

Offaly Local Authorities

Anti-Social Behaviour Strategy 2010

Adopted by Housing SPC 10th September 2010

Adopted by Joint Policing Committee 27th September 2010

Adopted by Offaly County Council 18th October 2010

Adopted by Tullamore Town Council 11th November, 2010

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1. Introduction

Offaly Local Authorities Mission Statement is “To improve the quality of life for people in Offaly”. In order to achieve this objective it is essential that anti social behaviour problems encountered by residents are tackled in an effective manner.

A Policy Document on Anti Social Behaviour was adopted by Offaly Local Authorities on 21st March 2005 and a revised Anti Social Behaviour Policy was adopted by the Council on 15th September 2008.

Section 35 of the Housing (Miscellaneous Provisions) Act 2009 now formalises the adoption of such strategies by requiring each housing authority, by reserved function, to adopt an anti-social behaviour strategy for the prevention and reduction of antisocial behaviour in its housing stock. The intention behind this formalisation of practice is to provide a common framework for action that will facilitate co-operation between relevant bodies, putting in place clear and transparent procedures for the making of complaints and initiatives for the prevention and reduction of anti-social behaviour.

Housing authorities must adopt this strategy prior to the 30th November 2010 and must set out measures to promote good estate management and co-operation with other bodies, such as the Gardai, that have a role to play in combating anti-social behaviour.

The local authority recognises and accepts that anti-social behaviour in local authority estates is unacceptable as it can have an adverse effect on the quality of life of both the victims in question and the other residents of the area. Accordingly it is the policy of Offaly Local Authorities that anti-social behaviour will not be tolerated and whatever means necessary to combat this issue will be fully utilised.

This Strategy will be reviewed not less than six months before expiration of the Housing Services plan, or whenever Offaly Local Authorities thinks fit. Any amendments to the Strategy will be made following consultation with the Joint Policing Committee, An Garda Síochána, the Health Service Executive or any other relevant person (e.g Approved Housing Body / Estate Management Fora / Drugs Task Force etc.).

The drawing up and adoption of, and amendment of, an antisocial behaviour strategy is not to be taken to confer on any person a right in law that the person would not otherwise have to require a housing authority in a particular case to exercise any function conferred on it under the Act of 1997 or under the 2009 Act or to seek damages for a housing authority's failure to perform any such function.

2. Objectives of Strategy Statement

Objectives

The principal objectives of this Strategy are set out in subsection 2 of the Housing Act 2009, as follows:

- (a) the prevention and reduction of anti-social behaviour
- (b) the co-ordination of services within the housing authority that are directed at dealing with, preventing or reducing anti-social behaviour
- (c) 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 anti-social behaviour, in order to avoid or reduce duplication of effort between the housing authority and the other person / body in performing their functions; and
- (d) the promotion of good estate management (as defined by section 1 of the 1997 Act)

3. Strategies to Achieve Objectives

- **Tenancy Agreement – Enforcement of conditions.** The Tenancy Agreement contains clauses outlining the responsibility of tenants in the area of anti social behaviour. Under the Housing Act 2009 the Tenancy Agreement now includes terms and conditions relating to anti-social behaviour carried out by tenants or members of their household as well as the provisions relating to the prohibition of and consequences of allowing persons against whom there is an excluding order in force, in relation to a dwelling, to enter that dwelling.

The Tenancy Agreement now contains the following clause in relation to anti social behaviour:

