



**Clackmannanshire  
Council**

[www.clacks.gov.uk](http://www.clacks.gov.uk)

Comhairle Siorrachd  
Chlach Mhanann

Kilncraigs, Greenside Street, Alloa, FK10 1EB (Tel.01259-450000)

# **Meeting of Clackmannanshire Council**

**Thursday 1 December 2022 at 9.30 am**

**Venue: The meeting be held virtually  
via video conference (MS Teams)**



## **Clackmannanshire Council**

There are 32 Unitary Councils in Scotland. Clackmannanshire Council is the smallest mainland Council. Eighteen Councillors are elected to represent the views of the residents and businesses in Clackmannanshire. The Council has approved Standing Orders that detail the way the Council operates. Decisions are approved at meetings of the full Council and at Committee Meetings.

The Council is responsible for approving a staffing structure for the proper discharge of its functions, approving new policies or changes in policy, community planning and corporate governance including standards of conduct.

The Council has further responsibility for the approval of budgets for capital and revenue expenditure, it also has power to make, alter or cancel any scheme made under statute and to make, alter or cancel any orders, rules, regulations or bye-laws and to make compulsory purchase orders. The Council also determines the level of Council Tax and approves recommendations relating to strategic economic development.

Members of the public are welcome to attend our Council and Committee meetings to see how decisions are made.

Details of all of our Council and Committee dates and agenda items are published on our website at [www.clacks.gov.uk](http://www.clacks.gov.uk)

If you require further information about Council or Committee meetings, please contact Committee Services by e-mail at [committees@clacks.gov.uk](mailto:committees@clacks.gov.uk) or by telephone on 01259 452006 or 452004.

**23 November 2022**

**A MEETING of the CLACKMANNANSHIRE COUNCIL will be held via VIDEO CONFERENCE (MS TEAMS), on THURSDAY 1 DECEMBER 2022 at 9.30 AM**



**Nikki Bridle  
Chief Executive**

**B U S I N E S S**

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1. Apologies	--
2. Declaration of Interests Elected Members are reminded of their obligation to declare any financial or non-financial interest which they may have in any item on this agenda in accordance with the Councillors' Code of Conduct. A Declaration of Interest form should be completed and passed to the Committee Services Officer.	--
3. Confirm Minutes of Meeting of Clackmannanshire Council held on Thursday 6 October 2022 (Copy herewith)	07
4. Committee Recommendations Referred to Council – report by the Chief Executive (Copy herewith)	19
5. Budget Strategy Update – report by the Chief Finance Officer (Copy herewith)	25
6. Be the Future Update – report by Strategic Director, Transformation (Copy herewith)	35
7. Wellbeing Strategy – report by the Strategic Director, Partnership and Performance (Copy herewith)	45
8. Tripartite Group Terms of Reference - report by the Senior Manager, HR and Workforce Development (Copy herewith)	61
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| 12. | Scottish Housing Regulator Annual Assurance Statement - report by the Strategic Director, Place (Copy herewith)     | 171 |

**EXEMPT INFORMATION**

**It is anticipated (although this is not certain) that the Council will resolve to exclude the press and public during consideration of this item.**

It is considered that the undernoted reports are treated as exempt from the Council's general policy of disclosure of all papers by virtue of Schedule 7A, Part 1, Paragraph 9 of the Local Government (Scotland) Act 1973.

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| 13. | Acquisition of Land and Grant of Servitude Rights of Access - report by the Strategic Director, Place (Copy herewith) | 189 |
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## Clackmannanshire Council – Councillors and Wards

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### Councillors

### Wards

Councillor	Phil Fairlie	1	Clackmannanshire West	SNP
Councillor	Darren Lee	1	Clackmannanshire West	CONSERVATIVE
Councillor	Graham Lindsay	1	Clackmannanshire West	SNP
Councillor	Mark McLuckie	1	Clackmannanshire West	LABOUR
Councillor	Donald Balsillie	2	Clackmannanshire North	SNP
Councillor	Martha Benny	2	Clackmannanshire North	CONSERVATIVE
Councillor	William Keogh	2	Clackmannanshire North	LABOUR
Councillor	Fiona Law	2	Clackmannanshire North	SNP
Councillor	Wendy Hamilton	3	Clackmannanshire Central	SNP
Councillor	Janine Rennie	3	Clackmannanshire Central	LABOUR
Councillor	Jane McTaggart	3	Clackmannanshire Central	SNP
Councillor	Kenneth Earle	4	Clackmannanshire South	LABOUR
Councillor	Ellen Forson	4	Clackmannanshire South	SNP
Councillor	Craig Holden	4	Clackmannanshire South	SNP
Councillor	Bryan Quinn	4	Clackmannanshire South	SCOTTISH GREEN
Councillor	Scott Harrison	5	Clackmannanshire East	SNP
Councillor	Kathleen Martin	5	Clackmannanshire East	LABOUR
Councillor	Denis Coyne	5	Clackmannanshire East	CONSERVATIVE





**MINUTES OF MEETING of the CLACKMANNANSHIRE COUNCIL held via VIDEO  
CONFERENCE (MS TEAMS), on THURSDAY 6 OCTOBER 2022 at 9.30 am.**

**PRESENT**

Councillor Phil Fairlie, Convener (Chair)  
Councillor Donald Balsillie  
Councillor Martha Benny  
Councillor Denis Coyne  
Councillor Ellen Forson  
Councillor Wendy Hamilton  
Councillor Scott Harrison  
Councillor Craig Holden  
Councillor Fiona Law  
Councillor Darren Lee  
Councillor Graham Lindsay  
Councillor Kathleen Martin  
Councillor Mark McLuckie  
Councillor Jane McTaggart  
Councillor Bryan Quinn  
Councillor Janine Rennie  
Mr George Marcinkiewicz, Religious Representative, Roman Catholic Church (Item 14)  
Rev Sang y Cha, Religious Representative, Church of Scotland (Item 14)

**IN ATTENDANCE**

Nikki Bridle, Chief Executive  
Stuart Crickmar, Strategic Director (Partnership and Performance)  
Lorraine Sanda, Strategic Director (People)  
Pete Leonard, Strategic Director (Place)  
Fiona Colligan, Strategic Director (Transformation)  
Lindsay Sim, Chief Finance Officer (Partnership & Performance)  
Cherie Jarvie, Senior Manager, Partnership and Transformation (Partnership & Performance)  
Chris Alliston, Senior Manager, HR and Workforce Development (Partnership & Performance)  
Fiona Grinly, Senior Manager (Transformation)  
Seonaid Scott, Health and Safety Manager (Partnership & Performance)  
Lesley Baillie, Strategy and Performance Adviser (Partnership & Performance)  
Mark Ferris, Audit Scotland  
Jane Adamson, Policy Officer (Partnership & Performance)  
Lawrence Hunter, Energy and Sustainability Strategy Officer (Place)  
Robert Seale, Climate Change and Energy Officer (Place)  
Alison Mackie, Active Primary Co-ordinator (People)  
Lynne McBain, Quality Improvement Officer (People)  
Karen Payton, Team Leader, Communications, Community, Performance and Change (Partnership & Performance)  
Carla McFarlane, Communications Officer (Partnership & Performance) (via Teams)  
Neil Ramsay, Transformation Officer (Transformation)  
Jane Burridge, Transformation Officer (Transformation)  
Colin Bruce, Chief Education Officer (People)  
Sharon Robertson, Chief Social Work Officer  
Robbie Stewart, Sportscotland  
Michael Boyle, Improving Outcomes Business Manager (People)  
Ben Watson, Revenues Supervisor (Partnership & Performance)  
Lynda McDonald, Senior Manager ELC and Primary (People)  
Lee Robertson, Senior Manager, Legal and Governance (Partnership & Performance) (Clerk to the Council)  
Melanie Moore, Committee Services (Partnership & Performance)  
Gillian White, Committee Services (Partnership & Performance)

**CC(22)35 APOLOGIES**

Apologies were received from Councillor William Keogh and Councillor Kenneth Earle.

**CC(22)36 DECLARATIONS OF INTEREST**

None.

**CC(22)37 MINUTES OF CLACKMANNANSHIRE COUNCIL – 11 AUGUST 2022**

The minutes of the meeting of the Clackmannanshire Council held on 11 August 2022 were submitted for approval.

**Decision**

The minutes of the meeting of the Clackmannanshire Council held on 11 August 2022 were agreed as a correct record and signed by the Convener.

**CC(22)38 COMMITTEE RECOMMENDATIONS REFERRED TO COUNCIL**

The report, submitted by the Chief Executive, sought Council approval of recommendations which had been made by the Audit and Scrutiny Committee on 25 August, 2022.

**Motion**

To agree the recommendations as set out in the report.

Moved by Councillor Ellen Forson. Seconded by Councillor Graham Lindsay.

**Decision**

That Council, from the Audit and Scrutiny Committee of 25 August, 2022 in relation to the report entitled "Audit & Scrutiny Forward Plan":

1. Agreed to endorse the forward plan as set out in Appendix 1 of the above report; and
2. Noted that the report relating to Audit and Scrutiny Committee is available on the Council's website.

