



Comhairle Contae Mhaigh Eo  
Mayo County Council



# Anti-Social Behaviour Strategy

Adopted 13<sup>th</sup> May 2019.

Housing Office  
College House  
Swinford  
Co. Mayo

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## **Introduction**

Mayo County Council (also known as ‘the Council’ or ‘Local Authority’) recognises the adverse and damaging effect anti-social behaviour can have on the quality of life of our tenants and the community as a whole. Anti -Social Behaviour can generate significant costs for Local Authorities as a result of vandalism to property and can create difficulties in letting accommodation. Behaviours that are anti-social, impact negatively on social value and by working to prevent anti-social behaviour, we can create a positive social impact and the benefit can be felt by the local people and wider society.

The incidence of anti-social behaviour is low in properties managed and supported by Mayo County Council. However, dealing with allegations of anti-social behaviour is not an easy task. Many activities are difficult to define because they are subjective and normal standards of behaviour for one individual or household may be unacceptable to another. Dealing with allegations of anti-social behaviour requires challenging and time consuming investigation.

Anti-Social Behaviour is often symptomatic of social problems such as alcohol or drug addiction or breakdown of the family unit, which Local Authorities cannot address on their own. Therefore, Mayo County Council will endeavour to investigate and resolve complaints of anti-social behaviour and will work closely with tenants and other agencies such as An Garda Síochána, the Health Service Executive, Tusla, Probation Services and The Department of Employment Affairs and Social Protection.

In the event of serious anti-social behaviour which falls into a criminal category, such serious incidents will be a matter for An Garda Síochána.

This Strategy will apply to:

- Dwellings let under the Housing Acts 1966 to 2014
- Dwellings that are the subject of Chapter 4 tenancy agreements
- Dwellings let under the Social Housing Leasing Initiative
- Dwellings in which relevant purchaser’s live i.e. tenant purchasers and their successors in title, incremental purchasers and their successors in title and apartment tenant purchasers and their successors in title
- Sites (within the meaning of Section 1 of the Housing Miscellaneous Provisions Act 1997)

## **Mission Statement**

Mayo County Council is committed to the prevention and reduction of anti-social behaviour in order to provide a safe and secure environment for all our tenants.

## Definitions

**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 purposes of sale or supply or distribution of a controlled drug (within the meaning of the Misuse of Drugs Acts 1997 to 2007)
- (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- 2014 of Part V of the Planning and Development Act 2000 or a Housing Estate in which the house is situate and, without prejudice to the foregoing, includes –
  1. Violence, threats, intimidation, coercion, harassment or serious obstruction of any person,
  2. Behaviour which causes any significant or persistent impairment of a person’s use or enjoyment of his or her home, or
  3. Damage 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 Mayo 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.

Behaviour must for the purposes of the Act involve significant or persistent i.e. danger, injury or damage to persons, property etc. The definition does not include noise and nuisance or other activities, which would not normally be associated with the serious problems towards which the Act is targeted.

**The Complainant:-** The person making the complaint will be known as the complainant.

**The Respondent:-** The person against whom the complaint is made will be known as the respondent.

**Nuisance Behaviour:-** Behaviour causing or likely to cause harassment or distress to other persons which would, if continued diminish the quality of life of others. This includes

drinking in public places, noise pollution, indiscriminate burning, litter pollution, illegal dumping, abandonment of vehicles, trespass and dog/horse or other animal related nuisance.

**Racism:-** According to the United Nations Convention on the Elimination of all forms of Racial Discrimination, “the term racial discrimination shall mean any distinction, exclusion, restriction, or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.”

**Vexatious Complaints:-** A vexatious complaint is a complaint without substance or credibility. In deciding whether or not to investigate complaints, preliminary inquiries may be made to ensure that complaints are not vexatious and where possible, establish the reliability and credibility of complainant.

**Estate Management:-** As provided for in section 1 (1) of the Housing (Miscellaneous Provisions) Act, 1997 (as amended). It includes either or both of the following, namely –

- (a) the securing or promotion of the interests of any tenants, lessees, owners or occupiers, whether individually or generally, in the enjoyment of any house, building or land provided by a housing authority, under the Housing Acts 1966 to 1997;
- (b) the avoidance, prevention or abatement of anti-social behaviour in any housing estate in which is situated a house provided by a housing authority under the Housing Acts, 1966 to 1997.

