safety in Numbers: An Evaluation of Community Crime Impact Assessment (CCOIA) Pilot Projects, 2019

Consequences for Anti-Social Behaviour (ASB) that affects the Community

We commit to exercising enforcement measures available to us, where ASB has escalated to a scale that is causing serious and persistent 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 ASB. 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 consistently engaged in anti-social behaviour. While the loss of one's home is the last resort, tenants will be made aware that 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 ASB. This section lays out the type and duration of consequences for tenants and members of their household or visitors to their home.

Effective Complaints Response: Investigation of Complaints & Associated Action

We commit to providing an accountable system of managing complaints related to ASB, supported by robust policy and procedures. We will take every complaint seriously: recording, assessing, investigating and managing complaints, from lesser breaches of tenancy agreements, to those of a more serious nature. Every complaint will be treated confidentially²⁵. In our processes, we will guarantee procedural safeguards are in place, following due process, ensuring a fair and impartial investigation of complaints, with measures imposed which are proportionate to the findings. The Housing (Miscellaneous Provisions) Act 2009²⁶, prescribes that a local authority's ASB strategy must detail its procedures for dealing with ASB. 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. Area Offices have the primary responsibility to respond to ASB 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 consideration of investment in evaluation and/or research around specific interventions to mitigate and/or reduce anti-social behaviour in social housing settings, as set by the Housing (Miscellaneous Provisions) Act 2009. We are committed to being accountable and examining our reporting systems, so that that we can provide a comprehensive picture of the work carried out by our office in terms of mitigating and managing ASB and delivering safer neighbourhoods.

²⁵ (Refer to section 5.4.1.5).

²⁶ Housing (Miscellaneous Provisions) Act 2009, Section 35

5. STRATEGIC PRIORITIES IN FOCUS

Strategies are based on the objectives of Prevention, Partnership, Enforcement, and Continuous Improvement. The associated strategic actions and procedures are outlined in subsequent subsections.

5.1. PREVENTION & EARLY INTERVENTION

5.1.1 Allocations

The Allocations & Transfers Section, and local allocations staff, will have regard to the overall number of housing 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 5.3.8 'Decision and Right to Appeal'. To minimise voids the initial stages of the allocations process and vetting processes may commence in parallel but it is clarified and understood that all offers of social housing **are conditional** on full estate management checks.

5.1.2 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 Dublin City Council's tenants.

5.1.3 Pre-Tenancy/Tenancy Signing

Dublin City Council staff will meet with housing applicants at pre-letting stage. This is an opportunity to engage with tenants on being a good neighbour. Prior to signing an agreement, applicants are directed to the website, where a copy of the tenancy agreement terms and conditions are available. Applicants are asked to read this, and are given sufficient time to review the agreement. For those who require assistance to fully understand the agreement, support workers or other support persons assisting the applicant will be able to provide additional guidance in interpreting the document. This will allow more time for an applicant or their support person to ask any questions or clarify any concerns they may have, prior to official signing. We commit to reviewing how we positively welcome and engage with new tenants when they are settled in their new home.

5.1.4 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, specific services are provided to tenants who are exiting homeless services, in recognition that supplementary support 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 six 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.

5.1.5 Sheltered Housing Liaison Officers

Dublin City Council has over 3,500 older persons units. In Older Persons' Accommodation, Liaison Officers maintain regular day-to-day contact to provide practical support and guidance to older persons in our complexes. In instances of low-level ASB, the liaison officer will intervene early.

5.1.6 Dublin City Council's Social Work Section

Social Worker Service

Social Workers help people to solve problems in their everyday lives, identify sources of difficulty, and work in partnership with them to develop coping skills and find solutions to their problems. The Social Work Section can assist with a broad range of social and personal issues that impact on an individual or family's capacity to cope and to maintain their tenancy.

Assistance can be given through referral to the Social Work service or through contacting the Duty Social Work service. A Social Worker may be assigned to referrals where the circumstances meet the service threshold for a Social Work service. Detailed information about

our service threshold is available on the Dublin City Council website²⁷. Support Interventions may include support, guidance and advice, including: onward referral or signposting to specialist services; casework; advocacy; and multi-agency co-ordination, if appropriate.

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. Mediation is not deemed suitable in cases of serious anti-social behaviour but may be suitable for some less severe complaints. Both parties must agree to this process. Area housing staff are the first point of contact to support neighbours to resolve misunderstandings and disputes between themselves. If it is decided by Area Housing staff that mediation is the appropriate course of action in a case, they may make a referral to the Mediation Service.

5.1.7 Community & Integration

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

We will prioritise allocation of community development resources to areas and projects that directly or indirectly promote good estate management whilst reducing the harm caused by ASB.

5.1.8 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 ASB, the Housing Maintenance Section 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.

5.1.9 Planning & the Built Environment

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

We will continue to invest in lighting and CCTV as a deterrent in areas that have potential for ASB.

²⁷ <https://www.dublincity.ie/residential/housing/social-work-section>

It is the policy of Dublin City Council (Policy Statement) PS:	
PS1	To be fully committed to good estate management through proactively communicating and coordinating internally to maximise cohesion at each relevant stage of housing including: planning and design, allocation, tenancy support, housing management and maintenance, engagement, communication and sustainment.
PS2	To clearly and consistently communicate to Dublin City Council tenants on their rights and responsibilities with regard to their tenancy agreement and with regard to their obligations to their community and neighbourhood.