**Action**

Chief Executive

**CC(22)39 ELECTED MEMBER REPRESENTATION ON OUTSIDE BODIES**

Following approval of a number of outside bodies at the Statutory Meeting of Clackmannanshire Council held on 25 May 2022, the report set out requests for elected member representation on a further two outside. The report, submitted by the Chief Executive, sought Council's view on whether it wishes to be represented on these bodies and, if so, asked Council to appoint members to the relevant organisations.

The report also sought to appoint an elected member representative to vote at the Annual General Meeting of iESE. The Council has membership of iESE which is a not-for-profit social enterprise that works in partnership to support the Public sector, Private sector and the Third sector.

The report also updated the Council on the cessation of the University of Stirling Conference Committee.



## **Motion**

### **Councillor Forson moved the undernoted appointments:**

Scottish Joint Council:	Councillor Donald Balsillie
Central Scotland Valuation Joint Board Substitute (1st of 3):	Councillor Jane McTaggart
iESE Elected Member Representative	Councillor Donald Balsillie

### **Councillor Benny moved the undernoted appointment:**

Central Scotland Valuation Joint Board Substitute (2nd of 3):	Councillor Denis Coyne
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### **Councillor Martin moved the undernoted appointments:**

Central Scotland Valuation Joint Board Substitute (3rd of 3):	Councillor Mark McLuckie
Scottish Joint Council	Councillor William Keogh

There being two nominees for the single position on the Scottish Joint Council, the matter was put to the vote:

### **Voting on Scottish Joint Council Nominees**

Councillor Balsillie      14 votes

The Convener advised that with Councillor Balsillie gaining the majority of votes, there was no requirement to continue with the voting.

## **Decision**

The Council:

1. Confirmed that it wishes to be represented on the organisations set out in Appendix A;
2. Appointed the undernoted elected members to those organisations:
  - a. Scottish Joint Council – Councillor Donald Balsillie
  - b. Central Scotland Valuation Joint Board Substitutes (3) – Councillor Jane McTaggart, Councillor Denis Coyne and Councillor Mark McLuckie
3. Appointed Councillor Donald Balsillie as the Council's representative to vote at the annual general meeting of iESE.
4. noted that the University of Stirling Conference Committee is no longer operational (as advised by the University of Stirling on 30 May 2022); that the appointment of Councillor Forson on 25 May 2022 is not required; and that this Committee is removed from the list of outside bodies.

## **Action**

Chief Executive

### **CC(22)40      UPDATE: WORKING GROUP FOR REVIEW OF STANDING ORDERS; AND SCHEME OF DELEGATION**

The report, submitted by Senior Manager, Legal and Governance, invited Council to note the ongoing work of the Working Group on the review of Standing Orders; and that a review of the Council's Scheme of Delegation will also be carried out.

The Senior Manager, Legal and Governance, advised that there had been an addition to the membership of the Working Group in that Councillor Phil Fairlie and Councillor Craig Holden would also participate.

### **Motion**

To agree the recommendations as set out in the report

Moved by Councillor Ellen Forson. Seconded by Councillor Graham Lindsay.

### **Decision**

The Council agreed to:

1. Note that the Working Group has been established and meeting dates created;
2. Note that in conjunction with the review of Standing Orders the Council's Scheme of Delegation will also be reviewed;
3. Note that a final version of the Standing Orders and Scheme of Delegation will be submitted to Council for approval once this work has been completed

### **Action**

Strategic Director (People)

## **CC(22)41 LOCHIES PRIMARY SCHOOL OPTIONS APPRAISAL**

The report, submitted by the Strategic Director (Place), provided Council with an update on the high-level options appraisals undertaken for Lochies Primary School.

### **Motion**

To agree the recommendations as set out in the report.

Moved by Councillor Graham Lindsay. Seconded by Councillor Ellen Forson.

### **Decision**

The Council:

1. Noted the terms of the recommendations in the options appraisal for Lochies presented in the report at section 3.5;
2. Agreed that based on the options appraisal recommendations, a public consultation process, involving Education Scotland, will take place to relocate a new build Lochies to the Pavilions site at Alloa West;
3. Agreed to the submission of a bid to the Scottish Government Learning Estate Investment Programme (LEIP) for a replacement for Lochies, noting that this funding will be in the form of revenue funding as described in section 4 of this paper;
4. Noted that a further paper will be brought back to a future Council on the LEIP bid outcome and progress on the public consultation process to relocate Lochies;
5. Noted that the next stages are to complete site feasibility studies and RIBA design stages to provide more detailed costings on a relocated Lochies. The outcome of which will be brought back to Council for formal budgetary approval;
6. Noted that a further paper will be brought back to a future Council on the outcome of the high-level options appraisal for Deerpark Primary School; and
7. Noted that a further paper will be brought back to a future Council on the outcome of the high-level options appraisal for St Mungo's Primary School.

**Action**

Strategic Director (Place)

**CC(22)42 INTERIM SWIMMING POOL & SWIMMING ARRANGEMENTS**

The report, submitted by the Strategic Director (People), provided Council with an update on the costs of the development of an Interim Swimming Pool for Clackmannanshire and the plans for the reintroduction of a Learn to Swim Programme for school pupils.

**Motion**

To agree the recommendations as set out in the report.

Moved by Councillor Scott Harrison. Seconded by Councillor Graham Lindsay.

**Decision**

The Council agreed:

1. to terminate the development of an Interim Swimming Pool for Clackmannanshire on the grounds of ensuring best value of the use of Council resources based on the information contained in paragraph 2.2;

The Council noted:

2. the outcome of the most recent cost plan, currently reported as £3,482,230, a significant increase from the February 2022 cost plan where it was reported as £2.16m. The updated figure excluded any allowance for market inflation or to get a fixed price which is likely to result in a final total in the region of £3.7 – £3.9M in para 4.3;
3. the updated operating costs for Interim Swimming Pool which have increased to an estimated £748,000 per annum from £527,000 in para 4.4;
4. the continued financial uncertainty as detailed in para 4.5;
5. the update on current Learn to Swim provision in Clackmannanshire in para 4.6; and
6. the re-introduction of a Primary 5 Learn to Swim programme in para 4.7

**Action**

Strategic Director (People)

**CC(22)43 ANNUAL REVIEW OF DEBTORS 2021/22**

The report, submitted by the Chief Finance Officer (Section 95 Officer), provided council with the annual update on income collection and proposed the 'write-off' of those debts which are deemed as irrecoverable or 'bad debts'. The presentation of this report was a key milestone in the preparation of the council's draft financial statements.

**Motion**

To agree the recommendations as set out in the report.

Moved by Councillor Ellen Forson. Seconded by Councillor Graham Lindsay.

## **Decision**

The Council:

1. Noted the trends in income collection for 2021/22;
2. Approved the proposed write-off £568,299 as per 6.2 (Appendix B);
3. Noted the continued impact of the COVID 19 pandemic on collection and recovery, and
4. Noted and comment as appropriate on the other matters raised in the report.

## **Action**

Chief Finance Officer (S95 Officer)

### **CC(22)44 ANNUAL TREASURY MANAGEMENT REPORT 2021/22**

The Council is required by regulations issued under the Local Government in Scotland Act 2003 to produce an annual review of treasury management activities. The report, submitted by the Chief Finance Officer, detailed the treasury management activities for the Council for the year ended 31 March 2022 and how this compared to the 2021/22 Treasury Management Strategy Statement set in March 2021.

## **Motion**

To agree the recommendations as set out in the report.

Moved by Councillor Ellen Forson Seconded by Councillor Graham Lindsay.

## **Decision**

Having considered the Annual Report for 2021/22 on the Council's Treasury Management activities, the Council agreed to note the report.

### **CC(22)45 CLOSURE OF COUNCIL ON 19 SEPTEMBER 2022**

This report, submitted by the Strategic Director (Partnership and Performance) invited the Council to note that with the exception of emergency service provision, the Council closed on Monday 19 September 2022 to allow staff to mark the funeral of the Her Majesty Queen Elizabeth II.

## **Motion**

To agree the recommendations as set out in the report.

Moved by Councillor Donald Balsillie. Seconded by Councillor Ellen Forson.

## **Decision**

The Council agreed to:

1. Note that, as part of the accession ceremony, His Majesty King Charles III designated Monday 19 September 2022 a Bank Holiday in Scotland;
2. Note that Human Resource Advice Note HRA 22-09 SPDS issued by the employers function of CoSLA advised that Councils that chose to recognise the event could do so by granting either an additional bank holiday or an additional day of annual leave;
3. Note that to formally approve a bank holiday a special meeting of Council would have been required;

4. Note that an additional day of annual leave was granted by the Chief Executive, under delegated authority, in consultation with the Council Leaders, Leaders of the Labour and Conservative Groups and Councillor Quinn, as the Council's Green Party representative, to allow staff, on the day of Her Majesty Queen Elizabeth II state funeral, to pay their respects;
5. Note a pro-rata leave entitlement will be given to those staff that do not work on a Monday;
6. Note that where staff were required to undertake work no enhancement was given as the day was not formally designated a public holiday however staff who were required to work will be able to take the equivalent time back within the leave year;
7. Note the guidance issued by Scottish Government related to schools and early learning and childcare settings (paragraph 3.5);
8. Note the exemption from the statutory requirement to provide 190 days of schooling. (paragraph 3.6);
9. Note the provision related to 1140 Hours (paragraph 3.8) and that Education colleagues will offer the time to ELC on an alternative date, at the parents/carers request;
10. Note that those families who are entitled to free school meals will receive a payment to their bank account for this day; and
11. Note that adjustments to leave entitlement will be made by the Council's HR team.