**Chapter 4 Tenancy:-** A fixed term tenancy is a tenancy that lasts for a specific amount of time as set out in a tenancy agreement or lease. A ‘part 4’ tenancy runs alongside a fixed term tenancy, which means that the tenant shall, after a period of six months and as in the normal course, become entitled to the provision of a ‘Part 4’ tenancy. A Part 4 tenancy means they can stay in the property for a further 5 and a half years or 3 and a half years if the tenancy commenced before 24 December 2016 and subject to certain exceptions for termination. This means that irrespective of the length of a fixed term lease, a tenant has an entitlement to remain in the dwelling for up to six years and the landlord can only terminate on limited grounds.

**Multi-agency approach:-** In some instances, successful resolution of anti-social behaviour can only be achieved based on a multi-agency partnership approach to include Gardaí, HSE and Tusla. Mayo County Council will continue to work closely with An Garda Síochána and other agencies in dealing with anti-social behaviour.

The Local Authority has extensive expertise in relation to all areas of housing provision and management. Multi-agency panels have been created linking Mayo County Council with both statutory and non-statutory organisations. For the purposes of the Anti-Social Behaviour Strategy, the statutory agencies are as follows:

- An Garda Síochána
- Health Service Executive
- Probation Services
- Department of Education & Science
- Department of Employment Affairs and Social Protection

The effect of this close co-operation will ensure a co-ordinated approach between the agencies in particular cases and to continue to contribute to the successful resolution of anti-social problems in areas that have experienced relatively high levels of such behaviour.

**Reviewer:-** A reviewer is an officer not involved in the initial decision-making process in regard to a complaint.

**Working Day:-** A working day is Monday through to Friday excluding public holidays

## Legislation

**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 legal redress available to Mayo County Council to respond to and address anti-social behaviour is covered in a number of pieces of legislation:**

- Housing Act 1966 (as amended)
- Housing Act (Miscellaneous Provisions) 1997
- Housing (Miscellaneous Provisions) Act 2009
- Residential Tenancies Act 2004 & 2015
- Housing (Miscellaneous Provisions) Act 2014

**In implementing the provisions of this Strategy Mayo County Council will also have regard to the following legislation:**

- Housing (Traveller Accommodation) Act 1998
- Freedom of Information Act 1997 – 2014
- Data Protections Acts 1998, 2003 & 2018
- Misuse of Drugs Act 1997 – 2007
- Planning and Development Act 2000.
- Local Government Act 2001

## **The Criminal Justice Act 2006 gives Gardaí certain powers in relation to Anti-Social Behaviour.**

### **Section 113(2)**

Anti-social behaviour occurs where a person or persons causes or, in the circumstances is likely to cause, to one or more persons who are not of the same household as the person.

- Harassment
- Significant or persistent alarm, distress, fear and intimidation or
- Significant or persistent impairment, impairment of their use or enjoyment of their property.

### **Section 114 – What is a behaviour warning**

A behaviour warning is the first step that must be taken before an application can be made to the courts for a behaviour order or ASBO. A behaviour warning is a means of putting you on notice that your behaviour is causing others in the community distress or fear and is interfering with their enjoyment of their property and that you should cease or stop such behaviour.

A Garda may issue a behaviour warning if you are behaving in an anti-social manner. A behaviour warning cannot be issued more than 1 month after the behaviour took place.

A behaviour warning remains in force for three months from the date on which it was first issued.

### **Section 115 – Anti-Social Behaviour Order**

A Civil Order is an Anti-Social Behaviour Order or ASBO. A District Court may, on the application of a Superintendent of the Garda Síochána, issue a Civil Order or ASBO which prohibits a person from doing anything specified in the order.

A Superintendent can apply for a civil order when a person has been issued with 3 behavioural warnings in less than 6 consecutive months, a person has already been issued with a behavioural warning and has not complied with one or more demands of that order.

A Civil Order can remain in place for a maximum of 2 years from the date of making the order.

