



Wexford County Council

Anti-Social Behaviour Strategy 2018 – 2024

February 2018

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1.0 Mission Statement

Wexford County Council will not tolerate Anti-Social Behaviour and is committed to the peaceful occupation of dwellings within its area of responsibility.

Wexford County Council will investigate complaints of Anti-Social Behaviour in a fair, impartial and efficient manner.

Wexford County Council will take all appropriate steps, in accordance with best practice as set out in this Strategy and work towards the elimination of Anti-Social Behaviour in accordance with the Housing Acts 1966-2014.

For a definition of Anti-Social Behaviour see Appendix 1 (page 14)

1.2 Introduction

Wexford County Council acknowledges that Anti-Social Behaviour can create major problems in a community for everyone living there and that it can have a seriously negative impact on the lives of people. Wexford County Council is committed to work towards the prevention and elimination of Anti-Social Behaviour to ensure that all of its tenants enjoy living in their dwellings in a peaceful manner and without undue interference as a result of Anti-Social Behaviour.

Wexford County Council recognises that the vast majority of its tenants live in and wish to enjoy the peaceful occupation of their dwellings and that only a very small number of tenants are involved in Anti-Social Behaviour. There is however, an obligation on all tenants to ensure that neither they nor any member of their household or visitor to engage in Anti-Social Behaviour of any kind.

Under Section 35 of the Housing (Miscellaneous Provisions) Act 2009, all housing authorities must adopt an Anti-Social Behaviour Strategy. Wexford County Council adopted its Strategy on Anti-Social Behaviour on 11th October 2010. In updating this Strategy Wexford County Council have had regard now to the Housing (Miscellaneous Provisions) Act 2014.

The Strategy will apply to those parts of its administration where Wexford County Council has:

- a) Dwellings let under the Housing Acts 1966 to 2014.
- b) Dwellings that are subject of Chapter 4 tenancy agreements in accordance with Housing (Miscellaneous Provisions) Act 2009 (Rental Accommodation Scheme).
- c) Dwellings let under the Social Housing Leasing Initiative in accordance with the Housing (Miscellaneous Provisions) Act 2009 (Long Term Leasing Scheme).
- d) Dwellings in which relevant purchasers live (as defined in the 1997 Housing Act, as amended) – see Appendix 2, note 1 (page 19).
- e) Sites for Travellers ('site' in this context is defined in the Housing (Traveller Accommodation) Act, 1998) – see Appendix 2, note 2 (page 19).

The strategy will also cover:-

- a) Tenant purchasers under Section 90 of the Housing Act 1966, and their successor(s) in title.
- b) Incremental purchasers under part 3 of the Housing (Miscellaneous Provisions) Act, 2009 and their successor(s) in title.
- c) Tenant purchasers of apartments under part 4 of the Housing (Miscellaneous Provisions) Act, 2009 and their successor(s) in title.

2.0 Policy Statement

Wexford County Council acknowledges that Anti-Social Behaviour can have an adverse effect on the quality of life of tenants of the Council. The Council is committed to ensuring that all of its tenants enjoy living in their dwellings in a peaceful manner and without undue interference for difficulties as a result of Anti-Social Behaviour.

Accordingly, it is the policy of this Council that Anti-Social Behaviour will not be tolerated and the Council undertakes with its tenants that it will take proactive action to seek to prevent such behaviour and where it occurs, the Council will, if necessary, use all legislative means available to it in combating such behaviour.

This policy will be implemented by achieving the objectives and applying the strategies detailed in this document.

3.0 Objectives:

This strategy has as its principal objectives:

- 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 or bodies including the Health Service Executive and An Garda Síochána, in the performance of their respective functions in relation to preventing or reducing Anti-Social Behaviour in order to avoid or reduce duplication of effort between the housing authority and the other person or body(ies) in performing its function.
- d) The promotion of good estate management as defined by Section 1 of the Housing (Miscellaneous Provisions) Act 1997.

4.0 Strategies

The Council will endeavour to achieve these objectives by adopting the following strategies:

4.1 Establishment of a dedicated Anti-Social Behaviour Unit

The Council will ensure a dedicated unit is in place to deal with incidents of Anti-Social Behaviour, with specially trained staff working closely with Senior Housing Management. The Council will co-ordinate this service centrally, with dedicated Housing teams to include Housing Liaison Officers, Housing Officers and Social Workers working at District Level.

4.2 Working with Service Providers

In building sustainable communities, Wexford County Council recognises the need for a multi-disciplinary approach. To deliver on our policy an effective partnership is required between the local authority and other service providers.

The Council will implement rigorous screening of applicants. The Council may request information on applicants for Social Housing Support and on persons it believes are, or have been, engaged in Anti-Social Behaviour, from other local authorities or from specified bodies including An Garda Síochána, the Health Service Executive and the Criminal Assets Bureau in accordance with the provisions of Section 15 of the Housing (Miscellaneous Provisions) Act, 1997.