**Action**

Strategic Director (Partnership and Performance)

**CC(22)46 HR POLICIES**

This report, submitted by the Strategic Director (Partnership and Performance) sought Council approval of the new Pregnancy Loss Policy / Procedure Council.

**Motion**

To agree the recommendations as set out in the report.

Moved by Councillor Ellen Forson. Seconded by Councillor Donald Balsillie.

**Decision**

Having challenged and commented on the report, the Council agreed to:

1. Approve the Pregnancy Loss Policy and Procedure which was attached at Appendix 1.
2. Note that the Policy group met on the 23 August 2022 and extensive discussions took place with both Trade Unions and Management at this meeting in the formation and development of this Policy and procedure.
3. Note that following these discussions, minor revisions/amendments were made and agreed by those policy group members who had been in attendance.
4. Note that on 14 September 2022 the Tripartite agreed that the Pregnancy Loss Policy and Procedure be presented to Council for approval.

**Action**

Strategic Director (Partnership and Performance)

*In line with Standing Order 10.24, the Convener agreed to a 10 minute comfort break at 11.35 am. The meeting resumed 11:45 am*

**CC(22)47 COUNCIL HEALTH & SAFETY STRATEGY & ACTION PLAN 2022-2025**

The report, submitted by the Strategic Director (Partnership and Performance) invited the Council to agree the Health and Safety Strategy for the period 2022 – 2025.

**Motion**

To agree the recommendations as set out in the report.

Moved by Councillor Ellen Forson. Seconded by Councillor Donald Balsillie.

**Decision**

The Council agreed the Health and Safety Strategy at Appendix 1.

**Action**

Strategic Director (Partnership and Performance)

**CC(22)48 NATIONAL IMPROVEMENT FRAMEWORK REPORT AND PLAN,  
SCOTTISH ATTAINMENT CHALLENGE FUND PLAN**

The report, submitted by the Chief Education Officer, presented the National Improvement Framework (NIF) Report 21/22 and Plan 2022/23 and the Scottish Attainment Challenge Fund Plan 2022/23.

**Motion**

To agree the recommendations as set out in the report.

Moved by Councillor Graham Lindsay. Seconded by Councillor Wendy Hamilton.

**Decision**

Having challenged and commented on the report, the Council agreed to note the report and the plans set out in Appendices 1, 2 and 3.

**CC(22)49 PLACE BASED INVESTMENT PROGRAMME UPDATE**

The report, submitted by the Strategic Director (Place), provided an update to Council on activity around the Council's Place Based Investment Programme. The paper described the process that Council Officers have undertaken to create both a plan for the appropriate use of the Scottish Government's Place Based Investment Funds for the year 2022/23 and a strategy for future place based funds. The paper was intended to update Council and provide a platform for discussion that will give Council Officers direction for future fundraising activity.

**Motion**

To defer consideration of the report, pending clarification on both the consultation mechanism and the liability for ongoing costs.

Moved by Councillor Ellen Forson. Seconded by Councillor Darren Lee

**Decision**

The Council agreed to defer consideration of the Place Based Investment Programme Update report, pending clarification on both the consultation mechanism and the liability for ongoing costs.

The Convener advised that the revised report should be brought back to the meeting of Clackmannanshire Council scheduled for Wednesday 30 November 2022. However, in the event that a decision is needed more timeously, a Special Council meeting could be called for that purpose.

**Action**

Strategic Director (Place)

**CC(22)50 APPRENTICESHIPS IN THE COUNCIL**

The report, submitted by the Strategic Director (Place), asked Council to consider and agree to revise the hourly rates paid to our Modern Apprentices in order to support the Community Wealth Building agenda and increase the attractiveness of our Apprenticeship programme.

**Motion**

To agree the recommendations as set out in the report.

Moved by Councillor Fiona Law. Seconded by Councillor Jane McTaggart.

**Decision**

The Council:

1. Noted the variation in the hourly rates paid to Apprentices across the Council (Appendix B);
2. Noted the variation in the hourly rates paid to Apprentices across other local authorities (Appendix C);
3. Noted the cost associated with the implementation of these proposals (paragraph 3.18 and Appendix E);
4. Agreed to adopt the payment model outlined in paragraph 3.15 from April 2022; and
5. Agreed to uplift the wages of existing Apprentices from 1 April 2022 to the new hourly rates.

**Action**

Strategic Director (Place)

**CC(22)51 GOVERNANCE ARRANGEMENTS FOR COMMUNITY ASSET TRANSFER UNDER THE COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015**

The report, submitted by the Senior Manager, Partnership and Performance, asked Council to agree the change to the governance arrangements for applications for Community Asset Transfer requests made by a community transfer body under the Community Empowerment (Scotland) Act 2015.

**Motion**

To agree the recommendations as set out in the report.

Moved by Councillor Jane McTaggart. Seconded by Councillor Donald Balsillie.

## **Decision**

The Council:

1. Agreed that the Planning Committee is given delegated authority to take responsibility for making decisions on applications for Community Asset Transfers (CAT) in terms of the Community Empowerment Act (Scotland) 2015 (the "Act");
2. Agreed to make consequential changes to the Scheme of Delegation and Standing Orders to reflect the decision taken at recommendation 2.1;
3. Noted that the membership of the Community Asset Transfer Review Body agreed by Council on 20 December 2018 is amended so that members who are also members of the Planning Committee would not be part of any review body. In addition, elected members in whose ward the asset is situated would also be exempt from the independent review;
4. Noted that it is still anticipated that before the request is referred to the Planning Committee for decision that a lead officer would bring together officers with relevant responsibilities within the Council including property, legal and those with a focus on community development and community engagement to prepare a report for the Committee prior to decision; and
5. Noted that training on the Act will be made available to all members as part of Member Training.

## **Action**

Senior Manager, Partnership and Performance

## **CC(22)52      MANAGEMENT RULES FOR CEMETERIES**

The report, submitted by the Strategic Director (Place) sought Council agreement on the revised Management Rules for Cemeteries.

## **Motion**

To agree the recommendations as set out in the report.

Moved by Councillor Fiona Law.    Seconded by Councillor Jane McTaggart.

## **Decision**

The Council approved the amended Management Rules for Cemeteries.

## **Action**

Strategic Director (Place)

## **CC(22)53      EDINBURGH DECLARATION**

The report, submitted by the Strategic Director (Place), sought Council approval for Clackmannanshire Council to adopt the Edinburgh Declaration.

## **Motion**

To agree the recommendations as set out in the report.

Moved by Councillor Fiona Law.    Seconded by Councillor Donald Balsillie.

## **Decision**

The Council agreed to commit to the Edinburgh Declaration's post-2020 global biodiversity framework.



**Action**

Strategic Director (Place)

Ends: 13:07 hours



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**Report to: Clackmannanshire Council**

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**Date of Meeting: 1 December, 2022**

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**Subject: Committee Recommendations Referred to Council**

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**Report by: Chief Executive**

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## **1.0 Purpose**

- 1.1. The purpose of this report is to seek Council approval of recommendations which have been made by the Audit and Scrutiny Committee on 27 October, 2022.
- 1.2. Under the Council's decision-making framework, Council has delegated certain matters to committees and has reserved certain powers. Included in the latter are the approval of main policies and strategies (Scheme of Delegation 3.2), the approval of budgets (Scheme of Delegation 3.19) and the spending of money not budgeted for (Scheme of Delegation 3.20).
- 1.3. Standing Order 8.4 requires that where a Committee passes a report to Council, the full Committee report shall not be included again on the Council agenda and that officers should prepare a brief report that refers to the relevant Committee report and recommendation(s).

## **2.0 Recommendations**

- 2.1. It is recommended that Council:
  1. from the **Audit and Scrutiny Committee of 27 October, 2022** in relation to the report entitled "*Annual Report of the Chief Social Work Officer 2021-22*"
    - a) Approves the report and the submission of the Chief Social Work Officer Annual Report 2021/22 to the Office of The Chief Social Work Advisor, Scottish Government
- 2.2 The report relating to Audit and Scrutiny Committee is available on the Council's website.

## **3.0 Sustainability Implications**

- 3.1. N/A

## 4.0 Resource Implications

### 4.1. *Financial Details*

4.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes

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

### 4.4. *Staffing*

## 5.0 Exempt Reports

5.1. Is this report exempt? No

## 6.0 Declarations

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

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

Clackmannanshire will be attractive to businesses & 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)

## 7.0 Equalities Impact

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

## 8.0 Legality

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

## 9.0 Appendices

9.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

None.

