

Anti-Social Behaviour Update

Housing SPC Meeting – 25 February 2022

Introduction:

Galway City Council (GCC) is the main provider of social housing support in Galway City. The Council is responsible for the management of over 2,400 tenancies located throughout 170+ estates the city.

Galway City Council currently has three Housing Estate Liaison Officers (HELO) employed to cover Galway City Centre, Galway City East and Galway City West areas. This represents one HELO per 800 tenants which is a minimal level of resources to cater for the range and complexity of issues arising. These officers are supported by a recently appointed Senior Housing Estate Liaison Officer. Each HELO is engaged with estate management, anti-social behaviour and tenancy enforcement and work towards ensuring that local authority estates are better places to live. One specific function includes investigation of complaints relating to breach of tenancy and/or anti-social behaviour. Proper management of these tenancies and their associated housing estates is a key aim of the Housing Department.

Anti-social behaviour and breaches of tenancy are dealt with as per Galway City Council's Anti-Social Behaviour Policy, adopted in 2017. In the majority of instances requiring HELO intervention, issues are resolved through a combination of verbal warnings, multi-agency co-operation and/or mediation. In cases of serious tenancy breaches, statutory tenancy warnings are issued, followed by legal proceedings for a possession order.

The main causes of anti-social behaviour often include issues such as social exclusion, poor or inadequate services for youth, the availability of street drugs and prescription drugs, cheaper alcohol, in some cases the social mixes in some estates between some minority and ethnic groups, lack of appropriate parenting, unstable home environment, mental health issues and domestic violence.

The main types of anti-social behaviour that may present as complaints to the Estate Management Unit of Galway City Council may include; damage to council property, graffiti, bullying and harassment, ongoing feuds, overcrowding in some houses and on some halting sites, allegations of nuisance noises, uncontrolled and barking dogs, illegally parked caravans and trailers, unlicensed waste collectors, illegal dumping and horses on public green areas.

The Estate Management Unit encourage individuals who are experiencing alleged anti-social behaviour to report these incidents directly to the local authority. All reported complaints relating to Council tenancies are treated with utmost confidence in a professional, proactive and timely manner. Concerns relating to alleged criminal behaviour, drugs and public order offences should also be referred to An Garda Síochána as a matter of urgency.

Investigating Complaints:

The procedure for investigating complaints is as follows:

- Complaints will be accepted by telephone, in writing, in person or by email. Complaints received via email may require verification and, thus, should provide contact details for the complainant.
- Complaints can also be made by completing the ***“Anti-Social Behaviour Complaint Form”***

downloaded from the Galway City Council Website and return to Galway City Council, Housing Department.

- Once received, the complaint is assigned to a Housing Estate Liaison Officer (HELO) for investigation, based on the geographical location of the alleged anti-social behaviour (Galway East, Galway West, City Centre).

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- The HELO initially categorises the complaint, from high priority to low priority, and gives the complaint a reference number. The Council will seek to prioritise the more serious allegations of anti-social behaviour, with regard to the categories below as defined in the Housing (Miscellaneous Provisions) Act 2014.

Anti-Social Behaviour (drug related): Behaviour that includes the manufacture, production, distribution, exportation, sale, supply, possession for purpose to sale or distribute controlled drugs (Misuse of Drugs Act, 1997-2007)

Anti-Social Behaviour (not drug related): Behaviour that includes violence, threats, intimidation, coercion, harassment or serious obstruction of any person that may cause injury, significant or persistent danger, damage, loss or fear to any person living in, working or otherwise lawfully present either in or around the vicinity of a house provided by a housing authority under the Housing Acts 1966 to 2014 or a housing estate in which the house is situated.

- At this stage, a decision may be made to not proceed with the complaint if, for example, there is reason to believe that the complaint has no substance or is vexatious in nature.
- Anonymous complaints will generally not be considered except in the case where a large number of such complaints are received relating to an individual or household. Such matters will only be dealt with in exceptional circumstances, as considered appropriate.
- All valid complaints will be investigated in a fair, impartial and objective manner by the HELO, under the direction of the Administrative Officer for Estate Management. GCC will work with statutory agencies, whenever possible, in accordance with Section 15 of the Housing (Miscellaneous Provisions) Act, 1997 as amended.
- The investigation will depend on the circumstances of the complaint and may involve:
 - examination of the tenancy agreement
 - examination of tenant files/previous history

