



Kilkenny County Council
Comhairle Chontae Chill Chainnigh

Anti-Social Behaviour Strategy 2020-2025



Anti Social Behaviour Strategy



Kilkenny City Western Environs

- Cormac O Connell
Tenant Liaison Officer

- Michael Pyke
Traveller Liaison Officer

Kilkenny City Eastern Environs

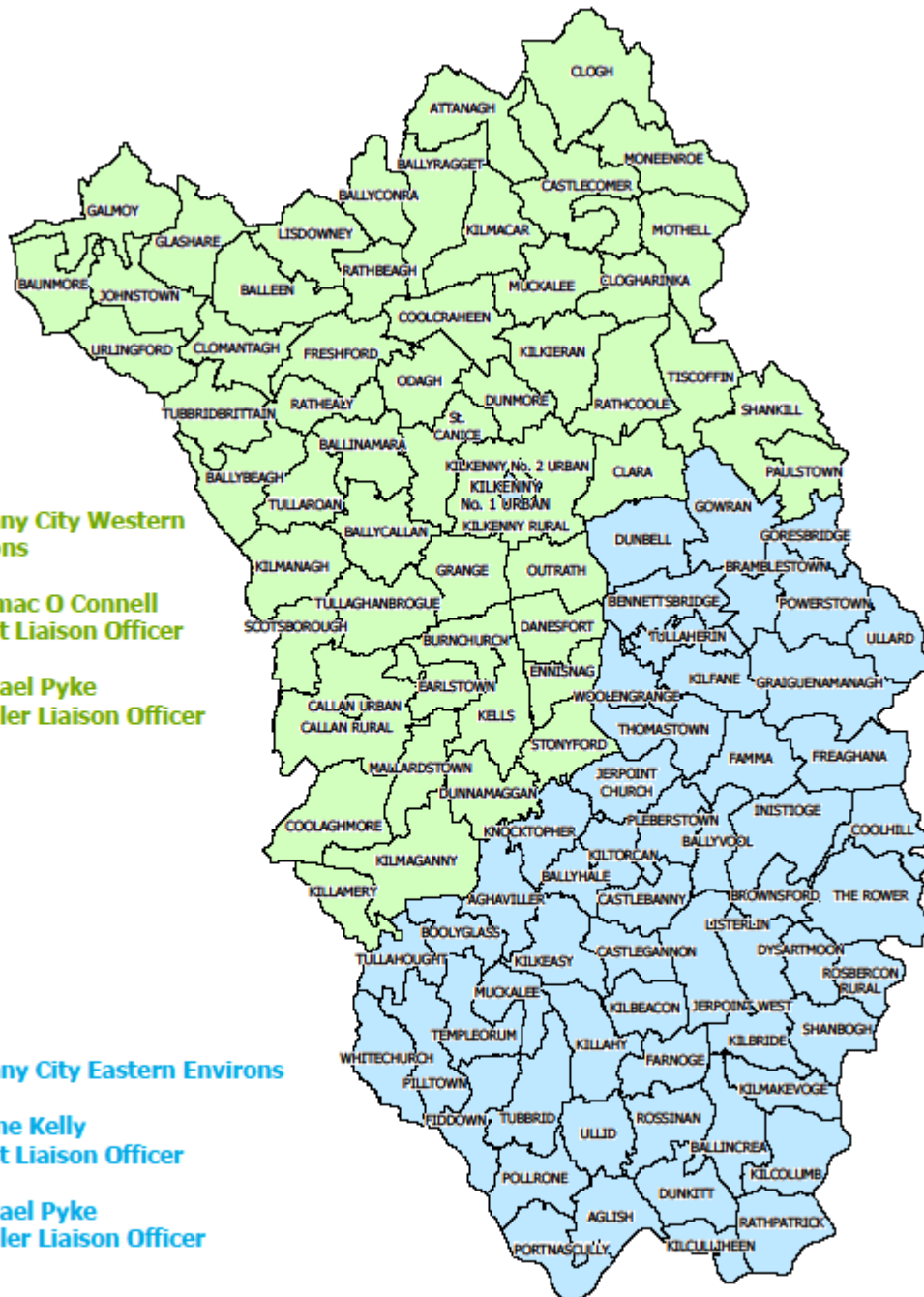
- Lianne Kelly
Tenant Liaison Officer

- Michael Pyke
Traveller Liaison Officer

Legend	
	Electoral Divisions
	Kilkenny City Eastern Environs Lianne Kelly Tenant Liaison Officer and Michael Pyke Traveller Liaison Officer
	Kilkenny City Western Environs Cormac O Connell Tenant Liaison Officer and Michael Pyke Traveller Liaison Officer

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FOREWORD

Kilkenny County Council's vision is to enable everyone to live in good quality homes, in safe & secure environments, within sustainable communities.

Anti social behaviour covers a wide range of unacceptable activity and can seriously impact on peoples lives creating unsatisfactory environments where more serious criminal activity can become established. In general, a response to anti-social behaviour and public disorder, is a matter for the Garda Siochana, however Kilkenny County Council as a local authority has powers to deal with tenants who engage in anti-social behaviour. This Council has more than 2,600 tenancies and has established a team of three Tenant Liaison Officers to deal with tenancy sustainment and support as well as anti-social behaviour.

Kilkenny County Council is committed to working in partnership with An Garda Siochana, the Health Services Executive, TUSLA, Joint Policing Committee, Elected Members, Residents Associations, Family Resource Centres and local communities to deal with anti-social behaviour.

I am pleased to present this five year strategy and action plan which outlines clearly the aims and objectives for the years ahead in relation to effectively dealing with anti-social behaviour. This strategy will be implemented in line with Kilkenny County Councils Scheme of Letting Priorities, Homeless Action Plan and the Traveller Accommodation Programme