- No 22 (a) Neither the tenant nor any member of his / her household or any household or any subtenant or visitor shall cause any nuisance or be guilty of or permit any conduct likely to cause annoyance or disturbance to any neighbours, their children or visitors or Council staff as more particularly outlined in paragraph 26 hereunder.
- (b) The term “neighbours” in this Agreement means persons living or working in the vicinity of the tenant’s dwelling.
- (c) For the purposes of this Agreement the phrase “nuisance, annoyance or disturbance” shall include the use by the tenant of the dwelling for the commission of a criminal offence and without prejudice to the generality of this expression shall include all or any of the following:-
- (i) harassment;
 - (ii) violence or threats of violence against the person or property;
 - (iii) threats, abuse or harassment of any kind or any act or omission causing disturbance, discomfort or inconvenience;
 - (iv) obstructions of any of the common areas, doorways and other exits and entrances in the block and in the estate;
 - (v) making an unreasonably loud noise by shouting, screaming, playing any musical instruments or sound reproduction equipment (including television, radio and hi-fi) or using other machinery;
 - (vi) any act or omission which creates a danger to the well-being of any neighbour or to his/her belongings;
 - (vii) the tenant must not, at any time, invite or allow to remain on any part of the dwelling or garden, any persons in respect of whom the Council has notified the tenant that they should not enter or remain on the property;
 - (viii) a tenant evicted for a breach of this condition or part of it or any condition will be deemed for the purpose of re-housing to have deliberately rendered himself / herself homeless within the meaning of Section 11 (2) (b) of the Housing Act 1988 and may not be provided with another home by the Council until such time as the Council is satisfied that the evicted tenant and his / her family are capable of living and are agreeable to live in the community without causing a further breach of this condition or any other condition of this agreement;
 - (ix) The unlawful possession, cultivation, use and or supply of a controlled substance within the meaning of the Drugs Act, 1977 as amended.

- **Legislation.** Enforcement of relevant legislation as required. The Council’s authority to deal with anti social behaviour is principally derived from the Housing Acts 1966-2009, Freedom of Information Act 1997 and the Residential Tenancies Act 2004.

- **Partnership.** Establish formal links with the An Garda Síochána and other relevant statutory and voluntary agencies such as the Health Services Executive and other housing authorities so that information can be shared and a co-ordinated response to tackling anti-social behaviour can be developed. The Council will also implement the objectives of the Offaly Local Anti Poverty Strategy to tackle poverty, unemployment and social exclusion.
- **Design.** To develop consultation between architects and internal design staff of the Council in the design of new housing schemes and the refurbishment of problem estates in order to eliminate housing design which leads to anti social behaviour, such as problem alleyways and unsupervised public space. Where necessary, to work jointly with relevant staff within other departments of Offaly Local Authorities such as Environment, Planning, Roads, etc to target problem areas. Implement policies designed to increase social mix in housing estates, with mixed housing types.
- **Education.** Offaly Local Authorities will inform tenants on an ongoing basis of its policies and procedures in relation to anti social behaviour through various means, including pre-tenancy courses, explanatory leaflets, Council website, etc. Participation is compulsory on pre-tenancy training courses for all new Council tenants. The Council will identify and assist in development of research which increases awareness of the nature of social housing problems and potential solutions.
- **Estate Management.** Continue to develop the role of estate management and promote greater resident involvement in the management and development of their estates.
- **Consultation.** This Strategy has been produced following consultation with the Joint Policing Committee, An Garda Síochána, the Health Service Executive, Drugs Task Force, and Residents Associations and approved Voluntary Housing Bodies in Offaly. The Council will continue to consult with these bodies on broad policy terms and on individual cases as they arise. The JPC made a number of observations, including increasing public awareness of the Strategy. Adverts will be placed in the local press following adoption of the strategy by the elected members. Birr Gardaí also made a number of recommendations which have been incorporated into the strategy.
- **Compatibility.** The Strategy is compatible with national and Council policies and legislation, including:
 - ❖ Housing Services Plan
 - ❖ Offaly Scheme of Letting Priorities 2010
 - ❖ Offaly Estate Management Policy 2009
 - ❖ Offaly Homeless Action Plan 2008 (and Midlands Regional Homeless Action Plan 2010 – 2013)
 - ❖ Offaly County Development Plan 2009 - 2015
 - ❖ s.37 Garda Síochána Act 2005 – the Local Authority in performing its functions takes steps to reduce crime disorder and anti-social behaviour
 - ❖ Delivering Homes Sustaining Communities 2007.