- contact with and statements from the party/parties involved
 - contact with and statements from An Garda Síochána and with other agencies, as appropriate
 - site visit, photographs
 - use of CCTV images (This information will be guided by the Code of Practice for Community-Based CCTV Systems under Section 38 (3)(c) Garda Síochána Act, 2005.)
- Following investigation, the HELO may re-categorise and prioritise the complaint. If, at this stage, the complaint is considered to be unfounded or unproven, no further action will be taken and both parties, if appropriate, will be informed accordingly in writing.
 - If a breach of the tenancy agreement is suspected, GCC will proceed as recommended by the HELO under the direction of the Administrative Officer for Estate Management. There are a number of options open to the council in such instances e.g. through discussion and advice, through medication, referral to An Garda Síochána or referral to Health Service Executive and TUSLA.
 - The complaints procedure cannot guarantee absolute confidentiality but every effort will be made to protect the identity of the complainants unless the complainant specifically states otherwise. If the nature of the investigation of the complaint is likely to compromise the identity of the complainant, an investigation will not proceed unless the latter gives authorisation to do so.

Dealing with Complaints:

The Council uses its powers under the relevant legislation and strategies (Estate Management Strategy and Anti-social behaviour Strategy) to deal with issues of anti-social behaviour. In the case where the complaint is proven or persistent in nature, GCC will apply a graduated sanction as follows:

First Breach of Tenancy Letter

A letter is issued to the respondent outlining the complaint and the alleged breach of the tenancy agreement. The respondent may be requested to attend a formal interview with GCC Housing Department officers, at this stage. Reference will be made to all correspondence and to any warnings previously issued to the respondent. In serious cases of alleged drugs, violence and threats, information regarding the involvement of An Garda Síochána and other services will be requested for the records.

Second Breach of Tenancy Letter

If the alleged breach of tenancy agreement persists and following further consideration of the complaint, a second letter is issued to the respondent. This letter may contain reference to legal action that may be instigated against the respondent if breach of tenancy persists. The respondent may be requested to attend a formal interview with GCC Housing Department officers, at this stage.

Formal Interview

A formal interview may be held with the respondent, HELO and Administrative Officer in Estate Management at any stage in the process. At this interview, the allegations of breach of tenancy will

be outlined to the respondent and the respondent will have the opportunity to respond to these allegations.

Referral to Case Conference

If deemed appropriate and following evidence of continued breach of tenancy, GCC will work with all stakeholders that have been involved in the case to collate as much information as possible. If appropriate, An Garda Síochána will be requested to provide written evidence as regards to the severity of the case and requested to indicate if there are any investigations on-going.

GCC will invite the respondent to a case conference attended by HELO and relevant staff from the Housing Department. If deemed appropriate, GCC will invite other agency representatives to be part of this conference. After thorough discussion of the case, a collective decision will be made and may include the following recommendations:

- No further action required at this time
- Await investigation by other agencies involved in case conference
- Apply for Excluding Order, where appropriate by relevant party
- Issue Statutory Tenancy Warning Letter under 2014 Act
- Any other recommendation deemed suitable.

The purpose of a case conference is to facilitate all issues being raised, to find a workable solution and to formulate a plan for the modification of the behaviour. Respondents will therefore be allowed to bring someone with them to the conference to act as support. However this individual will not be allowed to interfere with the process of the conference at any given time.

Statutory Tenancy Warning

If other means of resolving the complaint and the alleged anti-social behaviour are unsuccessful and if GCC has formed the opinion that the respondent has breached a specified term of the tenancy agreement (that prohibits anti-social behaviour, nuisance, or conduct likely to cause annoyance or disturbance to neighbours, or the tenant(s) from knowingly permitting a person to enter a dwelling against whom an excluding order or interim excluding order is in force with regard to that dwelling), a Tenancy Warning will be issued under Section 7 of the Housing (Miscellaneous Provisions Act) 2014.

Section 7 of the Act provides that a Statutory Tenancy Warning Letter be issued in circumstances of anti-social behaviour, while Section 9 allows for the same in the case of breach of the Tenancy Agreement.

The Tenancy Warning will be issued by the Administrative Officer in Estate Management and must specify the breach, what the respondent is required to do and the possibility that GCC may look for a possession order against the tenant.

The issue of a Tenancy Warning is a serious matter for any tenant with serious tenancy and legal implications which could lead to repossession proceedings.

Review of Tenancy Warning

If a tenant does not accept that he / she has breached their Tenancy Agreement in the terms set out in the Tenancy Warning, the tenant has a right to request the Council to review the Tenancy Warning. A request to review this Tenancy Warning must be made in writing to the Council and must outline

the grounds upon which the tenant disputes the basis for the Tenancy Warning enclosing any relevant supporting documents. The tenant must also state if he / she or a member of its household wishes to make oral representations to the appointed Reviewer as part of the review.

