

Anti-Social Behaviour Strategy Policies and Procedures 2025-2029

Adopted by South Dublin County Council
on the 12th day of June 2025

Content

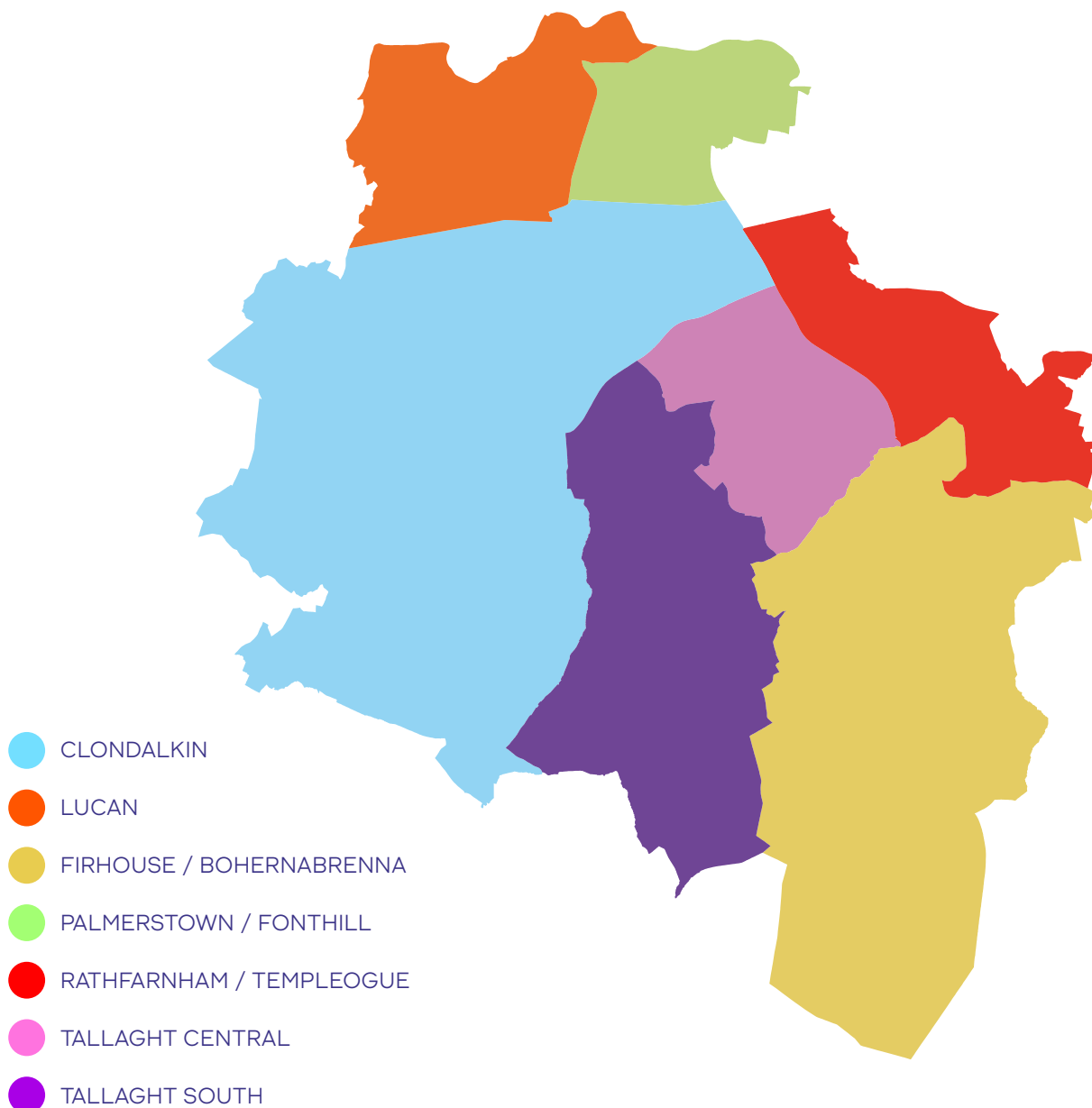
Page

3	South Dublin - A Profile
4	SDCC Corporate Plan 2025-2029
4	Our Equality and Human Rights Duty
4	Section 1: Our Commitments 2025 -2029
4	Commitment 1: To ensure our residents feel safe and empowered to report ASB through increased community support and inter-agency cooperation.
6	Commitment 2: Delivering projects and initiatives across the county with the aim of designing out ASB hotspots in our estates.
7	Commitment 3: To assist victims of ASB in reducing the impact on their quality of life and to help perpetrators of ASB with the aim of preventing ASB from reoccurring.
8	Commitment 4: We will develop a Tenant Participation Strategy
9	Commitment 5: Upskilling and enhancement of Estate Management Team
10	Section 2: Our Approach, Policies and Procedures
10	Legislation
11	Definition
12	Categorisation of ASB Complaints
13	Policy
14	Applications for Housing Accommodation
14	Interagency co-operation
15	Principles
15	Monitoring and continuous improvement
16	Appendix A - Investigation and management of complaints
20	Appendix B – Interview procedures and initiating legal action
22	Appendix C – Transfer on estate management grounds
23	Appendix D- Refusal to sell, consent to re-sale of allocation of a dwelling
24	Appendix E - How do I report anti-social behaviour?