Kilkenny County Council acknowledges that anti-social behaviour can have a seriously negative impact on the lives of the people and is committed to promoting a safe and secure environment for all residents of its housing estates. In order to achieve this, we want to adopt a very strong position where such acts of anti-social behaviour are proven.

The housing department have put in place a dedicated team of Tenant Liaison Officers to ensure that all complaints are investigated fairly, impartially and objectively and Kilkenny County Council will work towards the elimination of anti-social behaviour through prevention, enforcement, support and rehabilitation. This team working with the Housing Strategic Policy Committee have prepared this anti-social Behaviour Strategy to increase and monitor activities to prevent and manage incidents of anti-social behaviour arising in our county.

The framework of actions contained in this strategy will allow all agencies to work closely together to achieve more effective prevention and management of anti-social behaviour. This strategy also sets out a clear message that all complaints made will be investigated and acted upon helping our housing department to build more resilient communities which are safe for everyone to live in and enjoy.

Andrew McGuinness
Chairman
Kilkenny County Council

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1. Mission Statement

To investigate all complaints fairly, impartially and objectively, to provide a professional service to our customers/clients/tenants/residents who are victims of anti-social behaviour and to work towards the prevention and reduction of anti-social behaviour and where incidents persist to take timely and effective enforcement action to deal with the situation in any residential area where tenants are managed by Kilkenny County Council.

2. Introduction

Kilkenny County Council (*hereinafter called "The Council"*) acknowledges that anti-social behaviour can have a seriously negative impact on the lives of people and is committed to promoting a safe and secure environment for all residents of its housing estates. In order to achieve this, the Council has adopted a very strong position where such acts of anti-social behaviour are proven.

