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# Policy: Anti-social behaviour

Updated November 2018

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## 1. Policy statement

Ready4Home Housing & Support recognises the harmful impact that anti-social behaviour (ASB) can have both on our clients and the wider community. We are committed to tackling all forms of ASB at the earliest possible opportunity and promoting a culture of respect and tolerance. To achieve this we will:

- Work to prevent ASB before it occurs. This will include raising awareness of anti-social behaviour issues and providing information to clients.
- Respond promptly to all reports where it is alleged that our clients, or visitors of our clients, are perpetrators of ASB
- Work with and support any of our clients who experience ASB

The purpose of this policy is to provide a framework in which staff can work positively with clients and key agencies to prevent and tackle ASB.

This policy applies to all residents, tenants and service users of Ready4Home (collectively referred to in this policy as 'clients').

## 2. Definition of anti-social behaviour

Ready4Home accepts the definition of ASB as stated in the Anti-Social Behaviour, Crime and Policing Act 2014. This Act describes ASB as:

- Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,
- Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or
- Conduct capable of causing housing-related nuisance or annoyance to any person

Examples of ASB include (but are not limited to):

- Persistent noise nuisance
- Intimidation and harassment whether intended or perceived
- Threats of violence and actual violence
- Threatening language and/or behaviour
- The use of spray paints etc. for graffiti
- Racial, homophobic, sexist or other discriminatory language
- Trading in illegal drugs
- Use of a tenanted property for any illegal or immoral activity
- Vandalism and criminal damage
- Nuisance from vehicles
- Behaviour linked to alcohol or drug abuse

## 3. Policy

Anti-social behaviour can affect anyone. Ready4Home clients may be the victims of ASB due to the behaviour of other clients, their neighbours or unwanted visitors who may act in a predatory way toward them. Equally Ready4Home clients may be the perpetrators of ASB, with their behaviour impacting on other clients or their neighbours.

All Ready4Home clients and their visitors must show consideration to their neighbours, other clients, Ready4Home staff and contractors. Tenants and residents of Ready4Home must adhere to the conditions of their tenancy or licence agreement and any house rules, which may be in place.

### 3.1 Actions to prevent ASB:

The interaction between Ready4Home clients and the communities in which they are based should be one of mutual benefit and tolerance. Through working closely with clients and tackling the causes, which underlie anti-social behaviour, we seek to prevent ASB from occurring in the first place. Examples of action taken by Ready4Home to prevent ASB include:

- Clearly worded tenancy and licence agreements and house rules which explain that ASB will not be tolerated
- A client leaflet explaining our approach to ASB and the action Ready4Home will take should ASB occur
- Helping clients to identify behaviour which others may consider anti-social and providing them with support to address this behaviour
- Working alongside other agencies, such as drug and alcohol support agencies and mental health support services, to ensure clients receive appropriate support
- Close liaison with partner agencies (please see point 5 below)

### 3.2 Principles in responding to ASB:

Despite the preventative actions identified in 3.1 above, sometimes ASB will occur. When it does, Ready4Home will:

- Take all reports of ASB seriously
- Not pre-judge the situation
- Support clients throughout the process
- Advise complainants to report any criminal activity to the police
- Work with the complainant to collect evidence relating to ASB
- Assess and monitor risk
- Keep the complainant informed of developments
- Intervene at an early stage to prevent ASB from escalating
- Implement appropriate management interventions and, where necessary, legal actions to address ASB (please see points 3.3 and 3.4 below)
- Support our clients should they wish to originate a complaint of ASB

### 3.3 Management interventions:

In dealing with ASB Ready4Home takes a proportionate approach; we recognise that legal action should be the final option rather than the first. We will therefore attempt appropriate management interventions (non-legal actions) before pursuing any legal action. Management interventions which Ready4Home staff might consider include:

- **Mediation between parties** – this may involve Ready4Home staff mediating between the perpetrator and victim to find a way forward that is acceptable to everybody. Often this provides the quickest and most effective solution.
- **Warnings** – where the perpetrator of ASB is a Ready4Home tenant or resident and they are in breach of their licence or tenancy agreement, consideration can be given to issuing a verbal or written warning if their behaviour persists.
- **Diversionary action** - this is a course of action intended to move perpetrators away from causing ASB. An example is a group of teenagers causing nuisance in an area where a number of elderly people are living. Youth services might organise some activity (e.g. a five-a-side football tournament) that would remove the group from the scene and act as a positive alternative to the ASB.
- **Acceptable Behaviour Contracts (ABC)** - an informal contract, drawn up by staff with clients in the early stages of ASB, with the aim of keeping the individual within acceptable bounds of behaviour.

