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East Dunbartonshire Council

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HOUSING AND COMMUNITY SERVICES ESTATE MANAGEMENT POLICY

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यदि आप को नज़र वाली कोई कठिनाई है अथवा आप को इस दस्तावेज़ की अनुवाद वाली कापी चाहिए तो कृपया हमें बताएं। हम आप को यह कापी आप की आवश्यकताओं के अनुसार प्रदान करेंगे। हाउज़िंग पालिसी टीम से इस नंबर पर संपर्क करें 0141 578 8156

ਜੇਕਰ ਤੁਹਾਨੂੰ ਨਜ਼ਰ ਦੀ ਕੋਈ ਤਕਲੀਫ ਹੈ ਜਾਂ ਤੁਹਾਨੂੰ ਇਸ ਦਸਤਾਵੇਜ਼ ਦੇ ਅਨੁਵਾਦ ਵਾਲੀ ਕਾਪੀ ਚਾਹੀਦੀ ਹੈ ਤਾਂ ਕ੍ਰਿਪਾ ਕਰਕੇ ਸਾਨੂੰ ਦੱਸੋ। ਅਸੀਂ ਤੁਹਾਨੂੰ ਇਹ ਕਾਪੀ ਤੁਹਾਡੀਆਂ ਲੋੜਾਂ ਅਨੁਸਾਰ ਪ੍ਰਦਾਨ ਕਰਾਂਗੇ। ਹਾਊਜ਼ਿੰਗ ਪਾਲਿਸੀ ਟੀਮ ਨਾਲ ਇਸ ਨੰਬਰ ਤੇ ਸੰਪਰਕ ਕਰੋ 0141 578 8156

اگر آپ کو دیکھنے میں کوئی مشکل درپیش ہے یا اس دستاویز کی ترجمہ والی کاپی درکار ہے تو براے مہربانی سے ہمیں مطلع کریں۔ ہمیں آپ کو اس کی کاپی جس طرح کی بھی آپ کو ضرورت ہو مہیا کرنے میں خوشی محسوس ہوگی۔ اس فون پر ہاؤسنگ پالیسی ٹیم سے رابطہ کریں۔

0141 578 8156

1. INTRODUCTION

This policy describes how East Dunbartonshire Council, Housing and Community Services (“the Service”) will provide estate management services.

Good estate management services help ensure that local communities are places where people want to live.

East Dunbartonshire Council signs a “Good Neighbour Charter”, with tenants, in which our joint obligations to help achieve this aim are explained. The

Council's objective is to ensure that tenants and residents can have quiet enjoyment of their homes in an environment which is safe, secure and well-maintained.

Our estate management policy describes:

- **How the Service, through its own efforts and through working with others, will provide tenants with an overall housing environment which is well-maintained, clean, safe and secure**
 - for example, managing and maintaining open spaces, dealing with litter, conducting regular inspections of estates, and addressing any concerns about crime and community safety.
- **How we will put the Council's tenancy agreement into practice**
 - for example, in relation to tenancy conditions, tenants' rights, garden maintenance, lodgers and pets

The estate management policy is supplemented by detailed working procedures, which our staff will use in implementing the policy.

The policy is also closely linked to:

- The Council's policies on housing allocations, neighbour relations and anti-social behaviour
- Initiatives which the Council is addressing at a corporate level, for example through the Community Safety Partnership.

Our approach to estate management will be strongly influenced by these other matters, to ensure that we provide a rounded and holistic service.

2. POLICY OBJECTIVES

The objectives of our estate management policy are as follows:

- To enable people living in our houses to enjoy a decent, secure, clean and tidy environment, in housing which is well managed and maintained.
- To ensure that tenants are aware of, and uphold, their responsibilities in relation to the upkeep of their property and the surrounding area.
- To ensure that tenants know what standard of estate management services they can expect from us, and that they have real opportunities to help shape the services they receive.