It is an Objective of Dublin City Council:	
SO1	Tenants will be clear of their expectations, rights and obligations as tenants of Dublin City Council via a revised tenancy agreement, with a supplementary explainer available in Plain English.
SO2	Ensure that new tenants understand what they can expect from the Council and what the Council expects from the tenant including what anti-social behaviour is and how to be a good neighbour. We commit to reviewing the process of engagement with new tenants.
SO3	Ensure that our policy and strategy around fostering safe neighbourhoods through proactive and responsive management of anti-social behaviour is understood and accessible to all by developing an easy-read version of this strategy document.
SO4	Support tenants to remain in their homes through the provision of complementary housing services including tenancy sustainment support, older persons liaison support and augmented support services where necessary.

5.2. 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 targeting specific cases or areas of serious ASB which will need collective action to effectively resolve them.

At the local area level, we will engage with a broad spectrum of networks and groups in order to maximise cohesive action in relation to cross-cutting issues. We will take actions which prevent, mitigate and respond to ASB specific to each community.

5.2.1 An Garda Síochána

We have a strong working relationship with An Garda Síochána, and this will continue to be fostered. 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.

The primary formal interaction mechanism between local authorities and An Garda Síochána is set out in Section 35 of An Garda Síochána Act 2005 which provides for the establishment of Joint Policing Committees (JPCs), which are active in each local authority area. (JPCs) aim to develop greater consultation, cooperation and synergy on policing and crime issues between An Garda Síochána, Local Authorities and elected local representatives. JPCs also facilitate

the participation of the community and voluntary sectors in this regard. There are a number of local level joint initiatives set out in more detail in section 5.2.7.

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 ASB this may range from coordination to joint working initiatives.

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.

5.2.2 Health Service Executive

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 Health Service Executive (HSE) is building up its capacity to provide more care in the community. Where there are cases involving citizens that may require additional health/care support to meet their tenancy obligations, timely access to community based specialist services and supports is vital.

The Local Area Housing Officer and/or Tenancy Sustainment, or other relevant section of Dublin City Council, will engage with relevant persons in the HSE, where the reasons that a tenancy is breaking down or is in jeopardy are related, in part or whole, to the health presentation of persons residing in the home. Multi-disciplinary case conferences will be arranged, with the purpose of pooling information to identify risk, reduce the potential for harm and to determine the best course of actions from all the relevant sections. Alternative courses of actions that may contribute to the tenant remaining in their home and thereby potentially preventing exclusion from, or re-possession of, the home will be explored.

5.2.3 TUSLA

Where there are complaints related to child welfare concerns, we will refer these immediately to TUSLA, who are the statutory agency responsible for investigating and responding to child welfare concerns.

Dublin City Council staff engage with TUSLA via Meitheal, TUSLA's National Practice Model for all Agencies working with Children, Young People and their Families. It support interagency collaboration where there are families of concern, where children have unmet additional and/or complex needs that need to be responded to but a referral under Children First is not required. All agencies use the same way of identifying need, sharing information and linking need to provide timely support and focus on protective factors for children and their parents.

5.2.4 Voluntary agencies/Non-Governmental 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.

5.2.5 Management Agents and Owner Management Companies

The number of apartment developments with diverse tenures will increase in the future. These tenures will include private housing, private rented and social and affordable housing. Recognising the increasing provision of social housing in mixed developments and apartment complexes, we will aim to develop a shared understanding with management agents and owner management companies with respect to our powers and obligations around tenant and ASB management.

5.2.6 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 ASB. 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 ASB.

5.2.7 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 for that area.

Local Community Development Committees (LCDC) & 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 ASB, 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 (JPC) and Local Policing Fora (LPF): 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 the community, law enforcement and landlord (Dublin City Council).

Local Community 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 grown solutions to the issues they face, Local Community Safety Partnerships (LCSP) initiatives are being piloted in three areas across the country, as part of the recommendations of the Commission on the Future of Policing in Ireland (CFPI), replacing the JPC structure in pilot areas. One of the pilot areas is Dublin North Inner City. Dublin City Council recognises the vital importance of active engagement of the community in owning both the challenges and the solutions to their specific problems, in order to create and build sustainable

communities. Dublin City Council will act in partnership and closely support the pilot to implement local community safety plans that respond to the specific needs of the communities.

Building Community Resilience (BCR) is an innovative response to issues of community safety in Dublin South Central. The project strategy is based on the findings from the BCR report carried out by Dr Johnny Connolly of the University of Limerick and launched in December 2019. The report was commissioned by the Policing Forum Network (4Fora) which consists of the four Local Policing Forums (LPFs)²⁸ in the Dublin South Central Area. This Network was established in 2017 when the fora decided to come together to strategically co-analyse and collaborate to more effectively address criminality and ASB, and the harmful impact of these upon the combined communities. BCR is a partnership response, involving An Garda Síochána, Dublin City Council, City of Dublin Education and Training Board, Local Policing Forums, Drugs Task Forces and anyone with a part to play in helping the community feel safer. The project has five strands focusing on: supporting and strengthening existing structures; creating models for restorative practice; developing responses to children and young people involved in drug dealing and anti-social behaviour; Garda lead response to tackling the orchestrators of crime and, strand five; connecting the work to national policies and initiatives on community safety, principally on the commission on the future of policing in Ireland recommendations.

Similar initiatives are taking place in other areas, such as Safer Ballymun and Safer Finglas, which are action based, problem solving partnership between An Garda Síochána, Dublin City Council and the local community.