On receipt of a valid review request, the Chief Executive will appoint as the Reviewer of this Tenancy Warning, a Council officer or employee who was not involved in the decision to issue this Tenancy Warning and who is senior in rank to the officer or employee who decided to issue the Warning.

The review request should be made within 10 working days of the issue of the warning – or within 20 working days in exceptional circumstances. The reviewer should conclude the review within 20 working days - or 30 working days if the review involves a meeting with the tenant.

Applying for Repossession

If the respondent does not deal with the breach of tenancy, even after the Tenancy Warning, GCC may apply to the District Court for a possession order to enable it to repossess the dwelling under Section 12 of the Housing (Miscellaneous Provisions) Act 2014. The court may order the ending of the tenancy or, in the case of anti-social behaviour, may order the exclusion of a member of the household from the tenancy.

A Tenancy Warning is designed to prevent and prohibit anti-social behaviour; however, in serious cases housing authorities can bypass this process and proceed directly to the Courts to recover possession of a dwelling involved in anti-social behaviour.

Excluding Order

An Excluding Order is a targeted approach normally aimed at a member of the respondent's household; however, it can also be aimed at a person directly related to the tenant at the dwelling or a visitor to that dwelling. This targeted approach avoids the possible eviction of an entire household. If an Excluding Order is decided as an appropriate course of action, the respondent is informed to make an application to the District Court for such an Order against the individual engaging in anti-social behaviour.

If the tenant chooses not to apply for the Excluding Order through violence, threat or fear, or for any other reason, GCC has the authority to, and may apply for, the Excluding Order in the interests of good estate management. This process may be carried out with the support from An Garda Síochána.

Section 35 of the Housing (Miscellaneous Provisions) Act 2009, provides for the legislative framework and guidelines for all Local Authorities to adopt, by reserved function, an Anti-Social Behaviour Strategy for the prevention and reduction of anti-social behaviour in its housing stock.

The current Anti-Social Behaviour Strategy adopted by Galway City Council in 2017 will be reviewed and updated in 2022 and amendments proposed will be brought before the Housing SPC for consideration. The Estate Management Strategy adopted in 2018 for the period 2018 – 2022 will be reviewed and updated in 2023. In addition to these two policy documents, a new Halting Site Estate Management Strategy will be prepared in 2022 to specifically deal with estate management issues on halting sites. The Tenant Handbook was revised and reissued to all tenants in 2021. The implications pertaining to any breach of tenancy is clearly outlined in the tenant handbook (pages 9 to 11) and reiterated to newly appointed tenants at pre-tenancy training.

ASB Complaints and Actions Taken 2021:

Set out hereunder are the figures relating to anti-social behaviour complaints received and actioned by Galway City Council's Estate Management Unit in 2021;

Number of complaints received	461
Number of complaints resolved	329
Number of formal letters	178
Number of Tenancy Notifications Issued	19
No of Statutory Warnings issued	13
No of Demands for Possession	10
No of repossessions for anti-social behaviour	3

Over 70% of the complaints reported in 2021 were resolved through mediation, meetings and verbal warnings. These type of complaints would be more one off complaints such as dogs barking, nuisance parking, ball playing, poorly maintained property (overgrowth/accumulation of rubbish), minor disputes with neighbours etc.

Over 38% of the reported complaints in 2021 warranted warning letters being issued to the alleged offenders. These warning letters would be for more serious incidents such as partying and loud music, family arguments affecting neighbours, intimidation/harassment of neighbours, damage to neighbours property etc. In all of these incidents the alleged offender(s) were requested to cease the activity or amend their behaviour. The HELO would monitor the tenancy regularly to ensure that no further breach of tenancy occurred.

A very small percentage of all complaints received in 2021 warranted a Tenancy Notification. The Tenancy Notification is a formal notice issued to the alleged offender in advance of any Statutory Warning under the Housing (Miscellaneous Provisions) Act 2014 being served. The Tenancy Notification details the dates, times and nature of the alleged incidents, requests the alleged offender(s) to cease the breach immediately and the implications of further breaches for their tenancy.

Galway City Council is committed to tackling anti-social behaviour and nuisance in order to create safer and better communities for tenants. Galway City 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. The Council will not allow a minority to spoil it for the majority.

Galway City Council will attempt to resolve all disputes and issues before resorting to legal action. A balance must be struck between the needs of individual tenants and the needs of the wider community. The Housing Department's approach is to try to maintain people in tenancies, which are the subject of breaches, unless the circumstances are so severe as to merit enforcement action.