



Offaly County Council

Anti - Social Behaviour Strategy

2020 - 2026

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Introduction

A key objective of Offaly County Council's Corporate Plan 2019-2024 is to promote and build sustainable communities. This will be delivered by improving estate management, engaging and fostering tenant participation and, working with other agencies and stakeholders, to develop a sense of ownership, pride of place and allow all to live without conduct that violates the basic rights of another person or behaviour that is considered to be disruptive to others.

By harnessing the skills and good-will of tenants, this can help to create more cohesive communities in local authority estates and lead to better integration with private estates and with commercial/industrial interests. Achieving good practice in enabling tenant participation in housing estate management is a challenging task and over the past two decades the task of managing local authority housing has become more challenging from a range of perspectives.

Widespread take-up of tenant purchase schemes means that, in the vast majority of local authority estates, not all residents rent their homes from the local authority. Furthermore, the implementation of Part V of the Planning and Development Act, 2000 and recent acquisition programmes have resulted in new local authority dwellings being located in estates which contain many tenures including owner occupied, Approved Housing Bodies housing and affordable housing.

Offaly County Council acknowledges that anti-social behaviour in local authority properties and estates is challenging and can have an adverse effect on the quality of life for all. The effect of this behaviour can be seen in terms of direct impact on certain individuals and families and also the wider community. It is essential that anti-social behaviour problems encountered by residents are addressed in an effective manner. It is the policy of Offaly County Council that anti-social behaviour will not be tolerated and accordingly, the Council, in partnership with other bodies and agencies, as appropriate, will utilize appropriate means to address anti-social behaviour incidents.

A policy for addressing anti-social behaviour was adopted by Offaly Local Authorities in March 2005; revised and adopted subsequently by the members of Offaly County Council in September 2008, October 2010 and more recently in January 2016.

The Housing (Miscellaneous Provisions) Act 2009, Sn 35, formalises the adoption of such strategies by requiring the Housing Authority, by reserved function, to adopt an Anti-Social Behaviour Strategy for the prevention and reduction of anti-social behaviour in its housing stock.

This Anti-Social Behaviour Strategy sets out measures to promote good estate management and co-operation with other bodies, such as the Gardaí, that have a role to play in effectively addressing anti-social behaviour.

The drafting, adoption and amendment of an Anti-Social 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 Housing Act of 1997 or 2009 or the Housing (Miscellaneous Provisions) Act 2014 or to seek damages for a housing authority's failure to perform any such function.

Mission Statement

“To improve estate management by fostering tenant participation and working with other agencies and stakeholders, develop a sense of ownership and respect through effective estate management schemes.”

Policy Statement

Offaly County Council acknowledges that it has a responsibility to all its tenants to promote the peaceful occupation and enjoyment of all local authority properties. In this regard it is the policy of this Council that **anti-social behaviour will not be tolerated** and the Council undertakes to take proactive action to identify and prevent such behaviour through implementing this strategy and, when necessary, the Council intends to use all legislative means available to address anti-social behaviour in our houses and estates.

Anti-Social Behaviour

Anti-social behavior is considered to be present when a person’s or a family’s behavior adversely affects the quality of life of those living in the locality of the disturbances up to and including the quality of life of the overall community.

Anti-Social Behaviour is defined in the Housing (Miscellaneous Provisions) Act 2014 (Part 2 and amendment of Act of 1997)

‘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 Acts 1977 to 2007) to include psychoactive substances (within the meaning of the Criminal Justice Psychosocial Substances Act 2010.

(b) any behaviour which causes or is likely to cause any significant or persistent danger, injury, damage, alarm, loss or fear to any person living, working or otherwise lawfully in or in the vicinity of a house provided by a housing authority under the Housing Acts 1966 to 2014 or Part V of the Planning and Development Act 2000, or a housing estate in which the house is 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.”

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 shall be considered.

Estate Management is defined in Section 1 of the Housing (Miscellaneous Provisions) Act 1997 and includes:

- (1) 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 2009 or Part V of the Planning and Development Act 2000

- (2) The avoidance, prevention or abatement of anti-social behaviour in any housing estate which is situate a house provided by a housing authority under the Housing Acts 1966 to 2009 or Part V of the Planning and Development Act 2000.

Legislative Framework

The adoption of this Anti-Social Behaviour Strategy is provided for under section 35 of the Housing (Miscellaneous Provision) Act 2009 for the prevention and reduction of anti-social behaviour involving local authority tenants.

Legislative relevant to the operation of the Anti-Social Behavior Strategy

- Housing Act 1966, as amended
- Housing (Miscellaneous Provision) Act 1997, (as amended by 197 of the Residential Tenancies Act 2004) and Housing (Miscellaneous Provisions) Act 2009.
- Housing (Traveller Accommodation) Act, 1998
- Data Protection Act, 2003 and 2018
- Housing (Miscellaneous Provisions) Act 2014
- Freedom of Information Act 2014

The Local Authority undertakes to adopt and implement any new legislation or initiatives which may be introduced by the state on addressing anti-social behaviour and undertakes to review its policy and procedures as required.