## **Aims & Objectives**

- To prevent and reduce Anti-Social Behaviour within Mayo County Council managed and supported properties
- To co-ordinate services within the housing authority directed at dealing with or reducing anti-social behaviour
- To promote good estate management on our estates and the communities in which they are located

- Reduce the number of Local Authority vacant stock in order to prevent the occurrence of anti-social behaviour.
- To promote cooperation with other persons/agencies in the performance of their respective functions in relation to preventing/reducing Anti-Social Behaviour in order to avoid or reduce duplication between Mayo County Council and the other person/agency in performing their functions.
- To ensure staff are competent in dealing with complaints of anti-social behaviour
- To investigate all complaints fairly, objectively and impartially
- To reduce the intimidation of local authority staff

### **STRATEGIES TO ACHIEVE AIMS & OBJECTIVES**

- Investigate all complaints of Anti-Social Behaviour
- Interview/challenge/caution the alleged offenders
- Introduce Mayo County Council's Anti-Social Behaviour policy to all new tenants as part of pre-tenancy training and issue all new tenants with the tenant's handbook which contains a section on anti-social behaviour;
- Mayo County Council will enforce the conditions of the Tenancy Agreement that relate to anti-social behaviour;
- Liaise with other state and voluntary agencies to establish community development, family support services etc.;
- Mayo County Council may refuse/defer a letting as a result of a failure to notify or provide the local authority with updated information;
- Mayo County Council may refuse to sell a dwelling to a tenant if it considers the tenant is or has been involved in anti-social behaviour;
- Mayo County Council may refuse consent to the re-sale of a dwelling if it considers that the intended purchaser is or has been engaged in anti-social behaviour;
- Promotion of good estate management through effective communication with tenants and the encouragement of the development of Residents Groups to manage their own estates;
- Continued consideration of the Departments best practice guidelines for "Quality Housing for Sustainable Communities" which outline areas that should be considered during scheme design to ensure security and to help eliminate anti-social behaviour;

- Applicants for Social Housing Support may be refused if in the 5 year period prior to the date of assessment the applicant or any member of the household has been convicted of offences under sections 5,6,7,14,15 and 19 of the Criminal Justice (Public Order) Act, 1994 as amended and/or an offence relating to the unlawful possession, cultivation, use or supply of a controlled substance within the meaning of the Misuse of Drugs Act, 1977 as amended.

Garda clearance checks will be carried out on all applicants for Social Housing Support;

- Households who are on Mayo County Council's housing waiting list may have their application suspended or deferred for a period if the applicant or any member of the household is convicted of offences under the sections 5,6,7,14,15 and 19 of the Criminal Justice (Public Order) Act, 1994 as amended and/or an offence relating to the unlawful possession, cultivation, use or supply of a controlled substance within the meaning of the Misuse of Drugs Act, 1977 as amended.

Garda clearance checks will be carried out to confirm same;

- Allocation of a Mayo County Council property may be refused if in the 5 year period prior to the date of assessment the applicant or any member of the household has been convicted of offences under sections 5,6,7,14,15 and 19 of the Criminal Justice (Public Order) Act, 1994 as amended and/or an offence relating to the unlawful possession, cultivation, use or supply of a controlled substance within the meaning of the Misuse of Drugs Act, 1977 as amended.

Garda clearance checks will be carried out on all applicants prior to the making of an allocation of a Mayo County Council property;

- Consider refusal to sell a dwelling on the grounds of Anti-Social Behaviour
- Engage with An Garda Síochána with regards the removal of squatters from Council dwellings where the individuals are or have engaged in Anti-Social behaviour and refuse to leave.
- Provide a Mediation Service for neighbour disputes – this can help prevent disputes escalating into serious Anti-Social Behaviour.
- Pursue legal remedies, including court orders for exclusion and eviction particularly in respect of drug dealing where appropriate
- Use all available resources, including CCTV where possible, to assist with the enforcement and reduction of anti-social behaviour in Mayo County Council;
- Provide staff training in dealing with complaints of anti-social behaviour.

## **Complaints Categorisation /Procedure:**

Mayo County Council will investigate all valid written complaints of Anti-Social Behaviour in a fair, impartial and objective manner.

### **WHO CAN MAKE A COMPLAINT?**

- Any person who believes s/he is a victim of Anti-Social Behaviour should contact the Local Housing Office to make a complaint or use a public representative to do so;
- Complaints will also be accepted from recognised associations within a particular housing development;
- Anonymous complaints will generally not be investigated except in a case where many such complaints are received relating to the individual or household such matters will only be dealt with in exceptional circumstances as considered appropriate;
- The Council will only accept written complaints via the completion of the Anti-Social Behaviour Form.