Community Crime Impact Assessments (CCIA) In Dublin City, efforts to build better community response to community safety are taking shape in the form of two pilot Community Crime Impact Assessments (CCIA) projects carried out in Dublin 8 and Dublin 15, in 2019. The CCIA sought to find a way to give a voice to the negative collective community experience associated with drugs misuse, focusing on the importance of developing a holistic approach to crime problems at a community level, in a digestible, productive and safe way. The findings will serve to inform future responses that might contribute to re-building community efficacy, shifting the focus of community safety away from a sole focus on crime reduction but to incorporate a broader sense of localised harm reduction. These assessments will inform the work on of the Building Community Resilience project in South Central Dublin.

Local Drug & Alcohol 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 will work closely with the LDATFs 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. These partnerships will include public representatives. We will work with the LDATFs to develop and implement area specific strategies whilst working to address gaps in service provision.

Youth Services: We will 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

²⁸ The South West Inner City, Canal Communities, Dublin 12 and Ballyfermot/Chapelizod Fora.

voluntary service providers to children and young people. They provide a forum for joint planning and co-ordination of activities 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 will also work closely and support projects such as Young People at Risk (YPAR) in the North East Inner City, the TRY programme in Dublin South Central Area and other similar services across the city. 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, communities and Youth Centres. We will 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 ASB targeted at minority ethnic people.

Community Participation: Under the Community and Social Development Section, each local area office has a senior community officer whose responsibility it is to encourage and generate residents associations. Dublin City Council commits to encouraging and supporting tenants to form local Residents' Association with a view to looking after the public realm and ambience of the local area, for a safer community.

The Placed Based Leadership Development Porgamme (P-BLD) pilot in Darndale, funded via LCDC with DRCD support is a promising example of an intervention that seeks to build capacity across key stakeholders in the Darndale area to collectively address societal issues and concerns, building future leaders that will go on to influence the culture of the organisations and sectors in which they work. It takes a strengths-based approach which start from the premise that the people facing the issues are the ones best equipped to understand and deal with them. The project links with and complements other work being carried out in each of the areas. As the pilot is rolled out, issues of ASB may emerge as topical where engagement between estate management and community development objectives on meeting the challenges of ASB can be combined.

It is the policy of Dublin City Council:	
PS3	To be fully committed to working in partnership in order to seek the best possible outcomes and solutions regarding preventing and tackling the causes and consequences of anti-social behaviour via co-ordinated multi-agency responses.

It is an Objective of Dublin City Council:	
SO5	To develop and expand local level multi-agency responses targeting specific cases or areas of serious ASB which will need collective action to effectively resolve them.

SO6	To develop local area responses to the recommendations and findings of area specific research and reports about how best to tackle ASB in that area, and invest in, and engage stakeholders, in associated specific initiatives and actions.
SO7	To enhance the relationship between management agents and owners management companies of Multi-Unit Developments with Dublin City Council and its tenants residing within mixed unit complexes through developing a shared understanding with specific guidelines to clarify the Council's policies, practices, procedures and powers with respect to the management of its tenancies.

5.3. CONSEQUENCES FOR ANTI-SOCIAL BEHAVIOUR WHICH AFFECTS THE COMMUNITY

While it is a principle objective to support tenants to remain in their home, the actions outlined in 5.1 & 5.2, 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 from acting in a way that interferes with the safe and peaceful occupation of their neighbours' homes.

The section outlines the consequences that shall be in place for households found to have been or are currently engaged in ASB 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 ASB in recent years, and are applying to let, purchase, seek permission to reside, or seek to succeed a home from the Council.

Any persons who are/were the subject of an Exclusion Order, or Tenancy Warning on the grounds of ASB, Dublin City Council may, during the period of 3 years following the tenancy warning coming into effect, consider the following:

5.3.1 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 ASB **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.

5.3.2 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 ASB or the sale would not be in the interest of good estate management.

5.3.3 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 ASB or if we believe the succession to tenancy would not be in the interest of good estate management.

5.3.4 Refuse Permission to Reside

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

5.3.5 Rehousing Following Eviction/Exclusion

Any persons who are/were the subject of an Exclusion Order, or Tenancy Warning on the grounds of ASB, 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, and agreeable to, living in the community without partaking in such behaviour.

5.3.6 Housing Assistance Payment (HAP)

We may refuse to permit a person who proposes to take up, enter or resume residence, or be in a dwelling the subject of Housing Assistance Payments (HAP) where we consider the person is or has been engaged in ASB. We may refuse to continue providing housing assistance to a qualified household where the authority considers that any member of the household is or has been engaged in anti-social behaviour.

5.3.7 Maintenance

We may refuse to provide standard, non-emergency, non-Health and Safety/Environmental Health related maintenance to a household where a tenancy warning has been issued.

5.3.8 Decision & Right to Appeal

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

Dublin City Council can defer an application to a maximum of 24 months. An applicant will be informed, in writing, by the relevant section, of the estate management grounds for a refusal. 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 ASB and that sufficient time has elapsed to show evidence of this.

It is the policy of Dublin City Council:	
PS4	To provide that all applicants for housing with Dublin City Council are subject to vetting in relation to anti-social behaviour.
PS5	To exercise our right to refuse/defer an application to let, purchase, seek permission to reside, or seek to succeed a home from the Council on the grounds of good estate management.
PS6	To reserve the right to refuse and application to let, purchase, seek permission to reside, or seek to succeed a home from the Council, for a period of 3 years, to any person(s) who are/were the subject of an Exclusion Order, or Tenancy Warning on the grounds of ASB.

