

## GOOD NEIGHBOUR POLICY



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## 1. PURPOSE

- 1.1 Cornwall Housing Ltd (CHL) is committed to working in partnership with Cornwall Council, the police and other relevant organisations to deter and tackle Anti-Social Behaviour (ASB), create safer neighbourhoods for our residents and support the communities where they live.
- 1.2 On the 24 October 2022, the Housing Ombudsman published a report “Time to be Heard”. The outcome of the report called for a fresh way of thinking where landlords manage non-statutory noise complaints, such as day to day living noises of washing machines, differently to avoid neighbourhood disputes and to manage expectations.
- 1.3 A key aspect of the report recommended that landlords develop a Good Neighbour Policy as ASB is a term that relates to a wide range of behaviour types. The law does not provide a set list of what is and what is not ASB, which leads CHL to develop this policy.
- 1.4 The statutory definition for housing related ASB states that the behaviour must be causing or likely to cause a nuisance or annoyance to someone which is a low threshold. As such, there will be some behaviours that are causing nuisance or annoyance to the person experiencing them, but it would not be reasonable for us to deal with as ASB.
- 1.5 This Policy runs alongside CHL’s Anti-Social Behaviour Policy to help manage expectations because it might be that the behaviour being reported is not something that could be reasonably considered as inappropriate. Factors such as the environment may be the root cause of the issues, or that the health and wellbeing of parties involved are the source of the concern.
- 1.6 CHL recognises that trying to deal with situations like these using an ASB approach is likely to frustrate and escalate matters.
- 1.7 This Policy is designed to outline CHL’s considerations, actions and limitations when dealing with issues that do not suit a management response framed around ASB. The Good Neighbour Policy is therefore designed to run alongside CHL’s Anti-Social Behaviour Policy.



## 2. WHO THE POLICY APPLIES TO

- 2.1. This Policy applies to all properties within the Housing Revenue Account (HRA) and those where CHL has been commissioned to provide specific services.
- 2.2. This Policy applies to all those who live with or visit tenants or leaseholders, alongside residents specifically named on the tenancy agreement or lease.
- 2.3. It also applies to all CHL employees, contractors, sub-contractors, and agents working for CHL.
- 2.4. This Policy includes:
  - CHL's approach to defining and assessing reports of behaviour that can be addressed under the Good Neighbour Policy, adopting a harm-centred approach.
  - The types of situations that are more likely to be dealt with under this policy, as opposed to CHL's ASB Policy.
  - Information on specific behaviour types and how this will be managed.

## 3. PRINCIPLES OF SERVICE

- 3.1. CHL will triage and assess all reports of ASB that are received to understand the most appropriate approach to adopt for managing them. This will be done using a harm centred approach, considering both the behaviour reported and the impact it is having.
- 3.2. The following principles underpin this triage:
  - To take an informed approach to decision making with enough information to reach an accurate decision when assessing reports.
  - To communicate the outcome of the triage and assessment to the person making the report, ensuring they are clear on which policy will apply to their concern.
- 3.3. CHL recognises that reported behaviour can change in terms of severity and that something initially assessed as being a 'good neighbourhood management' issue can evolve into ASB. CHL will continue to reassess the decision in a case each time a new report is received, making sure there is not a missed opportunity to intervene.
- 3.4. The purpose of this Good Neighbour Policy is not to find fault or blame. Often in these matters there will not be a 'wrong doer'. The focus is on fostering good relationships, identifying practical solutions and ensuring correct support is in place. CHL seeks to understand the root cause of the problems and the solutions that have the best chance of dealing with this.



- 3.5. CHL is unlikely to consider legal action as a response to matters that are dealt with under this Policy.
- 3.6. CHL will seek to empower the parties involved to find their own solutions and adopt the suggestions that CHL considers to be helpful. Where any party is unwilling to cooperate, without good reason, CHL may be unable to assist any further.
- 3.7. At all stages CHL will consider the support needs of the parties involved in a matter dealt with under this Policy. CHL recognises that sometimes personal circumstances may affect a person's tolerance, perception or ability to cope with certain situations. When this could be a contributory factor, CHL will work to identify suitable referrals and support.
- 3.8. CHL may not always be able to assist with a situation that is dealt with under this Policy as a single agency. There will be times where CHL will work with partner agencies to share information and identify the best possible support and guidance for all parties.

