



Housing & Property Service

Grass Cutting Scheme

1. Scope of the Scheme

- 1.1 The scope of Moray Council's Grass Cutting Scheme is to provide a clear and transparent framework and criteria for delivering a grass cutting service to tenants based on their capability to maintain their garden to a reasonable condition. It allows those who are unable to maintain their gardens to an acceptable standard due to a substantial and / or long term physical or mental health problem an option to purchase an in-house service at a pre-determined cost. Any communal or shared ground maintained by Moray Council's Open Spaces Service is not covered by this Scheme.
- 1.2 Tenants who require a service are not obliged to use Moray Council's service and can source alternative independent private service providers if they prefer to do so.

2. Principles of the Scheme

- 2.1 The principles underpinning the Council's Grass Cutting Scheme are:
 - Legality – the Council seeks to ensure that its Grass Cutting Scheme reflects the legal provisions of the Scottish standard secure tenancy agreement and good practice.
 - Mutuality – the scheme is in place for the mutual benefit of both tenants and Moray Council, as the social landlord.
 - Consistency – the Council will apply the Scheme in a consistent manner to ensure that applicants with similar circumstances are assessed equally to achieve similar outcomes.
 - Equality – the Council will make sure that it does not act in a discriminatory manner when administering the Scheme.

3. Objectives

- 3.1 The specific objectives of the Grass Cutting Scheme are to:

- provide a grass cutting service for tenants who meet the eligibility criteria as set out at Section 7, where they are unable to do so themselves;
- assess applications in an objective, consistent and fair manner in line with individual circumstances; and
- promote and sustain well-kept housing estates and neighbourhoods.

4. Legal Provisions

4.1 The primary legislation governing the Scottish secure tenancy agreement (SST) is the [Housing \(Scotland\) Act 2001](#), as amended by the Housing (Scotland) Act 2014. Paragraph 2.11 of the tenant's SST sets out the requirements for looking after any garden attached to the property - 'If you have exclusive use of a garden attached to the house, you must take reasonable care to keep it from becoming overgrown, untidy or causing a nuisance (unless we have agreed to take care of it). If you fail to do this, we are entitled to decide exactly what work requires to be done so as to comply with this duty'.

5. Equality and diversity

5.1 The Council is committed to preventing discrimination and promoting equality of opportunity for every person who seeks assistance with their tenancy. In accordance with the Equality Act 2010:

- the Council seeks to ensure that the Grass Cutting Scheme does not discriminate between individuals with one or more of the following protected characteristics: age, disability, gender reassignment, marital status/civil partnership, pregnancy and maternity, race, religion or belief and sexual orientation.
- Staff will apply the legal definition of disability when assessing applications for the service – 'if you have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on your ability to do normal daily activities.' Substantial' is more than minor or trivial and 'long-term' means 12 months or more.

5.2 In providing the grass cutting service, full consideration will be given to the Council's Public Sector Equality Duty (PSED). This requires public authorities to eliminate discrimination, harassment and victimisation; advance equality of opportunity; and to foster good relations between persons who share a relevant protected characteristic and those who do not.

6. Service Provision

6.1 The grass cutting service is provided by fully trained and insured staff from Moray Council's Open Spaces Management and Cemeteries team (OSMC), who will use appropriate equipment for the task. OSMC staff will, where appropriate, also provide advice and information regarding areas of health and safety which are identified during the garden visits where they deem necessary. The service will incorporate:

- Limitations – the service includes cutting grass within the boundaries of the tenant's garden. Grass cuttings will not be lifted and no other garden work will be undertaken. If further work is identified as being required, this will be subject to available resources at the time, a separate quote from OSMC, and fully payable by the tenant.
- Frequency – Grass will be cut approximately 10 times per year between the months of April and October. This could increase or decrease slightly, depending if the growth is greater or less than normal.
- Annual Cost – Tenants will have to apply to the Scheme each year. A charge will only be made to the tenant's eligible for and receiving the service. Tenants will be informed of the cost of the service, plus on costs, in advance of the grass cutting season. Costs will be published and updated on the website. Any non-payment will result in refusal of re-registration for the following year and appropriate debt recovery action being taken to recover the costs.

6.2 Operational procedures are available for Housing Staff to follow to ensure relevant training, consistency of assessment, application and ease of service delivery.

7. Eligibility Criteria

7.1 The grass cutting service is available to Moray Council tenants where they meet the following eligibility criteria:

- Are unable to cut their grass due to a recognised substantial and long-term illness, physical or mental health disability as defined by the Equality Act 2010 (Section 5.1 above) where there is no other able **tenant (please note this does not relate to another household member)** living with them who is also responsible for meeting the terms and conditions as set out in the SST; and
- Are in receipt of any physical or mental health related benefit. Evidence of entitlement must be provided. Examples include Personal Independence Payment (PIP), Adult Disability Payment (ADP), Pension Age Disability Payment (PADP) and Attendance Allowance.

7.2 Where no passport benefit is available, evidence from a relevant health professional confirming the medical condition will need to be provided and will be stored in accordance with Moray Council's data protection and GDPR requirements and retention schedule.

7.3 Tenants who fulfil the above criteria and are on certain means-tested benefits may receive a subsidy towards the annual charge for the grass cutting service. The type of benefits which will qualify for subsidy will be determined by Officers. Information will be provided to tenants as part of the application process.

8. Monitoring

8.1 Moray Council Housing Service will:

- monitor the applications and confirm the evidence provided for the scheme annually;
- maintain the list of current tenants receiving the service, with a cap of 320 gardens, as well as a waiting list where required;

- carry out an annual tenant satisfaction survey and monitor any issues of concern, reporting back to OSMC for improvement actions where necessary; and
- continue to monitor the cost of the service from OSMC and review as required in line with inflation and pressure on the Housing Revenue Account.

9. Complaints

- 9.1 Any tenant who is not satisfied with the outcome of their Grass Cutting Scheme application can request a review in writing by the Area Housing Manager in the first instance. If the tenant is not completely satisfied with the outcome of the case, it will be referred to the Housing Services Manager for their consideration.
- 9.2 If the tenant is still not satisfied with any aspect of the Grass Cutting Scheme they can escalate the case through the [Moray Council Corporate Complaints Process](#).