### **COMPLAINTS THAT WILL NOT BE ACCEPTED OR INVESTIGATED:**

The following complaints will not be accepted or investigated:

- Individual Anonymous Complaints;
- Complaints against unidentified person.

### **CONFIDENTIALITY:**

- Mayo County Council will make every effort to protect the identity of the complainant;
- An investigation will not proceed if the nature of the complaint is likely to compromise the identity of the complainant, the complainant can advise otherwise in writing;
- The Council will work under the ethos that a complainant requires that complaint to be dealt with in complete confidentiality unless the complainant specifies otherwise in writing;
- The Council will fully comply with the provisions of the Freedom of Information Acts, 1997 – 2014. Information given to the Council by persons complaining of anti-social behaviour must have the written complaint marked as “private & confidential”.

## **CLASSIFICATION OF THE COMPLAINT:**

Complaints are classified to ensure that the correct response measure is applied:

### ***Category A:***

Drug activity

- The manufacture, production, preparation, importation, exportation, sale, supply, possession for the purposes of sale or supply, or distribution of a controlled drug (within the meaning of the Misuse of Drugs Act, 1977 – 2007).

### ***Category B:***

Non-drug related criminal activity - violence/intimidation/harassment/racism/ illegal occupiers/ public order

- Any behaviour which causes or likely to cause any significant or persistent danger, injury, damage, loss or fear to any living person living, working or otherwise lawfully in or in the vicinity of a house provided by the Housing Authority under the Housing Acts 1966 to 2014, or a housing estate in which the house is situate and without prejudice to the foregoing includes violence, threats, intimidation, coercion, harassment or serious obstruction of any persons.

### ***Category C:***

Estate Management/noise/disturbance/ animal nuisance/ physical condition of the property

- Not all complaints received will fall within the definition of the Housing (Miscellaneous Provisions) Act, 1997, but may relate to breaches of the Tenancy Agreement.

## **COMPLAINTS EXEMPT FROM INVESTIGATION:**

- Cases involving serious crime, should be referred immediately to An Garda Síochána;
- Allegations of Child Abuse or Neglect will be referred to Tusla and/or An Garda Síochána.
- Cases of Domestic Violence do not come within the scope of the definitions of anti-social behaviour. The Domestic Violence Act 2001 is the appropriate legislation for such cases;
- Noise & Control of Dogs - Excessive barking that causes a nuisance is deemed as an offence and the complainant may make a complaint to the District Court under the Control of Dogs Act;
- Noise other than animals - If the complainant believes that there is unreasonable noise emitting from a dwelling Mayo County Council may provide mediation, if no compromise can be agreed between the parties the complainant can make an application to the District Court for a Noise Abatement Order under the Environmental Protection Act, 1992;

- Erratic Driving within an estate should be referred to An Garda Síochána.

### **INVESTIGATING THE COMPLAINT:**

- Mayo County Council will priorities the nature of the written complaint and if necessary or where resources allow initiate an investigation within 15 working days;
- Allegations relating to drug activity or criminal activity will be given the highest priority by the Council and referred immediately to An Garda Síochána. Tenants will also be advised to make a complaint to the Gardai;
- The nature of the complaint will determine the process of investigation this may include:
  - Examination of the Tenancy Agreement;
  - A review of the Tenant File(s);
  - Obtaining information from other State Agencies in accordance with Section 15, Housing (Miscellaneous Provisions) Act, 1997.
- Mayo County Council will request in writing that the respondent and where necessary any members of the household attend an interview;
- The respondent will be advised that s/he may be accompanied by a friend or other representative at the interview (the friend/representative must not interfere with the interview process);
- At interview stage the respondent will be informed of the nature of the complaint and that same is under investigation. The respondent will be given the opportunity to reply;
- Mayo County Council will advise the respondent of the possible consequences should the complaint be true;
- Should the respondent fail to contact the Housing Office within seven days of being requested to attend an interview a second written request will be issued. Failing this, a final written request may be issued, and the respondent warned that failure to present for an interview may result in the allegations being deemed proven.