## 4. DEFINING AND ASSESSING REPORTS

- 4.1. When receiving a report relating to a behaviour concern, CHL will assess it to determine whether it reaches the threshold to be considered under the CHL's ASB Policy or whether a good neighbourhood management approach is more appropriate.
- 4.2. When deciding whether a report should be dealt with under this Policy, CHL will consider:
  - The type of behaviour that is being reported, how serious it is and whether it is reasonable activity or not.
  - How often the behaviour is happening, the times that it is taking place and how long it is happening for.
  - The needs of the parties involved.
  - The root cause of the issue and whether there is intention to cause harm.
- 4.3. Whilst this list is not exhaustive, the categories below detail some of the situations that are more likely to be managed until this Good Neighbour Policy, rather than the ASB Policy.

**Daily Activities** - reports that will not normally meet our definition of ASB, such as:

- Parking
- DIY
- Children playing.



- Animals fouling where it is not unreasonable, or behaviour encouraged by an owner to cause nuisance.
- Dogs barking, where this is not unreasonable or excessive.
- Vehicle repairs, especially where these are minor repairs and ad-hoc.
- Use of appliances, such as washing machines.

**Neighbour Disputes** - situations where a disagreement has occurred between several parties, there is no clear victim and no clear person causing the harm, and all parties are contributing to the disagreement. The behaviour at the heart of the disagreement is also unlikely to meet the Policy definition of ASB. Disputes may arise from the following:

- Parking
- Boundaries
- The use of communal gardens
- Lifestyle differences
- Social media
- Behaviour of children

**Environmental, Health and Disabilities** - where there is no intention to cause harm and/or the behaviour causing the harm is not unreasonable. Examples may include:

- Noise that arises from reasonable activities but is causing a nuisance due to environmental issues such as poor sound insulation in a property or a lack of carpets on laminate floors.
- Nuisance that arises from a disability and/or illness.
- One-off parties and barbeques, or infrequent or occasional disturbances.
- Day to day situations such as babies crying, smells from cooking, the closing of doors or walking upon stairs or minor vehicle repairs.
- Lighting – such as brightness, directionality or interference unless there is evidence that this is an ongoing deliberate action to cause nuisance.

4.4. CHL will seek to ensure that decisions are sound, meaning that they are fully informed and free from bias or assumption. This means that CHL may need to undertake some investigative work before determining the type of response taken.

This may include, but is not limited to:

- Carrying out interviews with the parties involved in a report.
- Conducting wider investigations, such as speaking to other neighbours, using noise monitoring equipment, liaising with our partner agencies etc.



- 4.5. When CHL does have enough information to determine how a matter should be managed, this will be communicated promptly and clearly to the relevant parties.
- 4.6. CHL will review open cases to determine level of risk/need monthly, to ensure that we are being proactive in dealing with neighbourhood management issues.
- 4.7. Where new reports and/or new information is available in a case, CHL will review the decision and determine whether a change of approach is needed to deal with the matter under the ASB Policy.

## 5. CCTV AND RING DOORBELLS

- 5.1. There has been a significant increase in the domestic use of CCTV and video doorbells. Any person who uses these devices has a responsibility to do so within the law. Further information about these responsibilities can be found on the Information Commissioner's Office (ICO) website.
- 5.2. In summary, the ICO states that people should try to ensure that CCTV cameras and video doorbells are not pointed at shared spaces or other people's property.
- 5.3. Sometimes it is not possible to do this, for example, a video doorbell may be used by someone living in a block of flats, making it extremely difficult not to record the communal corridor outside their front door.
- 5.4. Where someone does have a device that is pointed at a shared space or the property of another person/s, the ICO states the person should do the following to comply with the Data Protection Act:
  - Tell people they are using recording equipment
  - In most circumstances, provide some of the recording if asked by the person who believes their image has been captured
  - Regularly or automatically delete footage
  - In most circumstances, delete recordings of people if they ask.
  - Stop recording a person if they object to being recorded, if it is possible to do so and still achieve the same purpose (e.g. keeping property safe)
  - Any questions about this guidance should be directed to the ICO.
- 5.5. CHL are unable to enforce breaches of the Data Protection Act. CHL may offer advice and guidance to parties involved or refer the matter to mediation if this could assist. The advice and guidance CHL offers may include directing the person concerned about being recorded to the local citizens advice bureau or law centre, to seek advice about taking their own legal action and to approach the ICO direct.
- 5.6. The use of CCTV and/or video doorbells will not automatically be deemed to be anti-social, even where the use is breaching data protection legislation. Where the use of the CCTV cameras and/or video doorbells is causing significant nuisance or harm



