NORTH LANARKSHIRE COUNCIL
COMHAIRLE SIORRACHD LANNRAIG A TUATH

GARDEN POLICY

MAY 2026

LIVE
LEARN
WORK
INVEST
VISIT

Document control			
Title	Garden Policy		
Owner	Gillian Whitehead	**Contact**	WhiteheadG@northlan.gov.uk
Governance Group	Housing Solutions		
Author	Bernadette Laffey	**Contact**	laffeybe@northlan.gov.uk

Revision History			
Number	**Originator**	**Date Review Commenced**	**Revision description/record of change**

Document Approvals			
Number	**Governance Group**	**Date approval granted**	**Date approval to be requested** (if document still draft)
V.1	N/A	January 2027	

Consultation Record (for most recent update)	
Status of document consulted upon	Internal consultation carried out on the draft policy to inform the final policy development
Stakeholders consulted/date	Legal Services consulted January 2026

Strategic Alignment

The Plan for North Lanarkshire: Improve the health and wellbeing of our communities

Ambition Statement: Ensure we keep our environment clean, safe, and attractive

Next review date	
Review Date	May 2029

Contents

1.	Introduction	4
2.	Related documents	4
3.	Purpose	4
4.	Scope	5
5.	Policy Principles	5
6.	Roles and Responsibilities	5
7.	Policy Requirements	6
8.	Monitoring and Review	7
9.	Equalities, Human Rights and Impact	7
9.	Glossary of Definitions	8

1. Introduction

This Housing Garden Policy sets out the purpose, aims, objectives, scope and principles in the use, and maintenance of garden areas within North Lanarkshire Council properties. Gardens have a vital role in creating healthy, attractive, and sustainable neighbourhoods by contributing to residents' wellbeing and enhancing the overall appearance of housing developments.

The intention of this policy is to provide clear guidance to staff and tenants on acceptable garden practices and prevent issues such as nuisance or neglect ensuring that garden spaces are maintained in a safe, tidy, and considerate manner. The policy recognises the need to balance individual enjoyment of private and communal gardens with the interests of neighbours and the wider community.

2. Related Documents

There are operational Estate Management Procedures to guide housing staff on tenant's responsibilities in maintaining their garden to an acceptable standard.

3. Purpose of the Policy

North Lanarkshire Council Housing Service is committed to ensuring that designated garden space, whether for exclusive use or for communal use, is maintained to an acceptable standard.

This document sets out the legal and contractual responsibilities of the landlord and tenant.

Overgrown gardens, or gardens which are littered or have accumulation of waste are unsightly and can cause nuisance and annoyance and, in some cases, can lead to public health issues. It prevents the garden area being used for the purpose it was intended and can be detrimental to the amenity of the area and the wellbeing of other tenants.

- The policy should provide tenants with clear guidance on maintaining their private garden space. Our aims are:
- To maintain a clean, safe, and attractive garden environment.
- To support responsible garden care.
- Ensure tenant's compliance with the conditions of their Scottish Secure Tenancy Agreement.

The objectives of the Garden Policy are:

- To promote well-maintained, safe, and attractive garden areas that enhance the appearance and quality of council housing neighbourhoods.
- To support residents' health and wellbeing by encouraging the positive use of private and communal garden spaces.
- To ensure gardens are maintained in a manner that does not cause nuisance, risk, or disadvantage to neighbours or the wider community.
- To provide clear and consistent guidance to tenants on acceptable standards of garden maintenance and use.
- To balance individual choice and enjoyment of garden spaces with the council's responsibility to maintain clean, safe, and sustainable communities.
- To support early intervention and proportionate enforcement where garden conditions fall below acceptable standards.

Legislative and Regulatory Context

The legislation and Charter Outcome which are relevant to this policy are:

- Housing (Scotland) Act 1987, Housing (Scotland) Act 2001, Housing (Scotland) Act 2014. These legislations provide the legal framework governing the management of social housing in Scotland.
- The Scottish Social Housing Charter, Charter Outcome 6 - tenants and other customers live in well maintained areas where they feel safe.

4. Scope of Policy

This policy applies to all tenants and occupants of council properties where a garden or external outdoor space forms part of the tenancy. This includes properties with private gardens, shared or communal garden areas, and any ancillary outdoor spaces adjoining the home.

The policy covers the use, maintenance, and condition of garden areas, including but not limited to lawns, planting beds, hedges, trees, or paved areas, closes, stairways, backcourts, paths and bin areas.

Communal garden areas associated with flatted or multi-storey properties are included within the scope of this policy. Responsibilities for these areas are defined in line with tenancy agreement.

Where relevant, this policy operates alongside tenancy conditions, estate management procedures, antisocial behaviour policy, and enforcement powers available to the council. The council will apply this policy proportionately and reasonably, taking into account individual circumstances, vulnerability, and equality considerations, and will seek to resolve garden-related issues through engagement and early intervention wherever possible.

5. Policy Principles

- North Lanarkshire Council's gardens should be maintained to a reasonable standard that supports safe, clean, and visually pleasant neighbourhoods.
- Tenants are encouraged to enjoy and personalise their garden spaces in a way that is respectful of neighbours and the wider community.
- Garden use and maintenance should not cause nuisance, hazard, or detriment to adjacent properties, communal areas, or the environment.
- Clear, fair, and consistent standards will be applied across council housing to ensure fairness and transparency.
- The council will seek to resolve garden-related issues through communication, support, and early intervention before formal action is considered.
- Where action is required, enforcement will be proportionate, reasonable, and consistent with tenancy conditions and relevant legislation.
- The council recognises individual circumstances, and the policy will take cognisance of vulnerability and equality duties.