4. Legislative Provisions

Offaly Local Authorities may take legal action against tenants engaged in anti social behaviour by:

(1) enforcing the conditions of the Tenancy Agreement or

(2) through legal action using the following legislation:

- Housing Act 1966 (as amended)
- Housing (Miscellaneous Provisions) Act 1997
- Housing (Miscellaneous Provisions) Act 2009
- Housing (Traveller Accommodation) Act 1998
- Freedom of Information Act 1997
- The Residential Tenancies Act 2004

A summary of the legislation available to Offaly Local Authorities in dealing with anti-social behaviour is as follows:

Section 62, Housing Act 1966 (as amended)

This Act enables Offaly Local Authorities to terminate a tenancy through the following process:-

- Service of Notice to Quit
- Demand for Possession following a minimum period of 28 days
- Application to the District Court for a Warrant for Possession
- Lodgement of Warrant with the County Sheriff
- Execution of Warrant – Eviction

Under this legislation the Council are not required to provide evidence of the behaviour that has led to the decision to terminate the tenancy. It must provide proof that it has followed the statutory procedures in seeking the Warrant.

Housing (Miscellaneous Provisions) Act 1997

This Act provides a range of measures for local authorities to address problems arising due to drug dealing and anti social behaviour.

Under the Housing Act 2009 an amendment is made to the definition of anti-social behaviour outlined in section 1 of the 1997 Housing Act. The second part of the definition has been amended (**amendments are in bold**)

Anti-social behaviour (ASB) is defined in section 1 of the 1997 Act (as amended by section 197(a) (i) of the Residential Tenancies Act 2004) and can be broken down into two distinct parts. The first part, which is not affected by the 2009 Act, is that ASB is defined as:

- "(a) the manufacture, production, preparation, importation, exportation, sale, supply possession for the purposes of sale or supply, or distribution of a controlled drug (within the meaning of the Misuse of Drugs Acts 1977 and 1984".

The second part of the definition has been expanded by section 1(a) of Part 5 of Schedule 2 to the 2009 Act to read as follows (additional text is shown in **bold**):

"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 2002 or

Part V of the Planning and Development Act 2000, or a housing estate in which the house is situated 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."**

This amendment to the definition of anti-social behaviour has been made to align housing legislation with the Criminal Justice Act 2006, relating to anti-social behaviour by adults, and with the Children Act 2001 (as amended), relating to anti-social behaviour by children.

Section 3 - Excluding Orders

This section deals with an application for Excluding Orders by a tenant / relevant purchaser or by Offaly Local Authorities. It is designed to target the specific offender and avoid 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.

Section 14- Refusal / Deferral the letting of Local Authority Dwelling

Offaly Local Authorities may refuse or defer a letting of a dwelling, or refuse an application from a tenant to purchase a dwelling, where the applicant is or has been involved in anti-social behaviour or where the letting or sale would not be in the interest of good estate management¹.

The power to refuse lettings also extends to applicants who fail to provide required information to the Council. A housing authority may also refuse consent to the resale of a tenant purchase dwelling to a person involved in anti-social behaviour or on grounds of good estate management where the consent of the authority to the resale is required.

Refusal of a tenancy or a tenant purchase application will not be an absolute once and for all measure. An application can be reconsidered in the normal way if the Council is satisfied that anti-social behaviour has ceased and is unlikely to recur.

Section 15 – Information on housing applicants

This section allows Offaly Local Authorities to access information from other housing authorities or statutory bodies in respect of a housing applicant or person looking to reside in a Council property who may have been involved in anti social behaviour. Information provided to the local authority by the Gardai must be subject to absolute confidentiality.