3. Definition of Anti-Social Behaviour

The *Housing (Miscellaneous Provisions) Act, 2014* 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 purpose of sale or supply, or distribution of a controlled drug (within the meaning of the Misuse of Drugs Acts, 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 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 situate and, without prejudice to the forgoing 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 neighbours*
 - (iii) damage to or defacement by writing or other marks of any property, including a person's home".*

In addition to the above, acts of anti-social behaviour are outlined in Kilkenny County Council's tenancy agreement. Any breaches of the tenancy agreement can be dealt with under Part 2 of the *Housing (Miscellaneous Provisions) Act, 2014*, and working with all other appropriate agencies regard will be had to related provisions within the Criminal Justice Act, Child Protection Act and all other relevant legislation.

4. Legislative Basis

The Council's powers in relation to Estate Management and Anti-Social Behaviour are contained in the Housing Acts 1966 to 2014 and in particular the Housing (Miscellaneous Provision) Act 1997 and Housing (Miscellaneous Provisions) Act 2014. An Anti-Social Behaviour Strategy is required under Section 33 of the Housing Provision Act 2009.

5. Strategic Aims

1. Prevent and reduce incidences of Anti-Social Behaviour in areas where housing units and sites, are provided under the Housing Acts, 1966-2009.
2. Co-ordinate services, within the Housing Authority, that are specifically directed at dealing with, or preventing or reducing Anti-Social Behaviour.
3. Improve effectiveness of enforcement action where required to deal with persisting anti-social behaviour through Co-ordinated and interagency activities.
4. Promote co-operation with other persons and agencies, including An Garda Siochana, Health Service Executive & Tusla in the performance of their respective functions insofar as they relate to dealing with, preventing, or reducing anti-social behaviour, having regard to the need to avoid duplication of activities.
5. Outline Five Year Action Plan to reduce/prevent Anti-Social Behaviour, Co-ordinate services, promote co-operation with other agencies.

6. Strategic Actions

Within the aims outlined above, the following actions will be implemented;

- To monitor and record anti-social behaviour incidents and actions on a monthly basis on a central system.
- To investigate all complaints of anti-social behaviour fairly, objectively and impartially and to initiate an investigation within 10 working days.
- To issue Tenancy Notifications, Tenancy Warnings and to take appropriate enforcement actions for breach of tenancy agreements is at the discretion of the Housing Management Team.
- To adopt a multi-agency approach in dealing with anti-social behaviour
- To work with voluntary and community groups in relation to preventing and reducing anti-social behaviour.
- To co-ordinate services within the Council in dealing with anti-social behaviour.
- To promote and develop the principles of good estate management on our estates and the communities in which they are located.
- To nominate a suitable independent mediator service that tenants may be referred to once Tenancy Warning Letters are issued.
- To implement Behavioural Agreements between both tenants where necessary.
- To publish clear information explaining how to report anti-social behaviour.
- To update our website to ensure all information is up to date and correct.
- Develop Incident Report Form.
- To ensure a dedicated unit of Tenant Liaison Officers is employed to deal with the management and control of all Local Authority tenancies.

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

- (a) Dwellings let under the Housing Acts 1966 as amended;
- (b) Dwellings that are the subject of Chapter 4 tenancy agreements in accordance with the 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 A, note 1.
- (e) Sites for Travellers ('site' in this context is defined in the Housing (Miscellaneous Provisions) Act 1997, as amended)

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.

7. Allocation of tenancies

Kilkenny County Council will ensure that;

- All applicants are Garda Vetted before allocation of a tenancy particularly in relation to criminal behaviour and anti-social behaviour.
- All new tenants will be required to complete a compulsory Pre-Tenancy Course. This course has a strong emphasis on issuing clear guidelines for all tenants in relation to anti-social behaviour and consequences of not abiding by tenancy agreements.
- Housing applicants from outside the Jurisdiction will not be considered for housing unless there is satisfactory evidence provided to prove basis of need in Kilkenny. The applicant will not be considered if there are any pending or previous convictions of anti-social behaviour.
- Where an individual has been proven to have been involved in anti-social behaviour and/or criminal activity, the Council has the right to refuse to allocate, sell or transfer an existing tenant on the grounds of good estate management.
- Where an individual has been proven to fail in providing sufficient or correct information the Council has the right to refuse to allocate, sell or transfer an existing tenant.
- Kilkenny County Council will outline to the applicant/tenant an appeals procedure where a refusal is notified.