- To maintain demand for the Council’s properties, the condition of our property and estates, and minimise void losses
- To work with other Council services and external agencies, to ensure that communities throughout East Dunbartonshire are safe and well looked after.
- To provide a fair and equal service to all people, irrespective of factors such as gender or marital status, race, disability, age, sexual orientation, language or social origin, or other personal attributes.

Our approach to estate management will reflect **best value principles**. For example:

- We will establish clear service standards, so that customers know what they can expect from us.
- We will involve customers in setting standards.
- We will set targets for estate management services, and monitor our performance in achieving these.
- We will compare our performance with that of other local authorities.
- We will aim to achieve continuous improvement in our performance and in the standard of service we provide to customers.

3. LEGAL AND REGULATORY REQUIREMENTS

“Performance Standards”

The Council is required to have regard to **“Performance Standards for social landlords”** in its approach to estate management.

“Performance Standards” oblige social landlords to:

- manage the environment around their properties and any common areas effectively
- ensure that neighbourhoods are attractive, well-maintained and safe places to live
- have regard to a range of “guiding standards” in their approach to service planning and delivery - eg so that formal policies and procedures are in place to guide service delivery, equal opportunities are promoted, and service users are involved and consulted.

East Dunbartonshire Council will have full regard to the requirements of **“Performance Standards”** in its approach to estate management.

Legal Requirements

The Council's approach to estate management will also be determined by its **statutory and contractual obligations**.

Under Section 23 of the **Housing (Scotland) Act 2001**, tenants have a right to receive a written tenancy agreement and information about the landlord's policies and procedures.

East Dunbartonshire has complied with these its obligations by basing its tenancy agreement on the Model Scottish Secure Tenancy issued on behalf of Scottish Ministers under the 2001 Act. We have made local variations to the tenancy agreement to reflect the Council's policies on non-statutory matters such as the keeping of pets, garden maintenance standards, and close cleaning.

The Tenancy Agreement lies at the heart of the Council's estate management policy, since it ensures that the statutory provisions of the 2001 Act are met, and that clear rules are in place to regulate tenancy-related matters.

A summary of the main obligations which the tenancy agreement places on the Council and on tenants in relation to estate management matters is provided at Annex 1.

A range of other statutory measures are potentially relevant to the estate management services. Annex 1 lists other legal measures which are available to the Council and/or the Police, to deal with issues where legal action under the terms of the Tenancy Agreement is unavailable, or inappropriate.

These additional legal provisions cover matters such as:

- Dealing with noise
- Problems caused by dogs or other animals
- Premises with stairs or another form of common access
- The Council's powers to make by-laws
- Problems relating to motor vehicles.

4. ESTATE MANAGEMENT SERVICE STANDARDS AND PROCEDURES

The Service's approach to estate management involves two main activities:

- Giving close attention to routine management problems
- Strategic consideration of broader area management issues.

The Council is responsible for inspecting and maintaining its housing and the related common areas, the surrounding environment within the curtilage of the buildings, and any adjacent land or other buildings within its ownership.

Tenants are responsible for maintaining in good order their own individual property and the surrounding environment, and for respecting the rights of their neighbours and the surrounding community, all as laid down in their Tenancy Agreement. The detailed terms of the Tenancy Agreement should be read in conjunction with this policy.

The Service will carry out its responsibilities in accordance with the **SERVICE STANDARDS** described at **ANNEX 2**.

5. STAFF ROLES AND RESPONSIBILITIES

We will ensure that estate management services are planned, effectively budgeted for, and managed to a high standard. We will provide sufficient staff resources for estate management services.

We will deliver estate management services from our network of area housing offices, under the direction of Housing Services Team Leaders.

6. INVOLVING SERVICE USERS

East Dunbartonshire Council is committed to:

- Encouraging resident participation in estate management services
- Providing tenants with good quality information about the services we provide
- Receiving regular feedback from service users about our performance, to help improve service delivery.