¹ Section 1 of the Housing (Miscellaneous Provisions) Act 1997 defines Estate Management as "(a) the securing or promotion of the interests of any tenants, lessees, owners or occupiers, whether individually or generally, in the enjoyment of any house, building, or land provided by a housing authority under the Housing Acts 1966 to 1997 (b) the avoidance, prevention or abatement of anti-social behaviour in any housing estate in which is situated a house provided by a housing authority under the Housing Acts 1966 to 1997"

Where a housing applicant has been convicted of anti-social behaviour he / she will be taken off the housing waiting list for two years and this situation will be reviewed when the two years has lapsed.

The Housing Act 2009 extends the scope of Section 15 to cover:

- occupants of, or applicants for, sites for travellers;
- tenants of, or applicants for, accommodation provided by approved bodies; and
- applicants for, or beneficiaries of, housing support under existing affordable housing schemes.

In addition to the above, once the relevant Parts of the 2009 Act have been commenced, the provisions of section 15 will also apply to:

- tenants of, or applicants for, accommodation under a rental accommodation availability agreement [RAS].
- applicants for, or beneficiaries of, housing support under the Incremental Purchase Scheme;
- applicants for, or beneficiaries of, housing support under the Tenant Purchase of Apartments Scheme; and
- applicants for, or beneficiaries of, housing support under the new affordable dwelling purchase arrangements.

Section 16 – Supplementary Welfare Allowance Scheme

This section amends the Social Welfare Acts to enable the governing authority to refuse or withdraw rent or mortgage interest supplement for private housing under the supplementary welfare allowance scheme where persons, otherwise eligible, have been evicted, excluded, or removed from, or refused local authority housing.

Section 18 – Intimidation

This section creates a specific offence of intimidation against local authority officials, health authority officials, any member of their family, or any person who provides evidence under section 62 of the Housing Act 1966 or this Act:

“A person who causes or attempts to cause any threat, intimidation or harassment, coerces, obstructs, impedes or interferes with, an officer or employee of a housing authority or a health board or a member of the family of such officer or employee or any person who provides or is to provide evidence in any proceedings under section 62 of the Housing Act 1966 or this Act shall be guilty of an offence. Penalty - €1,905 fine, 12 months imprisonment or both”.

Section 20 - Illegal Occupiers of Council house involved in Anti-Social Behaviour

The Gardaí Síochána may remove squatters who are engaging in or have engaged in anti-social behaviour from Offaly Local Authorities houses. Non-compliance with a Garda's direction is an arrestable offence. There are also various powers of search and entry available to An Garda Síochána.

Housing (Traveller Accommodation) Act 1998

This Act extends to halting sites the powers available to local authorities under the Housing (Miscellaneous Provisions) Act, 1997, relating to anti-social behaviour and estate management.

Freedom of Information Act 1997

Section 26 of the Freedom of Information Act 1997 requires public bodies to refuse to disclose information which has been given to them in confidence.

Residential Tenancies Act 2004 – Section 197

The power of seeking an excluding order or an interim excluding order from the District Court has been extended to persons (other than the owner) residing with Tenant Purchasers and with anyone to whom the house is subsequently vested. Offaly Local Authorities are also empowered to refuse to lease or sell a house under the Shared Ownership Scheme and Affordable Housing Schemes, where they consider that the applicant is or has been engaged in anti-social behaviour.

5. Policy on Prevention & Reduction of Anti-Social Behaviour

Preventative Measures

The most efficient way of combating anti-social behaviour is to prevent it from arising in the first place. Offaly Local Authorities will use the following measures to achieve this objective:-

