



Good Neighbour Policy

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1. Introduction

Berneslai Homes is an arm's length management organisation, managing homes on behalf of Barnsley Metropolitan Borough Council (BMBC).

Our vision is "Creating great homes and communities with the people of Barnsley."

This policy sets out our approach to maintaining and improving neighbourhoods and providing services to tenants which enables them to have enjoyment of their homes in a safe and secure environment and live in neighbourhoods they are proud of.

This policy will provide a framework for dealing sensitively, fairly, reasonable, and proportionally with behaviours, which are not Anti-Social Behaviour (ASB) and therefore unlikely to be a tenancy breach, which requires a different response from us.

Some behaviours, although not ASB can still cause upset and frustration to residents and tenants, creating tensions in the community. As these behaviours are not ASB we would not identify someone as a perpetrator or victim, and it is very unlikely that we would consider the use of any of our legal tools that are available for ASB cases.

Our Good Neighbour Guide and agreement will help us deliver this policy.

Section 6e of the Tenancy Agreement states:

You must not cause nuisance to, or annoy, offend or harm, any:

- *Neighbour;*
- *Other tenant of ours;*
- *Other person living in the area near the property, or any member of their household, lodger, subtenant or visitor; or*
- *Person in the area near your property.*

You must make sure that no member of your household, or any lodger, subtenant or visitor, does any such act. If they do, you will be held responsible for it yourself.

2. Policy Aim

We believe that everyone has the right to live peacefully in their own home, without unnecessary disruption or disturbance from others. Tenants are expected to keep to the terms of their Tenancy Agreement and have a responsibility to make sure they, or any visitors to their home, aren't acting in a way that is likely to annoy or disturb their neighbours. This policy sets out how we will:

- Ensure we create the right start from the beginning of tenancies by outlining our expectations of being a good neighbour.
- Use "Good Neighbour Agreements" as a tool to quickly bring attention towards behaviours that impact other residents' enjoyment of their home and community.
- Handle behaviour that impacts other residents but isn't classed as ASB.

3. Roles and Responsibilities

This section sets out our roles and responsibilities in respect of this policy and our approach to good neighbour agreement.

Staff

All staff are trained and have responsibility for recognising good neighbour concerns and making sure that if they are not responsible for progressing solutions, that they support the resident by referring issues to the appropriate person quickly and explaining the next steps to the resident.

The Council

To actively engage with Berneslai Homes to ensure full range of tools and resolutions to support good neighbour relations.

Resident

To work positively with us and the Council to support good neighbour relations.

4. Good Neighbour Agreement

The Good Neighbour Agreement sets out the responsibilities of tenants and is a supportive tool to the Tenancy Agreement, of which Section 6e states:

You must not cause nuisance to, or annoy, offend, or harm, any:

- *Neighbour.*
- *Another tenant of ours.*
- *Other person living in the area near the property, or any member of their household, lodger, subtenant, or visitor; or*
- *Person in the area near your property.*

You must make sure that no member of your household, or any lodger, subtenant or visitor, does any such act. If they do, you will be held responsible for it yourself.

From the date this policy is implemented, this Policy and Good Neighbour Agreement will be discussed with all new tenants at the start of their tenancy. We will also encourage existing residents to sign this agreement where we are working within a community responding to good neighbour issues. They will be encouraged and given the opportunity to sign up to the agreement, which sets out:

- Tenants' responsibilities.
- How to be a good neighbour.
- What to do if tenants have an issue with their neighbour.
- How we can work together.

Having a signed good neighbour agreement in place supports effective management issues in our communities such as littering, parking, unacceptable behaviours from dog owners, such as dog fouling and excessive barking, children playing and non-statutory noise.

5. Noise Nuisance

What is noise nuisance?

There is no set definition of the term "noise nuisance" but over many years and hundreds of cases that courts have considered may constitute a nuisance, there is an objective test that can be followed.

The difference between statutory and non-statutory noise?

When officers are considering if something is a statutory nuisance or not, they are applying the objective standards set out by legal precedent, rather than what someone might consider to be a nuisance or annoyance.

For noise to be classed as a statutory nuisance it must occur frequently and continue for a period of time that makes it unreasonable.

What we will do for statutory noise

When we receive a report of noise, we will request information from the reporter such as the frequency, volume, intent, type of noise, times etc., to establish if the noise could be categorised as statutory noise in line with the definition above.

In instances where we believe there could be a statutory noise nuisance, we will refer to the Council's Regulatory Services for investigation. They are able to determine if the noise is statutory or not, and they will take the necessary enforcement action should this be required.

What we will do for non-statutory noise

In instances where the noise can be established as non-statutory from the first report, we will inform the reporter and endeavour to manage expectations.

These reports could include but are not limited to:-

- Noise from children playing (inside or outside).
- Noise from household appliances such as the washing machine, Hoover, etc.
- Noise from footsteps.
- Doors closing.
- Dogs barking (when not relentless).
- Babies crying.
- DIY at unreasonable times of the day/night.

