

ESTATE MANAGEMENT STRATEGY FOR MANAGEMENT OF ASB IN OUR NEIGHBOURHOODS

Dec 2021

PRESENTATION TO COVER

- Literature review & Consultations
- Findings
- Focus of new strategy
- LA role Community Safety
- LA Powers/Procedures re ASB
- Other considerations re new Strategy



CONSULTATION & LIT. REVIEW (JUNE – AUGUST)

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

Consultations

Detailed Submissions

Community Action Network

Dublin Docklands Business Forum

NEIC Community Safety Partnership Pilot

Consultations/Request for Input

JPC's

HSE

DLRCC

Resident Reps Groups from each Area Office

Online Submissions

DCC Tenant/Tenant Representative Group

HSE/Other Public Body

Member of the public

Other

Property Management Company

Public Representative

Business Community



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FINDINGS

- High concentration of social housing/high levels of deprivation.
- 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, ASG 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.
- Loss of staff skills/experience/perception of LA in executing power due to hiatus as a result of lack of legislative clarity.



FOCUS OF NEW STRATEGY

1. Distinct but complementary roles/multi-agency approach to tackling ASB: key roles for AGS, LA, health and social services.
2. Obligation for coherence with wider housing and social objectives.
3. Primacy of prevention/early intervention/support.
4. Importance of clarity on rights and obligations of tenants.
5. Enhanced ASB response: fair/accountable procedures.
6. Update & standardise systems, processes, KPI's, staff competencies.
7. Expand on learning from other jurisdictions with regard to community safety.



LA & COMMUNITY SAFETY

Garda Síochána Act 2005, Section 37

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
- Safer Ballymum/Safer Finglas
- CCTV/Planning & Design: Designing out Crime
- Local Drug and Alcohol Taskforce (LDATE)
- City-led initiatives such as Building Community Resilience/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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DEFINITION

Antisocial behaviour includes either or both of the following, namely:

The manufacture, production, preparation, importation, exportation, sale, supply, possession for the purposes of **sale or supply** or distribution of a controlled drug

Any behaviour which causes or is likely to cause any **significant** or **persistent danger, injury, damage, alarm, loss or fear** to any person... including:

- 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.



LA POWERS (ENFORCEMENT) TO TACKLE ASB

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

Separate and distinct role of An Garda Síochána to investigate and prosecute criminal acts.

Enforcement Powers: [Housing Act\(s\)](#)

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](#)



CONTEXT — LEGAL POWERS — THE COURTS

Previous powers of Possession: Section 62 Housing Act 1966 - NTQ - 'shall issue the order'

*European Convention on Human Rights (ECHR) Article 8 is to protect against arbitrary **interferences** with private and family life, home and correspondence by a public authority

Housing Miscellaneous Provisions Act 2014 'assess the **merits of the case**'

- burden of proof (as in any civil case)
- does the punishment fit the offence?
- ***proportionality, reasonableness, just, equitable***
- is the interference justified?

TheCourt shall make ...[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.



BEFORE THE COURTS: AUGMENTING PROCEDURES

The Council must have ‘formed a belief’ that a person has engaged in anti-social behaviour: It must be:

- backed up by evidence which must be reliable and genuine;
- verified in so far as that is possible;
- reasonably based and well founded in the circumstances.

Fair Procedures:

- The person who is the subject of an allegation (where their conduct or good name is called into question) should be afforded the opportunity to know the allegation and provide rebutting evidence.

Procedure to guarantee legitimacy of the process and to the sanctions imposed



COHERENCE: OTHER HOUSING AND SOCIAL GOALS

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.

PREVENTION AND EARLY INTERVENION IN ESTATE MANAGEMENT

- All applicant for social housing subject to estate management checks
- Tenancy Agreement and Tenant Handbook

Tenancy Supports

- *Older Persons Liaison Officers*
- *Social Work Service*
- *Tenancy Sustainment*
- *Support to Live Independently*
- *Housing First*
- Community & Inclusion work



COHERENCE: OTHER HOUSING AND SOCIAL GOALS

■ OBLIGATION OF LOCAL AUTHORITY

- Demonstration of sufficient opportunity for the tenant to cease, or not repeat, specified actions/efforts of LA to support
 - *Verbal Warning*
 - *Written Warning*
 - *Final Written Warning*
 - *Tenancy Warning (Statutory Warning) – (12 months)*

 - *Excluding Order (Courts Determine)*
 - *Possession Order (Courts Determine)*

- Distinct differences between LA Housing Act v Res. Tenancies Act



COHERENCE: COMMUNITY SAFETY/WELL-BEING

■ 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



ROBUST AND PROPORTIONATE ENFORCEMENT

- A tenancy warning for ASB, is not to be taken lightly.
- It is a statutory warning, and comes with serious consequences for someone who is reliant on social housing.
- The Council may:
 1. Refuse to allocate to a HH mbr
 2. Refuse application to purchase
 3. Refuse an application to succeed a tenancy
 4. Refuse permission to reside or seek permission to be added to an account
 5. Refuse to re-house in social housing.
 6. Refuse an application for HAP

STATUTORY SANCTIONS YTD	TOTAL	PENDING	2021-Q1	2021-Q2	2021-Q3	2021-Q4	2020
TENANCY WARNING	21	0	4	13	2	0	2
EXCLUDING ORDER	2	2	0	0	0	0	0
TW AND EO	1	1	0	0	0	0	0
POSESSION ORDER	1	1	0	0	0	0	0
TOTAL CASES	25						



INVESTMENT IN THE STRATEGY

- ❑ Revised Tenancy Agreement & Associated Handbook
- ❑ Staff Training, Manual and Guideline for dealing with ASB
- ❑ Introduction of a standardised, comprehensive management and monitoring system for complaints of ASB and associated actions
- ❑ Revised KPI's to capture full picture of intervention