## 10.0 Background Papers

10.1 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)

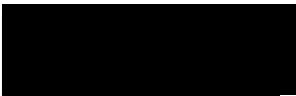
Yes  (please list the documents below) No

a) Agenda, together with Minute of the Audit and Scrutiny Committee of 27 October, 2022

### Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Nikki Bridle	Chief Executive	452002

### Approved by

NAME	DESIGNATION	SIGNATURE
Nikki Bridle	Chief Executive	



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**Report to: Clackmannanshire Council**

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**Date of Meeting: 1 December 2022**

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**Subject: Budget Strategy Update**

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**Report by: Chief Finance Officer**

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## **1.0 Purpose**

- 1.1 This paper provides an update on the Councils Budget Strategy and Financial Outlook for 2022/23.
- 1.2 This paper also sets out proposed changes to the approved 2022/23 Capital programmes for General Fund and the Housing Revenue Account (HRA).

## **2.0 Recommendations**

- 2.1 Council is asked to note:
  - 2.1.1 the updated General Fund financial forecast for 2022/23 as at September 2022;
  - 2.1.2 the potential financial impact on Council spend for 2022/23 due to in year pressures associated with inflationary increases, cost of living and the 2022/23 pay award;
  - 2.1.3 the continued financial pressures due to COVID within Childcare and additional demand on Scottish Welfare fund;
  - 2.1.4 update on the indicative budget gap including high, medium and low scenarios and timing of Local Government Settlement;
  - 2.1.5 update on the budget approach and budget challenge board activity and scheduled all member and TU briefings,
- 2.2 Council is asked to approve:
  - 2.2.1 the in principle allocation of the earmarked general COVID funding to mitigate additional in year costs within Childcare and Scottish Welfare Fund;
  - 2.2.2 repurposing of £0.200m within the General fund Capital programme to support the progression of the approved City Region Deal projects, and

2.2.3 the changes to the approved HRA Capital programme to support the additional purchase of properties.

### **3.0 General Fund Revenue – Financial Overview 2022/23**

3.1 The first quarter forecast of the 2022/23 financial year as at June indicated an overspend of £2.226m for Council Services as reported to the Audit & Scrutiny Committee in October 2022. The latest forecast as at September indicates a significant reduction in this overspend with an overspend of £1.180m forecast by the end of the financial year which is a favourable movement of £1.046m. Further detail of the overspend and the reason for movement will be included within the Financial Outturn report being presented to the Audit and Scrutiny Committee later this month.

#### **In Year Pressures**

##### Inflation

3.2 The financial forecast noted above is only an estimate at this time and may be subject to further costs due to rising inflation and cost of living increases. Inflationary increases are starting to materialise such as increases in fuel costs and these are included within the forecasted outturn position.

##### 2022/23 Pay Award

3.3 At the time of setting the budget, the Pay award for staff had not yet been agreed. The 2022/23 approved budget included an assumption equating to a 2% increase on the Council pay bill based on the Public Sector Pay Proposal. At the time of writing this report, agreement has been reached on the Pay Award for Single Status/Craft staff however, no agreement has been reached for Teachers and Chief Officers. The agreed pay offer equates to approximately a 5% increase on the Councils paybill, which is approximately £2.5m above the 2% increase the Council had allocated in its approved budget.

3.4 The Scottish Government have confirmed that this additional cost will be funded and allocations to Councils will be made through additional Revenue and Capital Funding. However, to allow Councils to utilise the capital funding, the Scottish Government are amending the statutory guidance on the use of Capital Grant funding on a temporary basis. Further details of how this funding will be utilised will be detailed in a future paper to Council once the statutory guidance has been amended.

##### COVID

3.5 The Covid19 pandemic had a significant impact on the Councils financial position in both 2020/21 and 2021/22. Most specific funds received in 2020/21 and 2021/22 have been offset against spend in those years however earmarked funds have been carried forward to be used in 2022/23 in recognition that there are still ongoing financial pressures.

3.6 During 2022/23 most of the effects of the pandemic have been embedded into business as usual and whilst this does not remove the additional pressures on services, it does make it much harder to distinguish between COVID and non



COVID related pressures. However, pressures have been identified within Childcare that are linked to additional demand through 2020/21 and 2021/22 that are still impacting on service delivery within the current financial year. These demands are primarily within Residential Schools, Kinship and Fostering.

- 3.7 In recognition of this, Council is asked to mitigate the additional costs related to COVID from the general earmarked COVID reserve. As at September, COVID related costs for the year are estimated to be £0.734m, however the exact amount will be confirmed at the end of the financial year.
- 3.8 Scottish Welfare Fund (SWF) administers grants to individuals on behalf of the Scottish Government for both Crisis Grants which covers short term crisis including food, gas, electric and clothing, and Community Care Grants that support individuals to maintain their tenancy and can include essential household living items. Specific grant is provided by the Scottish Government however, there has been an increase in demand over the last few years which is continuing to be felt in 2022/23. Additional funding had been provided by the Scottish Government and these have been utilised over the past two years however no specific additional funds have been provided for 2022/23.
- 3.9 Current forecasts indicate a potential overspend on both types of grant amounting to £115k based on an average monthly spend. However, due to the cost of living there may be an increase in applications over the winter period. Council is therefore asked to allocate an amount upto £150k from General COVID Earmarked Reserves to allow payment of these grants to continue upto 31 March 2023.
- 3.10 If both these allocations of General Covid earmarked reserve are approved, this would reduce the forecasted overspend from £1.180m to £0.331m.
- 3.11 Within the last budget strategy report presented to Council in August, Council was advised that further action may be required if the forecasted overspend continued as at September. Due to the significant reduction and the potential allocation of earmarked reserves noted above, no action is proposed at this time. However, the financial position will continue to be monitored and reviewed over the coming months.

#### **4.0 Indicative Budget Gap 2023/24**

- 4.1 The indicative budget gap for 2023/24 and future years is set out in the table below. The indicative budget gap remains based on the assumptions previously set out in the 2022/23 Budget report with an indicative budget gap for 2023/24 of £11.312m rising to £32.995m by 2027/28. There is a significant level of uncertainty over a number of elements that have the potential to positively or negatively impact the Council's financial performance and budget strategy. Due to the uncertainty around each of the assumptions, Low, Medium and High Scenarios have been prepared which reflect possible scenarios and these are presented in the tables below.

- 4.2 In these scenarios the indicative gap for 2023/24 ranges from £9.458m to £18.009m with a cumulative indicative gap of between £23.730m and £66.485m over the next 5 years.

**Table 1: General Services Budget - Indicative funding gap Low, Medium & High Scenarios**

<b>Annual Indicative Funding Gap</b>	<b>Current £000</b>	<b>Low £000</b>	<b>Medium £000</b>	<b>High £000</b>
2023/24	11,311	9,458	13,612	18,009
2024/25	5,397	3,544	7,698	12,095
2025/26	5,413	3,560	7,714	12,111
2026/27	5,429	3,576	7,730	12,127
2027/28	5,445	3,592	7,746	12,143
<b>Cumulative Indicative Funding Gap</b>	<b>32,995</b>	<b>23,730</b>	<b>44,500</b>	<b>66,485</b>

- 4.3 The main assumptions included within the indicative budget gap scenarios for 2023/24 are set out in the table below:

**Table 2: – Budget Gap Scenario Assumptions 2023/24**

<b>Variables</b>	<b>Current</b>	<b>Low</b>	<b>Medium</b>	<b>High</b>
Pay Award	2%	2%	3.5%	5%
Grant Funding	-1%	0%	-2%	-5%
Council Tax Increase	3%	3%	1.5%	0%
Demand Pressures	£3m	£2m	£3m	£4m

- Pay Award**
- 4.4 The current budget gap reflects inflation equivalent to approximately 2% based on the Scottish Public Sector Pay proposal for 2022/23 and a further 2% in future years. Each 1% increase is equivalent to £0.800m.

**Council Tax**

- 4.5 The current gap reflects a 3% increase in the level of Council Tax for 2023/24 and 3% increase thereafter in future years. Each 1% change is equivalent to c£0.240m.

#### **Grant Funding**

- 4.6 The current gap is based on a 1% reduction for general fund grant with a 1% reduction built in for future years. Each 1% change is equivalent to c£0.850m.

#### **Demand Pressures**

- 4.7 The current gap includes an amount for inflationary increases of £3m in all years. Due to increased inflation through 2021/22, this figure was only expected to offset Contract Inflation with General Inflation needing to be met through additional savings. Based on current continued rising inflation through the first half of 2022/23 it will be an area of significant financial challenge to meet all contract pressures within this figure.

- 4.8 There is much uncertainty around funding for future years and fluctuations in the main assumptions as set out in Table 2 can have a significant impact on the budget gap. Current in year inflation, cost of living, the pay award for the current and future years and the local government settlement may significantly impact on these assumptions. Further modelling scenarios and updates on planning assumptions will be prepared for future strategy updates to Council as updated information becomes available.

#### **Budget Settlement**

- 4.9 The UK Autumn Statement was presented by the Chancellor on 17 November 2022 which set out a package of measures amounting to £55bn through a combination of tax changes and reduced spending. The statement also included additional spending on Health and Education and as a result of this, an additional £1.5bn will be passported to Scotland through Barnett Consequentials over the next two years.
- 4.10 The Scottish Government are currently preparing the Scottish budget which at the time of writing this report, is expected to be published on 15 December 2022 with draft local authority allocations being provided shortly after. On receipt of the draft Local authority settlement, the indicative gap will be updated with the allocations and an update provided to Elected Members and TU's. In particular, the draft settlement should provide confirmation of the level of core Grant funding, information on any constraints on the setting of Council Tax Levels and any ringfenced funds for Health and Social Care.