For estate management services, we will do this in the following ways:

- Obtaining regular feedback from new tenants about their satisfaction with the residential environment and their estates, through periodic tenant satisfaction surveys.
- Monitoring matters which are reported by tenants, including comments and complaints, and using these to improve our service delivery.
- Involving tenants in periodic reviews about our policy and service standards.

For example, this policy has been the subject of tenant consultation, and we will also involve tenants in decision-making about the areas we have identified for possible service improvements (see 7. below).

7. DEALING WITH COMPLAINTS

We will maintain in each housing office a “complaints book” which will record all complaints relating to estate management issues. The action taken to respond to each complaint and the date such action was taken will be recorded in the complaints book. The complaints books will be reviewed regularly by Housing Services Team Leaders, to examine the nature and frequency of complaints and to check that the actions taken have been appropriate, effective, and in keeping with the Estate Management Policy.

8. MONITORING OUR PERFORMANCE AND ACHIEVING CONTINUOUS IMPROVEMENT

The Council will monitor its performance in achieving the targets and service standards described in this policy on an ongoing basis.

We will conduct periodic self assessment of our performance in estate management, drawing on tenant input, to identify areas for improving the service we provide.

To enhance our services to customers, we will consult with tenants on new initiatives for further improving our services.

At the date of drafting this policy, the Service has identified a number of possible new initiatives which we will examine in consultation with service users during 2007:

- The production of **estate services specifications** for each estate.

These would provide tenants with information about the services which are provided in their area and the frequency of service provision.

- The production of annual **estate services reports**.

These would involve providing tenants with reports on work carried out, relative to the services specification for their estate.

- The possible use of **neighbourhood volunteers** to help monitor estate management issues in particular blocks or estates.

The estate management policy will be reviewed at least every three years.

In conducting policy reviews, or in making any changes in the interim which are likely to have a significant impact on tenants, the Council will follow the requirements of Section 54 of the Housing (Scotland) Act 2001 in relation to consulting tenants. Consultation will include registered tenants organisations and individual tenants.

ANNEX 1

LEGAL REMEDIES AVAILABLE FOR DEALING WITH ESTATE MANAGEMENT PROBLEMS

I. OBLIGATIONS UNDER THE COUNCIL'S TENANCY AGREEMENT

Tenant Obligations	Tenancy Agreement Clauses
Preventing damage to the house and neighbours' property, and the common parts.	2.2
Obtaining permission to run a business from home, and complying with any conditions.	2.3
Obtaining permission for the keeping of pets, where this is required, and complying with any conditions attached.	2.5
Taking reasonable steps to prevent pets from causing a nuisance, annoyance or danger to neighbours - including fouling, noise or smell.	2.5
Taking a turn of keeping any common parts clean and tidy. Taking a turn of cleaning and washing any common stair, windows, banisters and bin chute accesses.	2.8
Paying for the cost of cleaning closes or common parts, where tenants and residents fail to meet their obligations and the work is instructed by the Council.	2.8
Complying with local arrangements for the use and sharing of common parts, including drying greens and drying areas.	2.9
Taking reasonable care of gardens, cutting grass and hedges, whether shared or having exclusive use.	2.10, 2.11
Paying for the cost of work to gardens etc., where tenants and residents do not meet their obligations and the work is instructed by the Council.	
Appropriate storage of belongings, including bicycles, motorcycles, prams and equipment fuelled by flammable materials.	2.12, 2.15
Careful and appropriate disposal of refuse including bulk refuse for uplifting.	2.13

Tenant Obligations	Tenancy Agreement Clauses
No unauthorised parking of vehicles and caravans etc. on Council land.	2.16
No unauthorised storage of belongings on Council land.	2.17
Complying with tenancy agreement conditions relating to anti-social behaviour.	3.1-3.10
Obtaining permission for sub-letting, assignation or exchange of a tenancy.	4.1-4.4
Obtaining permission for alterations and improvements.	5.21
East Dunbartonshire Council's Obligations	
Granting permission for sub-letting, assignation or exchange of a tenancy, which the Council will not unreasonably withhold.	4.1 - 4.4
Inspection and repairs to common parts by the Council	5.4 - 5.5
Granting permission for alterations and improvements - (eg building of sheds or garages, driveways, walls, fences, external decoration etc.) - which the Council will not unreasonably withhold	5.21
Informing and consulting tenants - eg about policies and rules, how to make complaints, arrangements for taking decisions relating to housing management and services	8.1-8.4
Obtaining permissions from the Council, on matters specified in the tenancy agreement - tenant and Council obligations	10.3