- **Involvement of other services** – seek the support of other service providers in instances where perpetrators have, for example, mental health problems, recognised behavioural problems or substance dependency issues.
- **Environmental Health Department** - for issues relating to noise disturbance, a referral to the Environmental Health Department may be appropriate. ‘Night noise’ (noise between 11.00pm and 7.00am) can be punished by a fine and noisy equipment can be confiscated under certain circumstances.
- **Counselling for individuals causing ASB**

### **3.4 Legal actions to address ASB:**

Where management interventions fail to resolve the ASB, Ready4Home will give consideration to the use of legal actions. This may involve reporting the ASB to the police and taking action under the Anti-Social Behaviour, Crime and Policing Act 2014. Provisions under the Act include:

- Community Triggers
- Community Resolutions
- Community Protection Notices
- Civil Injunctions
- Criminal Behaviour Orders
- Public Spaces Protection Order
- Closure powers
- Absolute grounds for possession

For a summary of these provisions, please see Appendix 1 of this policy. In serious cases, where all other action has failed and where the perpetrator is a Ready4Home tenant or resident, we may consider ending their licence agreement or taking legal action to end their tenancy.

### **3.5 Joint working:**

To achieve the best results, Ready4Home will attend and provide active co-operation to forums where ASB is a central or major component, such as those identified in section 4 of this policy. In addition, Ready4Home will work and co-operate with external agencies such as:

- Police
- Local authorities
- Social Services
- Probation
- Youth offending teams
- Substance misuse services
- Health services

### **3.6 Closure notices and orders:**

Closure notices and orders can be used by the council or the police against a premises that is causing nuisance or disorder. Such nuisance or disorder may be associated with drug use, but this does not necessarily have to be the case. A closure order can prohibit access to those who routinely live at the premises and as such could have serious repercussions for Ready4Home as a landlord.

To avoid closure notices or orders being issued against our own premises, Ready4Home will monitor all situations where drugs are used unlawfully or where the premises is associated with significant and persistent disorder and will take all necessary steps to prevent a situation escalating to a point where the police are required to act. This course will also protect the rights of other Ready4Home clients. Should drug use or persistent disorder in a neighbouring property give rise to unacceptable disturbance, Ready4Home staff will co-operate with the police and other agencies to provide information relating to levels of disturbance and criminal activity. Should Ready4Home clients be under threat in this type of situation, staff will provide whatever support and protection is available.

### **3.7 Confidentiality:**

Ready4Home will adhere to our Confidentiality policy at all times when dealing with complaints of anti-social behaviour and we will do everything possible to protect a complainant's identity. Information on the identity of a complainant will only be shared with other agencies where permission has been given. The only exception to this would be where we had reason to believe that someone may be at risk of serious harm or where a crime had been committed. We will ensure that any information sharing with other agencies is carried out securely and in accordance with the General Data Protection Regulations. It should be noted that, if a client chooses to remain anonymous, this may limit the action that Ready4Home is able to take. In some instances (for example, in Court) it may not be possible to preserve the anonymity of the complainant.

### **3.8 Monitoring:**

This policy was reviewed with the involvement of clients through Ready4Home's Client Forum. The effectiveness of the policy will be regularly monitored through:

- Feedback from clients through keywork, support plan reviews and other meetings
- Annual satisfaction surveys
- Regular review of actual incidents of ASB
- Regular review of complaints received
- Any feedback received from partner agencies, key stakeholders or Ready4Home neighbours

## **4. Related policies**

Ready4Home will use this policy alongside existing policies and procedures to achieve the best result. This may mean that another policy may be followed in order to achieve a successful resolution.