It is an Objective of Dublin City Council:

SO8	To support tenants to remain in their home by engaging with tenants who have been found to have been engaging in anti-social behaviour and to provide sufficient opportunities for tenants to modify and rectify issues that are the subject of complaints.
SO9	To aim to intervene early in cases of ASB and apply persuasive measures before formal or legal enforcement action is instigated.
S10	To ensure that all tenants are aware of and understand the consequences of escalation to an official statutory tenancy warning.

5.4. INVESTIGATION AND PROPORTIONATE SANCTION

This section lays out the phases involved regarding complaints related to ASB:

- Phase One – Outline for making a complaint
- Phase Two – Outline of categorising complaints
- Phase Three – Outline of processes of investigation
- Phase Four – Outline of options for appropriate action
- Phase Five – Outline of legal actions available
- Phase Six – Outline of procedure for repossession of a dwelling.

5.4.1 PHASE ONE: MAKING A COMPLAINT

5.4.1.1 Where & how to make a complaint

Dublin City Council will accept and deal with complaints of ASB against tenants who have a tenancy agreement with Dublin City Council²⁹.

If an individual is a victim of/subject to ASB by a Dublin City Council tenant, or a member of a tenant's household, they should lodge a complaint with their local Area Housing Office. Complaints can also be made by members of the public, who have witnessed an incident or who have a concern they wish to raise. Initial complaints can also be made the following channels:

1. Email: customerservices@dublincity.ie
2. Telephone - 01-222 22 22 (Customer Services) who will transfer the complaint or refer the complainant to relevant housing area office.

²⁹ S23-27 of the Housing Miscellaneous Act 2009, has not been enacted as yet, essentially these sections cover Chapter 4 Tenancies (Rental Accommodation Arrangements). Until these are enacted, Dublin City Council will be governed by the contracts that the Local Authority have entered into in relation to the property concerned. Where required, the Council will engage with issues related to ASB of tenants under the Rental Accommodation Scheme RAS, however, this is primarily the remit of the Residential Tenancy Board.

3. Contact the relevant Area Office directly: 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.
4. 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.
5. 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.

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.

5.4.1.2 Communication with Complainants

Where a person has made a complaint of ASB, Dublin City Council will endeavour to contact complainants within five working (5) days of the complaint being received by the relevant office. They will usually be requested to attend the local area office, or if attendance is not feasible, a follow up will be made by phone, so that the housing officer can take a detailed complaint.

Where allegations of ASB are made, the Housing Officer must establish the veracity of the complaint. They must capture the location, nature, duration, and scale of the ASB, and who was involved and impacted. It is important to establish all of the facts of the complaint, in order to determine the next steps.

If 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 should be submitted to Dublin City Council to assist in the investigation.

5.4.1.3 Feedback to Complainants

Clear communication on the complaints process is a vital tool in the implementation of a successful anti-social behaviour strategy. This includes setting realistic expectation in terms of what are reasonable responses to the nature of the anti-social behaviour complained of, and in relation to our ability to feedback on what sanctions are imposed.

The Council's Housing Officers 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.

We will inform complainants of what we can and cannot share and the reasons why.

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.

5.4.1.4 Complaints related to a criminal matter/disturbance

It is important that neighbours and community members continue to notify Dublin City Council of concerns regarding anti-social behaviour of a criminal nature, occurring in the home of a Dublin City Council tenants, or in the vicinity of a Dublin City Council tenant's home, however matters of criminality must *first* be addressed by An Garda Síochána.

A criminal matter will require investigation by An Garda Síochána; thus complainants contacting Dublin City Council about criminal matters must be referred to An Garda Síochána. On foot of a formal report from An Garda Síochána, we can then follow up with the respective tenant. Dublin City Council will support members of An Garda Síochána and enact enforcement measures where there is evidence of engagement in ASB by a Dublin City Council tenant or members of their household.

Where a disturbance occurred that warranted notification to An Garda Síochána, the complainant should let Council Housing Officers aware that a report was made. Dublin City Council will then have the ability to subsequently follow up on this report.

5.4.1.5 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 respectively. Council staff will immediately report to these agencies where any welfare concerns exist.

Individuals and families may be referred to the Social Work Section, with consideration of points made in 5.1.6.

5.4.1.6 Anonymous Complaints

An anonymous complaint may not warrant investigation other than consideration of the complaint at the initial stage, and noting of same. If more than one separate anonymous complaint is received against one household, then it may be reasonable to conclude that there may be substance to the complaints and an investigation is necessary and may be initiated on that basis.

5.4.1.7 Vexatious Complainants

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

Should a vexatious or malicious complaint be made against a household, or if we believe there is an abuse of process, we will decline to investigate further complaints from the same party regarding the same household without corroboration.

5.4.1.8 OUR COMMITMENT TO CONFIDENTIALITY

Information provided to the Council as part of 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 will be kept confidential and will not be 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.

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, minor, or vulnerable adult.

5.4.2 PHASE TWO: CATEGORISING COMPLAINTS

Complaints received will be categorised by the assigned officer using a 3-level system, following the initial assessment and/or investigation. The primary purpose of 3-level categorisation is for reporting and monitoring, and to inform the scope of the investigation and response to the complaint. The categorisation of a complaint may change during the investigation.

