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Dublin City Council

Estate Management Strategy 2022 - 2027

Fostering Safer Neighbourhoods
through proactive and responsive management of anti-social behaviour

Housing & Community Services Department

Presentation to SPC – 15th DECEMBER 2023

Tony Smithers, Michael Clarke

Presentation Overview

- Consultation and findings that informed new strategy
- Focus of new strategy
- Local Authority role in Community Safety
- Local Authority Powers / Legal Context
- Strategic Priorities – Investing in our Estate Management Capacity



Consultation and Literature Review

Consultations

Detailed Submissions

- Community Action Network
- Dublin Docklands Business Forum
- NEIC Community Safety Partnership

Consultations / Requests for Input

- JPCs
- HSE
- Resident Representative Groups from each Area Office

Online Submissions

- DCC Tenant / Tenant Representative Groups
- HSE / Other Public Body
- Member of the public
- Property Management Company
- Public Representative
- Business Community

Literature Review

- 26 Documents Reviewed
- ASB Research Reports (Darndale, Ballymum, South Inner City, North East Inner City)
- Legal/Legislative/Human Rights
- Research other jurisdictions
- Good Practice Guides
- Examination of Existing Practice



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Findings

- High concentration of social housing/high levels of deprivation/issues of Anti-Social behaviour (ASB)
- A number of areas have suffered from serious criminality in recent years, open drug dealing and criminal networks, in 'hotspots' or specific areas within communities.
- A very small percentage of people are engaged in criminal networks and criminality but disproportionate impact on community.
- The causes of anti-social behaviour are multiple and complex and not solvable by one single agency.
- Many area-based interventions focused on re-building and regeneration of housing, community employment and the upgrading of social services (health/education/social justice) in areas of high disadvantage, supported and facilitated by DCC, HSE, Gardaí, Community & Voluntary orgs.
- Legislative changes significant departure from earlier Acts: Greater obligations on LA's.
- Human rights associated with community safety focused on the procedural rights of those suspected/convicted of offences.
- Perception of LA lacking in executing power due to hiatus as a result of lack of legislative clarity.



Focus of new strategy

- Distinct but complementary roles/multi-agency approach to tackling ASB: key roles for An Garda Síochána, Local Authority, Health and other social services.
- Obligation for coherence with wider housing and social objectives
- Primacy of prevention/early intervention/support
- Importance of clarity on rights and obligations of tenants
- Complaints Investigation: fair/accountable procedures
- Update and standardise systems, processes, KPI's, staff competencies
- Expand on learning from other jurisdictions with regard to community safety

Anti-Social Behaviour Definition

Housing (Miscellaneous Provisions) Act 2014 Section 19 (1) (c)

“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 Act 1977 to 2007),
- (b) any behaviour which causes or is likely to cause any significant or persistent danger, injury, damage, alarm, loss or fear to any person living, working or otherwise lawfully in or in the vicinity of a house provided by a housing authority under the Housing Acts 1966 to 2014 or Part V of the Planning and Development Act 2000 or a housing estate in which the house is situate and, without prejudice to the foregoing, includes
 - (i) violence, threats, intimidation, coercion, harassment or serious obstruction of any person,
 - (ii) behaviour which causes any significant or persistent impairment of a person’s use or enjoyment of his or her home, or
 - (iii) damage to or defacement by writing or marks of any property including a person’s home.”



Local Authority role in Community Safety

Garda Síochána Act 2005, [Section 37](#) places a duty on local authorities

A local authority shall, in performing its functions, have regard to the importance of taking steps to prevent crime, disorder and anti-social behaviour within its area of responsibility.