Specific Legislation

The Strategy is compatible with National and Council policies and legislation, including:

- Offaly Scheme of Letting Priorities 2017
- Offaly Estate Management Policy 2009
- Offaly Homeless Action Plan 2008 (and Midlands Regional Homeless Action Plan 2010 – 2013)
- Offaly County Development Plan 2014-2020

- S37 Garda Síochána Act 2005 – the Local Authority in performing its functions takes steps to reduce crime disorder and anti-social behaviour
- Control of Horses Bye –Laws 2014
- Control of Dogs Act 1986

Anti –Social Behaviour Strategy

The Strategy will apply to the following category of houses in accordance with Section 35 Housing (Miscellaneous Provisions) Act 2009:

- (a) Dwellings let by the Local Authority to tenants under the Housing Acts 1966-2014.
- (b) Dwellings which are the subject of Chapter 4 Tenancy Agreements (Rental Accommodation Scheme)
- (c) Sites and Group Housing Schemes provided for Traveller Accommodation
- (d) Dwellings in which relevant purchasers reside within the meaning of Section 1 of the Housing (Miscellaneous Provisions) Act 1997 as amended by Housing (Miscellaneous Provisions) Act 2014.

Principal objectives

The principal objectives of this strategy are set out in subsection 2 of the Housing Act 2009, and Part 2 of the Housing Miscellaneous Provisions Act 2014 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 other person/body in performing their functions; and,
- (d) The promotion of good estate management (as defined by section 1 of the 1997 Act).

Preventive Actions

The most efficient method of combating anti-social behaviour is to prevent it from occurring in the first place. Offaly County Council carry out a range of actions to achieve these objectives, including but not necessarily limited to, the following.

1. Assessing of all applicants for social housing support.

The Council will require applications for social housing supports to fully complete application forms and disclose all required information for each member of the household. The Council may request from any other housing authority, or appropriate statutory agency, including An Garda Síochána, information in relation to any person seeking a house from the Authority or residing or proposing to reside at a house provided by the Authority.

2. Lettings and Allocations

The Council will take both applicant and community profile factors into account in making lettings and allocations in the interests of achieving integrated and sustainable communities. All housing applicants will be vetted on estate management grounds. Applicants found to have been engaged in anti-social behaviour in the preceding two years may have their application removed from the list. Tenants who have been evicted for anti-social behaviour will have their housing application closed for a period of two years. The applicant will not be entitled to homeless services from Offaly County Council as they have rendered themselves homeless. Estate Management staff will participate in allocations team meetings and assist housing staff with some allocations.

3. Tenant Incremental Purchase Scheme

The Council will refuse to sell a housing unit under the *Tenant (Incremental) Purchase Scheme 2016* where the applicant or residing members of the property has been involved in anti-social behaviour. Such refusal will not be indefinite but may be reviewed not less than every two years.

4. Design

New dwellings, regeneration or remedial works schemes, estates and halting sites will be designed, in as far as is practicable, in a manner that does not facilitate anti-social behaviour, crime or disorder.

5. Engagement of Staff

Offaly County Council engages two Community Liaison Officers who work with residents to improve the physical and social aspects of Council Estates. The Council will ensure that policies and procedures and channels of communication are in place for tenants to report issues relating to anti-social behaviour at an early stage.

6. Tenancy Agreement

The Council will endeavour to ensure the enforcement of tenancy agreements (Appendix 1) which contain conditions outlining the responsibilities of tenants in the area of anti-social behaviour under the Housing Act 2009 and the Housing (Miscellaneous Provisions) Act 2014.

7. Tenant Handbook

All new tenants or existing tenants transferring from one Local Authority property to another receives a tenant handbook which sets out the role and responsibilities of both the tenant and the Council as landlord. This handbook extensively covers the Council's procedures for dealing with anti-social behaviour.

8. Pre-Tenancy Information Sessions

All tenants must complete a pre-tenancy information session, delivered by housing staff, prior to the allocation of all tenancies. The pre-tenancy information session places particular emphasis on tenant's obligations to their property 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.

9. Tenant Participation

The Council supports, promotes and assists representative resident's groups to establish and to continue. The Council will encourage all tenants to be involved in their local community to improve the physical and social aspects of their area.

10. Complaints procedure

Clear procedures in relation to making of complaints to the Council in respect of anti-social behaviour. The Council will publish the complaints procedure and the strategy using the Council website, network of resident's associations, through other agencies and other appropriate fora. The Council will investigate all complaints fairly, objectively and impartially.

11. Training

The Council will enable its personnel to receive training in best practice in prevention and reduction of anti-social behaviour.

12. CCTV

In an effort to deter anti-social behaviour the Council may, where resources, locations and/or funding opportunities permit, consider installing CCTV.

13. Research

Research into the occurrence of anti-social behaviour and initiatives to deter it will be encouraged in the housing authority where resources allow.

Co-ordinating Actions

Actions aimed at co-ordinating services specifically directed at dealing with Anti-Social Behaviour

1. Estate Management Interagency Steering group

The Council has established, on a pilot basis, a steering group which will oversee a co-ordinated Interagency Work Programme to deal with antisocial behaviour in specific areas.

2. Offaly County Council will continue to carry out its work on a cross departmental basis by liaising with architects, engineers and staff based in the Environment and Community Sections to assist in the prevention and reduction of anti-social behaviour in a co-ordinated manner.