Where it is thought that anti-social behaviour may have been motivated by prejudice against an individual based on their disability, race, religion, sexual orientation or transgender identity, Ready4Home staff should refer to the policy "Racist and hate incidents" alongside this policy when deciding on the best course of action.

Where the victim of anti-social behaviour is a child, young person or adult at risk, Ready4Home staff should refer to the policy "Safeguarding children, young people and adults at risk" alongside this policy when deciding on the best course of action. A child or young person is anyone under the age of 18 years, whilst an adult at risk is defined as:

"a person aged 18 years or over who is, or may be, in need of community or health care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation".

Other policies which Ready4Home staff may need to refer to include:

- Confidentiality policy
- Complaints policy
- Equality and diversity policy
- Eviction policy
- Client involvement and empowerment policy
- Incident reporting policy and form
- Accident, injury and near miss reporting policy and form
- Relevant health and safety policies
- Working with clients policy

Please note that Ready4Home has produced a leaflet for clients called "Anti-social behaviour: What you can expect from us" which provides a brief summary of our approach to ASB.

## 5. Multi-agency forums

ASB affects the whole community and any response undertaken by Ready4Home must reflect this reality. To this end, close co-operation and joint action should be a constant in any action taken by Ready4Home. It is generally accepted that responses that have the widest support and involvement are more likely to succeed than a single agency action.

Ready4Home will attend and provide active co-operation to forums where ASB is a central or major component, such as:

- **CIAG:** This means a Community Incident Action Group and is convened and overseen by the Community Safety Officer each local authority is obliged to appoint. CIAGs have representatives from the police, RSLs, Youth Services, Social Services, Education, Drug and Alcohol services etc. The purpose of the CIAG is to monitor individuals and families known to the local services, to discuss and implement a course of action to prevent them engaging in ASB and to share information that will help these ends.
- **JAG:** A Joint Action Group. Similar to the CIAG but with a brief to monitor locations rather than individuals.
- **MARAC:** This means Multi-agency Risk Assessment Conference. This is a regular, confidential, local meeting to discuss how to help victims at high risk of serious harm. Police, social services, health and other relevant agencies attend the meeting and agree an action plan for each victim.
- **ISP:** This stands for Information Sharing Protocol. This is a system for sharing information between statutory and voluntary services. Ready4Home is a signatory to several ISPs and this allows us to give and receive information to/from partner agencies *provided the proper care and attention has been paid to the rights of the individual under the General Data Protection Regulations and under Ready4Home's Confidentiality policy.*

## 6. General procedures for dealing with ASB

The procedure for dealing with complaints of ASB will vary depending on the origin of the complaint. The complainant may be a Ready4Home client and the alleged perpetrator may be another client or third party. Alternatively, the complainant, or perpetrator, may be a neighbour of one of our housing schemes or one of our service users. The procedures which follow identify these different possibilities and the actions that should be taken for each.

All complaints of ASB must be taken seriously. A complaint from any source must be discussed with the appropriate scheme manager as soon as possible. The scheme manager will approach his/her line manager for advice as soon as it becomes evident that the complaint relates to ASB that is serious and/or shows probability of repetition. It is probable that Ready4Home clients will make their initial complaint to their support worker and all staff have a responsibility to record and report all such complaints to the scheme manager without delay. External complaints should be logged by whichever member of staff receives them and passed to the scheme manager as soon as possible.

When any complaint is brought to the attention of staff, an Incident Reporting Log must be issued to the complainant if there is a risk of repetition. Advice and assistance in recording incidents should be given to the complainant. Consideration can then be given to any other persons who may also be able to keep an Incident Reporting Log and these should be offered with the necessary advice and assistance. The use of the log will help to demonstrate that Ready4Home staff are taking the problem seriously and are committed to doing something about it.