### **ACTION REQUIRED:**

If a complaint is believed to be unfounded then no further action is required, however if after the investigation process Mayo County Council has reasonable grounds for believing that the respondent is involved in anti-social behaviour or has breached the tenancy agreement, the matter will be dealt with in one or all of the following ways:

- Discussion & Advice
- Mediation
- First Warning Letter

- Second Warning Letter
- Statutory Tenancy Warning Letter
- Excluding Order
- Repossession Order
- Termination of tenancy / Notice to Quit

## CASE DIRECTION

Where Mayo County Council has sufficient and reasonable reason to believe that an individual tenant or member of a tenant's household is or has been engaged in anti-social behaviour, Mayo County Council will deal with the matter using one or more of the options listed below.

### No further action

If Mayo County Council has reasonable grounds to believe that any complaint is unfounded or malicious then no further action will be taken against the Respondent. Mayo County Council may forward the file to An Garda Síochána if a case is found to be malicious in nature.

### Advice Offered

Advice is usually offered when both parties are seen to be in the wrong and complaint is of a trivial nature. This can also be used if complaints involve young children who are under the age of criminal responsibility and it is more appropriate to offer advice and referral to the appropriate agencies.

### Referral to other Agencies such as Gardaí, HSE & Tusla

These are cases that involve families with complex welfare needs, mental health issues, addiction problems, domestic violence, with a clear need for support and assistance. These cases would be referred to the HSE or Tusla for appropriate help and advice. This will be carried out through Mayo County Council's Social Workers Department.

Serious complaints will be immediately referred to An Garda Síochána, the HSE and/or Tusla. These complaints would usually involve drug dealing from dwellings and child protection issues. **Mayo County Council will implement their child protection policy where child welfare/protection comes to their attention and if staff are in any doubt the WILL refer.**

Where vulnerable adults are identified as being at risk of abuse, such adults will be referred to the Safeguarding and Protection Team as per HSE's National Procedures of Safeguarding Vulnerable Persons 2014.

### Mediation

Mediation would be made available to assist with disputes between neighbours. This has proven to be a very successful method of dealing with disputes as long as the participants are willing to avail of it.

### First Breach of Tenancy Letter

This is usually reserved for more minor breaches of the tenancy agreement, where it has been established that a breach has occurred. Any previous verbal warnings issued to the respondent should be referenced in this letter. A tenant can be issued numerous Breach of Tenancy letters.

### Second Breach of Tenancy Letter

If the alleged breach of tenancy agreements persists, a second breach of tenancy letter may issue. This letter may contain reference to legal action that may be instigated against the respondent if the behaviour persists. The respondent may be requested to attend a formal interview with Mayo County Council's Housing Department officers, at this stage.

### Formal Interview

A formal interview may be held at any stage of the process between the respondent and the Housing Department officers of Mayo County Council. During this interview, the allegations of breach of tenancy will be outlined to the respondent who in turn will have the opportunity to respond to these allegations.

### Referral to an In-House Case Conference

An In-House Case Conference will occur where the above efforts have failed, Breach of Tenancy letters have been ignored, or the behaviour is so serious it is considered that another Breach of Tenancy letter would not be sufficient, and it warrants an immediate referral and action by Mayo County Council. Mayo County Council will request all substantiated evidence from Gardaí in writing that the serious incident did in fact occur and confirmation if any investigation is ongoing.

**In-House Case Conference:** - this may take place at any stage during the procedure if necessary.

The In-House Case Conference if necessary, will be held as soon as is practicable and will include staff and management from the Housing Department. Where deemed necessary, representatives of other agencies may be invited to attend. Each case is discussed in details and a collective decision is made which may include the following:

- No further action
- Await investigation by other Agencies
- Refer back to Housing Department for further enquiries
- Apply for Excluding Order
- Statutory Tenancy Warning Letter under 2014 Act
- Or 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 act as support to the conference. However, this individual will not be allowed to interfere with the process of the conference at any given time.

### Statutory Tenancy Warning Letter

A Statutory Tenancy Warning Letter is a letter served on a tenant pursuant to Section 7 and Section 9 of the Housing (Miscellaneous Provisions) Act 2014 Part 2. Section 7 provides that a Statutory Tenancy Warning Letter be sent in circumstances of anti-social behaviour and Section 9 for breach of the tenancy agreement. Failure by a tenant to adhere to the requirements set out in any such Statutory Tenancy Warning Letter to immediately cease the antisocial behaviour or breach of tenancy agreement may result in the Mayo County Council initiating repossession proceedings against the tenant in the District Court.