3. The development and implementation of this Anti-Social Behaviour Strategy will seek to support and complement the Estate Management Interagency Steering group work programme. The Anti-Social Behaviour Strategy will be reviewed by the Joint Policing Committee (JPC) and regular reports on its implementation will be provided to the JPC.

Implementation of Policy

It is the policy of Offaly County Council to address issues of anti-social behaviour in or in the vicinity of its dwellings and sites to which the strategy applies by taking measures to prevent or abate such behaviour.

Where serious complaints are made, which are verified to have foundation and substance, Offaly County Council will seek an eviction order or exclusion order in relation to the tenants or the person against whom such complaints are received, as appropriate.

The Council will exercise its statutory functions appropriately in line with legislation and will afford due process to person affected as outlined below:

Complaints Procedure

Receiving & Recording Complaints

Offaly County Council will investigate all complaints in a fair and impartial manner. Complaints should be made to the Community Liaison Officers based in the Housing section of Offaly County Council. Depending on the nature of the complaint and the evidence gathered, the housing section will then decide on the best course of action to be taken on a case by case basis.

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. Accordingly, all complainants will be encouraged to supply contact details and they will be assured that all information provided will be treated in the strictest of confidence.

Where complainants are unwilling to supply contact details the complaint may not be investigated further due to lack of relevant information. In cases where complainants are in fear of being identified/targeted by respondents and the allegations are of a serious nature the Council will liaise with the Gardai to determine if the case warrants legal or Garda action.

Complaints may be made verbally or in writing, in person, by phone or by letter to the Housing Section of the Council. An Anti-Social Behaviour complaint form is available and will be forwarded to any person wishing to make a complaint in writing. (Appendix 2)

The following information should be recorded in the complaints form:

- a) Name and contact details of complainant
- b) Name and address of alleged respondent
- c) Nature of complaint
- d) Where and when alleged incident(s) took place
- e) If alleged incident(s) have been reported to the Gardai
- f) Any other relevant information

The main categories of complaints categorised as a general breach of tenancy include complaints in respect of behaviour, waste, noise and dogs.

The Council will endeavour to send an acknowledgment letter to all complainants within 10 working days of receiving them.

Investigating Complaints

Offaly County Council is very conscious of the problems caused by anti-social behaviour and the effect such behaviour can have on persons living and working in the vicinity of Council properties and sites. Offaly County Council will investigate all complaints received in a fair, prompt and impartial manner. (Appendix 3 Investigating complaints procedure).

Confidentiality

Protecting the confidentiality of all information relating to anti-social behaviour

The complaints system is confidential and every effort is made to protect the identity of the complainants. Offaly County Council assumes that a complainant requires the complaint to be dealt with in a confidential manner unless otherwise instructed by the complainant.

The Council will fully comply with the provisions of the Freedom of Information Act 2014.

In accordance with the Freedom of Information Act 2014: -

- If the nature of the complaint is likely to compromise the identity of the complainant, an investigation will not proceed unless the complainant gives written or verbal authorizations to do so
- Information given to the Council by persons complaining of anti-social behaviour is protected by Section 32(1) and section 35.
- Section 32 provides, that a request for information may be refused if access to the record could reasonably be expected to: -
 - (a) Prejudice or impair
 - (i) The prevention, detection or investigation of offences, the apprehension or prosecution of offenders or the effectiveness of lawful methods, systems, plans or procedures employed for the purposes of the matters aforesaid,
 - (ii) The enforcement of, compliance with or administration of any law,
 - (iii) Lawful methods, systems, plans or procedures for ensuring the safety of the public and the safety or security of persons and property
 - (b) Endanger the life or safety of any person, or
 - (c) Facilitate the commission of an offence.
- Section 35(1) provides that a request for information shall be refused if:
 - (a) The record concerned contains information given to an FOI body, in confidence and on the understanding that it would be treated as confidential (including such information as aforesaid that a person was required by law, or could have been required by the body pursuant to law, to give to the body) and, in the opinion of the head, its disclosure would be likely to prejudice the

giving to the body of further similar information from the same person or other persons and it is of importance to the body that such further similar information as aforesaid should continue to be given to the body.

Procedure for Termination of Tenancies

Breach of Tenancy

Offaly County Council may issue a Tenancy Warning where the tenant or a household member has breached a term of the tenancy agreement that prohibits or is aimed at preventing anti-social behaviour. Failure to comply with the terms of the Tenancy Warning shall result in the Council applying to recover possession of the dwelling or site or seeking an excluding order against the persons concerned, where appropriate. A tenant can, in writing, request the Council to review a tenancy warning within 10 working days from the issuing of the tenancy warning to the tenant. The review officers, who will be appointed by the Chief Executive, will not have been involved in the decision to issue the Tenancy Warning and will be senior in rank to the person who issued the Tenancy Warning. The decision of the reviewer will be advised in writing to the tenant.

Excluding Orders

Offaly County Council will apply Section 3 of the 1997 Act, as amended by the Housing (Miscellaneous Provision) Act 2014 (Excluding Order) to deal specifically with a person engaging in serious anti-social behaviour and avoid if possible the eviction of an entire household.

