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Council**

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Clackmannanshire Council
Housing Service
Estate and Open Space Management Policy
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1. Introduction

Clackmannanshire Council's Housing Service is committed to ensuring that all areas surrounding Council Housing estates, including communal areas and open spaces, and which are owned by the Housing Service's Housing Revenue Account (HRA), provide an attractive, well-maintained, safe, and secure living environment for tenants and the wider community.

The Housing Estate and Open Space Management Policy establishes a framework through which the Housing Service will deliver its estate and open space management activities to ensure that its housing estates are maintained to the highest possible standard, and that the quality, safety, and visual amenity of open spaces and communal areas are protected and, where possible, improved.

The Housing Service will only manage housing estates and land owned by the Service. Where matters do not occur on Council housing estates, the Housing Service will not deal with the concerns, and may refer the concern to the appropriate Council service or external agency to ensure that it is dealt with effectively.

2. Aims of the Policy

The overarching objective of the Housing Estate and Open Space Management Policy is to provide a comprehensive and responsive estate and open space management service, ensuring that Council housing estates are safe, clean, accessible, and well-maintained for tenants and the wider community.

The specific aims of this policy are to:

- Clearly set out the responsibilities of both the Council and tenants in maintaining housing estates.
- Ensure the cost-effective and efficient management of the environment surrounding Council properties and common areas.
- Support the sustainability of estates and open spaces and ensure that these areas are used to their full potential.
- Identify, consolidate, or dispose of Council assets and open spaces where they are no longer required or do not provide value to the Council or its tenants.
- Ensure tenants' compliance with the conditions of their Tenancy Agreement.
- Work in partnership with internal Council services, external agencies, and community partners to ensure the effective management of Council estates.
- Set out the rules for the letting and management of the Housing Service's garages and lock-ups.

3. Definition of Council Housing Estates

Council housing estates may refer to the outdoor areas that fall within the Housing Revenue Account and are owned and managed by Clackmannanshire Council's Housing Service in its capacity as a social housing landlord. These areas are located on and around Council housing stock and include a range of hard and soft landscaping features.



Hard landscaping elements may include paths, parking areas, brick/ block-paved surfaces, play areas and play parks. Soft landscaping features encompass planted areas, shrubs, trees, grassed spaces, and wider open green spaces that form part of the estate.

4. Council's Responsibilities

Clackmannanshire Council is responsible for maintaining tenants' homes in accordance with the terms of the Tenancy Agreement. This includes repairing and maintaining the structure and exterior of the property, as well as all common parts within housing estates. The Council will ensure that any installations provided within the property are kept in good working order and will take steps to remove or prevent hazards within communal areas to safeguard tenants' and residents' health and safety.

5. Tenant's Responsibilities

In line with Clackmannanshire Council's Tenancy Agreement, tenants are responsible for taking reasonable care of their property as well as the surrounding environment. This responsibility extends to gardens (including walls and fences) and any common parts of the block.

Tenants are expected to respect the rights of their neighbours and contribute to the upkeep of the wider estate. Tenants must ensure that common areas such as closes, stairways, backcourts, paths, and bin areas are kept clean and tidy, free from litter and animal waste. Where applicable, tenants must not store personal items within the common parts of the building and must avoid doing anything that may cause inconvenience or pose a danger to anyone using these areas.

In addition, household rubbish must be placed in the allocated collection points, and tenants should take reasonable care to ensure that all waste is properly bagged before disposal.

6. Estate and Open Space Management Activities

Estate and Open Space Management activities refer to the range of actions undertaken by Clackmannanshire Council's Housing Service to ensure that Council housing estates owned by the Housing Revenue Account (HRA) remain attractive, well-maintained, safe, and secure environments for tenants and residents.