- Working with all stakeholders on preventative measures, community engagement, supporting economy and society.
- Joint Policing Committees (JPCs)/Local Community Safety Partnerships
- DCC *Safer Ballymum* and *Safer Finglas* Strategies
- CCTV/Planning & Design: Designing out Crime
- Local Drug and Alcohol Taskforce (LDATF)
- City-led initiatives such as Building Community Resilience and North East Inner City (NEIC) Taskforce
- Local Community Development Committees (LCDC's)/Community Consultative Forums
- Supporting local projects that cover community inclusion/youth services/local economy
- Engagement with partners including Tusla/HSE/relevant voluntary agencies



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Community Safety and Wellbeing

Obligation to Wider Community

- Recognition of frustration of community members.
- Time intensive/long drawn out process/burden of proof
- Human rights associated with community safety focused on the procedural rights of those suspected/convicted of offences.
- Need for greater understanding and advocating for the rights of communities impacted by community safety issues.
- Expand on learning from other jurisdictions with regard to community safety. Investment in community responses and in research around management of ASB/community safety responses in other jurisdictions.
- Consideration of emerging issues: Discrimination/Assisted Decision Making Act/One's right to a private life/Ones right to engage/not engage in services.



Local Authority powers to deal with ASB

As a Housing Authority, how far do our powers extend?

- Statutory powers as set out in **Housing (Miscellaneous Provisions) Act(s)**
- Separate and distinct from role of An Garda Síochána to investigate and prosecute criminal acts
- Enforcement action where ASB has occurred ***in or in the vicinity of a house provided by a housing authority under the Housing Acts***
- Enforcement action linked to **Tenancy Agreement (Breach of Tenancy)**



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Background – Landmark Legal Case No. 1

Donegan -V- Dublin City Council 2012

- Previous powers of local authorities under Section 62 Housing Act 1966 permitted a local authority to secure a court order for possession of a dwelling without an independent hearing.
- Irish Human rights Commission raised difficulties with Sect 62 procedure for a number of years from 2005 and called for its repeal.
- Supreme Court Judgment Donegan -V- Dublin City Council 2012 upheld High Court judgment that Section 62 infringes Article 8 of the European Convention on Human Rights (ECHR)

European Convention on Human Rights (ECHR) Article 8 provides for the right to respect for one's private and family life, home and correspondence - protection against arbitrary interferences with private and family life, home and correspondence by a public authority



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Landmark Legal Case No. 2

Karl Zambra -V- District Judge Mary Collins and Dublin City Council

- High Court Judicial Review – judgment May 2012
- Found that District Court hearing in 2011 granting an Excluding Order to Dublin City Council in an anti-social behaviour case was not a fair hearing in accordance with constitutional justice.
- High Court granted an order of certiorari quashing the Excluding Order.
- Led to Legislative Change – Repeal of Section 62

Housing (Miscellaneous Provisions) Act, 2014

Ended more than a decade long lacuna in housing legislation where the ultimate sanction of eviction to deal with serious anti social behaviour of tenants was not available.

Housing Miscellaneous Provisions Act 2014

Local Authority must demonstrate steps taken and afford sufficient opportunity for the tenant to cease, or not repeat, specified actions

- Verbal Warning
- Written Warning
- Final Written Warning
- Tenancy Warning (Statutory Warning) – (in place for 12 months)
- Excluding Order (Courts Determine)
- Possession Order (Courts Determine) high burden of evidentiary proof

Courts assess the merits of the case' - **proportionate, reasonable, justifiable, equitable?** The order if it appears to the Court that the housing authority has groundsand that it is reasonable having regard to all the circumstances of the case to make the order.



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Other consequences for Anti-Social Behaviour

The discussion on estate management is often narrowed to the question of anti-social behaviour evictions but in reality we rely on the broader range of earlier interventions.

A Statutory **Tenancy Warning** comes with serious consequences for someone who is reliant on social housing

- Refuse to allocate to a household member
- Refuse application to purchase
- Refuse an application to succeed a tenancy
- Refuse permission to reside or seek permission to be added to an account
- Refuse to re-house in social housing.
- Refuse an application for HAP



Strategy 2022 - 2027

Strategic Priorities (Pg. 8)

- 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



Investing in Our Estate Management Capacity

- Coordination of internal services to support the Strategy
- Specific tiered responsibilities for ASB Management
- Resourcing of Central ASB Support Unit
- Building staff competence
- Standardised comprehensive recording and monitoring of complaints and actions
- Pilots, best practice and supporting what works

END



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