- **Pre Tenancy Courses.** All tenants must complete a pre-tenancy training course, delivered by housing staff, prior to the allocation of their tenancy. The pre-tenancy course places particular emphasis on tenant's obligations to their houses and to their community, the need to respect their neighbours and their property and on tenant's responsibility for the behaviour of their children and visitors. The training will encourage tenants to act in a positive manner in the community and on the need to prevent anti social behaviour.
- **Design.** Ensure that the design of new dwellings, estates and halting sites does not facilitate vandalism and crime. The Council works closely with the local Crime Prevention Officer in An Garda Síochána to ensure that all new designs incorporate security and anti-crime design features.
- **Estate Management.** Promote the development of Residents Associations and good Estate Management. Section 1 of the Housing (Miscellaneous Provisions) Act 1997 defines Estate Management as "(a) the securing or promotion of the interests of any tenants, lessees, owners or occupiers, whether individually or generally, in the enjoyment of any house, building, or land provided by a housing authority under the Housing Acts 1966 to 1997 (b) the avoidance, prevention or abatement of anti-social behaviour in any housing estate in which is situated a house provided by a housing authority under the Housing Acts 1966 to 1997".
- **Tenant Participation.** Tenant Participation has been highlighted by the National Anti Poverty Strategy as a route to alleviating social exclusion. Participation in community initiatives such as Neighbourhood Watch, Community Alert, arts, sports and play projects will be fully encouraged and supported by the Council. The Council will ensure that proper procedures, structures and channels of communication are in place for tenants to report issues relating to anti-social behaviour at an early stage.
- **Tenant Consultation.** Where refurbishment or regeneration programmes in existing estates or sites are planned, tenants will be fully consulted and involved through their estate management forum on issues of security and crime prevention.
- **Training.** Appropriate training and back-up support will be provided to housing staff and other front line staff to enable them to do the job effectively.
- **Mixed Tenure.** The Council will seek to ensure a strategic balance and mix of tenants in so far as is practicable to encourage social integration and minimise the potential for anti-social behaviour.

Reduction Measures

- Complaints will be dealt with efficiently and effectively and the Council will ensure that detailed and accurate records of all incidents and complaints are maintained in a proper manner to facilitate potential court actions.

- The Council will take appropriate action following reported breaches of the terms of the Tenancy Agreement and will use the provisions available under current legislation as outlined above.
- The Council will maintain a close working relationship with An Garda Síochána to ensure that anti-social behaviour is reported by the local community and appropriate follow-up action taken.
- Support initiatives such as Joint Policing Committees, Community Policing, Juvenile Diversion Programmes, interagency bodies and the work of the Probation & Welfare Services.
- Case conferences will be organised with other statutory agencies and bodies such as the HSE in relation to families in local authority estates involved in anti-social behaviour and with known social issues such as drugs, alcohol abuse or family breakdown, with a view to having the appropriate support services made available to these families by the relevant agencies.
- We will ensure that all dealings with the victims of anti-social behaviour are treated in the strictest of confidence.
- Court proceedings will only be instigated when all other options for combating anti-social behaviour have failed or are deemed inappropriate.
- Vetting of housing applicants. The Council will make enquiries in relation to any prior involvement in anti-social behaviour by all housing applicants (including applicants referred under the Rental Accommodation Scheme) prior to allocation of housing in accordance with Section 15 of the Housing (Miscellaneous Provisions) Act 1997. Such enquiries will normally be made to the local Gardaí in any area in which the person currently resides or has previously resided. Mutual Exchange applicants will also be vetted.
- In accordance with Section 14 of the 1997 Act, the Council may refuse or defer the letting of dwellings to applicants who have been involved in anti-social behaviour (this is incorporated in the Scheme of Letting Priorities 2010). An applicant who has been convicted or involved in anti social behaviour may be excluded from the possibility of being housed by the Council for at least two years. The position will be reviewed at the end of the two year period.
- Where Offaly Local Authorities becomes aware that an existing tenant has been convicted for anti social behaviour, we will seek legal advice with a view to evicting / excluding the tenant involved.
- The Council will refuse to sell a dwelling to a tenant who is or has been involved in anti social behaviour or where the sale is not considered to be in the interests of good estate management.