Introduction

South Dublin - A Profile

South Dublin County Council is one of four local authority areas in the Dublin region. Bounded by the River Liffey to the North and the Dublin Mountains to the South, the county lies 16 kilometres southwest of Dublin City Centre and has an administrative footprint of 223sq. kilometres. The county has 9 main villages Clondalkin, Lucan, Palmerstown, Rathfarnham, Tallaght, Templeogue, Saggart, Rathcoole and Newcastle and the emerging towns of Adamstown and Clonburris. It is bordered by the adjoining counties of Wicklow, Kildare, Dublin City, Fingal and Dún Laoghaire Rathdown.



SDCC Corporate Plan 2025-2029

Our Purpose 'Greater Opportunity for All'

Our Vision To be a place that meets the needs and ambitions of everyone in South Dublin

Our Mission

We will harness the talents of our skilled workforce to deliver inclusive and sustainable solutions. By actively listening to our diverse communities, embracing technology and thinking innovatively we will create a resilient county that meets the needs of today and prepares us for the future.

Corporate Goals Our Anti- Social Behaviour(ASB) Strategy is linked to the following corporate goals:

Quality Housing Provide quality social and affordable homes for everyone who needs them.

Connect Communities and Citizens Support our communities to be integrated, inclusive and safe

Citizen - first Be a citizen centred organisation.

Our Equality and Human Rights Duty

As a public body, the council has an obligation under the Irish Human Rights and Equality Commission Act 2014 (Section 42) to have regard to the need to eliminate discrimination, promote equality of opportunity, and protect human rights for service users, staff, elected members and policy beneficiaries, in the implementation of all our functions. Under the Duty, we are required to take the following steps:

Assess: undertake evidence based and participative assessment of equality and human rights issues that face residents in respect of anti-social behaviour/community safety and that have a relevance for the functions of the housing authority.

Address: identify and implement actions in place or proposed to be put in place by the council to address the equality and human rights issues as assessed, as part of its strategic planning cycle.

Report: report annually on progress made in implementing the Duty and addressing the equality and human rights issues as assessed under our Equality Action Plan for anti-social behaviour/community safety.

Section 1

Our Commitments 2025 -2029

This document outlines our ASB strategy for the next five years. ASB can cause significant distress to those affected, and it is an issue we take very seriously and are committed to addressing. We understand that providing quality housing extends beyond just providing the physical buildings. By properly addressing ASB we will ensure our communities are integrated, inclusive and safe. Tackling ASB is a top priority for SDCC, and we will collaborate with our residents and partner agencies to ensure we deliver on our commitments.

Our ASB strategy commitments for 2025-2029 are:

1. To ensure our residents feel safe and empowered to report ASB through increased community support and inter-agency cooperation.
2. To deliver projects and initiatives across the county with the aim of designing out ASB hotspots in our estates
3. To assist victims of ASB to reduce the impact on their quality of life and to help perpetrators of ASB with the aim of preventing ASB from reoccurring.
4. To produce a Tenant Participation Strategy to ensure we involve tenants in decisions about their homes and their neighbourhoods.
5. To enhance and upskill our Estate Management Team to manage reports of ASB proactively and effectively

Commitment 1

To ensure our residents feel safe and empowered to report ASB through increased community support and inter-agency cooperation

We want to ensure residents have a voice to air concerns about what matters most to them.

Where do we want to be?

We endeavour to ensure residents have an increased understanding of ASB and an awareness of how to easily report incidents or concerns. As these groups become more confident and aware, they are more likely to engage with us on matters of ASB and more frequently.

How will we get there?

- We will develop links within the community to build knowledge and understanding on ASB to facilitate meaningful engagement and build confidence to report incidents.

- We will engage with residents in a meaningful and consistent way to re-enforce responsible behaviour and take prompt and effective action where necessary.
- We will improve and increase awareness of the various routes to report all categories of ASB.
- We will do more to understand the barriers of why residents do not feel confident to report ASB, break them down to ensure that the public can engage with us on the issues that matter to them.
- We will continue to work in conjunction with An Garda Síochaná to operate ASB Clinics. Tenants can attend these clinics to raise their concerns related to ASB and other housing matters.

How will we know when we have got there?

- We will have successfully increased the number of residents who have meaningfully engaged with us to report ASB. The levels of satisfaction with our management of anti-social behaviour will improve, and this will be evident through the quarterly statistics presented to our elected representatives.

Commitment 2

Delivering projects and initiatives across the county with the aim of designing out ASB hotspots in our estates.

The estate management team will undertake a series of projects and initiatives across the county to combat ASB and reduce the impact on our community's health and wellbeing.