then CHL will assess the report and decide whether it meets CHL's definition of ASB. If it does, CHL will deal with the matter in line with our ASB Policy.

- 5.7. If a resident informs CHL that they have recorded incidents of ASB on CCTV and/or video doorbells CHL will request a copy of this recording. CHL require sight of the full incident, including periods of time immediately before and after the incident itself. A failure to provide such information may mean CHL is unable to progress investigations further.

## 6. CANNABIS USE

- 6.1. CHL may receive reports relating to a resident smoking cannabis in and around their home. Cannabis is a Class B controlled drug under the Misuse of Drugs Act 1972 and possessing cannabis is a criminal offence. Any concerns about cannabis smoking should be reported to the Police, either directly using the 101 non-emergency number or via CrimeStoppers.
- 6.2. Drug dealing, including Cannabis, is a criminal offence and residents should report it to the Police immediately, including any concerns surrounding personal safety. Once reported, residents should contact CHL to provide the incident information to support ongoing partnership working.
- 6.3. Where the Police take criminal action against someone in relation to cannabis smoking, CHL will consider whether this is a breach of tenancy agreement and, if so, what action would be proportionate to take in response.
- 6.4. If a crime has not taken place, residents can still contact CHL regarding drug use and drug dealing. It is a breach of tenancy to use drugs including Cannabis within a CHL property, and this could put the home at risk.
- 6.5. If it's proven that Cannabis is being used or kept in the home, CHL will take reasonable and proportionate legal or non-legal action to address this, bearing in mind the risks, vulnerabilities, support needs of those involved, and the impact on the customers who have reported it and the community.
- 6.6. CHL will review reports and may refer residents to the ASB Policy, ask for evidence to be collected such as diary sheets and for a formal witness statement to support tenancy action. This is important because without evidence CHL is less likely to be able to act without a criminal conviction being in place.
- 6.7. CHL will also undertake investigation to ensure whether alleged criminal activity has been perpetrated, and to agree an action plan with residents to manage expectations for any ongoing reports.



- 6.8. If CHL is unable to identify the use of Cannabis from property visits and there isn't evidence from residents, there are limited actions CHL can take, as it would not be appropriate to take tenancy or legal action against alleged perpetrators without evidence of the alleged behaviour.

## 7. COMMUNAL AREAS

- 7.1. CHL often receives reports that arise from a resident's concern about the way in which a communal/public area is being used by others. For example, how parking spaces are used or activities relating to a communal garden.
- 7.2. CHL will rarely consider these types of reports to meet CHL's definition of ASB. They will often relate to differing opinions and views about how an area should be used, rather than anyone doing anything that is anti-social.
- 7.3. CHL will review and consider action where we receive reports of activities that create safety concerns for residents, e.g. smoking or where rubbish /objects create nuisance or increase risks around building safety.
- 7.4. CHL's focus will be on encouraging parties to reach their own agreement on how these areas are used, negotiating and compromising, and working together to be "good neighbours".

## 8. RISK AND VULNERABILITY

- 8.1. CHL recognises that if a report is not a matter considered to be ASB, it does not necessarily follow that there is low risk of harm and/or no vulnerability. In fact, sometimes a person's needs can be a contributing factor to how they perceive, respond to, or are impacted by, behaviour.
- 8.2. CHL will consider the level of harm at assessment stage and decide how to respond to a report. When a report is first received, we will complete a Vulnerability Risk Assessment (VRA). CHL's VRA consists of three sections that are scored accordingly during a conversation. Where the assessment is 24+, it will trigger the requirement for a full VRA to be completed by the Regional Housing Management Team with the resident either in their home or in an alternative location that is suitable for them, taking any necessary actions which arise from the outcome.
- 8.3. The VRA is designed to be a guide only and the officer should also use their professional judgment to decide whether the outcome of the assessment accurately reflects the level of vulnerability the officer perceives. If they feel the outcome of the assessment is not in line with the true level of vulnerability, the officer can adjust the response to the assessment outcome accordingly, recording their reasons for doing so.
- 8.4. Where there is a score under 26, professional judgement should be applied.