8. Interdepartmental and Interagency Collaboration

Interdepartmental

- Monthly meetings will be scheduled to discuss anti-social behaviour cases to include Administrative Officer Housing, Tenant Liaison Officers, Arrears Staff Officers, Waste Enforcement Officer and other departments where necessary.

Interagency

- Monthly meetings to be held with AGS to improve communications and co-ordination of activities.
- Information exchange at HAT meetings to assist in the prevention of anti-social behaviour
- Quarterly interagency meetings to update on Kilkenny County Council implementation of this strategy.
- Effective inter agency information sharing will ensure more efficient service and avoid duplication of actions.
- Where possible, combined actions of enforcement under Housing, Criminal, Child Protection, Social Protection and Planning Legislation will be taken.

9. Complaints Procedure

9.a Categories of complaints.

Category	Classification	Priority
Drugs	1	High
Violence **	2	High
Damage to property	3	High
Racism	4	High
Threats & Intimidation ***	5	High
Animal (Horse/Dog/Fowl)	6	High
Refuse – Hoarding/Dumping	7	Medium
Noise	8	Medium
Parking / Boundary Issues	9	Low
Other	10	Low

**** Violence - acts of physical force intended to hurt, damage or kill someone/something**

***** Threats & Intimidation – To include Coercive control which is “formally defined as psychological abuse in intimate relationships that causes fear of violence or serious alarm or distress that has a substantial adverse impact on a person’s day-to-day life, manifesting as a pattern of intimidation or humiliation involving psychological or emotional abuse”**

9.b Reporting a Complaint

- All Complaints will be dealt with in a private and confidential manner (as per Section 26 of the Freedom of Information Act 1997) and Section 71 of Data Protection Act.
- Anonymous complaints will not normally be investigated.
- Complaints will be accepted by telephone or in writing provided the complainants give their name, address and if possible, telephone contact details and to be retained in accordance conjunction with Data Protection Acts 1988 & 2018.
- All complaints will be categorised within 5 working days and an investigation will be initiated within 10 working days.
- All complaints are protected under Data Protection Acts 1988 and 2018 and information cannot be given out about any investigation to the complainant or the public save in accordance with the law.

9.c Procedure for inviting tenants for interview in respect of allegations of anti-social behaviour

- First Letter issued inviting tenants for interview (5 days notice given). The letter will outline the allegation.
- If tenant fails to attend interview and makes no contact a second letter is issued.
- If tenant fails to attend or make contact with the Council a Final letter will issue by Registered Post and will inform the tenant of the consequences of failing to engage with the Council.
- If no response is received, the Council may issue a Tenancy Warning Letter and if not complied with an order will be made to seek re-possession of the tenancy under Part 2 of the Housing (Miscellaneous Provisions) Act 2014 or an Excluding Order under the Housing (Miscellaneous Provisions) Act 1997.
- If no response is received, the Council may also issue Abandonment Notice where 7 weeks arrears have accrued and there is no response at the tenants address over a period of 7 weeks.

9.d Recording a Complaint

- Kilkenny County Council has a confidential computerised complaints system to manage and monitor all complaints. Complainants may request that their details and information be treated as confidential in accordance with Data protection. All information will be held in accordance with Data Protection Laws.
- If the nature of the complaint would tend to identify the complainant, then the person is made aware of this and will be asked whether or not they wish an investigation to proceed on foot of the complaint. The Complaint Form has been amended to incorporate this.
- The complaint will be assessed by the investigating Tenant Liaison Officer and categorised as per table on page 4.