- Our Estate Management Team's role is to ensure our residents enjoy their homes and encourage tenants to take pride in their internal and external surroundings whilst also ensuring proper management of the environment, communal areas and local neighbourhoods.
- We will be more proactive with increases tenancy checks targeting ASB hotspot areas with more targeted enforcement measures.
- We will attend local Community Safety Partnership, Local Policing For and Transport Forums meetings.
- We will continue to support our Higher-Level Working Groups and Community Partnerships.
- To develop and undertake a series of public realm projects and initiatives to design out ASB hot spots.
- We will assess statistics and trends using data collected from our integrated housing system and partner agencies to deliver projects which target specific geographical areas / hot spots.

Where do we want to be?

We want to have completed several community improvements/initiatives that have prevented/reduced or mitigated the volume and severity of ASB incidents. As a result of these improvements, communities will feel safer and more inclusive.

How will we get there?

- We will make better use of our data to understand the trends and identify hot spots for anti-social behaviour across the county.
- We will work in partnership with other agencies to develop and support community-led anti-social behaviour prevention activities.
- We will reduce the opportunity for crime and anti-social behaviour by being proactive in our communities, participating in tenant and resident engagement events, targeting hotspots areas with targeted enforcement measures.
- The Estate Management, Community Development and Public Realm teams will work collaboratively on a local basis with other agencies to provide a wide range of engagement initiatives in our communities.

How will we know when we have got there?

- We will have successfully reduced the volume and severity of anti-social behaviour incidents reported across the county and this will be demonstrated in our ASB statistics.
- We will have successfully increased engagement within our communities, through new and innovative interagency initiatives.

Commitment 3

To assist victims of ASB in reducing the impact on their quality of life and to help perpetrators of ASB with the aim of preventing ASB from reoccurring.

Where do we want to be?

- To ensure that victims of ASB will be provided with appropriate support whilst their complaints are being investigated.
- We will also recognise that mental health and addiction issues can drive ASB and we will provide perpetrators with help to reduce the likelihood of further incidents of ASB

How will we get there?

- We will focus on the impact of the ASB incident(s) on the victim by carrying out a risk assessment.
- We work with other agencies to ensure that our tenants/perpetrators can access appropriate supporting services where required.

How will we know when we have got there?

We will have offered appropriate support to victims and perpetrators throughout the ASB investigation process. We will have met our responsibilities under 'Our Equality and Human Rights Dut' and made reasonable adjustments where identified.

Commitment 4

We will develop a Tenant Participation Strategy

We will demonstrate a strong commitment to improving tenant participation by listening to the customer voice and involving residents in tenancy and estate management decisions.

Where do we want to be?

- We want to ensure that tenants are aware of their rights and responsibilities, and the level and quality of service they can expect from the council.
- We will enable and encourage tenants to have a say in the delivery of local services, to play an active role in maintaining high quality environments and to identify community sustainability and safety issues.

How will we get there?

We will develop a Tenant Participation Strategy in co-operation with our tenants working together towards a common aim of better housing and related housing services.

- We are committed to focusing on the needs of our tenants and service users whilst ensuring transparency and accountability.

How will we know when we have got there?

An increase in tenant engagement and participation in the delivery of housing services. This can be measured by the number of tenants actively involved in decision-making processes, the quality of feedback received, and the overall improvement in service delivery standards.

Commitment 5

Upskilling and enhancement of Estate Management Team

We will continue to enhance and upskill our Estate Management Team to manage reports of ASB proactively and effectively. All staff involved in investigating, enforcing, preventing, and managing ASB should continuously improve their skills. They should be given opportunities to learn new skills to help them feel confident in handling ASB cases.

Where do we want to be?

- We want to have a suitably trained and qualified Estate Management Team who can confidently and effectively manage ASB cases.
- They will be able to deliver formal and informal resolutions to reports of ASB, explore prevention and diversionary solutions to work effectively with partner and enforcement agencies to support victims and where appropriate, vulnerable perpetrators.
- We want all officers managing ASB to have the necessary skills to be resilient when faced with emotional and sensitive situations.

How will we get there?

- Provision of additional training, mentoring or peer coaching.
- Debriefing sessions for ASB case management officers.
- We will share good practice and up to date case law
- We will identify service improvements and review and update our policies and procedures.

How will we know when we have got there?

Our commitment will continually evolve to reflect best practices, relevant legislation, and the needs and vulnerabilities of our residents. We will ensure that our Estate Management Team receives ongoing training and development, staying up to date with guidance and documentation. Additionally, we will continuously enhance the capabilities of our officers who manage cases of ASB providing them with the necessary support to succeed in their roles.

Section 2

Our Approach, Policies and Procedures

Legislation

An ASB Strategy is required to be drawn up and adopted by the council under Section 35 of the Housing (Miscellaneous Provisions) Act 2009. Our policies must be into line with the legislative requirements set out in Housing (Miscellaneous Provisions) Act, 2014 and other relevant legislation. The strategy will apply to the parts of the administrative area of the council in which are situated—

- (a)** dwellings let by the housing authority to tenants under the Housing Acts 1966 to 2014,
- (b)** dwellings which are the subject of Chapter 4 tenancy agreements,
- (c)** dwellings in which relevant purchasers (within the meaning of section 1 of the Housing (Miscellaneous Provisions) Act 1997) reside, and
- (d)** sites (within the meaning of section 1 of the Housing (Miscellaneous Provisions) Act 1997).