4.3 To enforce the legislation in the most serious of cases

With a structured complaints system in place the Anti-Social Behaviour Unit can identify serious cases and react accordingly. If necessary, the Council will make use of existing legislation and institute legal proceedings which may lead to eviction or excluding orders by way of eviction and excluding order proceedings. The Council recognises that enforcement in serious cases can lead to the prevention of future Anti-Social Behaviour within estates.

4.4 Pre-Tenancy Courses

Wexford County Council organises pre-tenancy courses with all prospective tenants. These courses are very informative and assist in the prevention of Anti-Social Behaviour and breaches of tenancy agreements.

The course examines the Tenancy Agreement and explains the consequences of breaching the terms of the agreement. The obligations of tenants (e.g. payment of weekly rent, maintenance of dwellings etc) are outlined. The course also deals with Anti-Social Behaviour and the complaints system is fully detailed. Contact information is provided to the prospective tenants.

4.5 To issue Maintenance Letters / Tenancy Notification Letters / Tenancy Warnings for non-upkeep of property

If breaches of the Tenancy Agreement in relation to non-upkeep of property come to the attention of the Anti-Social Section, Maintenance letters/Tenancy Warnings may be issued. This has a positive effect on the community and encourages Council tenants to maintain their dwellings to an acceptable standard. The Housing Liaison Officers will maintain a record of such correspondence for non-upkeep of property, for follow-up, reference and statistical purposes.

4.6 Communication

A brief synopsis of this policy will be communicated to all of our tenants either by post, public meetings, pre-tenancy/information courses, residents' meetings, or by the display of leaflets in all of our Council offices, libraries and the Council's website: www.wexford.ie.

5.0 Tenancy Agreement and Legislation

The Tenancy Agreement and Legislation, which form an integral part of the Strategy, are contained in Appendix 1 (page 14) of the Strategy.

With regard to amendments of legislation, Wexford County Council will implement, at the appropriate time, relevant parts of amending legislation. Also the strategy will have regard to any subsequent revision / amendment of the Council's Tenancy Agreement which will form part of the Strategy.

6.0 Policy in implementing the legislation

6.1 Prevention of Anti-Social Behaviour

1. The Housing Liaison Officer has an integral and substantial role in the active and positive management of the Council's tenants and the Council's housing stock, which includes:-
 - a) Dealing with Anti-Social Behavioural Issues, which involves identifying problem families, meeting with resident groups in assisting in a solution, setting up interagency meetings in dealing with Anti-Social Behaviour.
 - b) Managing and implementing pre tenancy training courses.
 - c) Liaising with outside agencies, voluntary and statutory, whose co-operation and resources may be required in promoting better estate management, and promoting and arranging joint initiatives with other relevant agencies e.g.

vulnerable clients (elderly, those with ill-health, disabled and those who are socially isolated/deficient in Home Life Skills).

2. The Housing Officers will facilitate the establishment of new resident associations as well as support existing resident associations through the Local Authority Estates Incentive Budget.

6.2 Refusal / Deferral of an Allocation on Grounds of Anti-Social Behaviour

1. The Council may use its right under Section 14(1) of the Housing (Miscellaneous Provisions) Act, 1997 (as amended) to refuse to let, or to defer the letting of a dwelling where:-
 - a) A Garda report confirms applicant's conviction(s)
[The period of deferral will depend on the seriousness of the crime with consideration to client's ability to sustain tenancy satisfactorily - see Appendix 2 note 3 (page 19)].
 - b) The Council receives information that there is a serious criminal investigation ongoing against the applicant or against a person who forms part of the application; [- see Appendix 2 note 4 (page 19)].
 - c) The Council believes an applicant is or has been engaged in Anti-Social Behaviour, and where such a letting would not be in the interest of good estate management; [- see Appendix 2 note 5 (page 19)].
 - d) An applicant with a conviction for a sexual crime (against adults or children) refuses to undertake a risk assessment with a recognised body.

6.3 Refusal / Deferral of an Allocation on the Grounds of Good Estate Management

Wexford County Council will refuse to make an allocation or will defer the making of an allocation to any housing applicant where it considers there is good reason for doing so on the grounds of good estate management. This will include any person proposing to reside in the dwelling. In determining this, each case will be treated on an individual basis and the applicant will be informed of the Council's decision. A housing applicant whose application has been refused or deferred can appeal the decision in writing within 21 days. An applicant can apply in writing to have the decision to refuse/defer his/her application reviewed every twelve months. The decision may be reconsidered depending on the circumstances of the applicant or the estate.

6.4 Refusal / Deferral of an Allocation on the Grounds of Failing to Provide Information

Wexford County Council will refuse to make an allocation or will defer the making of an allocation to any housing applicant who fails to provide information requested by the Council relating to persons residing with or intended to reside with the applicant

and which the Council considers necessary for the full consideration of the application. The applicant will be informed of the reasons for the refusal/deferral and this decision will be reviewed when the Council is satisfied that all relevant information has been disclosed.