II. DEALING WITH NOISE

The Council and the Police have a range of legal powers to deal with nuisance caused by noise.

The relevant legislation includes:

- The Public Health (Scotland) Act 1987 - section 16
- The Control of Pollution Act 1974 - sections 58 and 59, as amended by the Noise and Statutory Nuisance Act 1993
- The Civic Government (Scotland) Act 1982 - section 54
- The Environmental Protection Act 1990
- The Crime and Disorder Act 1998
- The Antisocial Behaviour Etc (Scotland) Act 2004

Where tenants are subject to noise nuisance caused by others, and action under the tenancy agreement does not prove effective, the Service will liaise with the police and with the Council's Noise Enforcement Team, and Community Safety Team to help identify appropriate remedies.

III. PROBLEMS CAUSED BY DOGS AND OTHER PETS

The Dog Fouling (Scotland) Act 2003 amends the Civic Government (Scotland) Act 1982, to extend the powers of the police and the local authority to deal with the offence of dog fouling, where a person in charge of a dog fails to clear away and dispose of dog excrement appropriately. The Act applies to all public places, including common passages, closes, courts, stairs, back greens and other similar areas, subject to specified exceptions.

The Civic Government (Scotland) Act 1982 (section 49) provides that any person who permits any creature in his charge to cause danger or injury to any other person who is in a public place or to give such a person reasonable cause for alarm or annoyance shall be guilty of an offence and liable, on summary conviction, to a fine.

The Dangerous Dogs Acts 1989 and 1991 allow the police to take action against the owners of dangerous dogs not complying with the Act.

IV. PREMISES WITH COMMON STAIRS OR ACCESS

The Civic Government (Scotland) Act 1982 (section 93) requires the occupiers of premises with common stairs or other common means of access to keep such means of access free of any combustible substances and of anything which might obstruct egress from, and access to, the property in the event of fire.

The Act empowers an authorised officer of the fire authority to enter common property to determine whether the provision is being complied with, and to do anything which may be considered necessary to remove an immediate risk of fire likely to endanger life.

Failure without reasonable cause to comply with a notice served requiring action to be taken is an offence punishable on summary conviction with a fine.

The 1982 Act also covers dropping litter and keeping the common close clean.

V. POWER TO MAKE BY-LAWS

The Housing (Scotland) Act 1987 (Section 18) permits a local authority to make by-laws for the management, use and regulation of houses held by the authority for housing purposes.

By-laws may relate to matters such as keeping dogs on leads, not allowing them to foul public areas etc., and can also be used to tackle nuisance and anti-social behaviour.

VI. MOTOR VEHICLES

The Motor Vehicle Regulations Act 1986 provides powers to deal with obstructions caused by parking on pavements, grass verges and in front of private driveways.

The Road Traffic Act 1988 covers a range of offences, including leaving vehicles in a dangerous position and driving vehicles elsewhere than on the road.

VII. LITTER

The **Environmental Protection Act 1990** (Section 89[1]) places a duty on certain bodies, including Scottish local authorities, to keep land which is in their direct control clear of litter and refuse so far as is practicable.

Councils also need to take account of a subsequent government Code of Practice on Litter and Refuse (revised in 1999) which defines litter standards for different types of land zone, including residential areas.

ANNEX 2

EAST DUNBARTONSHIRE'S ESTATE MANAGEMENT SERVICE STANDARDS

1. WE WILL SEEK TO PREVENT ESTATE MANAGEMENT PROBLEMS EMERGING, THROUGH A REGULAR PROGRAMME OF INSPECTIONS AND MAINTENANCE WORK.