9e. Investigating Procedure

Investigations may be carried out in different ways depending on the seriousness of the complaint. This may involve making enquiries with other statutory agencies in accordance with Section 15 of the Housing (Miscellaneous Provisions) Act, 1997.

The Council may also:

- Interview the complainant.
- Interview the respondent regarding the allegation.
- Make enquiries within the area where the alleged incident occurred.
- In some cases the Council may deploy overt and covert CCTV systems to secure evidence of the anti-social behaviour
- All allegations will be presented to the respondent. Any responses to the allegations will be fully documented and investigated as appropriate.
- A respondent that refuses to attend for interview or fails to respond to the Council's questions or investigation or obstructs or impedes the Council's investigation shall be deemed to be uncooperative and the Council can draw such an inference.
- All statements and interview notes will be recorded.
- Once a case has been investigated, one or more of the following actions will be implemented as deemed appropriate;
 - a) No further action – if reasonable grounds for believing that the complaint is unfounded or malicious.

- b) Advice given verbally and documented - Usually given where both parties are partially responsible.
- c) Provide Training & guidance on Tenancy Agreements.
- d) Referral to Tenancy Sustainment Service.
- e) Referral to a Mediation Service which will provide basis for agreed behavioural agreements.
- f) Referral to other agency Garda/Tusla/Health Service Executive/ Dept of Social Protection.
- g) Issuing Verbal warnings, Tenancy Notification Letter, or Tenant Warning.
- h) Where a Tenant has been issued with 3 or more Tenancy Warning Letters in respect of their tenancy without improvement appropriate legal action will be taken.
- i) In house Case Conference to decide on possible legal action after Tenancy Warning Letter has been served and the behaviour has continued. This may result in an application for Excluding Order, Further Investigation, or initiation of legal action to terminate tenancy and repossess the property. These actions to be taken in conjunction with other appropriate agencies An Garda Siochana, HSE, Tusla, Department of Social Protection.
- j) If a tenant is convicted of drug dealing or serious acts of violence, the Council may consider:
 - 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* as amended in circumstances where not all occupants are involved.
 - 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*.
 - *Where anti-social behaviour is found to persist in the broader area and not restricted to the tenancy/estate An Garda Siochana will be asked to consider Anti Social Behavioral Orders (ASBO).*

9.f Case Disposal

The Housing Management Team after consultation with Tenant Liaison Officers may dismiss and/or close a case of reported anti-social behavior on the following grounds;

- a) The complaint is not anti-social behaviour as outlined in legislation
- b) The information about the complainant (s) is incomplete
- c) The complaints are proven to be malicious
- d) The complaints are not persistent

- e) No evidence is provided to confirm anti-social behavior
- f) Following investigation and monitoring by the TLO, no evidence of anti-social behaviour has been established.

The Tenant Liaison Officer will outline the reasons for dismissing the complaint in writing, to the complainant with details of how to submit an appeal within 14 days.

10. Inter-Agency Collaboration

To achieve a co-ordinated approach to serious and persistent instances of anti-social behaviour Kilkenny County Council will arrange regular meetings with its partner state agencies of An Gardaí, Health Service Executive, Tusla, Department of Social Protection to develop initiatives to prevent, reduce, and deal with cases of anti-social behaviour.

11. Partnership with Community Development Section – Estate Management

Definition of Estate Management

“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 of 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.

Building Sustainable Communities

Sustainable communities are places where people want to live and work, now and in the future. They meet the diverse needs of existing and future residents, are sensitive to their environment, and contribute to a high quality of life. They are safe and inclusive, well planned, built and run, and offer equality of opportunity and good services for all. Kilkenny County Council recognise the importance of resident and tenant participation in estate management and are committed to working in partnership with residents and tenants to promote estate management in their estates A key objective of the Kilkenny County Council is to create sustainable communities with a key focus on developing good estate management practice.

Estate Management

Kilkenny County Council recognise the importance of resident and tenant participation in estate management and is committed to working in partnership with residents and tenants to promote estate management in their estates.