6.5 Refusal to Sell a Dwelling on the Grounds of Anti-Social Behaviour

The Council may refuse to sell or will defer the sale of a dwelling to a person if it considers the person is or has been involved in Anti-Social Behaviour. This will include any person proposing to reside in the dwelling. In determining this each case will be considered on individual basis. This decision may be reconsidered if the Council is satisfied that the person has desisted from such behaviour and sufficient time has elapsed to substantiate this. The person will be fully informed of the reasons for the refusal / deferral. The Council may also refuse consent to the sale / purchase of a dwelling it considers that the intended purchaser is or has been engaged in Anti-Social Behaviour. A person / tenant applying to purchase, a tenant purchaser or / and his or her successor in title applying for consent to sell a dwelling and an applicant for consent to purchase a dwelling whose application has been refused / declined will have the right to appeal the decision in writing within 21 days. An applicant can apply in writing to have the decision to refuse his / her application reviewed every twelve months.

This section will apply to dwellings provided by the following enactments:

S.90 Housing Act 1966 (tenant purchase scheme)
S3 Housing (Miscellaneous Provisions) Act 1992 (shared ownership scheme)
Part V Planning and Development Act 2000
S6 Housing (Miscellaneous Provisions) Act 2002 (affordable houses scheme)
Part 3 Housing (Miscellaneous Provisions) Act 2009 incremental purchase scheme
Part 4 Housing (Miscellaneous Provisions) Act 2009 (tenant purchase apartment scheme)
Part 3 Housing (Miscellaneous Provisions) Act 2014 (Purchase of Houses by Tenants)

6.6 Combating Anti-Social Behaviour

1. The Council's response to Anti-Social Behaviour will be co-ordinated with those of other statutory bodies including co-operating with An Garda Síochána, the Health Service Executive, the Department of Social Protection and the Probation Services, that could play a role in dealing with problems of this nature.
2. Notwithstanding the role of the statutory agencies, Wexford County Council acknowledges and values the input of other organisations and groups that may be consulted in particular instances. These include:
 - Voluntary Bodies
 - Residents Associations/Community Groups
 - Family resource and outreach centres

3. The inclusion of other agencies will be dictated by individual cases as they arise.
4. The Council guarantees confidentiality to the complainant (covered under Section 26 of the Freedom of Information Act, 1997, as amended). The name of the complainant will not be passed on to other agencies without prior consent.
5. Inform tenants of their right to apply for an excluding order against any other occupant of their dwelling where the tenant believes that the other occupant is engaging in Anti-Social Behaviour (covered under Section 3 of the Housing (Miscellaneous Provisions) Act, 1997.
6. Where the tenant, through fear, will not make the application, this Council may exercise its right to make the application for the excluding order or seek redress in the District Court pursuant to Section 12 of the Housing (Miscellaneous Provisions) Act, 2014.
7. Where there is a conviction for drug dealing, the Council will immediately consider proceeding for either an Excluding Order as above, or where all occupants are involved, an application to the District Court under Section 12 of the Housing (Miscellaneous Provisions) Act, 2014.
8. The Council is committed to putting in place, good practice guidelines in relation to preventing and combating Anti-Social Behaviour and will continue to carry out research in this area.

6.7 Excluding Orders

Wexford County Council will apply Section 3 of the 1997 Act, as amended (Excluding Order) if practicable, in order to allow for a more targeted approach in dealing with persons engaged in Anti-Social Behaviour and in order to avoid if possible the eviction of an entire household.

Except in exceptional circumstances, applications for Excluding Orders in relation to adults will be for three years and will be in respect of the dwelling and the estate in which the dwelling, from which the Anti-Social Behaviour is emanating, is situated and any other relevant estate. In accordance with legislation, the Council will not seek an Excluding Order against a juvenile who is under 12 years of age. Where the juvenile is over 12 (and under eighteen) years, and the case is serious and significant, the application will refer to a specified property, place or area other than the juvenile's family home.

6.8 Drug Dealing

Wexford County Council will adopt a very strict policy in relation to tenants / occupants involved in drug dealing from Council dwellings.

The Council will not tolerate the manufacture, production, preparation, importation, exportation, sale, supply, or possession for the purpose of sale or supply, or

distribution of a controlled drug, including psychoactive substances within the meaning of the Criminal Justice (Psychoactive Substances) Act 2010, in any of its dwellings and in serious cases will refer such a complaint to an in-house case conference for immediate action. This action may include an Excluding Order or Possession Proceedings against the entire household.

6.9 Threats / Intimidation of Council Employees

Wexford County Council will not tolerate any assaults, threats, intimidation, obstruction, harassment or interference with its employees who are involved in the implementation of this policy in accordance with the provisions of the Housing Acts 1966 to 2014 and will consider legal proceedings against any person engaged in such activity. Assaults against employees will be reported to An Garda Síochána.

6.10 Squatters

Wexford County Council will immediately request An Garda Síochána to assist with the removal of illegal occupiers (squatters) of dwellings who are engaging in Anti-Social Behaviour. A member of An Garda Síochána will be requested to direct such a person to leave the dwelling or face arrest and prosecution.

7.0 Complaints Procedure

7.1 Recording a Complaint:

1. Complaints will be accepted by telephone, in person, by post, by email or by filling in an Anti-Social Behaviour Report Form (See Appendix 8, page 29)
2. Wexford County Council will have due regard to protecting the identity of persons informing it of Anti-Social Behaviour.