In accordance with legislation, the Council will not seek an excluding order against a juvenile who is under the age of 12 years. In cases of serious anti-social behaviour, and where the juvenile is over 12 and under 18 years, an excluding order can be sought to allow for that juvenile be excluded from a particular estate/house/area but not the house in which the said juvenile resides/family home.

If granted, an excluding order can prohibit a respondent from entering a specific dwelling or an entire estate for up to 3 years. Where an excluding order has been obtained, Offaly County Council will report any breaches of excluding orders to An Garda Síochána to enforce and Council staff will advise neighbours and/or residents to report same.

Section 197 of the Residential Tenancies Act 2004, which gives power to seek 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 County Council is also empowered to refuse to lease or sell a house under the Shared Ownership Scheme and Affordable Housing Schemes, where it is considered that the applicant is or has been engaged in anti-social behaviour.

Possession Orders

In most cases the grounds for this action will be as a result of persistent anti-social behaviour after the issuing of a tenancy warning. At this stage the Council will proceed to apply to the District Court for a possession order under section 12(3)b of the Housing (Miscellaneous Provisions) Act 2014. The Council must give the tenant involved 10 days' notice of the hearing with the exception of cases where an application is made without serving a tenancy warning as a result of the anti-social behaviour having a persistent detrimental effect on the quality of life of other residents in the area. All notices will be served on the tenant(s) firstly by hand, if this fails by registered post, if this fails by leaving at the address.

Drug Dealing

Offaly County Council will adopt a strict policy in relation to tenants/occupants involved in drug dealing from Council dwellings. Offaly County 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. Legal proceedings to seek an excluding order or a possession order shall ensue as a result of this from of anti-social Behaviour against an individual respondent or an entire household. Warning letters will not be issued to tenants involved in or convicted of drug offences as outlined above.

Illegal Occupants

The provisions contained in Section 20 (1) of the Housing (Miscellaneous Provisions) Act 1997 apply as follows:

1. Where
 - (a) A house provided by a housing authority or any part thereof is occupied, whether continuously or otherwise, by a person (other than the tenant or a person who has failed to vacate a house on termination of a tenancy), and
 - (b) A member of An Garda Síochána has received notification from the housing authority that the authority believe that the person is or has been engaged in anti-social behaviour and that it is necessary in the interest of good estate management that the said person be required to leave the house.

A member of the An Garda Síochána may direct the person to leave the house immediately in a peaceable and orderly manner and that the person shall comply with the direction.
2. A person who does not comply with a direction under subsection (1) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,500 or, at the discretion of the court, to imprisonment for a term not exceeding 12 months, or to both.
3. Where a person does not comply with a direction under subsection (1) a member of An Garda Síochána may arrest the person without warrant

4. For the purpose of arresting a person under subsection (3), a member of An Garda Síochána may enter (if need be by use of reasonable force) and search any place (including a dwelling or site) where the person is or where the members, with reasonable cause, suspects that person to be.
5. This section shall not prejudice any power of arrest conferred by law apart from this section.

Applicants who take up illegal occupation of a local authority dwelling or approved voluntary housing association dwelling will not be considered for tenancy of any local authority dwelling or approved voluntary housing association dwelling.

Evidence

Under section 21 of the Housing (Miscellaneous Provisions) Act 1997 as amended a member of An Garda Síochána or an employee of a housing authority can give evidence of anti-social behavior on their behalf if they believe that a person is deterred or prevented from giving evidence due to fear, violence or threat.

Deferrals/Vetting

Offaly County Council may refuse or defer an application to any housing applicant where it considers that the applicant has been involved in anti-social behaviour. The Council will make enquiries in relation to anti-social behaviour by all housing applicants prior to the allocation of housing in accordance with Section 15 of the Housing (Miscellaneous Provisions) Act 1997. Such enquiries will be made through An Garda Síochána in the area in which the person currently resides or has previously resided. Mutual exchange applicants will also be vetted prior to the application process.

Under section 14 of the 1997 Housing Act, Offaly County Council 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 management.

The power to refuse lettings also extends to applicants who fail to provide required information to the Council at the application stage. 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 the grounds of good estate management were the consent of the authority to the resale is required.

In the interest of good estate management, the Council may refuse or defer an allocation to a person to occupy a caravan on a site if the Council considers that they or a member of their household are or have been engaged in anti-social behavior or if that person fails to provide relevant information in relation to an application for all persons intending to reside at a site as per section 14A of the 1997 Housing Act.

Mediation

Offaly County Council may offer mediation services in neighbour disputes when all parties are willing to participate to resolve issues.

Case Conferences

In- house discussions will be held to decide on the most appropriate action to resolve some anti-social behaviour cases. These discussions will include the community liaison officers, senior housing staff and staff from other relevant sections of the housing department and in some cases representatives from other agencies.

Transfers on Grounds of Good Estate Management

It is the policy of Offaly County Council that in the interest of good estate management the transferring of a victim of anti-social behaviour or the respondent will only be considered in exceptional circumstances where there is serious threat to life or a threat of serious damage to property.

Appeals Process

The Administrative Officer in the housing section will deal with arbitrating with tenants who are not satisfied with the results of anti-social behavior complaints or seeking a review to a tenancy warning. The Council's Corporate Complaints procedure is also available to persons who are not satisfied with the service provided and the office of the Ombudsman is also available where a person feels their complaint was not handled to their satisfaction.