What we would ask tenants to do in the first instance

Where noise is deemed non-statutory, we encourage the reporter to first speak with the individual who is causing the noise, if they can do so. If they feel they are unable to, or that doing so could escalate the situation, we may speak to the individual on their behalf, referring to our Good Neighbour Guide. This is to try to improve the reporter's enjoyment in their home, however there may also be occasions where the reporters' lifestyles choices are challenged also. For example, it is unreasonable to expect somebody to live in silence. In these types of situations, the reporter will also be referred to the Good Neighbour Guide.

6. Gardens

What we expect?

We expect gardens to be kept in a good, tidy and safe condition free from rubbish and weeds. We will use our Tenancy Agreement to resolve any issues.

How will we monitor?

We also routinely conduct estate inspections. If gardens are identified as not meeting our standards, we may knock at tenants' doors to speak to them about it whilst we are in the area or write to tenants advising them of a date we will visit to discuss garden conditions with them.

The Good Neighbour Guide will also be referred to and tenants will be asked to sign up to the agreement to ensure gardens are maintained as they should be in line with the Tenancy Agreement.

What will we do if gardens are not acceptable?

For overgrown gardens that are not in a tidy and safe condition we will follow our Tenancy Agreement.

Where there is household waste in gardens and there is a lack of engagement from the tenant to clear this and make safe or there is risk to health under the Environment Act 2012, Berneslai Homes or the Council may use Community Protection Warning (CPW) and Community Protection Notices (CPN) in an attempt to resolve these issues quickly.

7. Communal Areas

Communal areas are for the enjoyment of all tenants and residents. They should be free of any items for example play equipment, storage units, off road bikes, and dog fouling.

If we identify that the communal areas are not being used properly and individuals are preventing the enjoyment for all tenants and residents, we may follow our ASB Policy or Tenancy Agreement to resolve the issues. The circumstances we would determine the use of each individual policy would be dependent on the behaviours. For example, where there is household waste in a communal area and there is evidence of individuals responsible for this, Berneslai Homes or the Council may use Community Protection Warning (CPW) and Community Protection Notices (CPN) in an attempt to resolve this quickly as per our ASB policy.

We may also remove the item and dispose of after giving 7 days' notice for it to be removed. We may charge for this. This would be as per our Tenancy Agreement.

We also routinely conduct estate inspections. If a communal area is identified as not being used as outlined in the Tenancy Agreement a Berneslai Homes Officer will contact the tenant to discuss this. We will also refer the tenant to the Good Neighbour Guide and ask the tenant(s) to sign up to the agreement.

In instances where there is dog fouling, we may refer to the Council who have enforcement powers to issue fines and start court proceedings for failing to clean this up.

In instances where individuals have not been identified we may refer tenants and residents to the Good Neighbour Guide and ask them to sign up to the agreement.

8. Parking

Many of our estates were built when households didn't have vehicles as we do today.

As part of the Good Neighbour Agreement, we ask that tenants think before parking in a space that may cause problems for other people, particularly older people or those with mobility problems.

We have no legal powers to challenge obstructive parking on the highway, and if we receive such reports, we would signpost the reporter to South Yorkshire Police, who do have the powers to address this.

In instances whereby we are unable to identify individuals responsible for inconsiderate parking, we may refer tenants and residents in the locality to the Good Neighbour Guide and ask them to sign up to the Agreement.

9. Litter

We ask that tenants keep communities clean by picking up any litter.

If on an estate inspection, we identify that there is litter and rubbish we will refer to our partners at the Councils' Neighbourhood Services and Safer Neighbourhood Service (SNS) to resolve. This will be through remedial works and investigations to try to identify the cause. In some cases, fines and court action may be sought.

In cases where individuals have been identified, we may also take tenancy action.

In instances where we are unable to identify individuals responsible for littering, we would engage tenants and residents and ask them to collectively sign the Good Neighbour Guide and offer active support.

10. Children Playing

We ask that tenants take responsibility for the behaviour of their children and make sure they're not causing undue noise or nuisance to neighbours.

Children playing is something we would encourage as this is important for any child's development and social skills.

When playing is not playing, and is causing alarm, distress, or harassment by targeting individuals this will be dealt with under our ASB Policy.

Where we identify that support may be required, we will make referrals to other relevant agencies such as Early Help, Social Care and Targeted Youth Support to provide children, young people, and families with additional resources to pursue things such as diversionary activities. In the first instance we will also refer to the Good Neighbour Guide and ask tenants to sign up to the agreement. The Neighbourhood Team and/or Tenants First will also work with the family to offer support, guidance, and advice to resolve.

In instances where responsible individuals have not been identified, we may refer tenants and residents to the Good Neighbour Guide and ask them to sign up to the agreement.

11. Dogs

All Dogs should be kept under control and not allowed to foul in public areas without cleaning up. This includes communal areas.

Dogs that are dangerously out of control will be reported to South Yorkshire Police and/or BMBC Regulatory Service, who may take legal action to remove and destroy the dog.

Dogs' behaviour that is causing a nuisance will be dealt with under the ASB Behaviour Policy and Tenancy Agreement.