When considering the category of complaint, the Officer will 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.

5.4.2.1 LEVEL 1: Low Level/Breach of Tenancy and/or First Complaints

Level 1 shall be applied to an incident that may be resolved without resorting to a formal investigation or entering a formal complaints process. However, the designated officer must consider the nature, scale and history of reported anti-social behaviour when categorising the complaint.

It also includes behaviour that does not fall into the legal definition of ASB but is a breach of tenancy.

Where there is indication of serious persistent behaviours/incidents or where the nature of the breach is more serious this may warrant a Level 2 categorisation.

Some Level 1 complaints can be dealt with via the following alternative channels:

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. Consequently, 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.

Noise: Where a neighbour is causing persistent 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, 1992³⁰.

5.4.2.2 LEVEL 2: Anti-Social Behaviour and/or Persistent Breaches of Tenancy

Level 2 refers 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, contractors, or any other such agency carrying out work with the permission of the Council. It will also include persistent breaches of tenancy or persistent low level complaints that have not been resolved by Level 1 responses.

ASB Directed Towards Council Employees: We will not tolerate any assaults, threats, intimidation, obstruction, harassment or interference with our employees who are involved in the implementation of this policy in accordance with the provisions of the Housing Acts 1966 to 2014. We will consider legal proceedings against any person engaged in such activity where the incident has been reported to An Garda Síochána.

5.4.2.3 LEVEL 3: Anti-Social Behaviour Criminal/Drug-Related

A Level 3 refers to 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 threats or intimidation, where there is suspected involvement in organised crime or where any part of the allegation involves the use of weapons.

³⁰ <https://www.dublincity.ie/residential/environment/air-quality-monitoring-and-noise-control-unit/making-noise-pollution-complaint/noisy-neighbour-complaint>

5.4.3 PHASE THREE: INVESTIGATING THE COMPLAINT

Many complaints can be dealt with at the first point of contact. Less serious incidents may be resolved without resorting to a formal process. When considering whether or not to proceed with a formal process, the Officer will review any historical complaints related to the subject of the complaint and any engagement that has occurred with the tenant thus far, in addition to the nature of complaint made.

Dublin City Council shall carry out such investigations 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.

The categorisation of the complaint will determine the next steps in the process and whether or not a formal or informal follow up is required. The below section details the process where a formal process is followed.

5.4.3.1 Designated Officer

A staff member in the area office will be assigned responsibility for opening the case and managing the process of the investigation. Where required, evidence will be gathered from a variety of relevant sources to inform the process.

5.4.3.2 Information Requests

In the case of ASB, 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.

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.

5.4.3.3 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 Council³¹ will inform the tenant of the complaint and request the tenant (the respondent) and any relevant member of their household to attend for interview, to allow them an opportunity to respond.

³¹ 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.

5.4.3.4 Interview No-Show

Where a respondent fails to respond to an invitation to interview, the Council will make subsequent attempts to formally invite the tenant for interview. 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.

5.4.3.5 Interview Process

The respondent may be accompanied at any interview by an assistant, legal representative or family member/friend. 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 Behaviour³².

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.

Minutes of interviews are signed by the investigating officers conducting the interviews.

Interviews must not be digitally recorded by either party. 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.

If, following the initial interview, the respondent submits rebutting material then further inquiries will be carried out if warranted. The respondent will be reminded of the possible consequences should Dublin City Council form the belief that there is substance to the complaints.

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.

5.4.4 PHASE FOUR: DECIDING ON APPROPRIATE ACTION

Dublin City Council will have regard to the number of complaints received, the seriousness or persistent nature of the anti-social behaviour complained of, the reliability of the information grounding the complaint/supporting evidence, the response of the respondent to the complaint, representations and submissions on behalf of the respondent, previously issued warnings, the effects of anti-social behaviour on the community, the adequacy of alternative measures, the interests of good estate management, 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

³² Including termination of tenancy in the case of tenancy dwellings and Chapter 4 tenancy dwellings (RAS), termination of licence in the case of Traveller sites and excluding order (not RAS), in the case of the aforementioned dwellings and in the case of relevant purchasers.

may conclude any one of, or a collection of, the following to be the most appropriate course of action:

5.4.4.1 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 in relation to the complaint.

5.4.4.2 Referral/Informing

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

Referral to Tenancy Sustainment/Housing First/NGO's involved in Youth Services, Elder Care or other relevant sector.

Engaging with HSE regarding case for consideration of potential onward referral to other services such as Public Health Nurse, Mental Health Services, HSE addiction services, Elder Care.

5.4.4.3 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, related to specific matters.

5.4.4.4 Mediation

If it is decided by the Area Housing Officer that mediation is the appropriate course of action in a case, the relevant request will be made to the Chief Welfare Officer. Mediation is not deemed suitable in cases of serious anti-social behaviour but may be suitable for some less severe complaints. Both parties must agree to this process. Please refer to section 5.1.6 regarding case referral.

5.4.4.5 Additional Tenant Training/Meeting to review Obligations

This is to ensure the tenant fully understands their responsibilities.

5.4.4.6 Multi-disciplinary Case Meeting

The Area Housing Officer or relevant section of Dublin City Council may arrange a multi-disciplinary case meeting.

5.4.4.7 Case Management

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

5.4.4.8 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.

At this time, a summary of the minutes of the previous meeting is read to them.

5.4.4.9 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 made³³.