Our objectives include:

- Assisting in developing sustainable communities by consulting on issues which may affect their physical environment and/or their community.
- To promote estate management in Kilkenny County Council estates & to improve the quality of information being disseminated to communities through various mediums.
- To assist in the development of projects and provide estate enhancement funding and supports to residents that will enable an appropriate level of estate management.

Engaging with Communities

Kilkenny County Council is committed to building good relations within the community to ensure effective estate management.

Kilkenny County Council will help and assist in the development of and support of:

- Resident Committees / Networks.
- Working with other sections within Kilkenny County Council (to further develop initiatives for the betterment of your community.
- The Kilkenny Public Participation Network is the new structure and platform through which the local community can engage with Kilkenny County Council. It forms the link between Voluntary & Community, Social Inclusion & Environmental sectors and the local governing body.
- Development of specific projects.
- Administration of estate management grants including the estate management grant for Kilkenny County Council housing estates, the tidy estates competition and other estate management projects including the large project grant.
- Development of communication structures to help inform residents of grant funding schemes and programmes available through the Council.
- Encouragement of participation in programmes like the National Pride of Place competitions.

Why do we need a Community Committee?

A residents committee is an effective way of organising estate management.

Well organised Residents Associations can play a key role in communicating issues and identifying solutions in their community.

A residents committee is necessary to apply for grants from funding providers.

A resident association can be used to consult with local authorities on environmental matters including estate enhancement, recreational amenities, street parking, traffic hazards, and amenity preservation.

12. Annual Reports

The Council will publish monthly statistics in the CE Report on the following;

- Number of Anti-Social cases received
- Number of complaints received per category
- Number of closed cases

The Housing Department will provide quarterly reports to the Housing SPC and an annual report to the Council to include the following;

- Number of Verbal Warning issued
- Number of Tenancy Notifications issued
- Number of Tenancy Warnings issued
- Number of Possession Orders granted in Court
- Number of Excluding Orders obtained
- Number of repossessions/evictions for Anti-social behaviour
- Number of dwellings surrendered in lieu of legal action
- Number of abandonment notices served
- Number of tenancies acquired from abandonment notices served
- Number of anti-social cases per Municipal District
- Previous annual figures

13. Health & Safety of Staff

The Tenant Liaison Officers are at times exposed to violence and aggression and therefore health & safety of our staff is of the upmost importance. The following strategies have been adopted within the Team;

- a) The Council's PMDS scheme monitors the training needs of all staff. The training requirements are assessed annually with Senior Management to include training such as anti-social behaviour training, anger management courses, interviewing skills, mediations skills etc.
- b) Protective clothing is available to staff.
- c) Where necessary for safety reasons, staff will operate with another Tenant Liaison Officer, the option of Body Cams will be investigated for lone workers.
- d) The Tenant Liaison Officers will carry out risk assessments before callouts are initiated.
- e) Counselling is available to staff if required.
- f) The assistance of An Garda Siochana will be called upon in some cases.
- g) A procedures manual is available to staff in this Team for correct protocol.

- h) Staff are consulted regularly to contribute to new ways of protecting themselves while carrying out their duties.
- i) Kilkenny County Council will not tolerate any assaults, threats, intimidation, obstruction, harassment of, or interference with its employees who are involved in the implementation of this strategy in accordance with the provisions of the Housing Acts 1966 as amended and will institute legal proceedings against any person(s) engaged in such activity.
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.

14.Customer Service/Appeals

Kilkenny County Council is committed to providing a quality service to its tenants and the public.

If a tenant/customer is not satisfied with a decision made by Kilkenny County Council, any complaints or appeals can be addressed to Senior Executive Officer who is the Review Officer and has not been involved in the original decision.

Senior Executive Officer

Housing Department

Johns Green House

Kilkenny

Any person who is unhappy with the decision of the Review Officer can refer the complaint to the office of the Ombudsman.

