



Clackmannanshire Council
Housing Service
Property Acquisition Policy
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1. Scope of the Policy

Clackmannanshire Council's Housing Service recognises that many Council-owned properties were sold under the Right-to-Buy scheme which operated from 1980 to 2016. To address the shortage of affordable housing and meet the increasing demand for social housing, the Housing Service seeks to add properties to its existing housing stock by buying back ex-council and other suitable properties from the local open housing market.

The Housing Service will in most cases purchase properties which were previously owned by the Council or by another registered social landlord (RSL). Other properties which have never at anytime been in Council ownership will also be considered for purchase as required. Decisions on which properties to acquire are based on our known housing needs and demands with particular consideration given to property type and location. Clackmannanshire Council's Housing Property Acquisition Policy sets out the framework for purchasing properties into Clackmannanshire Council's housing stock.

This policy sits alongside and supports the aims of Clackmannanshire Council's Strategic Housing Investment Plan (SHIP) 2024-2029, the Local Outcomes Improvement Plan (LOIP) 2017-2027, the Housing Revenue Account (HRA) Business Plan and the development of a strategic housing asset management plan. All of these are critical in delivering the Council's future housing investment priorities, meeting affordable housing development ambitions, reducing and tackling inequalities around poverty and socio-economic disadvantages, as well as seeking to reduce homelessness.

2. Aims of the Policy

The Property Acquisition Policy seeks to outline the means by which Clackmannanshire Council will identify and acquire available properties from the local open housing market and directly from property owners.

This policy aims to:

- Contribute to addressing the shortage of affordable social housing across the Council area;
- Provide an established framework by which the Council will follow in the process of acquiring properties;
- Increase the Council's housing stock;
- Meet the identified housing needs and demands, including the need for particular property types/sizes/locations and specialist housing and adapted properties;
- Consolidate the Council's share of ownership of mixed tenure housing blocks to realise majority/sole Council ownership;
- Raise the standard of available housing in Clackmannanshire by acquiring and improving properties to meet the Scottish Housing Quality Standard (SHQS) and an improved energy efficiency standard.



3. Criteria for Eligibility:

For the property to be considered for purchase, the following criteria must be met:

- The property must be located within the Clackmannanshire Council area;
- The individual selling the property must be the owner of the property, or if this is not the case, be able to provide sufficient evidence to show that they are authorised to act on behalf of the owner.
- Subject to legal due diligence, the Council must be able to obtain valid marketable title with vacant possession of the property within a mutually agreeable timescale;
- The property owner must provide a valid home report for the property and this must be sourced from a suitably qualified surveyor registered in Scotland with the Royal Institute of Chartered Surveyors (RICS);
- The property owner understands that it is their own responsibility to make arrangements for securing other suitable housing provision.
- The property owner must disclose and make the Council aware of all known information relevant to the property and its potential sale at the time of entering into discussion with the Council.

The Council will consider other relevant factors when deciding to make an offer to purchase a property. These may include, but are not limited to:

- An identified strategic demand for properties based on the size, type and locality of the property to meet with the Council's known housing needs. This will vary from area to area and is subject to change over time;
- The property build type (i.e. traditional, non-traditional) and its age.
- The condition of different elements of each property, such as the heating and hot water system, electrical installation or external fabric;
- The extent of any damp rot, asbestos containing materials (ACMs), structural disrepair, or the presence of any other known deleterious materials identified;
- The extent and estimated cost of any repairs, improvements or other alterations required for the property to meet the Council's lettable standard, the Tolerable Standard and the Scottish Housing Quality Standard;
- The energy efficiency of the property and its potential to be improved to meet net zero targets;
- Whether a purchase would represent good value for money for the Council, the HRA and its tenant base.

4. Managing Applications and Offers

4.1. Applying to sell to the Council

To apply to sell to the Council directly, the property owner can email their enquiry to home@clacks.gov.uk



4.2. Making contact

There are two ways by which the Council will progress to make contact with a selling party regarding the potential acquisition of a property:

- If the property is advertised for sale on the local open housing market, the Council will make contact with the estate agent to arrange a viewing;
- If the property owner contacts the Council directly, the Council will liaise directly with the owner.

4.3. Ensuring suitability and viewing:

An initial assessment of the suitability of the property as a potential purchase will be carried out. This will first be undertaken by desk top study considering suitability factors against current housing needs. Following this a visit to view the property in person will be arranged with a suitably qualified housing officer undertaking the viewing and joined by other relevant officers as required. The Council will assess the condition of the property, its type and location and any required work for the needed in order to meet the Council's lettable standard, the Tolerable Standard and the Scottish Housing Quality standards.