Health and Safety

Threats/intimidation of Council Employees

In accordance with the provisions of the Housing Acts 1966 to 2014 if a person commits an offence or attempts to cause any threat, intimidation or harassment, coerces, obstructs, impedes or interferes with an officer or employee of a housing authority in the implementation of this policy, Offaly County Council will consider taking legal proceedings against any such person and assaults against employees will be reported to An Garda Síochána.

Health and Safety of Staff

Employees who work in this area can be at times exposed to aggression and verbal abuse and therefore health and safety issues can be a concern. Every employee of the Council is entitled to have his or her dignity respected. In order to ensure, as far as practicable, the health and safety of the staff, the following and which are not exhaustive, have been adopted with the housing section:

1. Training is provided such as interviewing skills, interpersonal communication, mediation skills and first aid.
2. Protective clothing is provided.
3. Where necessary for safety reasons, staff will generally operate in pairs.
4. The assistance of An Garda Síochána will be called upon when considered appropriate.

5. Violent offenders or persons who were previously abusive may be requested to attend Council offices for interview where a safe and more secure environment is available.
6. Counselling and meditation is available to staff is required.
7. The Council PMDS scheme monitors the training needs and personal development of staff.
8. Key personnel have availed of specific courses in dealing with Anti-Social Behaviour.

Strategy Dissemination

Offaly County Council is committed to providing a quality service to all applicants for social housing support and to the wider community effected by housing policies.

A synopsis of this policy will be prepared and communicated to tenants at all available points of opportunity, via post, website, pre-tenancy contacts, resident's meetings and through other agencies

Complaints can be made:

- **In writing**
- **By phone**
- **Email – asb@offalycoco.ie**
- **In person by appointment**

In writing to:

Community Liaison Officers
Housing Department
Offaly County Council
Charleville Rd
Tullamore
Co Offaly

Or by email to:

asb@offalycoco.ie

By Phone: 05793 57409

Appendix 1 – Tenancy agreement (sample)



OFFALY COUNTY COUNCIL TENANCY AGREEMENT

HOUSING ACTS 1966 – 2014

THIS AGREEMENT made the **20TH DAY OF MONTH & YEAR** BETWEEN **OFFALY COUNTY COUNCIL**, with offices at Áras an Chontae, Charleville Road, Tullamore, County Offaly (hereinafter called “The Council”) of the one part and

JO & JANE BLOGG (hereinafter called “The Tenant”) of the other part **WITNESSETH**

The Council hereby lets and the tenant hereby takes **ALL AND SINGULAR** the dwelling and garden or plot of ground attached hereto, situate at _____ in County Offaly, for one week, from the **20th day of**

January 20 and so on from week to week until the tenancy shall be terminated by either party giving to the other one month’s previous notice in writing to take effect on a gale day.

The weekly rent hereinafter shall be paid to the Collector or other person authorised by the Council promptly and regularly every week, the first payment to be made on the **SATURDAY 23RD day of JANUARY 20**. The rent of the premises shall be such sum as the Council may from time to time determine and shall be **€00.00** per week until the Council shall otherwise determine.

SECTION A RENT

1. The weekly rent payable by the tenant is the weekly rent now determined, and to be determined, on variation from time to time as required, for the economic circumstances of the Tenants household, in accordance with the Council’s scheme of differential renting set forth in the Council’s “Differential Rent Scheme”, any alterations in which will be notified to him/her as they are made. The Council is free to abandon its Differential Rent Scheme at anytime, but it shall give the Tenant one months written notice for any gale day of its intention to abandon the scheme, and of the rent it proposes to charge for the dwelling thenceforward, and from the said gale day the weekly rent of the dwelling payable by the Tenant shall be the rent so stated in the said Notice.
2. In addition to the rent as determined under Paragraph 2 above, the Tenant shall be liable for any charges by the Council or other person or Body for services to the said dwelling which may be paid weekly in addition to the Differential rent.
3. The sum for rent and any charges for services determined in accordance with Paragraphs 2 and 3 above shall be paid by the Tenant on the due dates.
4. “Household Budgeting: Where the Tenant is in receipt of, or becomes entitled to, a benefit from which deductions can be made under the Household Budget Scheme (pursuant to section 290A of the Social

Welfare Consolidation Act 2005 are made or such amending legislation), the Tenant hereby agrees and covenants with the Council that, for the purpose of payment of the Rent due to the Council, the Tenant shall, in accordance with the said legislation (section 290A of the Social Welfare Consolidation Act 2005 and the Social Welfare (consolidated Claims, Payments and Control) Amendment(no.11) (budgeting in relation to Social Welfare payments) Regulations 2013 (or such amending legislation)), duly apply for the deduction and payment of a sum of money from the relevant benefit and the payment of that deducted sum to the Council. In the event of the Tenant making an application for said deduction in order to cease payment via the household budget scheme, the Tenant will need to make an application for discontinuance pursuant to the Regulations and in the event of the Tenant making a successful application, the Rent shall thereafter be payable directly to the Council.”