Our powers in relation to Estate Management and ASB are contained in the Housing Acts 1966 to 2014 and in particular the Housing (Miscellaneous Provisions) Act 1997 and Housing (Miscellaneous Provisions) Act 2014. This strategy will be implemented in conjunction with our Allocation Scheme, Homeless Action Plan and Traveller Accommodation Programme.

Definition

ASB is defined in the Housing (Miscellaneous Provisions) Act 2014 as either or both of the following:

- (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) and/or
- (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 (as amended) 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 other marks of any property, including a person's home

While incidents can fall within both anti-social and criminal classifications it is important to state that our role is to pursue incidents through the anti-social provisions of the Housing Acts using the civil law. An Garda Síochaná pursue incidents through criminal justice mechanisms.

**Please note: 'Tenant' and 'Tenancy Agreement' and analogous terms include reference to "Licence Holder" and "Bay Licence" and analogous terms as appropriate.*

Categorisation of ASB Complaints

Complaints received are categorised based on the nature and severity of the complaint. Some complaints fall within the definition of ASB, while others are outside of the definition but are considered a breach of the tenancy agreement. Complaints are prioritised and dealt with based on the category they fall within, and the impact a particular report will have on the community and surrounding neighbours.

Category A

This includes the manufacture, production, preparation, importation, exportation, sale, supply, possession for the purposes of sale or supply or distribution of a controlled substance (within the meaning of the Misuse of Drugs Act, 1977 and 2007).

Category B

Any behaviour which causes or is likely to cause any significant or persistent danger, injury, damage, loss or fear to any person living, working or otherwise lawfully in the vicinity of a house provided by a housing authority under the Housing Acts 1966-2014, or a housing estate in which a house is situated

Category C

Breaches of terms of a tenancy agreement which do not fall within the above categories. These breaches include but are not limited to the following:

- Running a business
- Physical condition of property and/or garden
- Caravan in gardens
- Feuding
- Un-authorized occupiers – including sub-letting of property
- Abandoned properties
- Joyriding
- Pet or animal nuisance

Noise pollution

Reports of unreasonable levels of noise from a dwelling is a common problem. These are some of the most difficult complaints to investigate. Often the parties involved provide a differing account of what has taken place in relation to the noise allegations made to the council. An investigation will be carried out where possible in relation to these types of complaints. In circumstances where the noise is persistent and is evident that it affects more than one neighbour it is easier to prove a breach of tenancy.

It is also important to note that a complainant may make an application to the District Court to seek a Noise Abatement Order. This is in accordance with Section 108 of the Environmental Protection Act 1992. If successful, the Court may grant an order specifying certain terms which must be abided by, by the respondent tenant. Any breach of this Order may be enforced through the District Court

Policy

We recognise that ASB can have a very significant adverse effect on the quality of life of its tenants and on our communities. There are approximately (11,000) social housing properties, and only a small proportion of properties are found to be in breach of their tenancy agreement. All breaches will be taken seriously and actioned accordingly by the Estate Management Team. In the interests of all its tenants and the greater community we promote the peaceful occupation and enjoyment of dwellings.

We work in partnership with our tenants and various other stakeholders to take proactive steps to prevent and eliminate such behaviours. Some cases involve families with complex welfare needs, mental health issues, addiction problems and domestic violence with clear needs for supports and assistance. Our Housing Welfare Section may make referrals to the appropriate bodies regarding specialised help and supports such as tenancy sustainment.

This strategy sets out how we will tackle ASB through a framework of early intervention, support, and enforcement. It also sets out how we will do this in partnership with other agencies (statutory, non-statutory and voluntary) to reduce both the volume and the impact of anti-social behaviour and to ensure that victims and perpetrators receive support relevant to their needs and circumstances. Our objectives are:

- The prevention and reduction of ASB
- The co-ordination of services to deal with ASB
- The continuation of a multi-agency approach to dealing with ASB
- The promotion of co-operation with other persons/bodies including An Garda Síochána in the performance of their respective functions in relation to preventing/reducing ASB
- The promotion of good estate management

Applications for Housing Accommodation

The council has put in place written protocols for requesting information on the involvement of applicants and those included on their housing application in ASB from other Local Authorities, the Gardaí, Health Service Executive, the Criminal Assets Bureau, the Minister for Social Protection and Approved Housing Bodies. The tenancy agreement for accommodation contains a clause prohibiting anti-social and nuisance behaviour.

This clause states clearly the types of behaviour which are prohibited. The pre-tenancy pack, which includes a summary of tenant's obligations under their tenancy agreement specifies the different types of behaviour that are considered anti-social.