### **5.0 2023/24 Budget Strategy**

- 5.1 As previously reported to Council, this is an extremely challenging time for Local Government, in the context of service and financial sustainability with projected budgets and services unlikely to be able to meet demand in the medium to longer term. As noted above, this equates to a cumulative funding gap of £32.995m over the next five years to March 2028, and an indicative gap of £11.312m for 2023/24 alone.

- 5.2 The ongoing challenge of increasing demand for services post COVID, anticipated spending increases, energy, pay, and other inflationary costs, means that the Council needs to prioritise reducing its expenditure further on an ongoing basis. The enhanced Corporate budget process for 2023/24 aims to ensure that the requirement for the Council to maintain a balanced budget position is met, addressing the existing budget deficit and financial sustainability in the longer term. This process is well underway and progress is outlined below.
- 5.3.1 The Budget Challenge Board consisting of the Chief Executive, Strategic Directors and the Chief Finance Officer was established in August 2022 and the Board has held regular meetings since the first meeting in August. The Board has conducted an in depth review of existing budgets across all Services taking a targeted zero based approach in some areas. Any possible savings or income arising from transformation are being considered as part of this challenge process as well as any consideration of adjustment in service delivery and standards and risk management whilst ensuring that funding is available to address the needs of the most vulnerable. A workplan has been developed detailing specific areas of focus and related action to ensure that all the moving parts of the budget process are being progressed. Specific areas of focus are:
- A list of Savings with supporting business cases are being produced which are being reviewed by finance to ensure they are financially viable. These incorporate Management Efficiency, Policy and Redesign savings.
  - Information on additional pressures has been collated, however, due to the size of the budget gap, only those pressures that are contractual are being considered. Any non-contractual pressures are to be met within existing Service budgets.
  - The Board is also incorporating the development of further decisions resulting from organisational redesign and digital transformation and is supporting the proposed new Target Operating Model (TOM) for the Council as set out in the Chief Executive's TOM report previously presented to Council. All areas of the TOM across People, Process and Technology are being considered in the development of the future Service and Financial sustainability of the Council.
- 5.3.2 Specific Budget Briefings have been organised for Elected Members and TU's through December, January and February to provide an update on progress.
- 5.3.3 The current formal Trade Union/ Management engagement on the budget and transformation has also continued as agreed and in line with existing arrangements.
- 5.4 Further updates on the budget setting process will continue to be provided through budget strategy reports and Elected Member and TU briefings over the next few months in the lead up to budget setting.

## **6.0 General Fund Capital – City Region Deal (CRD)**

- 6.1 The Clackmannanshire CRD projects include specific projects being developed as part of the overall Deal programmes of Culture, Heritage and Tourism, Active Travel, and Regional Digital Hubs.
- 6.2 Risk analysis done jointly with the Regional Programme Management Office indicates that developing detailed and robust business cases in good time is critical to ensuring that projects are developed and approved such that spend against the approved funding profile can be achieved.
- 6.3 The grant funding profile for CRD is profiled at a set amount each year, over the life of the deal. If projects are not delivered in line with the funding profile, any underspend is moved to the end of the profile. This means that funding may not be available to support the projects at the time of implementation, incurring a cost to the Council due to borrowing requirements.
- 6.4 In order to manage this risk, it is recommended that Council approves to repurpose the sum of £0.200m from the approved Capital Budget to fund the development of the associated business cases. It is important to note that these costs will be recoverable at the point of business case approval by both governments and the Stirling and Clackmannanshire City Region Deal Joint Committee.
- 6.5 Council is asked to approve the following changes to the approved capital programme for 2022/23:
- Repurpose £0.200m to support progression of the approved City Region Deal projects from the £0.436m approved budget for the City Region Deal Innovation Hub and Land purchase.

As a result of this change there is no increase to the approved Capital Programme and no additional borrowing or associated revenue costs.

## **HRA Capital Budget**

- 6.6 The HRA Capital Budget was approved as part of the Housing Revenue Account Budget 2022/23 and Capital Programme 2022/23 by Council at its meeting on 10 February 2022. Further changes were approved by Council at its meeting on 11 August 2022 to reflect progress in delivering the approved programme. This report asks Council to approve a further change to the approved Capital programme for the reasons outlined below.
- 6.7 Work has continued to deliver the agreed investment in our existing stock, however a number of challenges have emerged in recent weeks including:
- significant delays in delivering key elements of the Affordable Housing Supply Programme;
  - rising demand for homeless temporary accommodation driven by higher presentations, and

- a growing risk of increased homelessness caused by private landlords seeking to sell and leave the market.

6.8 The current approved capital programme includes £0.900m to support the purchase of up to 20 properties on the open market. This commitment is mirrored in the approved Strategic Housing Investment Programme (SHIP) and associated programme agreement with the Scottish Government. Good progress has been made in achieving this spending target in year, however, slippage in other areas of the programme mean that it is now likely that our overall resource planning assumptions on other projects will be underspent which would allow repurposing of the approved capital programme level.

6.9 In light of this projected underspend, Council is asked to agree to commit up to an additional £0.900m this financial year to support up to a further 20 house purchases. This will be funded from repurposing the approved capital budget forecast to underspend. This would maintain the programme at the approved level of £12.5m

6.10 If agreed, officers will target smaller properties with the intention of increasing our stock of temporary accommodation, reducing the use of expensive out of area placements and sales by private landlords looking to reduce or end their involvement in private renting. Officers will also consider any opportunity to prevent homelessness arises through the purchase of a property with a sitting tenant at risk of eviction or an owner at risk of repossession.

6.11 As Scottish Government support these type of house purchases, they have previously indicated that they will be happy to agree further second hand property purchases to ensure that the full additional capital budget allocation is spent.

## **7.0 Sustainability Implications**

7.1 There are no direct environmental sustainability implications arising from this report.

## **8.0 Resource Implications**

### *8.1 Financial Details*

8.2 The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes

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

### *8.4 Staffing*

8.5 There are no direct staffing implications arising from this report.

## 9.0 Exempt Reports

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

## 10.0 Declarations

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

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

Clackmannanshire will be attractive to businesses & 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)

## 11.0 Equalities Impact

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

## 12.0 Legality

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

## 13.0 Appendices

13.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

None

## 14.0 Background Papers

14.1 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)

- General Services Revenue and Capital Budget 2022/23

- Housing Revenue Account Budget 2022/23 and Capital Programme 2022/23

**Author(s)**

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Lindsay Sim	Chief Finance Officer	2022

**Approved by**

<b>NAME</b>	<b>DESIGNATION</b>	<b>SIGNATURE</b>
Lindsay Sim	Chief Finance Officer	
Stuart Crickmar	Director of Partnership & Performance	



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**Report to: Clackmannanshire Council**

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**Date of Meeting: 1 December 2022**

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**Subject: Be the Future Update**

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

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## **1.0 Purpose**

- 1.1. The purpose of this report is to provide Council with an update on progress in the Be the Future Programme.

## **2.0 Recommendations**

**It is recommended that Council approves:**

- 2.1. Reallocation of up to £200,000 from Digital Infrastructure to Digital Transformation programme within the approved Capital Programme to support work on the M365 implementation as laid out in paragraph 3.20-3.21.

**It is recommended that the Council notes:**

- 2.2. The increasing convergence between the Target Operating Model (TOM) approved at Council August 2022, the financial and budget strategy and the Be the Future transformation programme.
- 2.3. The work to develop an Investment Strategy designed to provide a strategic approach to how we pursue external investment into opportunities within Clackmannanshire. This strategy will come forward to the February 2023 Council meeting.
- 2.4. The development of a Communications and Engagement approach to support the evolution of the Target Operating Model and the intention to bring this strategy forward to the February 2023 Council meeting.
- 2.5. The increasing emphasis on digital and data as key drivers in the transformation journey for the Council.
- 2.6. The update on the extensive activity currently underway within the transformation programme as outlined in section 4.0

### **3.0 Be the Future summary update**

#### **Convergence of strategic approaches**

- 3.1. When the Be the Future programme was approved at Council the aim was that this programme would bring together the work already underway on organisational redevelopment with that of financial transformation and the future target operating model. The progress towards this aim was elongated by the need to respond to the pandemic.
- 3.2. However with the development and subsequent Council approval of the Target Operating Model around 'People, Process and Digital' this convergence has accelerated. As a result, the priorities of the Be the Future programme have increasingly focused on exploring new delivery models and our future ways of working both internally and with our communities and partners.
- 3.3. The current and future financial and budgetary challenges which are described in the Financial Strategy update paper now requires us to reimagine the design of Council services. Across the public sector in general, in the face of these financial pressures, there is growing appetite to develop collaborative services, to consider where the locus for delivering those services rests and to look to digital and data to improve service delivery.
- 3.4. The transformation programme and the work of the Transformation team is now aligned to helping the Council answer these challenges and to bring forward costed and quantifiable options for consideration as part of the budget process and development of the TOM. The Transformation team contribution includes:
  - Development of business cases to support budget and transformation activities
  - Review and analysis of the Capital Programme for affordability and deliverability and development of the Capital Programme Implementation Plan
  - Development of the digital transformation programme and roadmap, including support for implementation of M365
  - Programme management of the Council's City Region Deal activities
  - Leading the development of the corporate Investment Strategy
  - Securing grant funding for Council and community projects in the region of £2m over an 18 month period
  - Co-delivering on the development of Transformation Zones priorities to maximise the socio-economic impact

- Identifying and aligning transformation to cross-cutting themes including Community Wealth Building, Wellbeing economy and Climate Change actions
  - Data analysis and evidence gathering to support decision making and development of the target operating model and service redesigns and to develop new transformation proposals
  - Programme management of the Be the Future programme, including leading on governance, reporting and business processes
- 3.5. A paper will come forward to February 2023 Council meeting that will provide an overall picture of the impacts and outcomes of the Be the Future programme to date, along with proposals for resourcing transformation and the management of the capital programme moving forward.
- 3.6. Additional proposals will come forward in Spring 2023 on the organisational redesign and TOM. This will draw on the Capacity and Skills analysis conducted by Trueman Change in July 2022.