## **7. Procedure to follow when a complaint is received from a Ready4Home client about another Ready4Home client:**

- 7.1 Interview the complainant fully allowing as much time as the complainant is comfortable with. Notes should be taken of this interview and details should include:
- the nature of the alleged behaviour;
  - the frequency;
  - the date(s) and time(s) that it occurred;
  - the name(s) of the perpetrator(s);
  - names of any persons who could corroborate the testimony;
  - the actions taken by the complainant, if any (e.g. police involvement, or if complaint made to other agency such as Social Services);
- 7.2 At this stage staff should consider the following:
- Might the ASB have been motivated by prejudice based on the complainant's disability, race, religion, sexual orientation or transgender identity? Where this may be the case, staff should refer to the policy "Racist and hate incidents" when deciding the best course of action.
  - Is the complainant a child, young person or adult at risk (for a definition of these terms please see section 3 of this policy)? If so, staff should refer to the policy "Safeguarding children, young people and adults at risk" when deciding the best course of action.
- 7.3 If the complainant's version of events appears to present a clear picture, then arrange to interview the alleged perpetrator. An open mind must be kept at this point; there is a responsibility on Ready4Home to investigate the matter fully and without prejudging the outcome. There is always a possibility of a malicious/exaggerated accusation but it is also quite possible that the complainant may be entirely accurate. The interview with the alleged perpetrator should also be noted carefully.
- 7.4 Interviews should be arranged with any other person who may be able to corroborate either/both versions of events. Again, careful notes need to be kept.
- 7.5 The available evidence should then be discussed with the appropriate line manager to decide on the next course of action. Such a decision should include reference to:
- whether the complainant's version of events is likely to be true on the balance of probability (third party testimony to be included in this decision);
  - the seriousness of the behaviour;
  - the effect on the complainant;
  - the repetitive nature of the behaviour, if any;
  - the possibility of the behaviour increasing in intensity, seriousness or regularity.
- 7.6 If there is no proof of ASB, staff should monitor the situation closely, keeping in touch with the complainant on a regular basis. The complainant and others should be asked to keep a note of incidents using the Incident Recording Log. A path of dialogue should, where feasible, be kept open between the parties at this stage to maximise the possibility of reconciliation. If staff are experiencing little success with this, then the local authority should be contacted with a view to involving the local Mediation Service.
- 7.7 If the behaviour is thought to be anti-social and proven, then the line manager should conduct a formal interview with the perpetrator. This interview should stress the seriousness of the situation and seek to find ways of minimising it or stopping it altogether. Such ways might consist of reconciliation of the parties, the parties merely agreeing to stay apart, or an informal warning to the perpetrator.

- 7.8 Should none of the above prove appropriate, or where there is repetition of the behaviour, then, where Ready4Home provides housing to the perpetrator, action under their tenancy should be considered. Formal mediation must be considered at this point if it had proved impossible previously. The Environmental Health Department can be contacted in cases of noise nuisance.
- 7.9 In the case of the perpetrator being a Ready4Home client to whom we do not provide housing (e.g. a floating support client) where applicable all matters relating to tenancy obligations and rights should be directed to the relevant RSL.
- 7.10 Consideration of a breach of the criminal law should also be given and police involvement should be sought if a crime has been committed. Full records of all actions taken must be kept.
- 7.11 It must be borne in mind that Ready4Home retains a duty of care to the perpetrator and full support should be given to them throughout the procedure.
- 7.12 Other factors that should be taken into account at this point are:
- Is there evidence of drug or alcohol abuse on the part of the perpetrator?
  - Is there a mental health or learning disability issue present?

If either of the above is likely, then the perpetrator should be offered the chance of assistance from a specialist agency. At this point, all multi-agency options should be considered for the perpetrator as for the complainant.

- 7.13 Should repetitive ASB occur and there is some police involvement then the possibility of an Acceptable Behaviour Contract (ABC) should be considered. This will involve contacting the police who will consider the possibility of an ABC and then draw it up with the perpetrator if appropriate. The subsequent behaviour of the perpetrator should be monitored by staff, recorded and any breaches reported to the police as soon as they occur.
- 7.14 Even if the police are not involved, a behaviour contract can be drawn up between staff and the client if they are willing to agree to it.
- 7.15 Should none of the above prove effective then, where Ready4Home provides housing to the perpetrator, the following should be considered (Note – where Ready4Home does not provide housing to the perpetrator the following actions may be considered by the relevant RSL where applicable):
- 7.15.1. Where a breach of Tenancy or License Agreement has occurred, then consideration should be given to issuing warnings in line with the Policies, Procedures and Guidance Notes relating to Eviction.
  - 7.15.2. Staff may choose to consider offering alternative accommodation to the perpetrator or the complainant. Such consideration would normally only be given on the part of the perpetrator if there were sound reasons for believing that s/he would not repeat their ASB in an alternative tenancy.
  - 7.15.3. Some Ready4Home tenants have Assured Tenancies and it should be borne in mind that Court action can be taken to have that Tenancy demoted to an AST. This allows a landlord the future option of issuing a Notice Requiring Possession (NRP) in full which is not possible with an Assured Tenancy. A Court will grant a Demoted Tenancy only if it considers it reasonable to do so.