Legal action will be considered for cases involving drug dealing in dwellings or on the estate, and other factors will also be considered such as the number of complaints, breach of tenancy letters issued, effect on victims. Mayo County Council will seek the assistance and support of An Garda Síochána in all legal cases involving anti-social behaviour.

### **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 Mayo County Council to review the Tenancy Warning. A request to review this Tenancy Warning must be made in writing to Mayo County 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.

### 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

tenant/relevant purchaser will be advised in writing to apply to the District Court for such an order in the first instance.

If the tenant/relevant purchaser, through violence, threat or fear will not apply for an Excluding Order, Mayo County Council may apply for such an order and may consult with the tenant/relevant purchaser. This process may be carried out with the support of An Garda Síochána.

### Applying for Repossession

If a breach of tenancy is not dealt with by the respondent, even after a Tenancy Warning, Mayo County Council 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 District Court may order the ending of the tenancy or, in the case of anti-social behaviour, may instead 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.

### Transfer Requests on Grounds of Anti-Social Behaviour

Requests to transfer on the grounds of ASB will be considered only in exceptional cases whereby it has been established that there is a serious threat to life. The behaviour has to be significant and persistent and any relocation has to be in the interests of good estate management and substantiated by written Garda correspondence. These cases are rare.

## Work Flow for ASB Complaints

Complaint Received by  
Housing Office

Investigate Complaint

1) No Action by LA

2) Advice Offered

3) Refer to other Agencies –  
Gardaí; HSE; Tusla;

1) Mediation

2) First Breach of Tenancy Letter

3) Second Breach of Tenancy Letter

4) Formal Interview (can be held at any time)

5) Refer to In-House Case Conference

6) Statutory Tenancy Warning Letter

7) Review of Tenancy Warning Letter

8) Apply for Repossession

9) Apply for Excluding Order

10) Transfer – Serious Risk – Good Estate Management

## Health & Safety

### **Threats / Intimidation of Council Employees**

Mayo County Council will not tolerate any work place violence, physical violence or non-physical violence or aggression against it's employees who are involved in the implementation of the provisions of the Housing Acts 1966 to 2014 as amended.

### **Risk Assessments, PPE & Communications**

Staff will carry out risk assessments both dynamic if on site and normal when preparing to go on site and will ensure in so far as is reasonably practical that they have sufficient resources with them to achieve a successful conclusion to a site visit.

Staff will ensure that they have adequate personal protective equipment and communications devices such as mobile phone prior to going on any site visit.

**APPENDIX 1(a)**  
**ANTI-SOCIAL BEHAVIOUR COMPLAINT FORM**

Complainants Name:	
Complainants Address:	
Complainants Contact Tel No:	
Name of Person(s) about whom complaint is being made:	
Address of person(s) about whom complaint is being made:	
Date of incident:	
Location of incident:	
Nature of Complaint: (Including times, dates, other witnesses as detailed as possible)	
Reported to Gardai (Yes <input type="checkbox"/> No <input type="checkbox"/> )	Name of Garda Station:
Garda Station Stamp	Local Authority Stamp
Name of Garda reported to:	Garda Reference Number:
Name(s) of any witnesses to incident	

I hereby declare that the foregoing information I have supplied to Mayo County Council is truthful and accurate.

**SIGNATURE OF COMPLAINANT:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**APPENDIX 1(b)**  
**ANTI-SOCIAL BEHAVIOUR COMPLAINT FORM 2**

**TO BE COMPLETED BY STAFF OF LOCAL AUTHORITY**

Complaint received on behalf of Local Authority by:	
Date complaint received:	
Date complaint passed on for investigation:	
Does complaint refer to: (Categorises defined by Anti-Social Behaviour Strategy)	
Anti-Social Behaviour (drug related)	Yes <input type="checkbox"/> No <input type="checkbox"/>
Anti-Social Behaviour (not drug related)	Yes <input type="checkbox"/> No <input type="checkbox"/>
Other, such as Minor Nuisance Behaviour	Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes - date complainant acknowledged:	
If no – date complainant notified:	
Date investigation proceedings commenced:	

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
**(Investigation Officer)**