### **Investment Strategy**

- 3.7. Our ambitions to maximise the social and economic impact of the investment from our £255m 20-year capital programme remains. However with the current inflationary impacts, we recognise that in the coming 3-5 years that the investment allocated to deliver on key projects will deliver less. Across the public sector, capital programmes are estimating between 10%-24% inflation on construction costs, supply chain and contracts.
- 3.8. In order for us to realise our ambitions for Clackmannanshire we know that we need to leverage additional investment from other sources to counter-balance inflation impacts and to address the long-term challenges of cost-of-living related to energy costs.
- 3.9. We have had success in leveraging funding from grants. We reported to Council in March 2022 that our grant capture in the preceding 18 months to support Council and community led projects was £2m.
- 3.10. We need to build out from this success to develop a wider Investment Strategy and Plan that will drive investment into larger-scale projects such as the Well-being Hub and other investable assets. This needs to be derived from a wider investment mix that includes patient capital, private investment, major donor campaigns and philanthropy.
- 3.11. At the same time we will continue to pursue grants through the full-range of challenge funds but will apply a more strategic lens to what projects are put forward for investment and ensure that this is tied to the priorities within the Capital programme, the approach within our Asset Strategy and ensure that proposals are sustainable in the longer term.

- 3.12. The Investment Strategy will be developed with officers, members, communities and partners over the coming months and will come forward for Council consideration as part of the Budget 2023/24.

### **Communications and engagement approach**

- 3.13. To support the communication of the vision around the Target Operating Model, we will co-produce an engagement approach with our communities, partners and staff. The approach will also support our work on investment as outlined in this report. We will build out from the lessons learned from the Family Wellbeing Partnership and the success of up-stream models as demonstrated through the early intervention and prevention successes from STRIVE.

- 3.14. The approach will focus on a number of key areas:

- We are a digital Council which is easy to engage with, responsive and authentic
- We have a clear sense of place and local identity and understand from our communities and partners what a liveable, productive and sustainable Clackmannanshire looks and feels like
- Our employees and Members are ambassadors for our work and are confident to communicate our outcomes and direction
- Our communities are empowered to communicate across and with other communities in Clackmannanshire

- 3.15. We will develop this approach over the coming months and bring forward a Communications and Engagement Strategy as part of the Budget 2023/24.

### **Digital and Data**

- 3.16. The modern workplace is increasingly based on the use of digital to support workforce collaboration, drive efficiencies, improve customer experience and support service delivery.
- 3.17. The use of digital has generated large quantities of data, which if analysed and curated as an asset, provides insights to our communities needs and challenges. Data can be used to make decisions about how we design our services to support those challenges and as our data journey matures, increasingly to predict needs.
- 3.18. In the 2022/23 budget, provision was made in the Capital Programme to accelerate our digital and data journey. We have made good progress on developing the programme to support the TOM, the operational efficiencies needed to support our financial position and to develop options for different models of service delivery.
- 3.19. Major steps have been taken on the implementation of Microsoft 365, which will provide the enabling conditions for our digital and data journey. Full proposals for this will come forward as part of the Budget.

- 3.20. However following M365 Discovery Phase work over the summer, a number of foundational actions have been identified as necessary to provide a platform to accelerate Digital Transformation. This includes specialist technical change and programme resources to facilitate upgrading of the Council's ICT infrastructure and support the ICT capital programme. This will enable the necessary security, governance, change management and compliance activities. It will also facilitate the work to progress the retirement or if necessary upgrade of legacy infrastructure and systems at risk of obsolescence.
- 3.21. In order to undertake this work, it is proposed that up to £200,000 is reallocated from Digital Infrastructure to Digital Transformation within the approved Capital Programme to support work on the M365 implementation. This will increase the Digital Transformation budget from £750,000 to £950,000 in 2022/23. The Digital Infrastructure budget is earmarked for extending fibre rollout within the existing estate; however, project complications have resulted in slippage within the current year.
- 3.22. We have implemented a pan-Clackmannanshire network which will enable us to deploy sensors through the Internet-of-Things approach, which will support service redesigns and provide increased options on how our residents interact with those services.
- 3.23. We are working with The Digital Office Scotland and other partners to build our capacity in delivering our digital and data roadmaps. This is an ambitious programme and will increasingly become an underpinning principle of our transformation programme. Costed and quantified proposals will come forward to Council as part of the Budget 203/24.

#### **4.0 Update on current Be the Future activity**

- 4.1. A snapshot on some of the main projects in the transformation programme is provided below. Some projects and activity, such as the Wellbeing Hub, are reporting to Council separately and are therefore not included in this update.

#### **Transformation Zones**

- 4.2. Council officers have been working closely with Scottish Future's Trust to develop a Project Initiation Document (PID) for Alloa Transformation Zones. The purpose of the Transformation Zone approach is to build place based integration of capacity, services, investment and infrastructure to improve community life and economic resilience.
- 4.3. The PID sets out an integrated Place and People Programme approach supporting decision makers across Alloa; building consensus and aligning activities around key priorities, such as the Well-being Economy ambition of building a fairer economy and the LOIP ambitions of tackling inequalities resulting from poverty and socio-economic disadvantage. The PID sets out three steps ensuring that a shared narrative for Alloa needs to be agreed with community buy in and that an Investment Prospectus can effectively direct investment and governance is established to ensure

that future initiatives are in line with the agreed shared narrative for the town.

- 4.4. This approach in Alloa is helping to guide how projects being developed through the City Region Deal, Levelling-up Fund and Place-based Investment Fund will ensure Alloa is a more successful place, with more confident communities and greater well-being with more opportunities for local wealth building and economic participation.
- 4.5. Supporting the Transformation Zone approach is the Shaping Places for Well-being Programme, for which Alloa is one of 6 project towns in Scotland, and is helping to identify the scale and nature of health inequalities in the town and how collective, upstream preventative approaches can help address these.

### **City Region Deal**

- 4.6. A celebration to mark the completion of the first Stirling and Clackmannanshire City Region Deal building was held at the Japanese Gardens on 11 November 2022. The Gardens received £750,000 of funding to support restoration and development works with the underlying aim of bringing employment, education and skills development opportunities to local communities. The investment has helped restore the historic gardens with the addition of a traditional thatched garden pavilion included in the works. As result the Gardens have seen their visitor numbers rise and a further £200,000 of other external capital funding has so far been invested.
- 4.7. The Outline Business Cases for the Active Travel and Culture, Heritage and Tourism Programmes are progressing and it is envisaged that individual projects for both will move forward for development next year. There are early indications of external funding which could support this work.
- 4.8. Similarly, the Regional Digital Hub project for Clackmannanshire is currently at OBC stage and exploring a collaboration which might lever in significant funding related to the design, build and operation of the digital hub.
- 4.9. The business case for Flexible Skills Programme was approved in early 2022. A new 'City Region Deal Skills Lead' has just been appointed who will drive forward the Flexible Skills Programme and link it to the wider deal with identifiable job outcomes.
- 4.10. Two small projects are currently progressing which are linked to employability services within the local authorities. Flexible Digital Skills being run by Forth Valley College (Alloa Campus) attracted 22 delegates in the first programme and the 2nd cohort is now underway. The Bikeability Project being delivered by Forth Environment Link has recently started with activities planned across Stirling and Clackmannanshire.
- 4.11. Stirling University and Clackmannanshire Council are currently working together with Forth Valley College to develop the scope of the Environment Centre and the Intergenerational Living Hub projects. The

ambition is to position the Region as an innovation destination (health, care, environment and technologies) with Community Wealth at its heart.

- 4.12. As part of this exercise a shared business approach is being developed with the intention of securing further inward investment, linking to the work being done with SFT on the Transformation Zone Approach which will develop a prospectus of potential developments connected to Environment Centre and the Intergenerational Living Hub other Council investments.