- 7.15.4. Service of NRP should be considered for the perpetrator only after all other options have been exhausted.
- 7.15.5. In some circumstances, it is possible that the perpetrator will have a degree of vulnerability that renders eviction an unacceptable option. In this instance, it may be a preferred course of action to pursue other legal options (e.g. Civil Injunctions) with conditions which prohibit the perpetrator from visiting the address of the complainant or approaching them in person.

## **8. Procedure to follow if a complaint is received from a neighbour about a Ready4Home client**

- 8.1 Follow steps 7.1 to 7.15 above as far as possible.
- 8.2 In the case of the alleged perpetrator being a Ready4Home client to whom we do not provide housing (e.g. a floating support service user) all matters relating to tenancy obligations and rights should be directed to the relevant RSL where applicable.

## **9. Procedure to follow where a complaint is received from a Ready4Home client relating to ASB from unwanted visitors to their accommodation or groups of people in the vicinity.**

- 9.1 If possible, follow steps 7.1 to 7.6 after a full risk assessment has been undertaken. If the complaint involves threats or harassment, it may not be possible to communicate effectively with the alleged perpetrators and staff should always proceed with due care for their safety.
- 9.2 If the perpetrator is an unwanted visitor:
  - 9.2.1. Explore ways that the complainant might handle the situation informally. If there is no risk of violence, then all reasonable assistance should be offered, including advocating on the client's behalf with the visitor. This might include assisting the client in telling the visitor to leave and not to return.
  - 9.2.2. Ascertain if the visitor(s) are guests of another Ready4Home client in the same or adjoining property. If so, follow steps 7.7 to 7.15 above.
  - 9.2.3. Partner agencies might assist with an informal solution and should be informed of all developments that occur. They may also bring additional information about the visitor which may lead to the situation being dealt with in an informal way.
  - 9.2.4. Should there be a risk of violence at any time, then the police should be called. Close liaison should then be maintained with the police should there be repetition of the visits.
  - 9.2.5. Consideration of a breach of the criminal law should also be given and police involvement sought if a crime has been committed. Full records of all actions taken must be kept.
  - 9.2.6. The Area Manager or Head of Care should be kept apprised of developments.

9.3 If the perpetrator is causing the alleged ASB in the vicinity but not on Ready4Home premises:

- 9.3.1. Interview the complainant and take notes.
- 9.3.2. Interview other tenants/residents in the same or adjoining properties. If the property is surrounded by those of another RSL, contact that organisation to ascertain if other complaints have been received from their tenants.
- 9.3.3. Contact the police to ascertain if they have been called to the scene or taken any action against the alleged perpetrators.
- 9.3.4. At this juncture, the evidence against the alleged perpetrators should be reviewed with the Area Manager or Head of Care to decide on next steps.
- 9.3.5. If the police are willing, they may be able to take informal action and cease the ASB. If this is not possible, speak to the Police Officer with Community Responsibilities for advice on other courses of action. At the same time, the local authority Community Safety Officer should be contacted to look at multi-agency methods of countering the problem. This might include presenting a case at the local CIAG or JAG. It is possible that the CIAG/JAG may have access to diversionary/mediation services for the alleged perpetrators and this might halt the problem.
- 9.3.6. Should the ASB continue, then formal action such as a Civil Injunction or Criminal Behaviour Order must be considered. If the case has been taken to the CIAG, it is possible that the police will take up proceedings. If not, then the Area Manager or Head of Care and the members of the team involved will look again at the evidence and assess the need and possibility of obtaining an Injunction.
- 9.3.7. The welfare of Ready4Home clients should be kept as a priority throughout this procedure and consideration should be given to moving the complainant to another property, permanently or temporarily. This should particularly be the case if his/her mental health is suffering or s/he is likely to place themselves in danger by attempting to intervene personally with the alleged perpetrators. If the case comes to Court and the victim is to appear as a witness, support should be given throughout the Court case. Victims should also be referred to relevant support agencies e.g. Victim Support, if necessary.