(a) Estate management inspections

We will check regularly the common areas for which the Service/Council has responsibility, and maintain these to the highest possible standard.

All housing areas managed by the Service will be inspected on a monthly cycle by staff from Housing and Community Services.

Housing Officers will be responsible for carrying out inspections, with periodic input by Maintenance Officers and CHR/Allocation Officers.

Inspections will cover common stairs and backcourts within tenements, common land adjoining the Council's housing, and individual garden areas.

The purpose of estate management inspections will be:

- To assess the quality of work undertaken on behalf of the Service by contractors (eg de-littering, bulk refuse removal, weed control, grass-cutting)
- To identify any maintenance works needed
- To identify any potential breaches of tenancy conditions
- To identify broader issues, which may require involvement by others, eg the community police service or other Council services
- To enable remedial action to be taken in respect of any of the above.

Where required, we will arrange for Housing Officers to conduct joint inspections of EDC housing estates with relevant personnel from other Council services.

New tenancies and tenancies which have ended

We will ensure that every new tenancy begins on a proper footing, by briefing tenants at their sign-up interview about the Council and tenant roles and responsibilities set out in the tenancy agreement.

New tenants will be provided with a copy of the Tenants Handbook, and they will receive a settling-in visit within the first 6 weeks of their tenancy. Follow-up visits thereafter will be arranged as required.

When a tenancy has ended or has been established to be abandoned, we will arrange to inspect the house, including gardens.

We may charge the outgoing tenant for any repairs or removal of abandoned possessions.

Dealing with breaches of tenancy conditions

We will re-charge tenants for repairs resulting from wilful damage by them or members of their family or household to the house or within the common areas, for example to fencing, slabs, cladding or down-pipes.

The Council will minimise the use of legal action in relation to estate management matters as far as possible.

However, we may consider taking such action where a tenant is in serious and persistent breach of their tenancy agreement, and all other action has been tried and has failed to remedy the situation.

The decision to initiate legal action will be taken by a Housing Services Team Leaders, who will also be responsible for deciding whether or not to proceed with enforcement of any decree or decision handed down by the courts.

Legal action may include action for eviction but the Council may seek lesser or different sanctions depending on the nature of the problem and the legal remedies which are available.

2. WE WILL ACT PROMPTLY UPON ESTATE MANAGEMENT PROBLEMS, WHETHER THESE HAVE BEEN INDICATED BY OUR OWN INSPECTIONS OR WHETHER THEY ARE IN RESPONSE TO REPORTS OR COMPLAINTS BY TENANTS.

Housing staff will actively listen to, and act upon, tenants' complaints and concerns about issues that affect the quality of life locally.

This includes not just major problems, but also relatively minor matters which may have the potential for escalation in future, if not dealt with effectively - for example, problems with litter in tenement closes or graffiti appearing for the first time.

Where problems are reported by tenants, these will be actioned **within 48 hours** - either by ordering of works, or by inspection by a member of staff.

In certain circumstances, we will arrange for action to be taken within 24 hours:

- Graffiti which is offensive (eg because it is racist or homophobic) will be removed as quickly as possible after being identified or reported.
- Problems which are of an emergency nature or which present serious health and safety risks will be given priority when identified and/or reported. This includes matters such as the removal of syringes or the replacement of faulty communal lighting.

Repairs and maintenance works to housing estates are carried out under a range of contractual arrangements. Where problems are notified to us by tenants and these are the responsibility of other Council services, housing staff will pass details of the problems on to the relevant service (for example, we would refer issues such as illegal flytipping or abandoned vehicles to the Council's Protective Services division).

3. WE WILL PROVIDE A SERVICE WHICH IS RESPONSIVE TO CUSTOMERS AND WHICH ENGAGES TENANTS IN THE SERVICE, WHERE THEY WISH TO BECOME INVOLVED.