- Verbal Warning – usually reserved for first offences of a less serious nature
- Written Warning(s)
- Final Written Warning Prior to the Issuing of a Tenancy Warning

While the Council will make every effort to provide a tenant with opportunity to cease the activities that have led to a warning, it is important to note that it is not necessary to follow the warning steps in sequence. The severity of the warning issued will be determined by the seriousness of the ASB.

5.4.4.10 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 tenancy warning is a significantly serious sanction and is a statutory warning, prescribed in legislation.

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 5.3: Robust Consequences for Anti-Social Behaviour) for a tenant related to housing.

5.4.4.11 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 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, will be appointed by the Chief Executive.

The reviewer will make a decision on the review within 20 working days, except where the reviewer and the tenant agree in writing, or where the tenant wishes to make an oral representation or the reviewer wishes to meet the tenant or member of the household, or the tenant proposes a variation to the warning, or is given an opportunity to comment on any variation proposed by the reviewer of the warning within 30 working days of his or her appointment.

5.4.4.12 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

³³ In Chapter 4 tenancies (RAS) this should be issued by the landlord.

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

5.4.4.13 Removal of Illegal Occupiers

Where a person is illegally occupying 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.

5.4.4.14 Dwelling surrendered - in lieu of Legal Action

In some cases, a tenant may decide to surrender their tenancy, in lieu of legal action. This decision needs to be considered carefully. The tenant should be advised to seek legal advice before doing so. In such cases, the Housing Officer must be satisfied the applicant has undertaken repayment of any outstanding rent arrears and understands the implications for future rehousing. The Housing Officer will support the applicant in the event they require assistance from the Central Placement Service (CPS) should they require emergency temporary accommodation.

5.4.5 PHASE FIVE – LEGAL ACTION

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

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

5.4.5.1 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, an associate of the tenant, or any other person. 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 behaviour³⁴.

5.4.5.2 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.

5.4.6 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 calendar 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 the property 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, with the assistance of An Garda Síochána, where necessary.

It is the policy of Dublin City Council:	
PS7	To take seriously, assess and investigate complaints of ASB and to treat any complaint in a confidential manner, keeping any information provided confidential, unless consent is obtained to do otherwise.
PS8	To deal with all cases in accordance with fair, impartial and objective procedures.
PS9	To pursue legal remedies, where all other efforts have failed, ensuring that any action taken is in compliance with the parameters as set out for Local Authorities under the Housing Acts 1966-2014

³⁴ 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.

It is an Objective of Dublin City Council:	
SO11	To further develop our capabilities in capturing and assessing the risk and community harm to victims when reporting anti-social behaviour
SO12	Take enforcement action that is proportionate to the seriousness of the ASB

5.5. EXIT STRATEGY AND SUPPORTING A RETURN TO SOCIAL HOUSING

5.5.1 EXIT STRATEGY & SUPPORT FOR THOSE WHO WISH TO RE-ENTER SOCIAL HOUSING IN THE COMMUNITY

The decision to evict an individual or a household from social housing is not taken lightly. This is because of the fact that in most cases, where an individual or a household has been served with an excluding order or possession order, they often have no other alternative other than to move to emergency homeless accommodation.

Without exception, where an individual or family does not have an alternative accommodation arrangement, we will liaise with the Dublin Regional Homeless Executive (DRHE) and secure accommodation for the affected parties.

At this point, the DRHE will take over responsibility of the case. When an individual or family moves to emergency accommodation, they will be provided with a social worker whose responsibility it is to support the individuals in question. These staff members are funded by the DRHE and the HSE and their specific role is to work with them on their support needs. They can help the individuals affected to work on the underlying causes that have led to them becoming homeless. They can also help to link them in with other necessary support services, depending on their needs. When the individual or household is ready, and it is clear that whatever incidents or issues have led to them being moved from social housing to homeless accommodation have been sufficiently addressed, the social worker can start to support the individual or family to re-apply for social housing. This will be subject to sufficient time elapsing and for estate management checks to be returned clear.

Specific services are provided to tenants who are exiting homeless services, in recognition that supplementary support 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 six 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.

Where an individual is ready to move into social housing the community, but has very particular needs which requires ongoing support from a multi-disciplinary team, they can be identified for the Housing First programme. The Housing First programme will provide wraparound support to the individual, for an indefinite period of time or as long as they want or need it, and it can be scaled up or scaled back, depending on the person's needs.

In a case where an application has been received, but the estate management check is returned demonstrating that the person's record is not clear, their application may be refused. Each case will be considered on an individual basis but we must be satisfied that the person has

desisted from behaviours that may negatively impact on their new community and that sufficient time has elapsed to show evidence of this. Dublin City Council can defer an application to a maximum of 24 months at which point, a person's application can be reviewed again.

Where a person has returned to social housing but starts to struggle in their tenancy again, we have a dedicated tenancy support sustainment service, which 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.

We have specific support services for older person who are residing in our Older Person Complexes. In Older Persons' Accommodation, Liaison Officers maintain regular day-to-day contact to provide practical support and guidance to older persons in our complexes. In instances of low-level ASB, the liaison officer will intervene early.

As noted in section 5.3, it is Dublin City Council's policy to support tenants to remain in their home by engaging with tenants who have been found to have been engaging in anti-social behaviour and to provide sufficient opportunities for tenants to modify and rectify issues that are the subject of complaints. We will aim to intervene early in cases of anti-social behaviour and apply persuasive measures before formal or legal enforcement action is instigated.