7.2 Investigating the Complaint

1. Anti-Social Behaviour Complaints, correspondence and /or Report Forms are forwarded to the relevant District Housing Liaison Officer for investigation.
2. Investigations may be 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.
3. The Council may also:
 - Interview the complainant
 - Interview the person against whom the complaint is made
 - Make enquiries within the area where the alleged incident occurred
4. All statements and interview notes will be recorded. Wexford County Council has a confidential computerised complaints system to manage and monitor all complaints.

5. Following investigation, and if further action is considered necessary, a district housing team meeting and / or a Housing Anti-Social Behaviour Unit meeting will be held to decide what course of action is to be taken.
6. It is the aim of the Council to give all people who are the subject of complaints, every opportunity to address the issues.
7. If these measures are not successful or if the person or persons refuse to comply or engage with the Council the procedures set out hereunder will be followed.

7.3 Involvement of other Agencies

The Council will not apply to the District Court for an excluding order or an order to terminate a tenancy for reasons of Anti-Social Behaviour without first consulting with the Health Service Executive and An Garda Síochána with regard to its intention to bring such an application. The Council will also notify the Health Service Executive and An Garda Síochána of the outcome of any court proceedings under the Housing (Miscellaneous Provisions) Acts 2009-2014.

7.4 Action

1. If a tenant is convicted of drug dealing or serious acts of violence, the Council may consider:
 - a) An application to the District Court in the Court Area where the property is situated for an excluding order under the Housing (Miscellaneous Provisions) Acts, 1997 - 2014 in circumstances where not all occupants are involved.
 - b) An application to the District Court in the Court Area where the property is situated for an order for possession under Section 12 of the *Housing (Miscellaneous Provisions) Act, 2014*.
2. The Council may deal with other complaints using all or any of the following measures:
 - a) Interview alleged offender and issue a verbal warning – recorded on file.
 - b) Issue a written warning.
 - c) Issue a final warning.
 - d) Issue a Tenancy Warning under Section 7 of the Housing (Miscellaneous Provisions) Act, 2014.
 - e) (e) Commence Court Proceedings to recover possession of the property [Section 12 of the Housing (Miscellaneous Provisions) Act, 2014].
3. Where an excluding order or order for possession is obtained in court by the Council as a result of Anti-Social Behaviour, the tenant will be deemed to have deliberately rendered him or herself homeless and will not be considered for re-housing by this Council. This Action will not debar them for qualifying for the

Housing Assistance Payment to allow them seek private rented accommodation.

4. A similar approach will be adopted by the relevant landlord to deal with tenants engaging in antisocial behaviour who are accommodated under the Rental Accommodation Scheme or Long term Leasing Initiative, using the provisions of the Residential Tenancies Act, 2004.

Appendix 1: Definition of Anti-Social Behaviour, Tenancy Agreement and Legislation

Definition of Anti-Social Behaviour

The Housing (Miscellaneous Provisions) Act, 2014 (Part 2 and amendment of Act of 1977) defines Anti-Social Behaviour as:

“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 that causes or is likely to cause any significant or persistent danger, injury, damage, alarm, loss or fear to any persons living, working or otherwise lawfully 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 other marks of any property, including a person’s home.”

Definition of estate management: (Housing (Misc. Provisions) Act 1997, as amended.

“estate management” includes-

- a) the securing or promotion of the interests of any tenants, lessees, owners or occupiers, whether individually or generally, in the enjoyment of any house, building or land provided by a housing authority under the Housing Acts, 1966 to 1997,
- b) the avoidance, prevention or abatement or Anti-Social Behaviour in any housing estate in which is situate a house provided by a housing authority under the Housing Acts 1966 to 1997 or a site.

Possession of illegal drugs solely for personal use does not come within this definition. However, it may be considered to be a breach of the tenancy agreement. The Housing (Miscellaneous Provisions) Act 2009 widens the powers to include acts of vandalism such as graffiti and criminal damage to property. Serious violence and intimidation is frequently associated with drug dealing and must for the purposes of this Act involve significant or

persistent danger, injury, damage etc. to persons. The definition does not include noise (see 7.6) and nuisance or other activities, which would not normally be associated with the serious problems towards which the Act is targeted. However these lesser activities could represent breaches of the tenancy agreement and if this is the case legal proceedings under current legislation can be considered.

Tenancy Agreement

Every Local Authority tenant signs a tenancy agreement when allocated a dwelling. The tenancy agreement, sample below, contains a set of rules regarding Anti-Social Behaviour and breaches of some of these rules are considered to be serious and will be investigated by the Anti-Social Behaviour Section.

Every tenant is supplied with a tenant's handbook which outlines the tenant's obligations with respect to the tenancy agreement. These obligations are also explained to tenants at Pre-tenancy courses.