5. The Tenant shall furnish to the Council full and detailed particulars of his/her income and the income of each member of his/her family living with him/her and shall immediately notify the Council of any change of the income of himself/herself or of any member of his/her family living with him/her as soon as such change shall occur and shall furnish to the Council all proofs which they may require in respect of any statement made by him/her and on his/her own behalf and that of every other member of his/her family living with him/her he/she authorises and gives authority to the Council to seek and receive any information which the Council may require from their employers or from any other source. The Tenant shall from time to time, whenever so requested, furnish to the Council information on any matter relating to the income, wages, salary, pension, concurrent contracts of employment, work, means of livelihood, expenses and commitments of himself/herself or any member of his/her family living with him/her.
6. The term income in this Agreement shall include in addition to the basic wage or salary of the Tenant and each member of his/her family all payments for overtime, perquisites and bonuses paid or allowed to the tenant and each member of his/her family.
7. In the event of the tenant failing or neglecting to furnish the Council with any information required, or failing to give any proof or authority required or give false, misleading or incomplete information or proofs or failing to notify the Council of any change in his/her income or income of any member of his/her family residing with him/her, he/she shall immediately become liable and be deemed to have become liable to pay the maximum rent or such rent other than the differential rent as shall be fixed by the Council at their discretion from the gale day next following the date upon which such change of circumstances, failure or neglect occurred notwithstanding that such change of circumstances might not if disclosed make him/her liable for the maximum rent or such rent other than the differential rent so fixed.
In the event of non-disclosure by the tenant, no receipt or acknowledgement given to the tenant by any officer of the Council in respect of the differential rent shall operate to prevent the Council from recovering as arrears all rent due at a rate other than the differential rent and the Council shall not be required to serve any notice on the tenant with respect of the aforesaid matters.
8. The Council may at any time vary the differential rent in any manner or restore the maximum rent.

SECTION B OCCUPANCY OF DWELLING

9. The tenant shall not assign, sub-divide or part with the possession of the dwelling, or any part thereof, or make any letting thereof in con-acre or for adjustment, or without the prior written consent of the Council, sub-let the dwelling or any part thereof or allow any part of such dwelling to be occupied by a lodger. The Tenant may however, subject to the prior written consent of the Council, exchange his/her tenancy of the dwelling hereby let for the tenancy of another dwelling provided by the Council.
10. The tenant shall reside in and occupy the dwelling throughout the duration of the tenancy and shall not without the prior written consent of the Council cease to reside therein for a period or periods in the aggregate exceeding six weeks in any period of fifty-two weeks and shall use the dwelling as a private

dwelling house and residence for himself/herself and his/her family and for no other purpose, and in particular he/she shall not use or permit to be used the dwelling or plot or any part thereof, or any building or structure on the site as a shop workshop or factory or for any purpose whatever other than as a dwelling house. No trading signs of any description shall be erected, displayed or posted on or about the dwelling without the prior written consent of the Council.

SECTION C MAINTENANCE / ALTERATIONS TO DWELLING

11. The tenant shall be responsible for all minor repairs including those works listed as tenant responsibility in the Tenants Handbook issued to the tenant/tenants on signing this Tenancy Agreement.

12. The tenant shall not execute any additions, alterations, improvements or other works in or in relation to, the dwelling hereby let and shall not remove any internal walls or partitions or cause any wilful damage to the dwelling or premises or any part thereof, and shall not erect on the premises any garage, shed, out-office or other building without prior permission in writing from the Council. Any such constructions shall not be construed as giving exemption from the necessity to comply with the provisions of the Local Government (Planning and Development) Acts in force at the relevant time. All constructions, erections and so forth authorised by the Council, become Landlord's fixtures, that is to say, they become the Council's property and are not removable by the Tenant at the termination of the tenancy, nor is any compensation allowable in respect of them.

13. The tenant shall ensure that any approved construction/maintenance repair works carried out at their domestic dwellings is carried out in accordance with the requirements of the Safety, Health and Welfare at Work (Construction) Regulations 2013

14. The Tenant shall during his/her tenancy, keep the premises hereby let and every part thereof in a clean, proper and sanitary state and shall not allow any refuse, nuisance or offensive matter accumulate on any portion thereof. He/she shall keep the plot free from weeds and otherwise properly maintain and keep the gardens in a clean and tidy condition. He/she shall not plant any trees or shrubs which shall be or become injurious to the premises or to any adjacent property or allotment, or cut down any trees without the permission of the Council. He/she shall keep every hedge forming part of the plot properly cut and trimmed.

15. The Tenant shall not keep any horses, poultry, pigs, birds or other animals (other than domestic pets which are not likely to create a nuisance or become a source of annoyance) on the premises hereby let. Restricted breeds of dogs (or strains and crosses of them), as defined under the Control of Dogs Act 1986, the Control of Dogs Regulations, 1998, and subsequent amending Regulations or Acts, belonging to the tenant, or in his/her charge are not permitted to be in a public place unless they are securely muzzled, are kept on a short strong lead by a person over 16 years of age who is capable of controlling them, and must wear a collar bearing the name and address of their owner at all times. If domestic pets are kept by the Tenant he/she shall ensure that no nuisance is thereby caused and the sheds, shelters or yards where such domestic pets are housed shall be properly constructed, paved and drained. All domestic pets shall be kept under control, confined or tied.