Interagency co-operation

We work closely with our partner agencies in accordance with the Data Protection Acts 1988 – 2018 and the Housing (Miscellaneous Provisions) Act 1997, in dealing with anti-social behaviour. We are committed to ensuring a coordinated approach when dealing with complaints of ASB and in the prevention and breaches of tenancy. The agencies involved in this work include the following:

- An Garda Síochána
- Department of Social Protection
- Approved Housing Bodies
- Clondalkin Travellers Development Group
- Tallaght Traveller Community Development Project
- Health Service Executive
- Tusla
- The Probation Services
- Department of Education and Youth
- Tallaght & Clondalkin Drug and Alcohol Task Forces
- Local Community Safety Partnerships
- Local Policing Fora
- Youth Services
- South Dublin County Partnership

Co-operation between agencies will assist in ensuring a coordinated approach to dealing with, or the prevention or reduction of ASB while having regard to the need to avoid duplication of activities by agencies.

Principles

We will abide by the principles below in the implementation of this policy:

- All cases will be dealt with in accordance with fair, impartial and objective procedures
- Confidentiality is ensured for both the accused and the complainant
- We will work in partnership with all relevant stakeholders particularly where the relevant response extends beyond the remit of our authority
- We will take a holistic approach to the issue
- We will act within the framework set out in legislation
- We will have regard to the need to eliminate discrimination, promote equality of opportunity and treatment of the persons to whom it provides services, and to protect the human rights of the persons to whom it provides services.

Monitoring and continuous improvement

The Director of Housing in conjunction with the Housing Strategic Policy Committee will be responsible for the implementing and monitoring of this strategy. The elected members will be provided with a report on a quarterly basis at local area committee.

This strategy will be implemented through the development of an annual action plan for the Estate Management Section. Procedures will be reviewed and clearly set out in order that the objectives of this strategy are achieved through the day-to-day processes and practices of the staff. We will also use the feedback from tenants to improve our performance.

Key performance indicators will report on the levels of activity and will give a clear indication on how the implementation of the strategy is progressing, these will include the following:

- Number of anti- social incidents reported
- Number of complaints received
- Number of house calls/inspections
- Number of demands for possession
- Number of abandonment notices served
- Number of surrenders obtained
- Number of evictions/exclusion orders
- Number of interviews held
- Number of pre-tenancy course

Appendix A

Investigation and management of complaints

We acknowledge that even the most sophisticated systems for preventing ASB are unlikely to completely eradicate incidents of this type. Therefore, procedures are in place for addressing incidents as they occur. Investigations are carried out in different manners depending on the seriousness of the complaint. This may involve making enquiries with other statutory agencies in accordance with Section 15 of the Housing (Miscellaneous Provisions) Act 1997. The council may also:

- Examine the tenancy agreement
- Examine tenant(s) file/previous history
- Interview the complainant
- Interview the person against whom the complaint is made (alleged offender)
- Make enquiries within the area where the alleged incident occurred
- All statements and interview notes will be recorded

Following investigation, and depending on the seriousness of the complaint, a case conference may sometimes be held to decide what course of action is to be taken. Assessing what action to combat ASB is required and selecting the type of response appropriate to each case, is a three-stage process.

Stage 1

The incident must be categorised based on the type of activity involved. Relevant action will be taken in all cases of drug related activities and dealing. Complaints regarding other types of ASB, particularly those falling into category C, will only be dealt with if deemed appropriate.

Stage 2

The types of activity that do not automatically warrant action may be examined accordingly to the seriousness of the incident in question.

Stage 3

The number of ASB incidents associated with each case (individual or household) will be examined. In some cases, it may be appropriate to act if an incident is the latest in a long list or wide variety of problems associated with a household or an individual.

Case Conferences

Decisions to further investigate or initiate non-legal or legal action in cases of ASB will be decided by means of a case conference comprising of staff with responsibility for ASB including senior housing department staff where appropriate and may include other agencies if required. Most complaints will warrant further investigation before they can be properly assessed. Several techniques can be employed to do this, and, in some cases, more than one method of investigation will be required to accurately assess complaints. It is the aim of the council to give all people who are the subject of complaints every opportunity to address the issues.

Complaint outcomes:

Where we have sufficient and reasonable reason to believe that an individual tenant or member of a tenant's household is or has been engaged in ASB, the council will deal with the matter using one or more of the options listed below.

- **Discussion and advice** - where the incident is a one off or not persistent, we will emphasise the terms of the tenancy agreement to the alleged offender and advise against further breaches.
- **Referral to An Garda Síochána** - A referral will occur as a matter of course where the complaint involves an allegation of drugs, criminal activity or public order offences.
- **Referral to the Health Service Executive and Tusla** - The council may make appropriate referrals in respect of child protection and welfare concerns. Where vulnerable adults are identified as being at risk of abuse, such cases may be referred to the Safeguarding and Protection Team as per the HSE National Policy.
- **Verbal Warning** - The alleged offender will be advised that all behaviour must cease with immediate effect. The verbal warning will be recorded
- **Issue of Breach of Tenancy Letter/Tenancy Warning** - In the case where the complaint is proven or persistent in nature, the council will consider a graduated sanction as follows:

Breach of Tenancy Letter (Tenancy Notification)

A letter is issued to the alleged offender outlining the complaint and the alleged breach of the Letting Agreement. Reference will be made to all correspondence and to any warnings previously issued to the alleged offender. In serious cases of alleged drug activity, violence and threats, information regarding the involvement of An Garda Síochána and other services may be requested for the records. This letter may contain reference to legal action that may be instigated against the alleged offender if the breach of tenancy persists.