The Office of the Ombudsman,

18 Lower Leeson Street, Dublin 2.

Email: ombudsman@ombudsman.gov.ie

15. Five Year Action Plan Anti-Social Behaviour Strategy

ACTION	PARTNER	TIMEFRAME Short Term (0-6 months) Medium Term (7-24 months) Long Term (2-5 years)
Set up Interdepartmental Team to meet monthly to assess mutual cases	Kilkenny County Council Housing Department Environment Department Finance Department Planning Department	Short Term
Set up easy access communication between Tenant Liaison Officers & Elected Representatives housing@kilkennycoco.ie	Kilkenny County Council	Short Term
Set up Regional Tenant Liaison Officers Group to establish better communication & best practices	Kilkenny County Council Carlow County Council Waterford County Council, South Tipperary County Council, Wexford County Council, Laois County Council	Short Term
Develop Relations with Agencies – Establish suitable structures to tackle identified issues & strengthen enforcement	Kilkenny County Council An Garda Síochána Animal Welfare Agencies Health Service Executive Dept. of Social Protection Tusla	Short Term

ACTION	PARTNER	TIMEFRAME Short Term (0-6 months) Medium Term 7-24 months) Long Term (2-5 years)
Identify estates with high levels of anti-social behaviour. Support residents to set up committees to encourage tenant participation, good estate management practices, reduce waste etc.	Kilkenny County Council Community Section Housing Section	Short to Long Term
100 inspections to be undertaken per year of Local Authority tenancies to reduce hoarding of refuse & poor maintenance issues	Kilkenny County Council Housing Section	Short to Medium Term
Develop Tenancy Management Assistance Programme for Vulnerable Tenants for house & garden maintenance, refuse disposal.	Kilkenny County Council Private Contractor	Short – Long Term
Identify Private Mediation Service to offer to tenants at Tenancy Warning Stage	Kilkenny County Council Private Contractor	Short – Long Term
Produce quarterly report to Housing SPC on anti-social behaviour statistics	Kilkenny County Council	Short Term
Increase No. of Tenancy Notifications & Tenancy Warnings Served	Kilkenny County Council	Short Term
Identify Fifty Tenancies for Tenancy Review per annum	Kilkenny County Council Housing Department	Short Term

ACTION	PARTNER	TIMEFRAME Short Term(0-6 months) Medium Term(7-24 months) Long Term (2-5 years)
Pilot Project: To Produce information leaflet for tenants on services available in local Community Centres & Family Resource Centres	Housing Department Community Department Family Resource Centres Public Participation Network	Short – Medium Term
Monthly meetings with local community to develop better communications between local authority and the community	Housing Department Newpark Family Resource Centre, Bishop Birch Community Centre, Happe House Hebron Park, Fr. McGrath Centre	Short – Long Term
Website & revise information & update same to include easier ways to Report Anti-Social Behaviour	Kilkenny County Council	Short Term

APPENDIX A

Record No.: _____

Anti-Social Behaviour Complaint Form

KILKENNY COUNTY COUNCIL

HOUSING SECTION

RECORD OF COMPLAINT: -

(TO BE COMPLETED BY THE PERSON MAKING A COMPLAINT ABOUT ANTI-SOCIAL BEHAVIOUR/BREACH OF TENANCY) IF YOU WISH TO HAVE YOUR NAME AS THE COMPLAINANT WITHHELD PLEASE INDICATE BY TICKING THIS BOX:

SECTION (A).

WHO ARE YOU COMPLAINING ABOUT? _____

THEIR NAMES AND ADDRESSES: _____

SECTION (B).

DETAILS OF COMPLAINT:

TIME & DATE OF INCIDENT(S): _____

LOCATION(S): _____

SECTION (C).