## **10. Procedure to follow if a complaint is received from a Ready4Home client relating to a neighbour in a nearby property.**

- 10.1 Follow steps in 7.1, 7.2, 7.4 and 7.5 as far as possible.
- 10.2 It is unlikely that conducting an interview with the alleged perpetrator will be possible unless s/he is a tenant of another RSL whose staff may co-operate when contacted.
- 10.3 If criminal behaviour is demonstrated, contact the police. If the grounds for action are limited, take the case to the local CIAG with a view to keeping the ASB monitored by the widest possible circle of professionals.
- 10.4 All avenues should be explored with regard to diversionary action being used with the perpetrator. If the perpetrator is a tenant of another RSL, it is possible that they may use any evidence gathered by Ready4Home staff to apply to a Court for a demoted tenancy or eviction. Such evidence should be supplied within the bounds of any locally relevant ISPs.
- 10.5 Follow steps 9.3.4 to 9.3.7 above.

## Appendix 1:

### Some provisions of the Anti-Social Behaviour, Crime and Policing Act 2014:

- **Community Trigger:** this gives victims of ASB the right to demand action, starting with a review of their case. If the case meets the locally defined threshold (which includes consideration of the persistence and severity of the ASB and the number of previous complaints made) then relevant agencies will meet to take a joined up, problem solving approach to find a solution.
- **Community Resolutions:** this is the term for the resolution of less serious offences of ASB through informal agreements between the parties involved as opposed to progression through the criminal justice process. It enables the police to deal more proportionately with lower level crime and anti-social behaviour in a timely manner.
- **Community Protection Notices (CPN):** these can be issued by councils and the police as a way of dealing with particular, on-going problems or nuisances which negatively affect the community's quality of life. The CPN can include requirements for individuals to stop doing certain things or to take certain action. Failure to comply with a CPN is an offence.
- **Civil Injunctions:** this is a formal sanction, which involves court action and is therefore best used when informal approaches have not worked. If anti-social behaviour is proven, a Civil Injunction may include prohibitions to stop the individual behaving anti-socially. It may also include positive requirements to get the individual to deal with the underlying causes of their behaviour. The court may also exclude a perpetrator over the age of 18 from any premises or an area specified within the terms of the injunction. Social landlords may apply to the court to exclude their own tenants and visitors to properties managed by them.
- **Criminal Behaviour Orders:** this is a criminal order against a person who has been convicted of an offence and is aimed at tackling the most persistently anti-social individuals who are also engaged in criminal activity.
- **Public Spaces Protection Order (PSPO):** these orders can be taken out by councils and are designed to stop individuals or groups committing anti-social behaviour in a public space. It is an offence to breach a PSPO.
- **Closure powers** (Closure Notices and Closure Orders): these allow the police or council to quickly close premises which are being used, or are likely to be used, to commit nuisance or disorder. A Closure Notice can be issued for 24-48 hours and prohibits anyone from entering the premises except those who habitually live there. This can be followed by a Closure Order, which can prevent anyone from entering the premises for up to 6 months. Breach of a Closure Notice or Order is a criminal offence.
- **Absolute grounds for possession:** this allows for the absolute possession of secure and assured tenancies where anti-social behaviour or criminality has already been proven by another court. The power is aimed at expediting the eviction of the most anti-social tenants to bring faster relief to victims.

## Appendix 2:

### Anti-social behaviour policy: Incident reporting log

Incident at (name of property):			
Reported by:			
Name:			
Address:			
Do you wish to remain anonymous at this stage?			Yes <input type="checkbox"/> No <input type="checkbox"/>
Date	Time	Nature of Incident, Action taken (e.g. Police called)	
Please complete and return the form(s) once a week starting from (date).			