16. The tenant shall manage all household refuse arising in a manner that will not cause litter or environmental pollution. The tenant shall make use of a covered bin or covered bins and shall not place any rubbish, scrap or other nuisance in or about the premises or over the boundary fence but only in the said bin or bins for removal. In the event of refuse, scrap or other offensive material being stored on the premises, the Council shall, without prejudice to any other remedy, be entitled to enter the premises and remove and dispose such refuse, scrap or offensive material and the tenant will be liable for any costs that may be incurred by the Council. The tenant shall ensure that all waste is regularly collected by an authorised waste collector

for recycling/disposal or shall dispose of same at an authorised facility. It is the responsibility of the tenant to ensure that the waste collector holds a valid Waste Collection Permit as provided for under Section 32 of the Waste Management Acts 1996, as amended. Receipts shall be maintained for all waste transactions and be available for inspection as required. The tenant shall ensure that no waste is burned, or otherwise illegally disposed of, within the dwelling or gardens attached to the premises.

17. The tenant shall ensure that there is no collection, treatment including burning or storage of any scrap, waste oil, carts, or motor vehicles which are broken down, or being used for spares either for the tenant's own personal use or as a business venture or by any person acting with his/her permission on or in the vicinity of the dwelling.
18. The Tenant shall be responsible for the proper maintenance, improvement or replacement of all boundaries to the dwelling including walls fences or banks forming part thereof. The Tenant shall not trespass on any adjoining premises or allow trespass on his/her own premises.
19. The Tenant shall be responsible for all internal decoration and for any breakage of glass in the windows and any damage to the fixtures, fittings or structure of the dwelling and shall cause to be made good any damage or breakage without delay and where such works, damage or breakage is carried out, or is repaired by the Council, the tenant shall pay the cost of such works to the authority.
20. No refuse including grease and cooking oil in solid or liquid form shall be placed, deposited or disposed of into any drain, gully trap, sink or other sanitary fittings. Any damage causing blockage or resulting in the incurring of expense consequent on such placing, depositing or emptying of such refuse, grease or cooking oil shall be made good immediately by the tenant to the satisfaction of the Council at the expense of the tenant. Any such charge may be added to and collected as part of the weekly Differential Rent.
21. The tenant shall be responsible for regularly checking the smoke alarms in the house and ensuring that they are in perfect working order. The tenant shall clean the chimney at least once per year.
22. The tenant shall not be at liberty to erect any aerial or satellite dish or hang or place any fixtures on the exterior of the premises without the written consent of the Council.

SECTION D CONDUCT OF TENANTS / ANTI-SOCIAL BEHAVIOUR

23. (a) Neither the tenant nor any member of his/her 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 against whom an excluding order under Section 3 (2) of the Housing (Miscellaneous Provisions) Act 1997 or an interim order under Section 4 of the said Act, obtained on the application of a housing authority, is in force in respect of the dwelling concerned, to enter 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 rehousing 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.
24. The tenant of a flat or apartment dwelling within a complex of multiple dwellings shall not keep or store, or permit to be kept or stored, any gasoline or other flammable liquid in the flat or apartment dwelling, the staircase, landing or any part of the building.
25. The tenant shall not traverse or park or allow to be parked any car or other vehicle on a green area or public amenity. The Council reserves the right to remove and have impounded any offending vehicles at the tenant's expense.
26. The tenant shall not permit any caravan to be parked within the curtilage of the dwelling without the prior consent of the Council. Any permissible caravan to be solely used by the tenant as a touring caravan and shall not be used for permanent accommodation purposes.
27. Authorised Council Officials and agents of the Council, including contractors may enter and inspect the dwelling hereby let at all reasonable times, and the Tenant shall allow the Council to carry out on the premises any necessary works.
28. The tenant agrees to co-operate with the Council in the formulation of Estate Management initiatives.

SECTION E TERMINATION OF TENANCY / EVICTION / ABANDONMENT OF DWELLING

29. The tenant shall, on the termination of the tenancy, peaceably and quietly deliver up possession of the whole of the dwelling to the Council.

30. The Council shall have a right to re-enter upon and resume possession of the dwelling or any part thereof by its Collector or any other person or persons authorised in this behalf by the Council, for breach, non-performance or non-observance of any of the provisions of the letting agreement. It is hereby declared that upon the happening of any such breach the term or interest of the tenant in the tenancy hereby created shall be deemed (without prejudice, however, to the Council's claim for rent until it obtains actual possession) to have thereupon ended within the meaning and for the purposes of Section 86 of the Landlord and Tenant Law Amendment, (Ireland) Act 1860.
31. Where a dwelling is vacant following an eviction or is deemed to be abandoned within the meaning of Section 62 (2) of the Housing Act, 1966 as amended the tenant shall be deemed to have abandoned all the tenants property contained therein. The Council shall thereupon be under no liability or obligation to store or retain same and may dispose of such property as the Council deems fit without notice to the tenant. In this context the tenant's property shall be deemed to include all property within the dwelling which is not the property of the Council.
32. A Notice to Quit may be served by the Council on the Tenant in any of the following ways:
 - i. personally;
 - ii. by leaving the same with some person over sixteen years of age, resident or employed in the dwelling;
 - iii. by leaving the same at the dwelling whether such dwelling is occupied or not;
 - iv. by posting the same in a prepaid registered envelope addressed to the tenant at his/her last known place of residence.
33. At the expiration of the tenancy the dwelling shall be delivered back to the Council in the same condition as it was at the beginning of the term, fair wear and tear excepted. Failure to do so will result in the Council seeking compensation, through Court action if necessary.