## **Digital**

- 4.13. The Digital Transformation programme covers a range of activities that will support operational efficiencies in line with our budgetary pressures, improve our customer experience and journey and deliver the Council's Digital Strategy.
- 4.14. Measures to bridge the budget gap and the proposed implementation of the Target Operating Model (TOM) have widened the programme scope to include data insights and discovery work such as the Customer Enquiries business process. Digital Transformation also connects to the M365 implementation and operates within overall IT governance.
- 4.15. The Digital Transformation programme is developing a series of workstreams that address the priorities identified from the budget work and will involve proposals coming forward focusing on three key areas:
- Customer centred digital services: transforming the digital services we offer to our Citizens/Customers by providing an improved customer experience when interacting with the Council. Internal business processes will also be re-engineered, shifting service delivery to lower cost digital channels whilst maintaining Service quality.
  - Digitally enabled workforce: deploying simple digital solutions that help solve complex business issues, delivering outcomes that save time and enable Services to free up resources.
  - Data centric and data informed organisation: using data and insight effectively to increase understanding and drive efficiencies throughout services.
- 4.16. Discovery phases will also be completed over November and December 2022 to establish priority areas for digital services both for customers and the workforce.

## **M365**

- 4.17. The project is transitioning from discovery to implementation exploring various areas in preparation for the business case to come forward to Council for financial governance. The Digital Office delivered an Extended Senior Leadership session outlining the digital opportunities available to the council including ways to maximise the benefits from Microsoft 365 and strategic partnerships.

- 4.18. A licensing workshop was held in November which will establish the licensing cost model for M365 which will be an integral part of the financial case. Best practice has also been sought from North Lanarkshire, Dundee and Perth and Kinross councils which is informing implementation approach and the business case development.

### **Family Wellbeing Partnership and STRIVE**

- 4.19. Clackmannanshire Council and the Social Innovation Partnership (SIP) have agreed to a transformation partnership to evaluate and embed wellbeing and capability enhancing approaches to service design and delivery that support people to be and do things they have reason to value and to live flourishing lives. A specific members briefing was provided in October 2022 detailing the breadth of the work now being taken forward by the Family Wellbeing Partnership (FWP) and further detailed briefings are planned throughout the course of next year.
- 4.20. FWP is not only focused on what needs to change, but on how change will be implemented and sustained at both system and local level. It is about creating the conditions to shift values, cultures and behaviours of the people who design and deliver services, and the impact this has on communities tackling poverty in Scotland. It is also about empowering families and communities, enabling voice and transferring agency.
- 4.21. Work continues with Columba 1400 embedding Values Based Leadership across the Partnership. The latest work stream focused on employment and employability, and the cohort embraced this cultural and behavioural shift, with engagement now from a range of employers and partners looking at the barriers to employment in Clackmannanshire and coming up with a range of sustainable solutions. This is aiding the research piece being conducted by the Wellbeing Economy Alliance (WEAll) Scotland which is due to report back to the FWP Board in March 2023.
- 4.22. Work is also progressing to establish a community model of early intervention activities in the Alloa Cluster, to identify and help provide necessary support to families before they are affected by a crisis. This supports the next stage of embedding the STRIVE model which is supported by Health, Police, Health and Social Care, Education, Justice and Children's Services, and the third sector.
- 4.23. Developing and supporting community assets, which are closest to and led by the community themselves, is key to shifting operating models and designing and delivering services differently, in line with the Scottish Approach to Service Design. A number of workstreams within the Partnership are focused around this theme, including School Age Childcare, Flexible Childcare, Community around the Child (incorporating The Promise) and the Lens.
- 4.24. The Lens Investment process allows community groups to bid in to an investment fund which supports them improve the well-being of individuals and communities. The first Investment fund was hugely successful, and a second investment fund is now open with details on Clacksweb.



## 5.0 Sustainability Implications

- 5.1. Environmental and financial sustainability are key priorities of the Be the Future programme and business cases for individual programmes/projects will require to demonstrate clear links to related outcomes.

## 6.0 Resource Implications

### 6.1. *Financial Details*

- 6.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes X

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

### 6.4. *Staffing*

## 7.0 Exempt Reports

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

## 7.0 Declarations

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

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

Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all X  
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 X  
Our communities will be resilient and empowered so that they can thrive and flourish X

- (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 X

**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 **X**

**10.0 Appendices**

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

None

**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 **X** (please list the documents below) No

**Be the Future Update papers to Council – September 2020, December 2020, March 2021, June 2021, August 2021**

**Author(s)**

NAME	DESIGNATION	SIGNATURE
Fiona Colligan	Strategic Director (Transformation)	

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**Report to Clackmannanshire Council**

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**Date of Meeting: 1 December 2022**

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**Subject: Wellbeing Strategy 2022-2025**

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**Report by: Strategic Director, Partnership and Performance**

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**1.0 Purpose**

- 1.1. The paper invites Council to agree the Wellbeing Strategy for the period 2022 – 2025.

**2.0 Recommendations**

- 2.1. Council are asked to **note** and **agree** the Wellbeing Strategy attached at Appendix 1.

**3.0 Considerations**

- 3.1 In December 2021 Council agreed a new Mental Health, Stress and Wellbeing Policy to support the mental health and wellbeing of our employees.
- 3.2 As part of the 2021/22 Internal Audit Plan Internal audit gave substantial assurance in relation to the governance, oversight, and decision-making structure around staff our wellbeing.
- 3.3 Internal Audit also noted that the Council could demonstrate a strong commitment to staff wellbeing, with a clear policy and wellbeing approach in place. This included the involvement of staff representatives / trade unions.
- 3.4 The Council's Strategic Workforce Plan 2019-2022 (the Plan) set out four workforce planning priorities, 2 of which were - having a sustainable and resilient workforce and ensuring our workforce feel supported, empowered, respected, and engaged.

- 3.5 In addressing these our Strategic Workforce plan outlined that we would give staff the opportunity to participate in a range of initiatives which are centred on their health and wellbeing and moving forward that we would have better emphasis and promotion of the range of health and wellbeing initiatives we currently undertake so as to raise awareness, increase uptake, and develop a culture of understanding and support.
- 3.6 Our new Wellbeing strategy supports the implementation of the recently approved wellbeing policy and compliments the work already agreed under the Health & Safety Strategy which Council approved at its meeting in October 2022.
- 3.7 The Strategy also builds on responses/findings from our Annual Employee Surveys as well as the good practice that we currently have in place to support staff.
- 3.8 A significant amount of time and resource has already been committed to identifying, and developing resources for staff to support their mental health and wellbeing. These include:

Looking after your mental wellbeing

Silvercloud self help – a digital open platform by the Scottish Government with 4 modules – Stress, Sleep, resilience and COVID 19

Positive Mindset App aimed at helping to overcome stress low mood and worry

Homeworking wellness action plan produced by Mind

Coaching for wellbeing, a free digital service for health and social care staff

Domestic abuse support

Online wellbeing hub, a national wellbeing hub to help health and social care staff look after their physical and mental health

Sleep improvement and anxiety apps

Exercises

Eating well advice

2 Wellbeing weeks

Mental Health First Aiders

Occupational Health referrals

Physiotherapy

PAM Assist (Employee Counselling Service)

Stress Risk Assessments

Suicide Prevention and Mental Health online e-learning

3.9 The Strategy will form a foundation for the work carried out by the Council's Healthy Working Lives group now that the national award scheme is no longer in place.

Proposed Strategy

3.10 To strategy focus on six objectives in order to continue to support staff

1. Promote and improve positive mental health and wellbeing for all employees.
2. Promote an open and supportive leadership culture where mental health and wellbeing issues can be raised and dealt with effectively.
3. Ensure effective and consistent wellbeing communication to help identify and tackle organisational issues that negatively affect mental health and wellbeing within teams.
4. Adopt and implement a more proactive approach to managing work related stress.
5. Provide employees experiencing mental health and wellbeing problems with access/sign posting to appropriate professional assistance and support.
6. Reduce barriers to employment and support employees who have experienced, or are experiencing, mental health and wellbeing problems/issues.

3.11 Each objective has a number of improvement actions and the action plan identifies the steps required to achieve each of these and how we will monitor the success of the actions.

**4.0 Sustainability Implications**

4.1. None

**5.0 Resource Implications**

5.1. *Financial Details*

5.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes

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

5.4. *Staffing*

**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 double click on the check box )

- Clackmannanshire will be attractive to businesses & 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)

7.1 The Strategy supports implementation of the Council Health & Safety Policy.

## 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

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

Wellbeing Strategy & Action Plan 2022-2025

## 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  (please list the documents below) No

**Author(s)**

<b>NAME</b>	<b>DESIGNATION</b>	<b>TEL NO / EXTENSION</b>
Seonaid Scott	Health & Safety Manager	2174

**Approved by**

<b>NAME</b>	<b>DESIGNATION</b>	<b>SIGNATURE</b>
Stuart Crickmar	Strategic Director, Partnership and Performance	





# Wellbeing Strategy & Action Plan

2022 - 2025



## 1. Introduction

Welcome to our Wellbeing Strategy and Action plan which has been developed to provide a co-ordinated approach to the provision and delivery of mental health and wellbeing initiatives and promote positive mental health and wellbeing for all.