Such activities encompass the management of open spaces, landscaped areas and communal grounds within Housing Service-owned estates, as well as the enforcement of tenancy conditions. Specific activities include, but are not limited to:

- Providing advice and information on tenancy matters to support tenants in sustaining their tenancies;
- Enforcing the terms of the Tenancy Agreement, including addressing breaches that affect the condition, safety, or enjoyment of the estates;
- Monitoring, inspecting, and maintaining communal areas, such as closes, stairwells, bin stores, pathways, drying areas, and parking areas, to ensure they are clean, safe, and in good repair;



- Addressing concerns related to tenants' individual as well as communal gardens;
- Management and maintenance of fencing around Council properties;
- Responding to the dumping of rubbish and fly-tipping on Housing Service-owned land;
- Managing garage plots and lock-ups owned by the Housing Service.

The Housing Service will only maintain and manage estates belonging to the Housing Revenue Account (HRA). Estate management issues that arise on non-HRA land will not be investigated or managed by the Housing Service.

Similarly, matters that fall outside the scope of estate management, such as general household waste issues, bin sorting, or concerns relating to other public land, will not be dealt with by the Housing Service. Where such matters arise, tenants and residents will be signposted to the appropriate Council service, agency, or external organisation for support.

In some cases, the distinction between Housing-owned land and non-Housing land may be unclear. Where it is identified that the Housing Service has been maintaining land not belonging to the HRA, or where land previously owned by the HRA has been sold or transferred, the Housing Service will cease all maintenance responsibilities for that land.

6.1. Programmed Maintenance Activities

The Housing Service works in partnership with internal Council services and external contractors to deliver certain estate management activities on a programmed basis. Programmed maintenance activities include a range of regular tasks designed to maintain the quality, appearance, and safety of Housing Service-owned land and communal areas, and includes:

6.1.1. Grounds Maintenance Service

The Housing Service operates a scheduled programme of grounds maintenance covering the period from April to October each year. The frequency and type of maintenance provided will vary depending on the specific location, condition of the area, and the level of growth during the season.

Grounds maintenance activities include grass cutting and trimming on Housing Service-owned land, weed control, as well as the wider maintenance of landscaped areas to ensure they remain tidy and safe.

6.1.2. Close Cleaning Service

In some buildings with shared internal communal areas, the Housing Service offers a close cleaning service to maintain and enhance the condition of these spaces.

Where provided, the close cleaning service is funded through tenants' service charges, as outlined in the Tenancy Agreement.

The Housing Service may seek introduce this service where the majority of residents agree to its implementation and/or where standards within communal areas are unacceptably low.



6.2. *Fencing*

As part of its estate management responsibilities, the Housing Service will work in partnership with the Council's Property Services to maintain, manage, repair, and replace fencing that surrounds Council tenancies and is owned by the Council's Housing Service. All fencing maintenance activities will be delivered in line with the Council's reactive repairs services.

Fencing that is the responsibility of the Housing Service will be maintained to ensure it remains safe and functional.

6.2.1. *Installing and Replacing Fencing*

Where existing fencing requires replacement due to deterioration or poor condition, the Housing Service will replace the fencing using standard materials. Replacement fencing will be installed:

- To the same size, height, and dimensions as the previous fencing;
- In the same position as the original boundary; and
- In accordance with permitted development requirements under Planning Regulations.

However, where the previous fencing was lower than the height permitted by Planning Regulations, the Housing Service may install fencing up to the maximum permitted development height.

If the property boundary is shared with a privately-owned property, the Housing Service will seek agreement from the neighbouring owner before erecting any new fencing of any planned height or specification.

The Housing Service will not normally remove existing fencing unless it poses a health and safety risk or it is damaged beyond reasonable repair.

In addition, the Housing Service is not responsible for installing new fencing where none currently exists. New fencing will only be considered in limited circumstances, such as where:

- Part of the Capital Improvement Programme includes the installation of fencing; or
- Fencing is required to meet a verified medical or health need for the tenant or a member of their household, supported by appropriate evidence from a medical professional. In such cases, installation will be carried out in line with the Council's Property Adaptations Policy.