Sample of Terms and Conditions concerning Anti-Social Behaviour contained in the Council's tenancy agreement (note: following sample from January 2018):

2. The Tenant hereby agrees with the Council as follows:
 - a) To pay the rent as aforesaid on each Saturday.
 - c) The Tenant shall not assign, subdivide or part with the possession of the dwelling or any part thereof or make any letting in conacre or otherwise of the garden attached to the dwelling or, without the consent of the Council, sublet or allow any part of the dwelling to be occupied by a lodger.
 - f) The Tenant shall not, save with the consent of the Council, cease to reside in the dwelling for more than six weeks in any period of fifty-two weeks.
 - g) The dwelling shall not be used as a shop, work-shop or factory or for any purpose whatever other than as a dwelling house.
 - h) No trading signs of any description shall be erected or displayed on or about the dwelling without the consent of the Council.
 - i) The Tenant shall not cause any damage to the dwelling and shall keep the dwelling in a clean and proper state and shall not allow any refuse or offensive matter to accumulate in any portion thereof.
 - j) The Tenant shall not keep any poultry, pigs or other animals (other than domestic pets which are not likely to create a nuisance or become a source of annoyance) on the premises. No dangerous dogs as classified under The Control of Dogs Regulations 1998 can be kept and a maximum of 2 dogs may be kept on the premises. No dogs except guide dogs may be kept in apartments.
 - k) The Tenant shall not execute any additions, alterations, improvements, or any other works in, or in relation to, the dwelling or premises or erect any shed, garage, out-office, or other building, alter, exchange or remove any fireplace or cooking appliance or other fixture without the consent of the Council first, obtained in writing.

- l) The Tenant shall keep the interior of the said dwelling and out-offices in good and tenantable order and repair and so deliver up the same on the termination of the tenancy and repair and replace all glass and window panes which may be broken, damaged or destroyed; from time to time paint all internal and external woodwork and metal work and shall be responsible for any damage to fixtures, fittings and structure and where such works are carried out and such damage or breakage is repaired by the Council, the Tenant shall pay the cost of such works or repairs to the Council.
- m) The Tenant shall, on notice given by the Council forthwith, repair the interior of the dwelling house in accordance with such notice.
- n) The Tenant shall keep the fence of the garden or plot in repair and in the case of a party fence shall keep in repair such portion thereof as shall be designated by the Council.
- o) The Tenant shall not erect or allow to be erected on any part of the premises, a television aerial, unless an Insurance Policy has been taken out indemnifying the Council against damages to any part of the premises and/or against any claims by third parties in respect of injury to person or property arising from the existence of the aerial; the Tenant shall, whenever required by the Rent Collector or any other Official of the Council, produce/submit for inspection, the Insurance Policy or renewal receipts or such other evidence as may be required as to the existence of adequate insurance cover. The Tenant shall, if required by the Council, remove the aerial from the premises or carry out any work, which in the opinion of the Council, is necessary to ensure that the aerial is erected and secured in a safe workman like manner.
- p) The Tenant shall keep in a presentable state, the plot of ground attached to the dwelling.
- r) The Tenant shall, on the termination of the tenancy, peaceably and quietly deliver up possession of the dwelling to the Council.
- s) The Council shall have the right to re-enter upon and resume possession of the dwelling for breach, non-performed or non-observance of any of the provisions of the Letting Agreement.
- u) Notices under the Housing Acts 1966 to 2014 may be served by the Council to the Tenant either personally or by leaving it with some person over sixteen years of age resident in the house or by leaving it at the dwelling.
- w) the property shall not be used in such a manner as to become a nuisance or annoyance or cause damage, or inconvenience other Council inhabitants of the adjoining house or to the owner/occupiers of house in the neighbourhood or to member of the public.

Legislation

The legislation available to Wexford County Council in dealing with Anti-Social Behaviour includes the following:

Housing (Miscellaneous Provisions) Act, 1997,
Housing (Miscellaneous Provisions) Act, 2009 and
Housing (Miscellaneous Provisions) Act, 2014

Relevant legislation in relation to Traveller Accommodation includes:

Housing (Miscellaneous Provisions) Act, 1992,
Housing (Miscellaneous Provisions) Act, 1997 and
Housing (Traveller Accommodation) Act, 1998
Housing (Miscellaneous Provisions) Act, 2014

Anti-Social Behaviour Strategy

The Housing (Miscellaneous Provisions) Act, 2009, S. 35 allows for the adoption of an Anti-Social Behaviour strategy with the principal objectives being-

- a) the prevention and reduction of Anti-Social Behaviour,
- b) the co-ordination of services within the housing authority directed at dealing with, or preventing or reducing, Anti-Social Behaviour,
- c) the promotion of co-operation with other persons, including the Garda Síochána, in the performance of their respective functions insofar as they relate to dealing with, or the prevention or reduction of Anti-Social Behaviour, having regard to the need to avoid duplication of activities by the housing authority and such other persons in the performance of those functions, and
- d) the promotion of good estate management.

The drawing up and adoption of, and the amendment of, an Anti-Social Behaviour strategy is a reserved function.

Possession Applications

Part 2 of the Housing (Miscellaneous Provisions) Act, 2014 repeals S.62 Housing Act, 1966 and allows for the issuing of Tenancy Warnings, the carrying out of Reviews of Tenancy Warnings and proceedings for possession of local authority dwellings. (see 7.11 of the Strategy).