## 9. ROLES AND RESPONSIBILITIES

- 9.1. CHL believes that everyone has a social responsibility to be a good neighbour and resident. This includes being courteous and respectful to others.
- 9.2. Many of the situations that will be managed under this Policy will require the cooperation, compromise and good will of the parties involved. Effective resolution may require parties to make reasonable changes to their behaviour and/or environment, to accept to undertake processes such as mediation, to accept advice and support that is offered etc.
- 9.3. CHL's ability to assist in these cases will be greatly reduced where parties are not willing to cooperate with us in these ways and may mean that CHL can assist no further and the case is closed.

## 10. PARTNERSHIP WORKING

- 10.1. Often reports dealt with in line with this Policy will be complex, requiring a multi-agency response to bring resolution. This is particularly important where the situation is being exasperated by the unmet needs of either or all parties involved in a matter. CHL is limited to actions within the role of a social housing landlord and will require the cooperation of other agencies.
- 10.2. To facilitate partnership working in good neighbourhood management cases CHL will consider and action the following, where appropriate to each given case:
  - Refer any safeguarding/well-being concerns to the relevant agency.
  - Share information with partners to ensure full information is known by all relevant parties, allowing informed and appropriate decisions to be made.
  - Arrange a Multi-Agency Risk Management (MARM) meeting to create a clear action plan for case management.

## 11. POSSIBLE SOLUTIONS

- 11.1. The focus of CHL's work when dealing with matters in line with this Policy is to foster good relationships and to improve the health and well-being of parties involved. Legal action is very unlikely in cases managed under this Policy.
- 11.2. CHL will consider appropriate solutions on a case-by-case basis, but examples include:
  - Providing advice and guidance, signposting to education services/websites etc.



- Inviting parties to be part of creating a solution, which may be written into a voluntary agreement (e.g. residents in a block creating agreed guidelines for use of communal areas).
- Referring parties to mediation.
- Referring parties for conflict management/resolution support to assist in creating coping methods and increasing resilience.
- Referrals to safeguarding, health services, support etc.
- Exploring practical solutions such as carpeting, slow-release door hinges, soundproofing, anti-vibration mats etc.

11.3. These examples are not exhaustive, nor will they be appropriate in all cases. The appropriate solution will be determined based on what is relevant, likely to bring resolution to the problems and is available and cost-effective.

11.4. Where a party refuses to engage with the solution offered, without good reason, CHL may be unable to provide any further assistance and need to cease involvement in the matter.

## 12. CLOSING A CASE

12.1. There are several reasons why CHL may close a case dealt with under this Policy, including:

- The problems have been resolved or reduced to a level that parties agree is reasonable
- Either or all parties are not engaging/cooperating
- There is no further action that is reasonable or available to CHL.

12.2. CHL will inform the parties involved in the case that CHL is withdrawing assistance, ensuring they are clear where to report any further concerns in future.

12.3. Should any party express dissatisfaction in the management of the matter then details will be provided of CHL's internal complaints service, as well advising them of their legal right to utilise the local ASB Case Review Process (see ASB Policy for guidance).

12.4. CHL understands that a party may be disappointed with the decision not to class their report as ASB, or the solutions offered. CHL aim to ensure clear, transparent and fair processes, providing information about the reason for the decision.

12.5. There may be times when CHL considers contact to be unreasonable, which includes:



- Making reports that a party knows to be untrue, exaggeration or with malicious intent.
- Making repeated contact to report or discuss issues that CHL have previously already decided on, without providing any new information.
- Making contact so frequently or in such a way that it creates an unreasonable demand on the capacity or resource of the service.

