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**Report to: Clackmannanshire Council**

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**Date of Meeting: 5<sup>th</sup> October 2023**

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**Subject: Scottish Housing Regulator Annual Assurance Statement**

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**Report by: Strategic Director (Place)**

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## **1.0 Purpose**

- 1.1. This report references the 2019 changes to the regulatory framework for social housing in Scotland and asks members to approve the submission of Clackmannanshire Council's Annual Assurance Statement to the Scottish Housing Regulator (SHR) due to be submitted on 31<sup>st</sup> October 2023. (The council's Annual Assurance Statement is attached as Appendix 1).

## **2.0 Recommendations**

- 2.1 It is recommended that Council:
- 2.2 Approve the 2022/23 submission of the Annual Assurance Statement to the Scottish Housing Regulator,
- 2.3 Approve that the development of the Clackmannanshire Anti Social Behaviour Strategy (ASB) and subsequent Housing landlord specific policy is incorporated into the Place Business Plan detailing responsible leads and resource requirements,
- 2.4 Approve that the Council's Risk Register is updated to note that the ASB Strategy requirement remains extant and note the mitigating actions to be completed with relevant stakeholders within the following year,
- 2.5 Approve the approach proposed by the Housing service to ensure our stock is fully compliant with current fire regulation and note that Electrical Installation Condition Reports (EICR) monthly updates will be provided to SHR,
- 2.6 Note the areas of service delivery highlighted as being materially non-compliant with regulatory requirements,
- 2.7 Note the improvement actions outlined to redress areas of non-compliance,

### **3.0 Considerations**

- 3.1. As required by section 31 of the Housing (Scotland) Act 2010, the Scottish Ministers set the standards and outcomes that all social landlords should aim to achieve when performing their housing activities.
- 3.2. The Charter was approved by resolution of the Scottish Parliament in 2012, taking effect from 1 April 2012. Reporting on performance against the Charter is undertaken via the Annual Return of Charter (ARC), which all social landlords are required to return annually by 31st May.
- 3.3. Following consultation a revised Regulatory Framework was introduced in February 2019 detailing revised regulatory requirements for social landlords in Scotland:
  - New requirements for collection and publishing of data,
  - New requirement for social landlords to submit annually an Annual Assurance Statement to the SHR to provide assurance that social landlords are meeting the standards and outcomes set out within the Scottish Social Housing Charter,
  - How forward engagement by the SHR with landlords will take place.
  - The SHR is currently undertaking a review of the regulatory framework with proposed changes being consulted upon at present, it is anticipated that a new revised regulatory framework will come into force from 1<sup>st</sup> April 2024. Members will be updated as part of the housing performance meetings as to likely changes and how they will affect the Council. One suggestion that is being considered is where landlords have previously indicated a failure the SHR may ask for much more demonstrable evidence of meeting this requirement going forward and where this issue has been raised previously i.e., risk management logs etc.
- 3.4. The Annual Assurance Statement
- 3.5. The Annual Assurance Statement requires that all social landlords in Scotland provide assurance to the regulator that they comply with the relevant regulatory standards and legal requirements, and are able to provide evidence in support of this. Areas of non-compliance are required to be stated, these termed as “material non-compliances”.
- 3.6. The first submission of the Annual Assurance Statement was made to the Regulator on 31<sup>st</sup> October 2019 with subsequent submissions then made each year since. Clackmannanshire Council’s Annual Assurance Statement for 2022-23 is attached as Appendix 1.
- 3.7. The Council are required to publish and make available to tenants and service users the Assurance Statement submission, the Statement will be made available on the Council’s webpage relating to Housing Performance.