Formal Interview

A formal interview may be held between the alleged offender and staff from our Estate Management Team at any stage in the process. At this interview, the allegations of breach of tenancy will be outlined to the alleged offender and they will have the opportunity to respond to these allegations.

Statutory Tenancy Warning

If the alleged ASB continues to occur the matter will normally progress to a statutory footing and the Tenancy Warning in accordance with Section 7 of the Housing (Miscellaneous Provisions) Act 2014 will issue. Section 7 of the Act provides that a Statutory Tenancy Warning (legal written warning) be issued in circumstances of ASB, while Section 9 allows for the same in the case of any other breach of the Letting Agreement. The issue of a Tenancy Warning is a serious matter for any tenant(s) with tenancy and legal implications, which could lead to repossession proceedings.

Review of Tenancy Warning

If a tenant does not accept that he/she has breached their Tenancy Agreement in the terms set out in the Tenancy Warning, the tenant has a right to request the council to review the Tenancy Warning. A request to review this Tenancy Warning must be made in writing to the council and outline the grounds upon which the tenant disputes the basis for the Tenancy Warning enclosing any relevant supporting documents. The tenant must also state if he/she, or a member of its household, wishes to make oral representations to the appointed reviewer as part of the appeal.

Relevant Sections -Housing (Miscellaneous Provisions) Bill 2014

- Section 7 – Tenancy warning relating to ASB
- Section 9 – Tenancy warning relating to breach of tenancy
- Section 10 – Review of tenancy warning where a tenant does not accept that a breach of a tenancy agreement or rent-related obligation has occurred in the terms set out in a tenancy warning issued to him or her under section 7, 8 or 9
- Section 12 – Proceedings for possession of local authority dwelling
- Section 13 – Proceedings for possession against person in occupation of local authority dwellings
- Section 14 – Abandoned local authority dwellings
- Section 15 – Repossession of abandoned dwellings
- Section 16 – Application to court in respect of tenancy terminated under section 15
- Section 17 – Death of tenant and recovery of possession in certain cases

Information sharing

The Housing (Miscellaneous Provisions) Act 1997 and the Housing Traveller Accommodation Act 1998 enable local authorities to request information on persons it believes are or have been engaged in ASB from other local authorities or from specified bodies including the Gardaí, Health Service Executive and the Criminal Assets Bureau.

When seeking this information, we will adhere to the protocols and Data Protection Acts 1988 & 2018 for sharing information on ASB with outside agencies.

Whether information is sought from all these bodies will depend on the nature of the case in question. However, in all cases concerning ASB, we will request the following information from local Gardaí under Section 15 of the Housing (Miscellaneous Provisions) Act 1997:

- Whether complaints have been made to them in relation to the individual, household or unit of accommodation concerned.
- Whether a criminal prosecution is pending for any offence connected to the complaint received.
- Whether the Gardaí have carried out any searches of the accommodation in question in relation to ASB and the results of searches.
- Whether the person who is the subject of the complaint has any conviction for activities connected with behaviour described in the complaint or other ASB

Section 20 of Housing Act 1997

This section deals exclusively with illegal occupiers. It empowers An Garda Síochána, on notification by the council, to direct any illegal occupant of a local authority house engaged in ASB to leave the property. Non-compliance with An Garda Síochána's direction is a criminal offence. There are also powers of search and entry available to An Garda Síochána.

In some cases, it may be necessary to seek additional information from complainants regarding allegations of ASB. This can be done by interviewing the complainant or asking them to keep records of any related incidents.

If the interview method is used, local authority staff shall adhere to the guidelines for interviewing tenants in respect of allegations of ASB. Complainants will be provided with standardised forms for recording each separate anti-social incident.

To achieve the best practice in investigating ASB, we may consider seeking additional information from tenants, residents' associations and elected representatives based in the areas in which the activities in question allegedly took place. The members of these groups have local knowledge which means that they can often provide information on ASB that could not be easily accessed by other methods of investigation. However, fair procedure requires that this method of investigation should be used carefully. Tenants and residents' associations that are not fully representative of the community will not be included in consultations of this type. In addition, to protect the identity of alleged perpetrators of ASB and personal safety of members of residents' associations, all such consultation will be conducted in general terms, and specific details of anti-social incidents or alleged perpetrators will not be sought.