6.2.2. *Tenant-Installed Fencing*

Tenants may erect their own fencing within the boundary of their property, as long as they have sought written permission from the Housing Service. Tenants must not begin any work until they have got the approval.

Any fencing installed by the tenants must:



- Be constructed using Council-approved materials;
- Be installed on the boundary of the tenant's boundary;
- Not exceed 2 metres in height, or 1 metre where the fence faces a road or extends beyond the front or side elevation of the property. The height requirements include any additional decorative features such as trellis and/or any decorative toppers.

Where a property is listed or within a conservation area, tenants must obtain planning permission from the Planning Service before seeking to erect any fencing.

Following installation, Council Officers may carry out an inspection to ensure compliance with the requirements.

Where fencing has been erected without permission, tenants must seek retrospective permission from the Housing Service. If the fencing does not meet Council requirements, tenants will be required to either bring the fencing up to the required standard or remove the fencing entirely.

If tenants do not take the required action, the Housing Service may remove the fencing on the tenants' behalf and recharge the tenants for the cost of the works.

Tenants who erect fencing are solely responsible for the ongoing maintenance and replacement and repair of that fencing.

Where an outgoing tenant has terminated their tenancy agreement and has previously erected fencing around the property, the Housing Service will assume the responsibility for the ongoing maintenance of the fencing.

7. Estate Inspections

The Tenancy Management Team within the Housing Service will provide estate management services by regularly monitoring, inspecting and recording the condition of Council housing estates, including common closes and garden, and taking the appropriate action to resolve any issues that may arise. Where applicable, the Team will also ensure that programmed maintenance activities delivered on behalf of the Housing Service are completed in line with agreed specifications and service standards.

Estate Wardens and Housing Officers within the Team will undertake regular visits to and inspect the condition of Council estates in order to maintain the quality of Council estates, prevent problems from arising and allow early intervention action to stop issues from escalating. Where necessary, appropriate remedial action will be taken to address and resolve any concerns identified during inspections. In addition to pro-active inspections, the Team will respond promptly to reports from tenants and residents regarding any estate management concerns.

8. Investigations

Where concerns are identified during inspections or reported directly to the Housing Service, the Housing Service will first seek to confirm whether the issue is occurring on land owned by the Housing Service.



If it is established that the concern relates to land not owned by the HRA, the Housing Service will not take responsibility for investigating or resolving the matter. In such cases, the individual or complainant will be signposted to the relevant Council service, agency, or organisation best placed to address their concern.

Where the issue is confirmed to be occurring on Housing Service-owned estates or land, Housing Officers and/or Estate Wardens within the Tenancy Management Team may carry out additional investigation to assess the situation and determine the scope of remedial action required. These investigations help ensure that issues are dealt with promptly, proportionately, and effectively.

Depending on the nature and severity of the concern, Officers may gather evidence to establish the facts of the case and, where appropriate, identify the individual(s) responsible for causing the issue. Officers will aim to engage with residents while on site, speaking with the complainant, neighbouring residents, and any other relevant parties to gain a clear understanding of the circumstances before proceeding with any remedial or enforcement action.

9. Remedial and Enforcement Action

Depending on the nature and severity of the concerns identified, Officers within the Tenancy Management Team will determine the most appropriate remedial and/or enforcement action required.

Where an issue presents a health and safety risk, such as items left in communal areas, the Team will prioritise removing the hazard and making the area safe before undertaking any further remedial action.

Where appropriate, the Housing Service may seek to work in partnership with relevant internal services, partner agencies, and external contractors to ensure timely and effective resolution, including Land Services, Waste Services, Environmental Services and/or Police Scotland.

Where an individual tenant can be identified to cause estate management issues, the Housing Service will aim to use all available remedies to enforce the conditions of the tenancy agreement, support change in the tenant's behaviour and bring the estate back to standard.

Enforcement action may include both non-legal and legal measures. Legal action will only be pursued where all other options have been exhausted. Any enforcement action taken will be proportionate to the concern in question.