The Service will seek to involve established tenants' groups in the estate management service. We will do this through our Tenant Participation Strategy, eg where tenants associations invite the Service to their meetings to discuss estate management issues.

The Service will provide all East Dunbartonshire tenants with information about estate management service standards through its Tenants Handbook and periodic newsletter features.

We will provide all tenants with information about how to make a complaint about our services, and we will seek regular feedback about tenant satisfaction with our estate management service and the quality of our estates.

Where tenants have complained about quality of service or conduct of a member of staff or contractor, the Service will always try to put things right by considering what action can be taken immediately to address the tenant's concerns. This is in addition to tenant's right to make a complaint, using the Council's complaints procedures.

4. WE WILL DEAL WITH REQUESTS FROM TENANTS FOR "PERMISSIONS" FAIRLY, PROMPTLY, AND IN ACCORDANCE WITH THE TENANCY AGREEMENT.

The Tenancy Agreement requires tenants to obtain the Council's prior permission for a number of activities:

- If the tenant or someone living with them wishes to run a business from home.
- If the tenant wishes to keep a pet, and this is not permitted by the Tenancy Agreement.

The Agreement allows tenants to keep one pet without permission, unless they live in a flat property with a common entrance. Flat dwellers require permission to keep any pet, and anyone wishing to keep more than one pet requires permission.

- If the tenant wishes to take in a lodger, or to sub-let, assign or exchange their tenancy.
- If the tenant wishes to carry out alterations or improvements (eg building of sheds or garages, driveways, walls, fences, external decoration etc.).

The Council has developed application forms and procedures covering all of these matters, and copies are available from any of our housing offices. The forms and procedures are based on the provisions contained in the Tenancy Agreement, and embody the following common principles:

- The Council will not refuse permission unless there is a good reason for doing so.
- If permission is refused, the tenant will be provided with a written explanation of our reasons, and will have a right of appeal to the Council, or to make application to the Sheriff.
- The Council may grant permission subject to conditions - for example, to ensure that any work carried out is to a proper standard, or to minimise the impact on neighbours.

- Applications will be deemed to have been approved, if the Council does not reply within one month of receipt of the tenant's written application.

5. WE WILL MAINTAIN APPROPRIATE ESTATE MANAGEMENT RECORDS COVERING EACH HOUSE, COMMON AREA AND ANY OTHER BUILDING OR AREA OF LAND IN THE COUNCIL'S OWNERSHIP FOR WHICH THE SERVICE IS RESPONSIBLE.

We will maintain records of:

- the estate management inspections carried out by our staff
- permissions granted or refused under the tenancy agreement will be kept on house files, along with details of any conditions attached by the Service
- any tenant re-charges applied by the Council.

Each area office will provide a quarterly report on estate management issues to the Housing Management Team, and an annual report will be provided to tenants and elected members.

6. WE WILL CO-OPERATE WITH OTHER ORGANISATIONS IN ORDER TO MAINTAIN AND ENHANCE THE QUALITY OF THE RESIDENTIAL ENVIRONMENT WITHIN OUR ESTATES.

The Service will work closely with tenants and other residents, with the Police, and with other EDC services (for example, Criminal Justice and Parks) on issues which are not managed directly with the Service but which are important to the overall quality of life for tenants and residents.

These issues include:

- Community safety
- Relationships with community police service
- Maintenance of common areas and open spaces
- Removal of abandoned cars
- Noise

7. WE WILL CONSIDER THE CIRCUMSTANCES OF CUSTOMERS WITH SUPPORT NEEDS IN PROVIDING ESTATE MANAGEMENT SERVICES

We will liaise with all appropriate care agencies to determine care plans for any tenant with support needs.

Records of support needs and/or vulnerabilities will, with the agreement of the individual concerned, be recorded on file so that our staff may take account of the tenant's particular circumstances and requirements.

We will maintain contact with appropriate care agencies in order to ensure that relevant ongoing support is made available.