- 3.8. SHR guidance suggests that the statement submitted should provide a short overview of compliance level with supplementary evidence to support the statement being held elsewhere by each landlord. This overview evidence has been shared in member's rooms.
- 3.9. The supplementary evidence provides assurance that the Council has in place robust mechanisms to ensure that appropriate levels of governance and monitoring of relevant service provision against the statutory and regulatory standards takes place.
- 3.10. Supplementary evidence has been gathered through interrogation of both local and corporate arrangements currently in place to ensure effective service delivery. It is a key requirement by the SHR that assurance be reviewed by each landlord throughout the year, for Clackmannanshire Council the Housing Business Management Team holds monthly performance meetings with review of assurance taking place.
- 3.11. The Service have commenced with monthly Housing Performance Meetings, these sessions are aimed at facilitating discussion over key housing issues with open invitation to members, union colleagues and the Clackmannanshire Tenants and Residents Federation (CTRF). The meeting held on 29th September focused attention on the content of the Annual Assurance Statement for 2023.
- 3.12. SHR guidance states that the statement should be submitted to full Council for approval or alternatively to another committee who has the delegated authority as stated in standing orders to approve the statement. As members will be aware no other committee currently has the delegated authority from Council as stated in the standing orders, to approve the statement. The Housing Spokesperson (Place) is required to sign off on the Annual Assurance Statement as being a true and accurate reflection of assurance within the housing service. It is for the Council to determine how to involve both our internal and external auditors in this process of assurance.
- 3.13. Unless the SHR make any change to the above next year, the service plan to ensure that future statements are brought to Audit & Scrutiny Committee first before being presented at Council.
- 3.14. Forward engagement by SHR
- 3.15. The Assurance Statement notes that Clackmannanshire Council achieves all but the following standards and outcomes in the Scottish Social Housing Charter for tenants, people who are homeless and others who use our services:

Type of Material Non-Compliance	Area of Material Non – Compliance	Reason for Material Non-Compliance
Legislative	Anti-Social Behaviour	No Council wide strategy or housing policy in place currently
Legislative	Homelessness	<p>Breach of the Homeless Persons (Unsuitable Accommodation) Order (Scotland) due to use of temporary accommodation out with the local authority area (for more than 7 days).</p> <p>SOLACE, COSLA and SG are developing a Housing Emergency Action plan that is reviewing some of this legislation.</p> <p>The Council is prioritising VOID works to make as many council owned properties available as possible within the local authority area.</p>
Legislative	Tenant and Resident Safety	<p>Postponed electrical safety checks as result of Covid-19 have meant that 598 properties still remain to have an electrical safety check undertaken. A planned programme of catch up works is progressing well with catch up completion expected 31<sup>st</sup> March 2024.</p> <p>After a recent incident, it was noted that a council property was not complaint with the current fire regulations (i.e. interconnected fire and heat alarms). We have built up a programme to undertake a sample check of 30% of our housing stock to ensure full compliance. This when added to the current rolling EICR programme will mean 50% of the stock will have been sample checked, when complete. This programme will take up to 12 weeks, with 1500 visual checks to be carried out and completed by the end of 2023.</p> <p>If it transpires that the sample discovers any more homes affected, we will immediately move to a full check of all housing stock.</p> <p>The SHR have been notified and are content with our proposed approach, as well as the Watch Commander of Alloa Fire Station.</p>

		The SHR have asked that we update on progress on a monthly basis on the sampling audit through the Electrical Installation Condition Reports (EICR) monthly updates.
Legislative	Involve Tenants and other Service Users in the preparation and scrutiny of performance information	Interim Tenant Participation Strategy agreed at Council on 10 <sup>th</sup> August 2023. Full Strategy to be progressed when recruitment of a Tenant Participation Officer is complete. No recognised Tenant Participation Strategy in place currently.

- 3.16. The above noted areas of service delivery are contained within the Annual Assurance Statement (Appendix 1) and will be reported to the Scottish Housing Regulator as items of material non-compliance.
- 3.17. Performance continues to be impacted by Covid-19 with recovery from the pandemic slower than anticipated, the service continues to work towards progressing a number of the improvement actions required.
- 3.18. Areas of non-compliance must be reported. Where assurance is provided to the SHR that effective plans and the capacity and willingness to improve or resolve the issue are in place the SHR will ask to be kept up to date on progress within the improvement area.
- 3.19. In these circumstances the SHR will not engage with the landlord unless the issue presents such a significant risk to the interests of tenants and service users that they need to monitor it closely, or take action, to ensure it is resolved successfully.
- 3.20. A forward plan of improvement actions has been developed and is being implemented to address the under performance within the areas noted in the above table. These actions are outlined within the Assurance Statement (attached as Appendix 1).
- 3.21. The Scottish Housing Regulator Engagement Plan for Clackmannanshire Council (2023-24) highlights an intention to analyse the council's delivery of services to people who are homeless and those who utilise the site for Gypsy/Travellers. The plan also highlights intention to engage with the Council on tenant and resident safety, this in relation to electrical safety works.
- 3.22. We will continue to work with the SHR to engage and provide the required information on our homeless service, the Gypsy/Travellers site and tenant and resident safety.