Excluding Orders

The Housing (Miscellaneous Provisions) Act 1997, as amended, allows applications for Excluding Orders by a tenant/relevant purchaser or by a Local Authority. The legislation is designed to have a more targeted response to Anti-Social Behaviour whereby the specific offenders are dealt with while avoiding the eviction of the entire household. If granted, an

Excluding Order can prohibit the respondent from entering the relevant dwelling or the entire estate for a period up to three years. An Excluding Order can also prohibit a respondent from causing or attempting to cause any intimidation, coercion, harassment or obstruction of, threat to, or interference with the tenant or other occupant of the dwelling concerned. S.34, 35 and 36 of the Housing (Traveller Accommodation) Act 1998 amends the 1997 Act and allows for Excluding Order legislation to be extended to sites provided for members of the travelling community. The Traveller Accommodation Unit is responsible for these applications and their procedures and preventative measures regarding Anti-Social Behaviour are contained in the Traveller Accommodation Programme 2014 – 2018.

Under S. 19 of the Housing (Miscellaneous Provisions) Act, 2014 an application for an Excluding Order may not be made against a person who is under twelve years of age.

Under the same Act, where the grounds for a possession application are Anti-Social Behaviour by a household member other than, where there is no joint tenant, the tenant, then the District Court may decide to determine the possession application as if it were an application for an Excluding Order.

Domestic Violence

Cases of domestic violence do not come within the scope of this legislation. An Garda Síochána and Tusla (Child and Family Agency) are the statutory agencies responsible for dealing with incidents of such nature and offer advice and support and assist with enforcement. However, the Council's Housing Welfare Service is available for further advice and support regarding housing issues surrounding domestic violence.

Intimidation of staff

Section 18 of the Housing (Miscellaneous Provisions) Act 1997 is amended by S. 19 (11) of the 2014 Act which creates a specific offence of intimidation against housing authority officials or employees, or any members of their families or households or any person who provides or is to provide evidence in any proceedings under the Act or Part 2 of the 2014 Act, the penalty being a Class A fine or 12 months imprisonment or both.

Freedom of Information/Data Protection

The Council will fully comply with the provisions of the Freedom of Information Act 2014 (see S. 7.2) and the Data Protection Act, 1988 as amended.

Appendix 2: Notes

NOTE 1:

A 'relevant purchaser' is defined in the *Housing (Miscellaneous Provisions) Act 2014* as a person to whom a housing authority has sold a house under *the Housing Acts 1966 to 2014*, or his/her successor(s) in title, other than an affordable house.

NOTE 2:

The definition of site as set out in The Housing (Traveller Accommodation) Act, 1998 Housing (Traveller Accommodation) Act, 1998 is as follows:

"site" means

- (a) a site to which section 13 of the Act of 1988 (as amended by this Act) applies,
- (b) a site provided or managed under section 6 of the Act of 1992, or
- (c) any other site for caravans for travellers provided or managed with or without the assistance of a housing authority;

NOTE 3:

An applicant for housing support - or a person who forms part of an application for housing support - that has a court conviction must demonstrate a subsequent period crime free, before an allocation of a Social Housing Support can be processed any further (excluding any period of custodial sentence).

NOTE 4:

Where there is a serious criminal investigation ongoing the allocation of a Social Housing Support will be deferred for an appropriate period or pending the outcome of any investigation.

NOTE 5:

Where the Council believes that an applicant, or a person who forms part of the housing application, is involved in Anti-Social Behaviour, the allocation of a Social Housing Support will be deferred until the Council is satisfied that the person has engaged successfully with the conditions set out for them, under the terms of the Councils **Deferral Matrix** (see Appendix 3, page 20).

Appendix 3: The Deferral Matrix

The deferral matrix requires the housing authority to take all available information – including Garda checks under Section 15 of the Housing (Miscellaneous Provisions) Act, 1997, information arising from housing assessments, information for any relevant supports (addiction, counsellors, social workers, SIMON, FOCUS, Home Action Team) – for each applicant known to have engaged in Anti-Social Behaviour.

Then, based on the available information, the applicant will be scored under the following 6 headings. Based on the total score a decision will be made to approve, defer or refuse an allocation of social housing support.

- | | |
|--|-------|
| 1. Undermining of Policy | (0-5) |
| 2. Seriousness of Offence(s) | (0-5) |
| 3. Timeliness (old / Recent of convictions | (0-5) |
| 4. Remorse/Rehabilitation/Risk/Recidivist | (0-5) |
| 5. Capability of independent living | (0-5) |
| 6. Interest of Good Estate Management | (0-5) |

If an applicant scores less than 13, the application may be approved and an offer of social housing support may be made.

If the score falls between 13-18, consideration may be made to the allocation of social housing support where further supports arranged and in consultation with the Housing Liaison Officer. Alternatively a decision may be made to defer the allocation of the social housing support for a specified period or to make the allocation on the condition that a certain person does not reside with the household or in the vicinity of the property.

If the score is greater than 18 any offer of social housing support is deferred for a period of 1 year. Should an offer of social housing support be made to the household following that 1 year deferral period, a renewal of all available information will be sought and another Deferral Matrix applied at that time.