WERE THERE ANY WITNESSES? _____

ARE THEY WILLING TO SIGN STATEMENTS OF EVIDENCE TO SUPPORT YOUR COMPLAINT? IF SO, PLEASE NAME THEM AND SUPPLY THEIR CONTACT NUMBERS HERE: NAME: ADDRESS: TELEPHONE

NUMBER: _____

SECTION (D). WHAT HAPPENED?

WHAT DO YOU SAY IS THE BREACH OF TENANCY? PLEASE COMPLETE THE DETAILS OF YOUR COMPLAINT USING THE SPACE BELOW:

SECTION (E). WAS THIS MATTER REPORTED TO AN GARDA SIOCHANA? IF SO, PLEASE SUPPLY THOSE DETAILS BELOW: WHO MADE THE REPORT AND ON WHAT DATE? WHICH GARDA STATION? NAME OF GARDA WHO TOOK REPORT? REFERENCE NUMBER/PULSE NUMBER OF REPORT IF KNOWN: DID THE GARDAI CALL TO INVESTIGATE THE INCIDENT? _____

SECTION (F). WHAT IMPACT HAS THIS HAD ON YOU OR MEMBERS OF YOUR FAMILY? PLEASE GIVE DETAILS BELOW _____

(Continue on a separate sheet if necessary):

PLEASE COMPLETE YOUR OWN DETAILS BELOW: NAME: _____

ADDRESS: _____

ALL INFORMATION GIVEN BY ME IS TRUE TO THE BEST OF MY KNOWLEDGE SIGNATURE:

_____ DATE: ____/____/____ PLEASE COMPLETE AND RETURN TO TENANT

LIAISON OFFICER, HOUSING SECTION, KILKENNY COUNTY COUNCIL, HOUSING , JOHNS GREEN

HOUSE, KILKENNY

APPENDIX A (ii)

Record No.: _____

Anti-Social Behaviour Statement Form

KILKENNY COUNTY COUNCIL

HOUSING SECTION

(THIS STATEMENT WAS TAKEN BY TENANT LIAISON OFFICER KILKENNY COUNTY COUNCIL ON _____)

(DATE). THE FOLLOWING PERSONS (S)

WERE PRESENT ON (DATE)

IF YOU WISH TO HAVE YOUR NAME AS THE COMPLAINANT WITHHELD PLEASE INDICATE BY TICKING THIS BOX:



(SIGNED)

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins or other markings on the paper.

Signed: _____

Date: _____

Appendix B

NOTE1:

NOTE2:

NOTE3:

NOTE4:

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.

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 the application can be processed any further (excluding any period of custodial sentence).

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

Where the Council believes that an applicant, or a person who forms part of the housing application, is involved in anti-social behaviour, the application will be deferred until the Council is satisfied that the person has engaged successfully with addressing the issues identified

Appendix C: Written Warning

<Customer No/Property ID>

<DATE>

<Name of Tenant>

<Address 1>,

<Address 1 >,

<Address 3>,

Co. Kilkenny.

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 _ of Tenancy Agreement, signed by you on <date> which states;

"CLAUSE 17:

- (a) Neither the tenant nor any member of his household or any household or any sub-tenant 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.*
- (b) The term "neighbour" means persons living or working in the vicinity of the tenant's dwelling.*
- (c) 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 wellbeing 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 sincerely,

Housing Section .

Appendix C (i): Section 7 Tenancy Warning - Cover Letter

<File Ref>

<DATE>

<Name of Tenant>

<Address 1>,

<Address 1>,

Re: **Breach of Tenancy - Allegations of Anti Social 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 anti social 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 C (ii): Section 7 Tenancy Warning

<Name of Tenant>

<Address>,

<Address 2>,

.

TENANCY WARNING

Section 7 of the

Housing (Miscellaneous Provisions) Act 2014

Whereas by Tenancy Agreement dated the <DATE> (*hereinafter called "the Agreement"*) Kilkenny County Council (*hereinafter called "The Council"*) let the property commonly known as <Address, County Kilkenny> (*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, 1997, 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 o/ 2020***