For issues arising on mixed tenure estates owned by the Council and other private owners, the Housing Service will seek to work collaboratively with homeowners or private landlords to resolve the matter. Where repairs or works to common parts are required to bring the estate back to standard and do not constitute emergency works, the Housing Service may require to obtain permission from other owners before proceeding with the works.

9.1. Non-Legal Actions

Where an individual perpetrator can be identified as being responsible for estate and open space management issues, the Housing Service will seek to use non-legal actions to remedy the



situation, support the tenant to change their behaviour, and restore the estate to an acceptable standard in the first instance.

Non-legal remedies may include:

- Advice and information,
- Tenancy Warning Notice,
- Acceptable Behaviour Agreement, or
- Recharges.

Where non-legal remedies are applied, the Housing Officers will seek to reinspect the property and estate to confirm whether conditions have improved. In severe or persistent cases, the Housing Service may open an enhanced tenancy management case to monitor compliance and ensure the tenant adheres to their Tenancy Agreement.

9.2. *Legal Actions*

Where all viable non-legal remedies have been explored and exhausted, and the individual responsible for the neighbourhood management issue has been identified, the Housing Service may pursue legal action to prevent the problem from continuing. Any decision to take legal action will be proportionate to the severity and persistence of the issue, and will only be considered where:

- The perpetrator has continuously breached the terms of their Tenancy Agreement;
- The perpetrator has repeatedly refused to engage with the Council or participate in offered support;
- All reasonable non-legal measures have been exhausted.

Legal action may include pursuing eviction or interdict as a last resort. For further information to Housing Service's approach to evictions, please refer to Clackmannanshire Council's Eviction Policy.

10. Support to Tenants

The Housing Service is committed to supporting tenants in maintaining their tenancies and taking care of their homes, gardens, and the communal areas they share with other residents. At the start of each tenancy, Housing Officers will aim to establish strong, positive relationships with tenants. Officers will provide advice and assistance on a range of tenancy-related matters and will emphasise the importance of keeping common areas and gardens clean, tidy, and being respectful of neighbours.

Housing Officers will maintain regular contact with tenants and conduct regular home visits to ensure that tenancies are being managed successfully. During these visits, Officers will discuss any concerns, educate tenants on their responsibilities, and support them in resolving issues and changing behaviours where necessary. Where additional support is required, Housing Officers



may signpost or refer tenants to other internal services or external agencies that can provide relevant advice and assistance.

In addition to advice and support, the Housing Service offers additional estate management-related services to Council tenants, including:

10.1. Bulky Waste Collection Uplift

The Council provides a Bulky Item Uplift service free of charge to Council tenants. Tenants are eligible for up to four free uplifts per year, with each uplift covering a maximum of five oversized items that do not fit in a standard wheelie bin. The waste collection service does not include black bag uplifts.

10.2. Garden Aid

In certain circumstances, the Housing Service may carry out garden works such as grass or hedge cutting on behalf of tenants free of charge under the Garden Aid Scheme. Eligible tenants include those who are over 65 years of age or who are disabled, and who are unable to maintain their garden themselves and do not have an able-bodied person living with them who could assist.

Tenants who meet the criteria will be required to complete an application form before being formally considered for and added to the Garden Aid Scheme.

10.3. Tenant Improvement Fund

As part of its yearly budget, the Housing Service allocates funding for the Tenant Improvement Fund. This fund is intended to support community improvements, small-scale works to specific properties and wider initiatives that have the potential to enhance the quality of life and wellbeing of tenants and residents.

The use of the Tenant Improvement Fund is determined through ongoing feedback, engagement, and consultation with tenants and residents to ensure that any proposed improvements reflect local priorities and community needs.

