

**NOTE FOR THE RECORD  
MEETING BETWEEN THE SCOTTISH GOVERNMENT AND GREENBELT  
ST ANDREW'S HOUSE, EDINBURGH. 7 OCTOBER 2009**

**Present:**

Fergus Ewing, MSP. Minister for Community Safety  
[redacted] Family and Property Law, Scottish Government  
[redacted] Family and Property Law, Scottish Government

Alex Middleton, Managing Director of Greenbelt Group Ltd.  
Richard Taylor, Director, Greenbelt Group Ltd.

**Introduction**

1. The Minister began the meeting by welcoming Greenbelt to St Andrew's House and asking them to raise any points they wished to discuss.

**The Scottish Government's response to the OFT Report**

2. The Scottish Government response to the OFT Report on Property Management in Scotland can be found at <http://www.scotland.gov.uk/Resource/Doc/1125/0081415.pdf>

**Work by Consumer Focus Scotland**

3. Consumer Focus Scotland are outlining their current work on land maintenance companies on their website: <http://www.consumerfocus.org.uk/en/content/cms/Scotland/Housing/Publications/Publications.aspx> Scottish Government officials were due to meet Consumer Focus Scotland shortly [the meeting will now take place on Friday 16 October].

**Points raised with the Scottish Government**

4. The Minister noted that the Government did not wish to tell a private company how to operate but the Government was receiving a large volume of correspondence which needed to be addressed. In essence, two key points were being raised:

- It was difficult to remove Greenbelt as a land maintenance company, if homeowners were dissatisfied with the service provided.
- The amounts sought for the services rendered by Greenbelt were excessive.

**Consumer choice**

5. The meeting turned to the issue of consumer choice. Greenbelt noted that at an estate in Masterton, Fife, ownership of the open space had been transferred from Greenbelt to the local authority, after an approach by residents. The Scottish Government would speak to Fife Council about the arrangements agreed between the residents and the Local Authority. [Action: [redacted]].

6. The Minister asked if there had been cases where residents had indicated they wished to change their land maintenance provider but this had not taken place.

7. Greenbelt said that this had occurred in some places. In Menstrie, for example, a petition had been raised but the petitioners had not outlined what alternative arrangements would be put in place in relation to maintenance, liabilities and insurance. They had indicated that the local council would take it on but Greenbelt has yet to receive an offer from the local council. Greenbelt received letters from residents of the estate in Menstrie, indicating that whilst some wished to remove Greenbelt others welcomed Greenbelt's work.

8. There had been moves by some residents in Elrick, Aberdeenshire, to change their land maintenance provider but these had not been proceeded with. There had also been some moves in estates at Ellon and Inch but there had been no majorities in these estates.

9. Greenbelt had information on consumer choice on its website: <http://www.greenbeltgroup.co.uk/mediaLibrary/images/english/2338.pdf> For new developments, the consumer choice option referred to a majority of two thirds of the homeowners wishing to make their own arrangements to maintain open spaces. The consumer choice information also said that transfer of ownership would require unanimity from homeowners.

10. Greenbelt indicated that if a simple majority of homeowners made an approach, then this would lead to consideration by Greenbelt of their position. They also noted that for transfers of responsibilities to take place, Greenbelt needed to be satisfied that alternative arrangements would be put in place to maintain the land in accordance with planning requirements and with adequate provision made in relation to insurance and any potential legal liabilities. Any transfer of land needs to consider fully if the receiving party is capable of ensuring the long term maintenance of open space to the satisfaction of all residents. Local authorities, for example, should be in a position to meet these criteria.

11. The Minister indicated that it would be helpful to have more information in writing from Greenbelt on their position when approached by residents to change their land maintenance provider and the procedures which Greenbelt followed. The Government could then use this information in any replies to correspondence. It would also be helpful to have examples in writing of where consumer choice had worked in practice. Greenbelt agreed to provide this information [**Action: Alex Middleton**].

12. Section 71 of the Title Conditions (Scotland) Act 2003 contained provisions on development management schemes. These provisions came into force on 1 June 2009.

13. The Minister indicated he would speak to Greenbelt as a constituency MSP about the estate at Milton of Leys.

## **Service standards**

14. Greenbelt confirmed that they wished to take part in the accreditation scheme and were happy to work closely with the Government on the formulation of the scheme and with those who would be running the scheme. They would also be happy to work with the Government in other areas. On this, the Minister noted that a consultation had been issued in August on high hedges: <http://www.scotland.gov.uk/Publications/2009/08/14122714/0>

15. The Minister indicated that it would be helpful to have detailed information in writing from Greenbelt on the number of complaints they receive and how they dealt with them. Greenbelt promised to provide detailed written information. **[Action: Alex Middleton].**

16. In brief, Greenbelt had 26,000 customers and received around 7,000 inquiries from them each year – only a proportion of these inquiries would be complaints. Greenbelt have a customer care charter on their website: <http://www.greenbeltgroup.co.uk/mediaLibrary/images/english/2295.pdf> They aim to deal with 80% of inquiries within 20 calendar days. Greenbelt expect the number of inquiries they receive to increase as more owners will ask for longer time to pay bills, as a consequence of the down-turn in the economy.

17. The meeting noted that it would be helpful to obtain more information on dispute resolution procedures which could be used by Greenbelt before cases reach the Courts. **[Action: Alex Middleton and[redacted]].**

18. The Minister noted that he had received correspondence complaining about the wording used in some of Greenbelt's letters. A specific example was provided to Greenbelt. The meeting agreed that letters should always be couched in appropriate terms.

19. The meeting discussed some court cases. One had been settled out of court. Others had been sisted with the agreement of both parties involved because of points raised in relation to the reference in section 3(7) of the Title Conditions (Scotland) Act 2003 to creating monopolies.

20. The Minister asked about progress by Greenbelt in relation to itemising their bills. Greenbelt said that they had improved their bills and were looking to make further changes by 1 April 2010. One difficulty was that some specialist work was done in-house. Greenbelt agreed to provide the Scottish Government with more information in writing on their work in relation to itemising bills. **[Action: Alex Middleton].**

## **Potential legislation**

21. The Minister noted that proposals had been put forward for legislation. For example, in the debate in the Scottish Parliament on 6 September 2007 <http://www.scottish.parliament.uk/business/officialReports/meetingsParliament/or-07/sor0906-02.htm#Col1566> , Mike Rumbles MSP had said:

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** Would not the solution be for the Government to make it illegal for a developer of residential homes to transfer the communal land to a third party? Making that illegal would bring the matter into the remit of the law so that people could get rid of their current factor and employ another one. That would be a simple and straightforward solution.

22. The Minister added that suggestions along these lines could be expected to continue, unless complaints are fully and adequately addressed.

### **Conclusion**

23. The meeting noted that other companies also provided land maintenance services. These included Meadfleet (<http://www.meadfleet.co.uk/>), Ethical Maintenance (<http://www.ethicalmaintenance.co.uk/>) and Scottish Woodlands (<http://www.scottishwoodlands.co.uk/landscaping/index.php>).

24. It was agreed that the Government and Greenbelt would continue to remain in close touch.

**Family and Property Law Division  
Scottish Government  
October 2009**