5.6. 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.

5.6.1 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 the decision makers with regard to appropriate action in anti-social behaviour cases within their respective areas, 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.

5.6.2 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/anti-social behaviour.
2. The Central Serious 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.
3. Where there is a known risk to area staff the central unit will offer additional support (ref 5.5.3)
4. The Law Department provides legal advice and supports the preparation of cases for court applications and any ensuing appeals;
5. Many other sections support the work through estate improvements, social work interventions, enforcement of waste regulations, community development and diversion programmes.
6. The Traveller Accommodation Unit investigates complaints relating to Traveller Specific Accommodation.

5.6.3 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 Department;
 - 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 Síochána, 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 – lessons learned;
 - to monitor changes in legislation and to keep policies and procedures up to date
 - to oversee the carrying out of evictions.
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5.6.4 Building Staff Competence

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 training needs analysis will be carried out as well as an assessment of quality training options available either in person or online. Training will include an understanding of the legal process as well as other complementary training, identified as part of this review such as how to prepare and carry effective anti-social behaviour case management and interview skills.

5.6.5 Pilots, Best Practice & Resourcing and Supporting 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.

There are currently three interesting initiatives taking place that could offer an opportunity for such an investment including the Local Community Safety Partnership in North East Inner City, and Building Community Resilience in South Central, and the associated Community Crime Impact Assessments. We will identify elements of these projects or other emerging projects occurring over the lifetime of this strategy and invest in research that will enhance our understanding of the context in which we are operating and in strategies that can impact on preventing and/or reducing anti-social behaviour and promoting pro-social behaviour.

As outlined in the new National Housing for All Strategy, legislation and oversight of tenancies of a local authority are governed by different sets of legislation than those tenancies rented from private landlords and Approved Housing Bodies. The national strategy commits to establishing a Commission on Housing in late 2021, tasked with examining whether the social housing sector requires independent regulation and to make recommendations to the Minister of Housing, Local Government and Heritage. We will contribute any request to inform this Commission particularly is it relates to supporting better cohesion and consistency in the regulation that supports the management of anti-social behaviour in social housing tenancies.

It is the policy of Dublin City Council:

PS10	To continuously evaluate the efficacy of our approaches to estate management with regard to tackling anti-social behaviour and aim to consistently improve practice.
PS11	In line with the statutory obligation set out in the Housing Act 2009, as a distinct element of the strategy, to carry out research to support a better understanding of the context of anti-social behaviour in our neighbourhoods and of mechanisms to prevent and reduce its prevalence and impact.

It is an Objective of Dublin City Council:

SO13	To improve, enhance and standardise our system of monitoring of complaints and associated actions.
SO14	To develop a procedural manual and associated templates, based on updated legislation to embed standard processes and consistent application to the management of anti-social behaviour in each area office.
SO15	To invest in a dedicated training programme for housing officers with regard to investigation, case management, and legal process in relation to anti-social behaviour.

SO16	To develop a set of standard key performance indicators that demonstrate a complete picture of efforts to respond to and tackle anti-social behaviour in each area office.
SO17	To develop a community satisfaction survey, that considers the Quality of Life (QoL) and wellbeing of community members when considering community safety.
SO18	To support research under the Community Resilience Project and/or Local Safety Partnership to investigate and articulate the argument for safe communities within a human rights framework including mechanisms/tools that would serve to demonstrate the impact that ASB can have on neighbourhoods where serious ASB has taken hold.
SO19	To support research/exploration of comparing and contrasting local government response in other jurisdictions to tackling anti-social behaviour in social housing, including the ability to deal with anti-social behaviour that spreads across area boundaries, victim focused practices, and practices around responding to hate incidences.
SO20	Engage with any future Commission on Housing, as proposed in the Nat'l Housing for All Strategy, as it pertains to estate management and management of anti-social behaviour.

OBJECTIVES: IMPLEMENTATION TARGETS

PREVENTION & EARLY INTERVENTION

It is the policy of Dublin City Council:	
PS1	To be fully committed to good estate management through proactively communicating and coordinating internally to maximise cohesion at each relevant stage of housing including: planning and design, allocation, tenancy support, housing management and maintenance, engagement, communication and sustainment.
PS2	To clearly and consistently communicate to Dublin City Council tenants on their rights and responsibilities with regard to their tenancy agreement and with regard to their obligations to their community and neighbourhood.

It is an Objective of Dublin City Council:		When	Whom
SO1	Tenants will be clear of their expectations, rights and obligations as tenants of Dublin City Council via a revised tenancy agreement, with a supplementary explainer available in Plain English	2022	SEO's of relevant sections/Legal
SO2	Ensure that new tenants understand what they can expect from the Council and what the Council expects from the tenant including what anti-social behaviour is and how to be a good neighbour. We commit to reviewing the process of engagement with new tenants.	2022	SEO
SO3	Ensure that our policy and strategy around fostering safe neighbourhoods through proactive and responsive management of anti-social behaviour is understood and accessible to all by developing an easy-read version of this strategy document.	2022	SEO (with advisory re Disability)
SO4	Support tenants to remain in their homes through the provision of complementary housing services including tenancy sustainment support, older persons liaison support and augmented support services where necessary.	On-going	SEO/DRHE

BUILDING KEY RELATIONSHIPS

It is the policy of Dublin City Council:	
PS3	To be fully committed to working in partnership in order to seek the best possible outcomes and solutions regarding preventing and tackling the causes and consequences of anti-social behaviour via co-ordinated multi-agency responses.