6. Complaints Procedure

Receiving & Recording Complaints

- 1) Anonymous complaints regarding anti-social incidents will not normally be accepted as valid. Complainants will be encouraged to supply contact details and assured that all information provided will be treated in the strictest of confidence. Section 26 of the Freedom of Information Act 1997 requires public bodies to refuse to disclose information which has been given to them in confidence. Where complainants are unwilling to supply contact details the complaint will be recorded but will not normally be acted upon.
- 2) Complaints may be made verbally or in writing, in person, by phone or by letter. Complaints should normally be made to the Housing Department of Offaly County Council, or to Tullamore and Birr Town Council offices as appropriate, and may also be accepted in the Council's Area Offices or by the Council's Revenue Collectors. Complaints are also sometimes made through the Garda Síochána. An Anti-Social Behaviour complaint form is available and will be forwarded to any person wishing to make a complaint in writing (Appendix A)
- 3) Any complaints received in areas other than the above should be immediately forwarded to the Community Liaison Officer in the Housing Department having elicited the fullest information possible from the complainant.
- 4) The following information should be recorded in the complaints system:
 - a) Name and contact details of complainant
 - b) Name and address of alleged perpetrator
 - c) Nature of complaint
 - d) Where and when alleged incident(s) took place
 - e) If alleged incident(s) have been reported to the Gardai and if so when and to whom
 - f) Any other relevant information

If all information is not forthcoming at the initial complaints stage the items outstanding will be obtained from the complainant as soon as possible.

Investigating a Complaint

1. An investigation into all complaints received will commence within 10 working days of receipt and action will be taken as early as possible following completion of the investigation. It is important that early action is taken to reduce the negative behaviour and to ensure confidence in the process by all parties involved.
2. The tenancy file of the alleged perpetrator will be checked to ascertain if any previous complaints have been made or for any other matter that may be pertinent to the investigation.
3. If additional information is required from the complainant, Community Liaison Officers will arrange a meeting at a location suitable to the complainant. A written record of events / complaints is the preferred option, particularly if the issue in question is ongoing.
4. As much independent evidence as possible will be obtained and verified in so far as is practicable.

5. Additional information will be requested from other statutory agencies such as An Garda Síochána and HSE that may be of relevance to the investigation.
6. Consultation with a Tenants / Residents Associations may take place where a properly established representative estate management forum is in operation. However the local authority will be mindful of the fact that not all committees / associations are fully inclusive and therefore may not represent the views of the community as a whole. All such consultation will be conducted in general terms and specific details of incidents or alleged perpetrators will not be disclosed in the interests of confidentiality, safety and security of both the complainant and alleged perpetrator.
7. The possibility of complaints being vexatious or maliciously motivated will be borne in mind at all times.
8. Where the Community Liaison Officer forms the opinion that the complaint is bona-fide the alleged perpetrator will then be interviewed by the Community Liaison Officer / Housing / Town Council staff. Details of the allegations made will be outlined to them and they will be given an opportunity to tell their side of the story. A standard interview form for recording the proceedings of the meeting will be used. The tenant will be warned of the consequences of breaching the Tenancy Agreement, and of any necessity to contact the Gardaí or other relevant agencies involved regarding the complaints. Following the meeting, a letter will issue outlining the agreement reached by both parties and any follow up action that may be necessary.
9. Communications with all parties will be conducted in an objective and impartial manner at all times.
10. Where Offaly Local Authorities determines, having regard to all available information, that the tenant is in breach of the tenancy agreement on the grounds of anti-social behaviour, a warning letter will issue advising them of the Council's opinion. The letter will include particulars of the consequences of their action and that in the event of eviction, they:-
 - Would be deemed to have made themselves homeless
 - Would not be entitled to emergency homeless services
 - May not be entitled to supplementary welfare allowance following assessment by the HSE
11. Where an alleged perpetrator does not make themselves available to discuss the alleged complaint or does not abide by the terms of an existing agreement, the Community Liaison Officer (or other staff dealing with a complaint) will make a recommendation on the appropriate action to his / her immediate supervisor.
12. In the event of further complaints being made and upheld, Offaly Local Authorities will where appropriate, terminate the tenancy, and commence the process of recovering possession of the premises.
13. A Notice to Quit will be served, and legal advisors instructed regarding Court proceedings.
14. Where it is not appropriate to terminate the tenancy e.g. where a son or daughter is involved in anti-social behaviour, the tenant / tenants will be requested to obtain an "Excluding Order" against that member.