If the score is greater than 25, any offer of social housing support is deferred for a period of 3 years. Should an offer of social housing support be made to the household following that 3 year deferral period, a renewal of all available information will be sought and another Deferral Matrix applied at that time.

Rationale behind the six headings:

1. Undermining Policy

Examples:

- a) Misleading information deliberately provided on application or to housing assessment officer during court of assessment
- b) Previous tenancy having been terminated by this Council or other Councils.

2. Seriousness of Offence

Examples

- a) Driving without tax etc., would not be considered.
- b) Minor cautions would be at the very low end of the scale.
- c) Section 3 Misuse of Drugs Act, would be considered low/middle scale
- d) Section 15 Misuse of Drugs Act, possession/sale of drugs would be at the higher end of the scale
- e) Section 15a Supply with intent would be at the high end.
- f) Repeated public order offences would be at the higher end of the scale.
- g) Assault would be middle to high, depending on the details.
- h) Possession of any weapon would warrant a high rating.

3. Timeliness

Examples

- a) Offence occurred within the past two/three years, and is habitual, this would be at the high end of the scale
- b) Offence occurred 10 years ago or more, this would be at the bottom of the scale. c. Offence was an isolated incident from a number of years earlier, this would be at the bottom of the scale

4. Remorse\Rehabilitation\ Risk\ Recidivist

Examples

- a) If the applicant is persistently offending, has not linked in with any supports, then this type of applicant would score particularly high in this category.
- b) If the person had an isolated incident or incidents in the distant past and has shown remorse is linked in with addiction services, perhaps giving evidence of prolonged clear drug tests etc they would be at the lower end of the scale.

5. Capability of Independent living

Examples

- a) If the applicant had sustained long tenancies with good references from his/her landlord this person would be at the low end of the scale on this category.
- b) If the applicant had presented as homeless, refused to link in with supports etc, this person would score high in this category.

6. Interest of Good estate management

Examples:

- a) If the applicant has a history of dealing drugs from home or intimidating people in the locality of his home etc., this person would come at the high end of the scale.
- b) A person who has ties in the estate and whom it may be evident that a potential feud may occur if appointed would score high at this end of the scale.

Having regard to the cumulative total applied, the following action / decision is made:

Scoring	Action / Decision
0-13	→Approve for Allocation of Social Housing Support
13-18	→Consider Allocation with further supports / liaison with Anti-Social Unit / Housing Liaison Officers →Consider DEFERRAL for a time to be specified →Consider allocation being CONDITIONAL on a certain person not residing with the household or being in the vicinity of the property.
18-25	→Allocation of Social Housing Support is DEFFERRED for 1 year, on condition of no evidence of recurrence of offending in that period
25-30	→Allocation of Social Housing Support is DEFFERRED for 3 years, following expiration of same, should a household be considered for an allocation of social housing support, evidence of no recurrence of offending during that period, must be provided

Appendix 4: Notification of Concern regarding breach of Tenancy Agreement

<Reference No.>

<DATE>

<Name of Tenant>

<Address 1>,

<Address 2>,

<Address 3>,

Co. Wexford.

Re: Breach of Tenancy – Allegations of Antisocial Behaviour

Dear

It has been brought to the Council's attention that you are allegedly in breach of Clause W of Tenancy Agreement, signed by you on <date> which states;

Section w

“the property shall not be used in such a manner as to become a nuisance or annoyance or cause damage, or inconvenience other Council inhabitants of the adjoining house or to the owner/occupiers of house in the neighbourhood or to member of the public”

- a. *The term “neighbour” means persons living or working in the vicinity of the tenant’s dwelling.*
- b. *For the purposes 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 Misuse of Drugs Act, 1977 as amended,*

You are hereby warned that if you fail to adhere to the terms of the Tenancy Agreement the Council will have no option but to issue proceedings for the recovery of possession of <ADDRESS> under Section 12 of the Housing (Miscellaneous Provisions) Act, 2014.

You should also be aware that if the Council evict you for breaches of the terms of the Tenancy Agreement you may not be subsequently re-housed by the Council.

Yours faithfully,

Authorised Officer

Appendix 5: Section 7 Tenancy Warning – Cover Letter

<File Ref>

<DATE>

<Name of Tenant>
<Address 1>,
<Address 2>,
<Address 3>,
Co. Wexford.

Re: Breach of Tenancy – Allegations of Antisocial Behaviour

Dear <Name of Tenant>,

It has come to the attention of the undersigned that complaints investigated by this Council confirm to the Council's satisfaction, that you and/or persons associated with your household, have allegedly engaged in antisocial behaviour, in breach of the terms of your tenancy agreement – copy attached.

In this connection, I enclose for your immediate attention, TENANCY WARNING issued in accordance with the provisions of Section 7 of the Housing (Miscellaneous Provisions) Act, 2014.

You should read this document carefully as there is a strong possibility that where you neglect to take immediate corrective action in relation to the conduct of your tenancy, the Council will have no option but to make application to the District Court to terminate that tenancy.