3.23. The Westhaugh Gypsy Traveller's site has now been demolished in line with the commitment to delivering a new site by June 2024. The anticipated site will be delivered in line with the new gypsy traveller's guidance and has been partly funded by the Scottish Government. Clackmannanshire Council continues to engage with residents throughout these works and will provide regular update on progress to the Scottish Government and the Scottish Housing Regulator.

#### 4.0 Sustainability Implications

4.1. The information contained within the Assurance Statement and its supporting evidence demonstrates that housing priorities contribute positively to sustainability.

#### 5.0 Resource Implications

##### 5.1. *Financial Details*

Finance have been consulted and have agreed the financial implications as set out in the report. Yes

#### 6.0 Exempt Reports

6.1. Is this report exempt? Yes  (please detail the reasons for exemption below) No

#### 7.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please click on the check box )

Clackmannanshire will be attractive to businesses and people and ensure fair opportunities for all

Our families, children and young people will have the best possible start in life

Women and girls will be confident and aspirational, and achieve their full potential

Our communities will be resilient and empowered so that they can thrive and flourish

(2) **Council Policies** (Please detail)

#### 8.0 Equalities Impact

8.1. Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?  
Yes  No

## 9.0 Legality

- 9.1. It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

## 10.0 Appendices

Appendix 1 Annual Assurance Statement to the Scottish Housing Regulator 2022/23.

## 11.0 Background Papers


- 11.1. Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered). Yes  No   
(please list the documents below)

*Clackmannanshire Council – SFHA & ALACHO Self Assurance evaluation working papers – shared in member’s room*

### Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Andrew Buchanan	Operations Manager (Housing)	5169
Katie Roddie	Team Leader (Housing Business Management)	2688

### Approved by

NAME	DESIGNATION	SIGNATURE
Pete Leonard	Strategic Director - Place	







## Clackmannanshire Council Annual Assurance Statement 2023 to the Scottish Housing Regulator

Clackmannanshire Council complies with all relevant regulatory requirements set out in Chapter 3 of the Regulatory Framework.

We meet all but the below noted relevant standards and outcomes in the Scottish Social Housing Charter for tenants, people who are homeless and others who use our services:

### Legislative Duties - Homelessness

Legislative duties associated with housing and homelessness services, equality and human rights, and tenant and resident safety.

- Have assurance and evidence that the Council is meeting all its legal obligations associated with housing and homelessness services.

We do not materially comply with meeting our legal obligations in Homelessness due to our non compliance with the Scottish Governments Homeless Persons (Unsuitable Accommodation) (Scotland) Order. This is due to our current need for use of temporary accommodation located outwith our Local Authority area (for greater than seven days).

The below noted actions are planned to be undertaken in order to help us move toward achieving adequate levels of accommodation provision within the Local Authority area and the meeting of the Homeless Persons (Unsuitable Accommodation) (Scotland) Order -

1. The Service has increased the number of properties bought from the open market. The service will continue to monitor the local housing market for properties which may boost our own stock of suitable accommodation.
2. The Service is using temporary accommodation properties owned by our RSL partners to increase suitable accommodation.
3. The service is committed to undertake strategic review of the response to homelessness pressures with best utilisation of available funds to be considered in line with the Rapid Re-housing Transition Plan (RRTP).

### Legislative Duties – Anti-Social Behaviour

Legislative duties associated with housing and homelessness services, equality and human rights, and tenant and resident safety.

- Have assurance and evidence that the Council is meeting all of its legal obligations associated with housing and tenant and resident safety.

We do not materially comply with meeting our legal obligations toward management of anti-social behaviour due to there being no recognised anti-social behaviour policy in place.