6. Roles and Responsibilities

Tenant Responsibilities

In line with North Lanarkshire Council's Scottish Secure Tenancy Agreement, tenants who have exclusive use of a garden attached to the tenancy must take reasonable care to keep it from becoming overgrown, untidy or littered or causing a nuisance. If you fail to do this, the Council are

entitled to decide exactly what work requires to be done to comply with this duty. Before making our decision, we will consult with you. Our decision will be binding on you. If you do not do the work, we may do it ourselves and re-charge you for the costs involved. This is in addition to any other legal remedies we may have. You must not remove, chop down and damage or destroy any bushes, hedges or trees without our written permission unless you planted them.

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 property items such as bicycles, motorcycles or prams in any of the common parts of the building, except in areas set aside for storage. You must avoid doing anything that may cause inconvenience or pose a danger to anyone using the common parts.

North Lanarkshire Council's Responsibilities

North Lanarkshire Council will (in conjunction with other owners, if appropriate), keep in repair the structure, exterior and communal parts of the property for use by the Tenant and other occupiers and visitors to the property, including:

- Pathways, steps or other means of access
- Integral garages and stores
- Boundary walls and fences

7. Policy Requirements

Standards

All Council managed properties' gardens are tidied to an acceptable standard at the outset of the let.

Thereafter, tenants are obliged to maintain their garden to the following acceptable standard:

- Grass should be cut short, tidy and well-maintained on a regular basis (this includes grassed areas which are now mainly weeds and areas which have been allowed by the tenant to seed)
- Weeds must be controlled
- Hedges, shrubs and trees should be cut and trimmed regularly.
- Free of rubbish
- Free of discarded or stored items, including vehicles or vehicle parts, machinery or containers for example.
- Free of dog or other animal dirt
- Paths, seating areas, and communal spaces must be kept clean and tidy and free from obstruction.
- Fences and sheds owned by the tenant are to be secure, repaired and maintained. All shed and fencing require permission.

All bins are to be stored in the appropriate place for them and not stored at the front of the property, except on bin collection days. They are to be used in accordance with NLC bin collection schedule and emptied on a regular basis.

Garden Inspections and Potential Remedies

Garden inspections will be carried out by the Housing Officer as part of Estate Management duties. Where gardens are unsatisfactory (see Standards above):

- The Housing Officer will visit the tenant to discuss the garden condition to agree the remedial work required. Should the tenant not engage in the process, a breach of tenancy letter will be issued within 3 working days
- Photographs of the condition of the garden will be taken and recorded on file
- If no improvement is made by the tenant within 15 days, a final breach of tenancy will be issued
- If no improvement is made by the tenant within 10 days of the breach being intimated legal remedies will be pursued.

We can intervene and carry out a garden tidy and/or bin/rubbish removal ourselves to ensure the neighbourhood standard is maintained. The tenant will be recharged for the cost of this work. Should the tenant again fail or refuse to maintain the garden we will progress towards formal legal action. This could include seeking a court Order for recovery of possession of the property from the tenant.

As appropriate, we could also consider whether the tenant could move to a more suitable property if they do not maintain the garden in line with the allocation policy.

Garden Assistance Scheme

The Garden Assistance Scheme provides a basic garden service, which is available to council tenants who have difficulty in maintaining their gardens. If you are having difficulty maintaining your garden, you may apply to the Garden Assistance Scheme. If you are elderly or disabled and qualify for the scheme, arrangements can be made to help maintain your garden. This includes cutting your grass or trimming any hedges in your garden. You may not be eligible if you have someone living with you or a family member who is able to help with basic gardening duties.

As appropriate, we could also consider whether the tenant could move to a more suitable property if they do not maintain the garden via, for example a voluntary management transfer.

8. Monitoring and Review

This policy will be subject to regular review and monitoring, to ensure effective implementation and relevance as well as to support best practice. The policy will be reviewed every three years.

9. Equalities, Human Rights and Impact

This policy is consistent with the council's Equal Opportunities Policy and aims to ensure that we act fairly and lawfully on all occasions. We will not discriminate against anyone on the grounds of race, colour, ethnic origin, nationality, gender, sexuality, disability, age, religion or other belief.

An Equalities Impact Assessment (EqIA) has been carried out whilst this policy was being developed to identify any potential adverse impacts on people or groups who share protected characteristic and any opportunities in which to strengthen and promote equalities. This assessment included an assessment of the Fairer Scotland Duty and Human Rights.

Two further impact assessments have been carried out for this policy given the scope and impact of this policy on women, children and health. This included a Children's Rights and Wellbeing Assessment (HIA). A summary of this EqIA can be found on the council's website and the full impact assessments are all available on request.

10. Glossary of Definitions

Communal Garden

A garden area shared by residents of multiple dwellings, maintained collectively or by the local authority.

Court Order

A court order is a formal, legally binding direction issued by a Scottish court that requires a person to do something or refrain from doing something.

Garden Assistance Scheme

It is a basic garden service, which is available to eligible council tenants who have difficulty in maintaining their gardens such as elderly or disabled tenants.

Maintenance

Routine activities required to keep a garden safe, tidy, and in good condition.

Scottish Secure Tenancy Agreement

A Scottish Secure Tenancy Agreement is a legally binding agreement between the Council and the tenant outlining terms and conditions of the tenancy.

Sustainable Neighbourhoods/Communities

A sustainable neighbourhood/community balances environmental protection, social well-being, and economic vitality at a local level.