12.6. In these instances, CHL may feel necessary to act against the party in line with the corporate policy relating to unreasonable and unreasonably persistent complainants.

### 13. USE OF THE GOOD NEIGHBOUR POLICY

13.1. This Policy is a document that residents and employees can refer to when determining the most appropriate course of action when investigating complaints that do not meet CHL's threshold of ASB. It provides information in several ways:

- **Clear Definition and Scope:** Ensure the Policy clearly defines what constitutes and what doesn't constitute ASB, including examples and the types of behaviour covered. This helps residents understand what actions can be reported.
- **Partnerships:** It outlines the approach to partnership working for cases which do not meet CHL's ASB threshold.
- **Response Framework:** Develop a structured response framework that outlines how reports will be managed. This includes initial assessments, investigation protocols, and managing service expectations on outcomes.
- **Support for Victims:** Outlines support for complainants. Ensuring that victims feel heard and supported can help them engage with the process.
- **Enforcement Options:** Clearly outline the actions available and the role of CHL as a social landlord.
- **Monitoring and Evaluation:** Regularly outlines the process for re-assessing cases which did not initially meet the threshold of ASB to under changes. This helps to identify trends, areas for improvement, and the impact of interventions.
- **Training and Awareness:** Provide clarity and an opportunity for training employees and community members about the Good Neighbour Policy, its objectives, and how to implement it effectively. Raising awareness can encourage community involvement and support.
- **Communication:** Maintain clear communication with the community about the Good Neighbour Policy and crucially what is and isn't defined in CHL as ASB. Keeping residents informed fosters trust and encourages positive relationships through a joint level of understanding.



## 14. LEGAL INFLUENCES ON THIS POLICY

14.1. There are a number of legal influences which have been used to shape this Policy:

- Anti-Social Behaviour, Crime and Policing Act 2014
- Domestic Abuse Act 2021
- GDPR and Data Protection Act, 1998, 2018
- Care Act 2014
- Equality Act 2010
- Children's Act 2004, Anti-Social Behaviour Act 2004, Domestic Violence, Crime and Victims Act 2004
- Housing Act 1985, 1988, 1996, 2004
- Regulation of Investigatory Powers Act, 2000, Local Government Act, 1972, 2000
- Race Relations Act 1976, 2000
- Crime and Disorder Act 1998, Human Rights Act 1998
- Prevention from Harassment Act 1997
- Family Law Act 1996, Noise Act 1996
- Disability Discrimination Act, 1995
- Dangerous Dogs Act 1991, Dangerous Wild Animal Act 1976
- Environmental Protection Act 1990
- Protection of Children Act 1978
- Protection from Eviction Act 1977

## 15. EXTERNAL POLICY INFLUENCES

15.1. There are a number of policy influences shaping CHL's response to ASB:

- The Consumer Standards (as set by the Regulator of Social Housing)
- The Home Office ASB Principles
- The ASB, Crime and Policing Act 2014 Statutory Guidance
- ASB Action Plan (published by Government and updated 21 March 2024)

## 16. OTHER DOCUMENTS LINKED TO THIS POLICY

ASB Policy

Tenancy Fraud Policy

Tenancy Policy

Domestic Abuse and Sexual Violence Policy

Safeguarding Policy

Homechoice (Allocations) Policy

Anti-Social Behaviour Policy



## DIVERSITY & INCLUSION

We are committed to treating all people with fairness and respect. We aim to create an inclusive environment where people are treated with dignity, inequalities are challenged, and we anticipate and respond positively to different needs and circumstances to enable individuals to achieve their potential and foster good relations within the communities we serve. We want to be recognised as an organisation delivering fair, inclusive, accessible services and an employer and partner of choice.

When applying this policy, we act sensitively towards the diverse needs of individuals and to reduce discrimination and harassment by making reasonable adjustments such as:

- eliminating discrimination – by providing support to those who need it and information in accessible formats and languages on request.
- tailoring the policy to meet both the specific needs of the individual, including those with additional support needs, and the diverse needs of the wider community.
- advancing equality of opportunity – treating all tenants fairly
- fostering good relationships – listening to customers and responding appropriately
- compliant with all aspects of Equality & Diversity legislation, and specifically the Equality Act 2010.



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