It is an Objective of Dublin City Council:		When	Whom
SO5	To develop and expand local level multi-agency responses targeting specific cases or areas of serious ASB which will need collective action to effectively resolve them.	On-going	Area Managers

SO6	To develop local area responses to the recommendations and findings of area specific research and reports about how best to tackle ASB in that area, and invest in, and engage stakeholders, in associated specific initiatives and actions.	On-going	Area Managers
SO7	To enhance the relationship between management agents and owners management companies of Multi-Unit Developments with Dublin City Council and its tenants residing within mixed unit complexes through developing a shared understanding with specific guidelines to clarify the Council's policies, practices, procedures and powers with respect to the management of its tenancies.	2022	SEO

ROBUST CONSEQUENCES FOR ANTI-SOCIAL BEHAVIOUR

It is the policy of Dublin City Council (Policy Statement):

PS4	To provide that all applicants for housing with Dublin City Council are subject to vetting in relation to anti-social behaviour.
PS5	To exercise our right to refuse/defer an application to let, purchase, seek permission to reside, or seek to succeed a home from the Council on the grounds of good estate management.
PS6	To reserve the right to refuse and application to let, purchase, seek permission to reside, or seek to succeed a home from the Council, for a period of 3 years, to any person(s) who are/were the subject of an Exclusion Order, or Tenancy Warning on the grounds of ASB.

It is an Objective of Dublin City Council (Strategic Objective):

SO8	To support tenants to remain in their home by engaging with tenants who have been found to have been engaging in anti-social behaviour and to provide sufficient opportunities for tenants to modify and rectify issues that are the subject of complaints.	On-going	Area Housing Officers
SO9	To aim to intervene early in cases of ASB and apply persuasive measures before formal or legal enforcement action is instigated.	On-going	Area Housing Officers
SO10	To ensure that all tenants are aware of and understand the consequences of escalation to a statutory tenancy warning.	On-going	Area Housing Officers

INVESTIGATION AND PROPORTIONATE SANCTION

It is the policy of Dublin City Council:

PS7	To take seriously, assess and investigate complaints of ASB and to treat any complaint in a confidential manner, keeping any information provided confidential, unless consent is obtained to do otherwise.
PS8	To deal with all cases in accordance with fair, impartial and objective procedures.

PS9	To pursue legal remedies, where all other efforts have failed, ensuring that any action taken is in compliance with the parameters as set out for Local Authorities under the Housing Acts 1966-2014
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It is an Objective of Dublin City Council:			
SO11	To further develop our capabilities in capturing and assessing the risk and community harm to victims when reporting anti-social behaviour	2024	SEO/ Consultant ³⁵
SO12	Take enforcement action that is proportionate to the seriousness of the ASB	On-going	Area Office & SASBU

INVESTING IN OUR ESTATE MANAGEMENT CAPACITY AND RESOURCES

It is the policy of Dublin City Council:	
PS10	To continuously evaluate the efficacy of our approaches to estate management with regard to tackling anti-social behaviour and aim to consistently improve practice.
PS11	In line with the statutory obligation set out in the Housing Act 2009, as a distinct element of the strategy, to carry out research to support a better understanding of the context of anti-social behaviour in our neighbourhoods and of mechanisms to prevent and reduce its prevalence and impact.

It is an Objective of Dublin City Council:		When	Whom
SO13	To improve, enhance and standardise our system of monitoring of complaints and associated actions.	Q1 2022	SEO
SO14	To develop a procedural manual and associated templates, based on updated legislation to embed standard processes and consistent application to the management of anti-social behaviour in each area office.	Q1 2022	SEO
SO15	To invest in a dedicated training programme for housing officers with regard to investigation, case management, and legal process in relation to anti-social behaviour.	Q1 2022 + Periodic	SEO
SO16	To develop a set of standard key performance indicators that demonstrate a complete picture of efforts to respond to and tackle anti-social behaviour in each area office.	Q1 2022	SEO
SO17	To develop a community satisfaction survey, that considers the Quality of Life (QoL) and wellbeing of community members when considering community safety.	2025	SEO/ Consultant ³⁶
SO18	To support research under the Community Resilience Project and/or Local Safety Partnership to investigate and articulate the argument for safe communities within a human rights framework including mechanisms/tools that would	2025	Consultant ³⁷

³⁵ In line with Housing (Miscellaneous Provisions) Act 2009, Section 35, which expects that as part of a local authority's ASB strategy, they will 'carry out research into anti-social behaviour and its prevention and causes.

³⁶ As above

³⁷ As above

	serve to demonstrate the impact that ASB can have on neighbourhoods where serious ASB has taken hold.		
SO19	To support research/exploration of comparing and contrasting local government response in other jurisdictions to tackling anti-social behaviour in social housing, including the ability to deal with anti-social behaviour that spreads across area boundaries, victim focused practices, and practices around responding to hate incidences.	2025	Consultant ³⁸
SO20	Engage with any future Commission on Housing, as proposed in the Nat'l Housing for All Strategy, as it pertains to estate management and management of anti-social behaviour.	On-going	Snr. MGT

³⁸ As above.

APPENDIX 1 Legislation

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.

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

APPENDIX 2 - References

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 - North East Inner City (2020), Securing Roots: Integrating Minority Ethnic People into Local Community Services in the North East Inner City
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 - The Scottish Social Housing Charter, April 2017
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