Unidentified people involved in ASB

It is not possible for us to investigate complaints against unidentified people. This relates to complaints such as congregating on estates, unless we have a name or an address to begin with, we cannot progress the investigation further. The matter will be referred to An Garda Síochána and the Community Garda for appropriate action. Anti-social legislation is designed to operate within a community, and it is expected that most complainants will either know and identify persons involved or the address they reside in.

Once the council is satisfied that a complaint regarding ASB has some basis and that the alleged activity is sufficiently serious to warrant action, we will contact the tenant of the dwelling associated with the ASB and invite them to attend a meeting to discuss the incident in question. Fair procedure requires that all communication and meetings with the tenant are objective and impartial. The purpose of this stage of the investigative process is to provide the tenant with an opportunity to present their side of the story.

Appendix B

Interview procedures and initiating legal action

Invitation for interview

The first letter issued to the tenant invites them for interview giving them at least 5 working days' notice, (unless a serious case); The letter will outline the allegation(s) of ASB. If a tenant fails to attend an interview and makes no contact a second interview letter will issue giving a new date .If the tenant continues to fail to attend or make, contact with the council a final letter for interview will be issued by Registered Post and will inform the tenant of the consequences of failing to engage with the council.

If no response is received to the final letter the council may take appropriate action to issue a Tenancy Warning (which provides for a review of the warning) and if not complied with to seek an order for re-possession resulting in the termination of the tenancy under Part 2 of the Housing (Miscellaneous Provisions) Act 2014, or an Excluding Order under the Housing (Miscellaneous Provisions) Act 1997 as amended.

Interview Procedure

- In general, interviews are to be conducted in private in our council offices, sufficient time will be allowed for the conduction of the interview.
- If an interview is to take place in the interviewee's home, it should be conducted in an appropriate public part of the dwelling such as the living room.
- Interviews will be conducted by two officers; one officer will take lead in interview while the other takes a record of the interview.
- To ensure the interviewee understands the purpose of the meeting, the allegations being made and the consequences if the allegations are found to be substantiated the interview will be conducted in informal language.
- It will be explained to the interviewee that the purpose of the interview is to hear their response to the allegations made.
- The interviewee will be given sufficient time to make relevant points.
- The interviewee will be allowed to have a person attend the interview with them; however, this person will not be permitted to make comments/statements in respect of the allegations. They will be permitted to ensure that the interviewee understands what is being said to the interviewee by the officers.
- It will be clearly explained to the interviewee that the interview is just part of the investigations into the allegations and that they will be informed of any action in writing that the council intends to take in respect of the allegations and that any such action may include the issuing of a Tenancy Warning (which may be reviewed) under the Housing (Miscellaneous Provisions) Act 2014 which

if breached may lead to the council seeking a Possession Order for the dwelling which may result in interviewee's tenancy being terminated and restricting them for applying for social housing supports or may result in an application for an Excluding Order under the Housing (Miscellaneous Provisions) Act 1997 as amended.

- The tenant will also be advised in general terms of the effects of a Tenancy Warning or a finding of engagement in anti-social behaviour or a failure to provide information lawfully required, on consent to sale, re-sale or on the allocation of dwellings.
- At the end of the interview the officer who took the record of the interview will read the record back to the interviewee and request that the interviewee to sign the record; the record should also be signed by both officers present.

Initiating Legal Action

In situations where following an investigation a prima facie case for legal action is apparent, the seriousness of the activities involved and the prospects that the Court action will be successful and will be the overriding consideration in selecting cases appropriate for legal action.

Case conference prior to initiating legal action

Decisions to initiate legal action in respect of ASB and breaches of Tenancy Agreements will be approved following a full review of the file which may include a case conference of senior housing management, the council's legal advisors and the Officers responsible for investigating cases of anti-social behaviour. We may also consult An Garda Síochána prior to the initiation of any legal action.

Re-admission to housing list following termination of Tenancy

The council has devised protocols governing applications for housing by households whose tenancies have been terminated on the grounds of ASB. These protocols enable such households to reapply for accommodation after a standard minimum period of time has elapsed and/or the local authority is satisfied that the ASB will not recur.

Applicants engaging in ASB equivalent to Category 'A' will not be considered for inclusion on the housing list for a period of two years. These periods will be subject to a rolling review process.

Appendix C

Transfer on estate management grounds

This is a procedure that awards a priority status on estate management grounds to the applicant due to circumstances that may affect their own or an occupant in the property's safety. It is not designed as an alternative route to the transfer process and tenants need to be aware of this and that there are alternative remedies. Transfers on estate management grounds are only considered where there is a proven threat to life or risk to personal safety/property.

Threats to life

A threat to life occurs when a tenant or a member of the tenant's household who lives at the same address is the victim of a threat or physical harm.

- A threat would be considered where the applicant can demonstrate that the perpetrators have been physically engaged in actions aimed at causing personal injury to either the applicant or other persons within the home. This can include physical damage to the property.
- When assessing the credibility of a threat, we will consider all current and past actions or patterns of behaviour of both the perpetrators and the tenants. Tenants previously approved for a transfer on estate management grounds may not be considered for further transfers.