The below noted actions are planned to be undertaken in order to achieve compliance in within this area -

1. A Clackmannanshire Council Anti-Social Behaviour Strategy in line with the Antisocial Behaviour Scotland Act 2004 to be developed. The requirement for this to be noted within the Business Plan for the appropriate Directorate and recorded and monitored within the Council's corporate risk register. A Housing specific ASB Policy to be developed upon completion of the Council ASB Strategy.
2. Recruitment of a Policy Officer and Service Planning & Participation Co-ordinator to assist with the development and review of policies that the Housing Service is responsible for.

### **Legislative Duties – Tenant and Resident Safety**

Legislative duties associated with housing and homelessness services, equality and human rights, and tenant and resident safety.

- Have assurance and evidence that the Council is meeting all of its legal obligations associated with housing and tenant and resident safety.

We do not materially comply with meeting our legal obligations to ensure that every council home has had an electrical safety check undertaken within 5 years and has a valid electrical safety certificate to show this. This is due to planned programme postponement during the Covid-19 pandemic.

The below noted actions are planned to be undertaken in order to achieve compliance in within this area –

- A planned programme of catch up works is progressing well and expected to be completed by 31<sup>st</sup> March 2024 with full compliance in this area achieved.

The service have considered our compliance with relevant obligations toward the tenant and resident safety requirements as set out within the SHR "Letter to Landlords", the service confirm sufficient process to be in place to ensure compliance to requirements within the below noted areas -

- Gas safety

- Electrical safety – non compliant currently as reported within this statement
- Water safety
- Fire safety
- Asbestos
- Damp and Mould
- Lift safety

### **Legislative Duties – Tenant and Resident Safety**

Legislative duties associated with housing and homelessness services, equality and human rights, and tenant and resident safety.

- Have assurance and evidence that the Council is meeting all of its legal obligations associated with housing and tenant and resident safety.

We do not materially comply with meeting our legal obligations to ensuring adequate provision is in place to involve tenants, and where relevant other service users, in the preparation and scrutiny of performance information. This is due to a lack of a Tenant Participation Strategy containing defined methods for scrutiny. The below noted actions are planned to be undertaken in order to achieve compliance in within this area –

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|--|
| 1. Progression of an Interim Tenant Participation Strategy (approved by August 2023 Council) with development of a full Tenant Participation Strategy to be progressed upon appointment to post of a recognised Tenant Participation Officer (post currently being recruited to) |
| 2. Recruitment currently ongoing for the position of Tenant Participation Officer, this post to be realised as soon as is possible.  |
| 3. A Scrutiny Panel (& or re-establishment of tenant HRA Board) to be set up to monitor and assess performance across the housing service.   |
| 4. A focus will be placed on reaching out to RTOs to re-engage with the council and foster sound lines of communication and partnership working.   |
| 5. The results from the 2023 tenant's satisfaction survey (3 yearly survey) to be assessed and areas of under performance addressed through joint working between the council and RTOs.  |

The Scottish Housing Regulator Engagement Plan ) for Clackmannanshire Council (2023-24) highlights an intention to analyse the council's delivery of services to people who are homeless and those who utilise the site for Gypsy/Travellers. The plan also highlights intention to engage with the Council on tenant and resident safety, this in relation to electrical safety works.

We will continue to work with the SHR to engage and provide the required information on our homeless service, the Gypsy/Travellers site and tenant and resident safety

The Westhaugh Gypsy Traveller's site has now been demolished in line with the commitment to delivering a new site by June 2024. The anticipated site will be delivered in line with the new gypsy traveller's guidance and has been partly funded by the Scottish Government. Clackmannanshire Council continues to engage with residents throughout these works and will provide regular update on progress to the Scottish Government and the Scottish Housing Regulator.

To meet our level of assurance we considered appropriate evidence against each of the requirements as set out by the Scottish Housing Regulator and we will continue to review assurance throughout the course of the year.

Clackmannanshire Council have plans in place to revise our approach to the collection of equalities information and we have started to consider how to apply a human rights approach to our work.

The Annual Assurance Statement 2023 to the Scottish Housing Regulator was presented and approved at Council on 5<sup>th</sup> October 2023

**Signed**

**Housing Spokesperson (Place): Councillor Jane McTaggart**

**Date:**

**Operations Manager (Housing): Andrew Buchanan**

**Date:**

**Strategic Director (Place): Pete Leonard**

**Date:**