In instances where there is dog fouling, we can refer to our Partners at BMBC who have enforcement tools to issue fines and start court proceedings for failing to clean up dog fouls. We can also work with the Council to issue CPW and CPN.

In instances where we are unable to identify individuals responsible, we may engage tenants and residents and ask them to collectively sign the Good Neighbour Guide and offer active support.

12. Garden Fires

Tenants should be able to enjoy their home and garden without being affected by smoke from a neighbour.

Garden fires should not be causing a nuisance to other residents. Household waste should never be burnt but disposed of using the recycling bin collections.

Residents should not: -

- burn wet waste, it produces more smoke.
- have a fire on still or damp days when smoke won't disperse very well.
- burn rubber, foam, plastic or anything containing paint.
- burn anything outside when the air pollution level is high.

Garden fires that are causing a nuisance will be referred to the Council's Regulatory Services to investigate. Residents can report these issues themselves directly to the Council.

In instances where we are unable to identify individuals responsible, we may engage tenants and residents and ask them to collectively sign the Good Neighbour Guide and offer active support.

13. Reasonable Adjustments

We will support the needs of our diverse residents by making reasonable adjustments when working under the terms of this policy, which could be a physical change or change in work practices to avoid any disadvantage to a resident in accessing this policy. Examples of reasonable adjustments include:

- We will provide information in appropriate alternative formats (e.g. large print, coloured paper, Braille etc.).
- We will communicate through a representative.
- We will allow more time than we would usually for someone to provide information we need (where it is lawful to do so).
- We will provide additional support such as a sign language interpreter or translator.
- We will use plain language or Easy Read service.
- We will meet residents in person in a suitable location that meets their needs.
- We will support comfort breaks or rest breaks during meetings.
- Responding to complaints in a shorter timescale.

This policy is published on our website and residents can do the following:

- Change colours, contrast levels and font size.
- Zoom in up to 300% without text spilling off the screen.
- Access the policy from a smart phone, tablet, laptop, or PC.

14. Appeals, Reviews and Complaints

Reviews

There are no legal rights to review decisions made under this policy.

Complaints

Tenants and residents can raise a formal complaint if they believe that their case has not been dealt with in line with this Policy or we have not followed the terms of the policy.

Register a Stage 1 formal complaint by:

- Completing our online form.
- E-mail us at customerservices@berneslaihomes.co.uk.
- Ringing us on 01226 787878.

For more information about how we deal with complaints visit our website www.berneslaihomes.co.uk or phone us on 01226 787878. If you would like a copy of our 'Complaint Policy', please contact the Customer Services Team on 01226 787878.

Appeals

The Good Neighbour Policy has no appeal stages, however if interventions lead to the Council issuing a possession notice or CPN, there is a right to appeal any decision Barnsley Council make to use any grounds for mandatory possession and CPN.

The Council will notify residents of the process to follow to request an appeal when they issue decisions.

15. Legal Framework

This policy supports Berneslai Homes compliance with the following legislation including (but not exclusively):

- Anti-Social Behaviour Act 2003
- Environmental Protection Act 1990
- Anti-Social Behaviour, Crime and Policing Act 2014
- Crime and Disorder Act 1998
- Data Protection Act 2003
- General Data Protection Regulation (GDPR) 2016
- Equalities Act 2010
- Housing Acts 1985, 1996 and 2004
- Clean Neighbourhoods & Environment Act 2005
- Refuse Disposal (Amenity) Act 1978
- Mental Health Act 1983 (amended 2007)
- Human Rights Act 1998
- 3. REGULATORY FRAMEWORK 7
- Freedom of Information Act 2000
- Care Act 2014
- Local Government Act 2000
- Serious Crime Act 2015
- Home Office Serious Violence Strategy (2018)
- Social Housing (Regulation) Act 2023 • Regulatory for Social Housing – Consumer Standards
- Landlord and Tenant Act 1985

16. Regulatory Framework

The Good Neighbour policy supports our approach to neighbourhood management and applies to consumer standards as follows:

Neighbourhood and Community Standard

We will engage with other parties so that tenants can live in safe and well-maintained neighbourhoods and feel safe in their homes.

Tenancy Standard

We will manage tenancies in line with our tenancy policy.

Safety and Quality Standard

We will manage homes and communal areas to make sure our homes and communal areas are safe.

Transparency, Influence and Accountability

When delivering this policy, we will make sure we treat residents with fairness and respect. They can access our service easily, raise complaints, influence decisions and hold us to account.

17. Equality, Diversity, and Inclusion

We will ensure equal and fair access to our services; we will do this by taking into consideration the individual needs of our tenants, their family or other persons living with them. We will ensure that individual needs are considered throughout the complaint process and make reasonable adjustments where necessary. We will treat people fairly and with dignity and respect.

18. Related Documents

- [Anti-Social Behaviour Policy](#)
- [Complaint Policy](#)
- [Repairs Policy](#)
- [Tenancy Policy](#)
- [Good Neighbour Guide](#)