

---

**Report to: Clackmannanshire Council**

---

**Date of Meeting: 3<sup>rd</sup> October 2024**

---

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

---

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

---

## **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 by 31<sup>st</sup> October 2024. (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 2024 submission of the Annual Assurance Statement (AAS) to the Scottish Housing Regulator (SHR);
- 2.3 Note the progress made in the development of the Clackmannanshire Anti Social Behaviour (ASB) Strategy and the subsequent Housing Landlord specific ASB Policy, and that ASB has been removed as an item of material non compliance from this years AAS,
- 2.4 Note the progress made to develop tenant participation activity in line with the requirements of the Housing (Scotland) Act 2010 and that tenant participation has been removed as an item of material non compliance from this years AAS,
- 2.5 Note the progress made to ensure that all council housing stock is fully compliant with current electrical and fire safety regulations and that this has been removed as an item of material non compliance from this years AAS,
- 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.
- 3.4. Following an extensive consultation with stakeholders, the SHR implemented a new and revised regulatory framework from 1st April 2024. The SHR's statutory objective remains to safeguard and promote the interests of current and future tenants, people who are homeless, factored owners and Gypsy/Travellers.
- 3.5. Although the Regulator has retained much of the previous framework some notable changes include for:
  - A strengthened emphasis on social landlords listening to tenants and service users,
  - A new provision to allow it to require landlords to provide explicit assurance in the Annual Assurance Statement on a specific issue or issues
  - A commitment to undertake a comprehensive review of the Annual Return on the Charter which it will consult on later this year,
- 3.6. The Annual Assurance Statement
- 3.7. 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".
- 3.8. 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 2024 is attached as Appendix 1.

- 3.9. 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.
- 3.10. 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.
- 3.11. 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.
- 3.12. 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 regular monthly and quarterly meetings to assess performance and review levels of assurance.
- 3.13. The Service have recommenced 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 most recent meeting held on 13th September provided a review of housing service performance for last financial year 2023-24.
- 3.14. SHR guidance states that the AAS 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.
- 3.15. 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.
- 3.16. Forward engagement by the SHR
- 3.17. The Service have progressed positively over the past year with improved levels of assurance able to be provided within the areas of Tenant Participation and Engagement, Anti Social Behaviour and Electrical and Fire Safety.
- 3.18. Recruitment to the post of Tenant Participation Officer and development of the Tenant Participation Strategy (approved at August Council) has meant that this area of service delivery is no longer considered an item of material non compliance.
- 3.19. Recruitment to the post of Housing Policy Officer and the development of a draft Housing Policy for ASB (due to be presented to November Council) allied with the wider Council ASB Strategy has meant that this area is no longer considered an item of material non compliance.

- 3.20. The Council's Housing and Property Service teams have worked collaboratively over the past year to ensure that the catch up works required to gain entry to circa 3,000 of our tenants homes to undertake electrical testing works and fire alarm checks have been completed with all Covid-19 backlogged testing now caught up. This item is now longer considered to be one of material non-compliance.
- 3.21. This years 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:

<b>Type of Material Non-Compliance</b>	<b>Area of Material Non – Compliance</b>	<b>Reason for Material Non-Compliance</b>
Legislative	Homelessness	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).
Legislative	Gypsy/Travellers	The current delay in works to redevelop the Westhaugh Gypsy Travellers Site within Clackmannanshire. At the present time there is no definitive works programme or agreed timescale to deliver the site and residents remain decanted elsewhere.

- 3.22. 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.
- 3.23. 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 then the SHR will ask to be kept up to date on progress within the improvement area.
- 3.24. 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.
- 3.25. 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).
- 3.26. The Scottish Housing Regulators Engagement Plan for Clackmannanshire Council (2024-25) 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 stock quality, this specifically in relation to the presence of

Reinforced Autoclaved Aerated Concrete (RAAC) found within a small number of the Council's housing stock.

- 3.27. The SHR most recently met with the Housing Service in July of this year to discuss our management of service delivery within these areas, although no formal feedback has been received, the service believe the meeting to have been an open, transparent and positive one. We will continue to work with the SHR to engage and provide the required information on our homeless service, the Gypsy/Travellers site and RAAC.

#### 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*

- 5.2. *Finance have been consulted and have agreed the financial implications as set out in the report.*

##### 5.3. *Staffing*

*There are no direct impacts to staff arising from this report.*

#### 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**

Complies with relevant Council Policies Yes

## 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 2024.

## 11.0 Background Papers

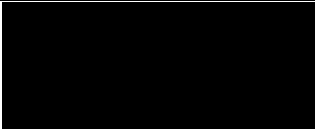
- 11.1. Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered).  
Yes  No   
(please list the documents below)

*Clackmannanshire Council – SFHA & ALACHO Self Assurance evaluation working papers*

### Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Murray Sharp	Senior Manager (Housing)	5113
Andrew Buchanan	Team Leader (Housing Business Management)	5169

### Approved by

NAME	DESIGNATION	SIGNATURE
Kevin Wells	Strategic Director - Place	

## **Clackmannanshire Council Annual Assurance Statement 2024 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 out with 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 – Other Customers: Gypsy/Travellers

Legislative duties associated with the provision and management of well maintained sites for Gypsy/Travellers.

We do not materially comply with meeting our responsibility to provide and manage effectively our Gypsy/Traveller site. This is due to significant delay experienced in the re-development of the Westhaugh Gypsy Traveller Site, Alva. At the present time residents reside elsewhere off-site and there is no agreed timescale for delivery of the new site.

The below noted actions are planned to be undertaken in order to establish an agreed forward plan for delivery of a fit for purpose Gypsy/Traveller Site -

1. The Service to engage effectively with key delivery partners at the Scottish Futures Trust (Hubco East) and the Scottish Government (Gypsy Traveller Team) to agree a suitable forward plan of action to resolve the current issues and deliver the new site.
2. The Service to continue to engage regularly with the Gypsy/Traveller community to ensure residents are kept updated on progress in delivery of the site.
3. The service to ensure that adequate support continues to be provided to residents during the period that they continue to reside elsewhere off-site.
4. The Service to ensure that the Scottish Housing Regulator is kept fully informed of progress in resolving the current issues and updated on the forward plan for the site.

## Tenant and Resident Safety Requirements

Clackmannanshire Council have discovered Reinforced Autoclaved Aerated Concrete (RAAC) within our housing stock. The Service have taken appropriate action to manage the situation and ensure the safety of tenants and residents who's homes are affected. We will continue to provide regular update to the Scottish Housing Regulator as required throughout the ongoing management of this issue.

The service have considered our compliance with relevant obligations toward tenant and resident safety requirements and confirm sufficient process to be in place to ensure compliance to requirements within the below noted areas -

- Gas safety
- Electrical safety
- Water safety
- Fire safety
- Asbestos
- Damp and Mould



## Engagement Plan for 2024-25

The Scottish Housing Regulator Engagement Plan for Clackmannanshire Council (2024-25) 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 stock quality. This in relation to the Council's management of Reinforced Autoclaved Aerated Concrete (RAAC) within our housing stock.

We will continue to work with the SHR to engage and provide the required information on our homeless service, the Gypsy/Travellers site and our management of RAAC.

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.

The Annual Assurance Statement 2024 to the Scottish Housing Regulator was presented and approved at Council on 3rd October 2024.

### **Signed**

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

**Date:**

**Service Manager (Housing): Murray Sharp**

**Date:**

**Strategic Director (Place): Kevin Wells**

**Date:**