In such circumstances, you will be deemed to have made yourself homeless (*by virtue of engagement in antisocial behaviour*), thereby,

- Rendering you and your household, ineligible for housing support for a period of 12 months;
- Requiring you to source alternative accommodation, and to
- Defray the (market) cost of such alternative accommodation from your own resources without any assistance from the housing authority or the Department of Social Protection;
- Necessitating the housing authority to make contact with TUSLA, the Child and Family Agency, in relation to the welfare of your children in the event that the above action is necessary.

Yours faithfully,

Authorised Officer

Appendix 6: Section 7 Tenancy Warning

<File Ref>

<DATE>

<Name of Tenant>

<Address 1>,

<Address 2>,

<Address 3>,

Co. Wexford.

TENANCY WARNING

Section 7 of the Housing (Miscellaneous Provisions) Act 2014

Whereas by Tenancy Agreement dated the <DATE> (*hereinafter called “the Agreement”*) Wexford County Council (*hereinafter called “The Council”*) let the property commonly known as <Address, County Wexford> (*hereinafter called “the Property”*) to <NAME OF TENANT> (*hereinafter called “the Tenant”*)

Whereas Clause 19 (a) of the Agreement prohibits “*the tenant or any member of his/her household or of any household, or any sub-tenant or visitor to the property, from causing any nuisance, or permitting any conduct likely to cause annoyance or disturbance to any neighbours or their children or visitors or Council staff...*”

It has been apprehended by the Council that Section 19 of the Agreement has been breached by you, the Tenant, in the manner of

• <DESCRIPTION OF BREACH>

THE COUNCIL HEREBY CALLS UPON THE TENANT to refrain from this conduct immediately and to ensure that all persons associated with the household, either residing at the property or elsewhere, CEASE to cause nuisance or disturbance in order to comply with Clause 19 of the Agreement and prevent the detrimental effect of the breach from recurring or continuing.

TAKE NOTICE that if the breach continues or is repeated within 12 months of this Tenancy Warning coming in to effect, the Council may

- apply to the District Court under Section 12 of the *Housing (Miscellaneous Provisions) Act 2014* to recover possession of the Property, or alternatively, if appropriate,
- make application to the District Court under Section 3 of the *Housing (Miscellaneous Provisions) Act, 1997*, to exclude persons from the property and/or the

neighbourhood, who are continuing to be in breach of Clause 19 of the Tenancy Agreement. →

TAKE NOTICE that for a period of 3 years of this Tenancy Warning coming into effect, the housing authority may

- Refuse application from the tenant to purchase the dwelling under the terms of the prevailing Tenant Purchase Scheme, or
- Refuse an application from a person causing breach of Clause 19 of the Tenancy Agreement to purchase an alternative dwelling which requires the Council's consent pursuant to Section 89(c) of the Housing Act, 1966 (*as amended*), or
- Refuse to allocate or to defer the allocation of housing under Section 14(1) of the Housing (Miscellaneous Provisions) Act, 2997, to a person causing breach of Clause 19 of the Tenancy Agreement

You may request a Review of a Tenancy Warning within 10 working days from the issuing of this Tenancy Warning. A Review must be requested in writing.

Signed on behalf of the Council: _____
[Authorised Signatory]

Dated: ***This the*** _____ ***day of*** _____ ***201***__.

Appendix 7: Notification of Concern regarding breach of Tenancy Agreement– Rental Accommodation Scheme

<File Ref>

<DATE>

<Name of Tenant>
<Address 1>,
<Address 2>,
<Address 3>,
Co. Wexford.

**RE: WARNING NOTICE – Tenancy provided under Rental Tenancies Act, 2004
at <Address>, County Wexford.**

Dear

I wish to state that you are in breach of Clause <No.> of your Residential Tenancy Agreement for the above property. I have spoken with you on a number of occasions, specifically on the <date(s)> in relation to Anti-Social Behaviour at the above address on <date(s)> but it is clear that you continue to be in breach of your Tenancy agreement.

Therefore I am now officially serving a **WARNING NOTICE** on you which requires you to comply ***immediately*** with Clause <No> of your tenancy agreement, which states-

“<Insert text>

In circumstances where you fail to address the Anti-Social Behaviour and continue in breach of your tenancy agreement, I am obliged to issue you with a “Notice of Termination” requiring you to vacate the above property ***within 7 days*** in accordance with the provisions of Section 67(2)(a)(i) of the Residential Tenancies Act 2004.

It is incumbent on me to inform you that you will not be eligible for further housing support from the housing authority where your tenancy is terminated on grounds of Anti-Social Behaviour.

Yours faithfully,

Landlord.

Appendix 8 – Anti-Social Behaviour Complaints Form

Private & Confidential

Anti –Social Behaviour Complaint Form

Wexford County Council

Date of Incident	Respondents name
Date of reported to Housing	
Complainants Name (optional)	Respondents Address
Complainants Address (optional)	
Complainants contact number (optional)	

Nature of complaint

(Please insert dates, times, other witness, as detailed as possible)

Location of incident
Reported to Garda
Name of Garda station
Time reported
Garda Name

I hereby declare that all the information I have supplied to Wexford County Council is truthful and accurate

Signature of complainant _____

Date: _____