SECTION F DATA CONFIDENTIALITY

34. The Council will treat as confidential all the information and personal data given in accordance with paragraph 5 and it will also be subject to the Council's responsibilities under the Data Protection Acts, 1988 and 2003.

SECTION G INSURANCE

35. It should be noted that the Council's Insurance Policy does not, and cannot, extend to the contents of the dwelling, since the contents are not the property of the Council. Tenants are strongly advised to arrange adequate insurance cover for the contents of the dwelling.

SECTION H CONTRACT DETAILS

36. The said Tenant / Joint Tenant(s) hereby jointly and severally covenant with the Council to pay the rent reserved and to perform and observe all the covenants and conditions herein before set out.
37. This tenancy is created in pursuance of and subject to the provisions of the Housing Acts 1966-2002 and the enactments incorporated therewith and amending same.

Seal of the Council

SIGNED by the said

CHAIRPERSON, OFFALY COUNTY COUNCIL


in the presence of:

NOMINATED OFFICER

SENIOR EXECUTIVE OFFICER

DATED _____ day of _____, _____ (year)

Appendix 2 Anti-Social Behaviour Form

 Comhairle Chontae Uíbhí Fáilte Offaly County Council	Anti- Social Behaviour Complaint Form Offaly Local Authorities Housing Section All information submitted on this form including the identity of the complainant will be treated in strict confidence and will not be disclosed to third parties unless in accordance with Offaly County Council's Data retention policy	Ref No.
Date of Incident:		Date reported:
Your Name:		
Your Address:		
Your contact No:		
Your Gender (male or female)		
Your nationality:		
Name of person you are complaining about		
Address of person you are complaining about		
Gender of person you are complaining about (male or female)		
Nationality of person you are complaining about		
Details of Complaint (including times, dates, other witnesses - as detailed as possible)		

Location Of Incident	
Was the incident reported to Gardaí	
Name of Garda Station	
Time reported at	
Name of Garda (if known)	
Please note that Offaly County Council may contact An Garda Síochána or other relevant agencies during the course of investigation of this complaint	

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

SIGNATURE OF _____ DATE _____
 COMPLAINANT _____

Appendix 3 – Investigation Complaints Procedure

Investigation Complaints Procedure

Offaly County Council will investigate all complaints received in a fair and impartial manner.

1. 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.
2. 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 persistent.
3. As much independent evidence as possible will be obtained and verified in so far as is practicable. In some cases, the Council may deploy CCTV systems to obtain evidence of anti-social behaviour and other breaches of tenancy.
4. Additional information may be requested from other statutory agencies and a section 15 request will be made to An Garda Síochána to confirm any reported incidents of anti-social behaviour. Consultation with the HSE and Tusla may be necessary in some investigations.
5. Residents Associations may also be consulted during investigations where committees are established within estates to verify details regarding complaints as well as verifying evidence of the effects of anti-social behaviour on the whole community.
6. Where the Community Liaison Officer forms the opinion that the complaint is bona-fide and of a serious or persistent nature the alleged perpetrator will then be interviewed by the Community Liaison Officer / Housing Department 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. All respondents will be asked to sign an interview form on completion of the interview as a record of the allegations. This outlines any agreement reached by both parties along with any follow up action that may be agreed/required to prevent any further anti-social behaviour complaints.
7. 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 Officers (or other staff dealing with a complaint) will make a recommendation on the appropriate action to his / her immediate supervisor.
8. In the event of further complaints being made and upheld, Offaly County Council, will where appropriate, commence the process of recovering possession of the property and terminating the tenancy where appropriate through the issuing of a tenancy warning.

This decision to terminate the tenancy will be taken in the interest of good estate management and for serious and /or persistent breaches of tenancy. The legal procedure for terminating tenancy in Section 62 of the Housing Act 1966 has been repealed and replaced by procedures in Part 1 Housing (Miscellaneous Provisions) Act 2014. The Council will make a possession application to the District Court and the tenant will be notified 10 working days in advance of the hearing, by registered post, in person or by delivery to the property. In all cases tenants will be advised at the investigation stage that their tenancy is at risk and warnings will be issued. A written record of investigated complaints will be used in legal proceedings and An Garda Siochana and Council Staff may also give evidence in accordance with section 21 of the Housing (Miscellaneous Provisions) Act 1997.

Where it is not appropriate to terminate the tenancy e.g. where a son or daughter/other family member is involved in anti-social behaviour, the tenant / tenants will be requested to obtain an “Excluding Order” against that member and in some cases the Council will apply to the District court for an excluding order where the tenant/relevant purchaser, through violence, threat or fear will not apply for an excluding order.

How to make a complaint

Complaints can be made using a number of methods:

- In writing to Community Liaisons Officers using complaints form
- By email – asb@offalycoco.ie
- By phone – 05793 57409
- In person by appointment