11. Review and Disposal of Housing Assets

The Housing Service will aim to undertake periodic review of the land, open spaces, and estates owned by the HRA. As part of this process, the Service will carry out periodic surveys to assess the condition of its assets, including garage sites, lock-ups, landscaped areas, and other estate-based infrastructure. These reviews aim to ensure that information held on the Housing Service's assets remains accurate, up to date, and that all Service-owned land continues to be fit for purpose, meets operational requirements, and represents best value for the HRA.

From time to time, the Housing Service may identify assets, such as land, garages, or lock-ups, for targeted disposal. Disposal may be considered where:



- The asset no longer meets service requirements;
- There is no identified future use, redevelopment opportunity, or strategic purpose;
- The asset is in poor condition and uneconomical to bring back to standard;
- There is no demonstrable need for, or demand for, the asset.

Where any of the above criteria apply, the Housing Service may seek to dispose of the asset in line with the Housing Service's Asset Disposal Policy.

In undertaking such activity, the Housing Service will also explore reinvestment opportunities or alternative uses for land and open spaces to ensure that resources are used effectively and deliver maximum benefit for tenants, estates, and the wider community. These decisions will aim to align with the Council's Strategic Housing Investment Plan (SHIP) and other relevant plans and strategies.

12. Garage Plots and Lock-Ups

As part of its estate management activities, the Tenancy Management Team is responsible for managing and maintaining garage plots and lock-ups owned by Clackmannanshire Council's Housing Service.

A garage plot refers to a uniform-sized plot of land on which a garage structure may be built, while a lock-up is a purpose-built permanent structure designed for storage.

The Housing Service owns a number of garage plots and lock-ups, which are available for rent to Council tenants and Clackmannanshire residents.

12.1. Applying for Garage Plot/Lock-ups

To be considered for a garage plot or lock-up, applicants must be 16 years of age and over, and live within Clackmannanshire Council area.

Interested individuals must complete an application form. Application forms can be obtained:

- online from the Council's website, or
- by contacting the Tenancy Management Team on 01259 225100.

As part of the application, applicants will be asked to select the areas where they wish to be considered for a garage plot or lock-up.

Once completed, the application should be returned to the Tenancy Management Team by email at hsgtenancymanagementteam@clacks.gov.uk, or by post/in-person to Kilncraigs, Greenside Street, Alloa FK10 1EB.

12.2. Letting a Garage/Lock-up

Upon receipt of an application, the Tenancy Management Team will assess the applicant's eligibility. If the applicant is a Clackmannanshire Council tenant, the Team will check for any rent



arrears or tenancy-related debt. Applications may be rejected where arrears exist and have not been resolved.

The Housing Service maintains a waiting list for garage plot and lock-ups, and allocates them on a priority basis. Applications from Council tenants will be given priority, followed by applications from other residents, such as owner-occupiers and private rented sector tenants.

Applications are placed on the waiting list from the date they are received, and all applicants are queued in order of application. When an applicant reaches the top of the list and a garage plot or lock-up becomes available, the Tenancy Management Team will contact the applicant.

The responsible Officer will arrange a viewing of the garage plot or lock-up with the applicant. Following the viewing, if the applicant wishes to proceed, they will be asked to sign a formal let agreement before taking possession.

12.3. Rental Charge

Rent for lock-ups will be charged on a weekly basis over a 52-week period, with 4 rent-free weeks. Rent for garage plots will be charged annually. Individuals are responsible for ensuring that rent is paid on time and rent accounts will be monitored regularly by the Housing Service.

Garage plot and lock-up rents will be reviewed annually together with the yearly rent review for Council Housing. Any changes in rental charge will be communicated to the tenant at least 28 days before the change.

12.4. Rent Arrears

The Housing Service aims to manage rent accounts effectively and will take steps to prevent or minimise arrears. Where arrears occur, the tenant will receive a warning letter followed by a reminder letter requesting payment of the outstanding balance.

If these measures are unsuccessful and the arrears remain unpaid, the Housing Service will notify the tenant that the garage plot/lock-up agreement will be terminated, and the locks will be changed.