15. If, after consulting with a tenant and the Health Services Executive, the Council believe that the tenant may be deterred or prevented by violence, threat or fear from pursuing an application for an Excluding Order, and considers that in “the interest of good estate management”, it is appropriate for Offaly Local Authorities to apply for the Excluding Order, it may
- Proceed to seek an “Excluding Order” or
 - Terminate the tenancy, and invoke the procedure as outlined in 12 and 13 above.
16. Where it comes to the attention of Offaly Local Authorities that an existing tenant has been convicted (in a court of law) of an offence considered to be anti-social behaviour, the Council will seek legal advice with a view to evicting / excluding the tenant involved.
17. The Tenant may appeal the Council decision to evict or exclude them within a three-week period in accordance with the Housing Services Appeals procedures. They are to be informed of this right of appeal upon receipt of a Notice to Quit or of a notice seeking an Excluding Order.
18. It will be the policy of the local authorities to keep all information obtained in relation to anti-social behaviour in a secure place to which only the designated staff involved in the process will have access.

7. Follow-Up Action & Response to Anti-Social Behaviour

All complaints regarding anti-social behaviour incidents will be acknowledged in writing within 10 days.

Where a complaint has been investigated and remains unresolved or an existing 'agreement' has not been complied with and the Community Liaison Officer / Housing / Town Council staff member is of the opinion that further action is warranted, a recommendation on further action will be made, based on the particular circumstances: -

Non-Legal Action


A recommendation will be made to an Administrative Officer to take the appropriate action. It is desirable that situations will be resolved using non-legal mechanisms where possible. Such action could include one or more of the following:

- Issue of warning letter
- Reaching written agreement with the perpetrator and putting in place appropriate monitoring mechanism for compliance
- Bring in other agencies to provide necessary supports identified during the investigation process (e.g. HSE)
- Engagement of mediation services
- Transferring of either victim or perpetrator to another dwelling in exceptional circumstances

Legal Action

A recommendation will be made to the relevant Director of Services by the Senior Executive Officer, Housing / Town Clerk for the institution of appropriate legal proceedings e.g. eviction, exclusion order, etc. However this option will only be used as a last resort when all non-legal solutions have failed or been deemed inappropriate to the situation. Regard will also be had to the needs and welfare of other family members or dependants who will be directly affected by the legal proceedings in question.

APPENDIX A Complaint Form

 <small>Comhairle Chontae Uíbhí Fáilte Offaly County Council</small>	Anti- Social Behaviour Complaint Form Offaly Local Authorities	Ref No.	
Date of Incident:		Date reported to Council:	
Your Name:			
Your Address:			
Your contact No:			
Form of complaint	By phone	By Letter	In person
Name of person you are complaining about:			
Address of person you are complaining about:			

Nature of Complaint (including times, dates, other witnesses - as detailed as possible)

Location Of Incident	
Reported to Gardai	Yes No
Name of Garda Station	
Time reported at	
Name of Garda	
Name and position of person who recorded complaint	

I hereby declare that the foregoing information I have supplied to Offaly Local Authorities is truthful and accurate.

SIGNATURE OF _____ DATE _____

For Office Use Only

Complainant File No	
Respondent File No	
Gardaí Contacted to confirm incident	YES <input type="checkbox"/> NO <input type="checkbox"/>
Outcome of Gardaí report	
Respondent Interviewed	YES <input type="checkbox"/> NO <input type="checkbox"/>
Date of Interview	
Venue of Interview	
Interviewers	
Action taken (verbal / written warning, agreement reached/signed)	
Follow up action	
Outcome (Ongoing, Solved, For follow up)	