Investigation procedure

Where there is an alleged serious threat to life or property, an investigation is opened by the Estate Management Team. A formal request for information is submitted to the relevant Garda Superintendent under Section 15 of the 1997 Housing (Miscellaneous Provisions) Act. The approval of a transfer on estate management grounds is subject to both the findings of this investigation and the endorsement of the Garda Superintendent.

Offer of alternative accommodation

If approved, applicants will receive one offer of alternative accommodation to the next available suitable property located in an alternative area of preference to remove the household from potential danger and prevent further incidents occurring. It should be noted that the council's areas of preference are North of the Naas Road and South of the Naas Road. Refusal of an offer of suitable accommodation will result in approval for a transfer on Estate Management grounds being withdrawn and the transfer application will be reassessed in accordance with our Allocations Scheme.

Timescale

It is not possible for the council to provide a timeframe of when an offer of alternative accommodation will be made. An offer can only be made when a suitable property is available, and the council does not provide temporary accommodation in the interim.

Appendix D

Refusal to sell, consent to re-sale of allocation of a dwelling

Where a Tenancy Warning under the Housing (Miscellaneous Provisions) Act 2014 has been served on a tenant the council may, during the period of 3 years following the service of the Tenancy Warning coming into effect, take account of the Tenancy Warning when considering whether:

- (i) To consent, under section 90(12) of the Housing Act 1966, to a sale of the dwelling to a person identified in the Tenancy Warning as causing the breach of the specified term, where the grounds for refusal would be those set out in subparagraph (a) (ii) of that subsection
- (ii) To consent, under section 48(3) of the Housing (Miscellaneous Provisions) Act 2009, to a sale, during the charged period, of a dwelling to the person identified in the tenancy warning as causing the breach of the specified term, where the grounds for refusal would be those set out in paragraph (b) of that subsection,
- (iii) To consent, under of section 76(4) of the Housing (Miscellaneous Provisions) Act 2009, to a sale, during the charged period, of a dwelling to the person identified in the tenancy warning as causing the breach of the specified term or specified terms, where the grounds for refusal would be those set out in paragraph (b) of that subsection
- (iv) To consent, under section 29(3) of the Housing (Miscellaneous Provisions) Act 2014, to a sale, during the charged period, of a house to the person identified in the tenancy warning as causing the breach of the specified term or specified terms, where the grounds for refusal would be those set out in paragraph (b) of that subsection,
- (v) To refuse, under section 14(2) of the Act of the Housing (Miscellaneous Provisions) Act 1997, to sell a dwelling to (a) the tenant (within the meaning of Part 4 of the Housing (Miscellaneous Provisions) Act 2009 or to whom Part 3 applies) concerned, (b) the eligible household (within the meaning of Part 3 or 5 of the Act of the Housing (Miscellaneous Provisions) Act 2009) concerned, or (c) the person concerned (in a case to which section 90 of the Housing Act 1966 relates),
- (vi) To refuse, under section 14(1) of the Act of the Housing (Miscellaneous Provisions) Act 1997, to allocate a dwelling or defer the allocation to the tenant or to the household member identified in the tenancy warning as causing the breach of the specified term.
- (vii) To refuse or defer such permission under section 14 of the 1997 Act as amended in respect of subs. (1) by s19(9) of and the 2014 Act and in respect of subs (2) by the 2009 Act (Sch 2 Part 5) whereby the tenant of the dwelling or the person concerned fails to provide information that is requested by the authority and which the authority considers necessary in connection with deciding whether to give, refuse or defer such permission

Appendix E

How do I report anti-social behaviour?

Who do I contact?

In an emergency always dial **999/112** and contact An Garda Siochana. If it is not an emergency, you can report the incident to your local Garda Station or anonymous reports can be made to the council on **WhatsApp - 086 060 2586**

Complaints about ASB and/or breaches of tenancy will be accepted by the Estate Management Team on **01-414 9000** or email **estmgt@sdublincoco.ie** or

Complete an anti-social incident report form and return to Estate Management in Tallaght or call to one of the Estate Management Clinics, details of venues, dates and times of clinics are available on **www.sdcc.ie**

or

Contact the Estate Management Team for an appointment to come to our Housing Customer Centre and talk to one of the team.

How long does it take?

We will respond to all complaints within 5 working days (serious cases will be prioritised) and commence an investigation into all complaints within 10 working days. Thereafter it depends on the action considered necessary.

Is the anti-social process confidential?

All complaints relating to anti-social activity and breaches of tenancy agreements will be dealt with in a confidential manner subject to law.

Is the anti-social process subject to GDPR?

All investigations are conducted in accordance with the General Data Protection Regulation (GDPR), the Data Protection Acts 1988- 2018 and the guidance provided by the Data Protection Commissioner. Information will not be released about any investigation to the complainant, or to the public save in accordance with Data Protection law.



Comhairle Contae South Dublin
Átha Cliath Theas County Council

Fiagh agus lean Comhairle Contae Átha
Cliath Theas ar / Find and follow SDCC on