12.5. Terminating the Lease Agreement

If the individual no longer requires a garage plot/lock-up and wishes to terminate the lease agreement, they must provide a seven days' written notice to the Tenancy Management Team.

At the end of the notice period, the tenant must sign the tenancy termination form and return all keys to the Housing Office.

Before vacating, tenants must ensure that the garage plot/lock-up is left in an acceptable condition. This includes:

- Leaving the garage plot/lock-up clean and tidy;



- Restoring the garage plot/lock-up to its original condition, and removing any structures erected on the garage plot;
- Removing all personal belongings, and removing any fixture or fittings installed by the individual;
- Locking all doors and returning all keys;
- Providing a forwarding address unless there is a valid reason for not doing so.

Failure to return keys or reinstate the garage plot/lock-up to the original condition may result in recharges.

12.6. Void Inspections

Once a tenancy has been terminated, Estate Wardens within the Tenancy Management Team will carry out a void inspection of the garage plot/ lock-up. The inspection will confirm that the garage plot/lock-up is empty, secure, and meets the required standard for re-letting. Keys will be checked for functionality, and the overall condition of the garage plot/lock-up will be assessed.

If minor repairs are required before the garage plot/lock-up can be re-let, the Housing Service will liaise with the Repairs Team to complete the necessary works.

13. Equal Opportunities and Diversity

Clackmannanshire Council is committed to the elimination of unlawful discrimination, advancing equality of opportunity and fostering good relations between people.

The Council believes that equality of opportunity should be a guiding principle in all of its activities. The Council aims to ensure that its commitment to equality is embedded in all council services and in the organisations that it funds.

In accordance with the Equality Act 2010, the Council is actively working towards the elimination of policies and practices that discriminate unfairly on grounds including age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race including colour, nationality, ethnic or national origin; religion or belief; sex; and sexual orientation.

14. Privacy Statement

Clackmannanshire Council must adhere with its legal obligations under Data Protection Legislation as set out in the Data Protection Act 2018 and UK General Protection Regulation (GDPR).

In order to provide the required and/or requested services, the Council will collect, store and process relevant personal information or data.

Personal information may also be shared with other partner agencies and organisations.



Personal information will be kept securely, as long as required by law and/or by specific service requirements. Once the data is no longer required, it will be securely disposed of. The Council has a Record Retention Schedule which sets out the period of time and reasons for keeping particular records. The Retention Schedule is available on request.

Under the Data Protection Act 2018 and the Freedom of Information (Scotland) Act 2002, individuals have the right to access personal information and data held about them by Clackmannanshire Council as well as the right to access information from records held by the Council.

To submit a Subject Access or Freedom of Information request, please follow [the link](#).

To make a complaint in relation to the Council's handling and processing of personal data and information, please contact the [Information Commissioner's Office](#).

For further information on Clackmannanshire Council's data protection practices, please visit the Council's [Data Protection Statement](#). For the Council's Data Protection Policy, please follow the [link](#). For further information on freedom of information laws, please visit the [Scottish Information Commissioner webpage](#).

15. Complaints

If the tenant is dissatisfied with the provided services and/or the standards of service, please follow the Council's Complaints Procedure. Complaints can be made in person, in writing, by email or online. For further information on the Complaints Procedure and how to make a complaint, please visit the [Council's Complaints Procedure webpage](#).

If the tenant remains dissatisfied with the final decision or the way the complaint has been handled following the Council's Complaints Handling Procedure, they can make a complaint to the Scottish Public Services Ombudsman (SPSO) by completing a [complaints form found online](#) or calling on 0800 377 7330.

For further information on how to make a complaint to SPSO, please visit the [SPSO website](#).

16. Monitoring and Reviewing

The policy will be continuously monitored to ensure that it is performing efficiently against the aims set out in the policy.

The Council will review and evaluate this policy every 3 years to ensure the adherence to the relevant legislation and statutory guidance as well as changes in organisational practices and policies.

For the avoidance of doubt, any future legislative changes affecting this policy will be applied without further procedure.