4.4. Making an offer

Where the Service are to make an offer on a property, this will be reasonable and appropriate and dependant upon a number of different factors.

Factors include, but are not limited to:

- Current housing market conditions within Clackmannanshire;
- The value of the property based on the Home Report;
- The property build type, location and age;
- Current condition of the property and any required repairs;
- Investment works required for in future;
- Availability of other similar homes in the local area;
- The extent of need and demand on the housing waiting list for particular property types;
- The availability of adequate budget and including Scottish Government Resource Planning Assumption (RPA) monies available to the Council via the Affordable Housing Supply Programme (AHSP).

The offering price will be in line with the Scottish Standard Clauses. For further information on Standard Clauses, please visit [Law Society of Scotland](http://www.law.soc.scot) website.

There is no threshold limit on the price that the Council may pay to acquire any one singular property, the overall collective cost of property acquisitions within any given financial year will be in line with a) the agreed HRA Capital Budget approved by Council as part of the annual budget setting



process and b) the approved plan for property acquisitions and the anticipated expenditure associated with this as set out within the SHIP (approved annually by Council).

All property acquisitions must be agreed and approved by the Senior Manager (Housing) and approved by the HRA accountant (finance) prior to a formal offer being made.

4.5. Accepting an offer

Sellers who accept an offer from the Council should appoint a solicitor to manage the transaction on their behalf. Sellers are responsible for covering their own legal expenses.

4.6. If a property goes to a closing date

The Council does not intend to bid against other prospective buyers. If a closing date has been set, the Council will not make an offer. If another prospective buyer has already made an offer, the Council will not enter into a bidding situation.

5. Equal Opportunities and Diversity

Clackmannanshire Council is committed to the elimination of unlawful discrimination, advancing equality of opportunity and fostering good relations between people.

The Council believes that equality of opportunity should be a guiding principle in all of its activities. The Council aims to ensure that its commitment to equality is embedded in all council services and in the organisations that it funds.

In accordance with the Equality Act 2010, the Council is actively working towards the elimination of policies and practices that discriminate unfairly on grounds including age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race including colour, nationality, ethnic or national origin; religion or belief; sex; and sexual orientation.

6. Privacy Statement

Clackmannanshire Council must adhere with its legal obligations under Data Protection Legislation as set out in the Data Protection Act 2018 and UK General Protection Regulation (GDPR).

In order to provide the required and/or requested services, the Council will collect, store and process relevant personal information or data.

Personal information may also be shared with other partner agencies and organisations.



Personal information will be kept securely, as long as required by law and/or by specific service requirements. Once the data is no longer required, it will be securely disposed of. The Council has a Record Retention Schedule which sets out the period of time and reasons for keeping particular records. The Retention Schedule is available on request.

Under the Data Protection Act 2018 and the Freedom of Information (Scotland) Act 2002, individuals have the right to access personal information and data held about them by Clackmannanshire Council as well as the right to access information from records held by the Council.

To submit a Subject Access or Freedom of Information request, please follow [the link](#).

To make a complaint in relation to the Council's handling and processing of personal data and information, please contact the [Information Commissioner's Office](#).

For further information on Clackmannanshire Council's data protection practices, please visit the Council's [Data Protection Statement](#). For the Council's Data Protection Policy, please follow the [link](#). For further information on freedom of information laws, please visit the [Scottish Information Commissioner webpage](#).

7. Complaints

If the service user is dissatisfied with the conduct, treatment by or attitude of a member of staff, please follow the Council's Complaints Procedure. Complaints can be made in person, in writing, by email or online. For further information on the Complaints Procedure and how to make a complaint, please visit the [Council's Complaints Procedure webpage](#).

If the service user remains dissatisfied with the final decision or the way the complaint has been handled following the Council's Complaints Handling Procedure, they can make a complaint to the Scottish Public Services Ombudsman (SPSO) by completing a [complaints form found online](#) or calling on 0800 377 7330.

For further information on how to make a complaint to SPSO, please visit the [SPSO website](#).

8. Monitoring and Reviewing

The policy will be continuously monitored to ensure that it is performing efficiently against the aims set out in the policy.

The Council will review and evaluate this policy every 3 years to ensure the adherence to the relevant legislation and statutory guidance as well as changes in organisational practices and policies.