The strategy adopts a holistic approach to employee wellbeing, and goes beyond a series of standalone initiatives. It recognises that:

- Our employees are our most valuable asset and it aims to protect and promote their health and wellbeing and those of their families;
- Poor mental health and wellbeing can equally result from non-work related pressures, and seeks to empower employees to engage in positive wellbeing behaviours outside work; and,
- Line managers are pivotal in shaping employees' experience of work and bringing people management policies to life, and seeks to ensure that line managers have the appropriate skills sets.

Investing in employee wellbeing can lead to increased resilience, better employee morale and engagement, reduced sickness absence, better work-life balance and a healthier and more inclusive culture which would in turn lead to higher performance and productivity.

## 2. Background

### 2.1 What is Wellbeing?

Wellbeing can be seen as a state of health and happiness in which every individual realises his or her own potential, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to their organisation and community.

The World Health Organisation (WHO) defines health as “a state of complete physical, mental and social wellbeing and not merely the absence of disease or infirmity.”

The NHS “embraces the whole person” when it comes to defining health, which includes considering the outer physical state and the inner mental and emotional state both in and outside of the workplace.

For Clackmannanshire Council wellbeing is about giving our staff opportunities and support to help them feel more able to balance work and home to live a full and satisfied life.

## **2.2 The Current Wellbeing Climate**

A survey conducted by the Chartered Institute of Personnel and Development (CIPD) found that poor mental health was the most common cause of long-term sickness absence in UK workplaces and that stress-related absence had increased in nearly two-fifths of organisations (CIPD 2022). A Mind survey also found that one in ten employees rated their current mental health as poor or very poor. Of these, 26% said this was due to problems at work and a further half said it was due to a combination of problems at work and outside of work; 40% said they had taken time off as a result.

Evidence also suggests that there is ‘still stigma and misunderstanding’ about mental health in society and the workplace. For instance, a Mind survey found many employees did not feel comfortable disclosing their mental health and wellbeing problem to their employer or manager.

The last few years have also been very challenging for everyone and, as we move to a new normal, it is more important than ever to increase awareness of mental health and wellbeing, create an open and supportive culture, and protect the mental health and wellbeing of our staff.

### **3. Where are we now - Staff Wellbeing Survey 2021**

The Council conducted its most recent Staff Wellbeing Survey in November 2021 on the following four key themes: staff engagement, mental health and wellbeing, communication, homeworking, and council vision and values, with a 26% (676) response rate. A summary of key findings are presented below.

- The overall staff engagement level for the organisation was 68.4%
- 44% of respondents described their mental health and wellbeing as 'excellent' or 'good'; more than a third (37%) described this as only 'fair'; and 19% as 'poor' or 'very poor'.
- 53% of employees agreed that they were kept up to date with the latest information from around the Council.
- 69% felt supported by their manager or supervisor, although 17% disagree, and 14% neither agree nor disagree.
- More than half (55%) agreed that they had the tools they needed to work effectively from home, and nearly a quarter (24%) did not feel that they have the tools they need for homeworking.
- 74% of employees were aware of the Council's vision and values, while 22% were not familiar with these.

### **5. Where Do We Want To Be - Our Wellbeing Vision**

- Our vision for the future is a positive working environment where the mental health and wellbeing of employees is paramount and embedded in everything we do, and where colleagues feel happy, healthy, valued, protected and motivated, with increased morale and engagement, and reduction in absenteeism.
- We want a culture where wellbeing is everyone's responsibility, and is aligned to Our Values/Behaviours.
- We want a working environment where our employees take ownership for their own wellbeing, and where senior managers lead by example, and line managers are trained and proactively support the health and wellbeing of their staff.
- We want to be an employer of choice, adding value to recruitment and retention.

### **5.1 Our Wellbeing Objectives:**

Our wellbeing objectives, presented below, seek to build upon the progress made so far and further embed wellbeing in everything we do. Priority areas, based on the Chartered Institute of Personnel and Development's (CIPD) seven inter-related 'domains' of wellbeing, have been identified in the action plan to help in achieving the objectives. Our priority areas for our 2022 – 2025 Wellbeing Strategy would focus on improving our employees' mental, physical, social and financial wellbeing.

1. Promote and improve positive mental health and wellbeing for all employees.
2. Promote an open and supportive leadership culture where mental health and wellbeing issues can be raised and dealt with effectively.
3. Ensure effective and consistent wellbeing communication to help identify and tackle organisational issues that negatively affect mental health and wellbeing within teams.
4. Adopt and implement a more proactive approach to managing work related stress.
5. Provide employees experiencing mental health and wellbeing problems with access/sign posting to appropriate professional assistance and support.
6. Reduce barriers to employment and support employees who have experienced, or are experiencing, mental health and wellbeing problems/issues.

## **6. Making It Happen**

The Chief Executive has overall responsibility for Health, Safety and Welfare within the Council, including the wellbeing of staff. The day to day operational management of health, safety and welfare is delegated to senior managers, line managers and supervisors.

The following roles and departments have been identified to play key roles in the implementation of this strategy.

#### Chief Executive & Strategic Directors

- Ensuring a robust wellbeing strategy is in place.
- Ensuring the allocation of adequate resources for the implementation of this strategy and achievement of the objectives.
- Monitoring progress against plan.

#### Senior & Line Managers

- Liaising with the Human Resources & Workforce Development (HR&WD) Directorate/H&S Team in the implementation of this strategy.
- Lead in the implementation of relevant aspects of this strategy in their respective areas.
- Report service/directorate progress against plan.

#### HR&WD Health and Safety Team

- Lead in the implementation of this policy, and monitor progress against plan. This will be done in close collaboration with Service/Directorates, Trade Unions and the Council's Healthy Working Lives Group.
- Provide regular reports to SLG, Executive Health and Safety Committee and Audit Committee.

The timescales for implementation is proposed as follows:

- Year 1 – Introducing wellbeing: wellbeing awareness/communication, engagement and training.
- Year 2 – Embedding wellbeing
- Year 3 – Living wellbeing, taking stock and next steps.

An annual review will be conducted at the end of each year and a report produced.

## **7. Action Plan**

Our wellbeing action plan to progress the delivery of our vision and objectives is presented in table 1. The action plan identifies key priority areas for the Council, based on CIPD's seven interrelated 'domains' of wellbeing, specific actions that will be pursued, success indicators, responsible owners and timescales for implementation.

**Table 1 – Action Plan**

<b>Priorities</b>	<b>Actions</b>	<b>Indicators of Success</b>	<b>Owner</b>	<b>Timescale</b>
<b>Objective 1: Promote and improve positive mental health and wellbeing for all employees.</b>				
1.1 Improve employees awareness of mental health and wellbeing	Programme of mental health awareness training in place for managers and staff.	<ul style="list-style-type: none"> <li>Number of staff attending training.</li> </ul>	H&S Team / Senior Managers	March 2023 and ongoing
1.2 Promote and support good lifestyle choices, and support employees to better manage their psychological wellbeing and build resilience	Continue to develop and promote good lifestyle choices activities through the Healthy Working Lives group.	<ul style="list-style-type: none"> <li>Number of activities held, and staff engagement in activities.</li> </ul>	Healthy Working Lives Group.	Initial programme in place by January 2023
1.3 Ensure health promotion and health checks are in place to support employees stay healthy and identify early signs of serious health issues.	Continue to offer health promotion activities and routine health checks for employees across a variety of Council sites.	<ul style="list-style-type: none"> <li>Number of staff engaging in routine health checks.</li> </ul>	Healthy Working Lives Group	Initial programme in place by January 2023.
1.4 Promote and support employees' financial wellbeing	Offer opportunities to employees to become more aware of, and better manage, their finances,	<ul style="list-style-type: none"> <li>Number of opportunities and programmes offered.</li> <li>Number of staff accessing opportunities</li> </ul>	Healthy Working Lives Group	Initial programme in place by January 2023.



Objective 2: Promote an open and supportive leadership culture where mental health and wellbeing issues can be raised and dealt with effectively.				
2.1 Ensuring managers have the skills to support an open leadership culture	Continue to ensure that suitable training is provided for managers at all levels to change the leadership culture.	<ul style="list-style-type: none"> <li>• Numbers trained</li> <li>• Improved outcomes in Staff Survey.</li> </ul>	SLG & HR&WD	Training programme in place by March 2023
2.2 Ensuring opportunities are created where mental health and wellbeing can be discussed.	Revamp of PRD/121 process to ensure wellbeing covered as part of these discussions.	<ul style="list-style-type: none"> <li>• Revised PRD/121 process developed and implemented.</li> </ul>	SLG & HR&WD	
Objective 3: Ensure effective and consistent wellbeing communication to help identify and tackle organisational issues that negatively affect mental health and wellbeing within teams.				
3.1 Improve wellbeing Communication	Develop and implement a clear wellbeing communication plan, including a more interactive staff wellbeing hub and opportunities to engage hard to reach groups and those working from home.	<ul style="list-style-type: none"> <li>• Wellbeing communication plan in place and actions completed.</li> </ul>	H&S and Communications Teams	Plan developed by February 2023.
3.2 Enhance Wellbeing Engagement	Collect feedback from staff about wellbeing activities and act on this.	<ul style="list-style-type: none"> <li>• Improved results in staff wellbeing questions within staff survey</li> </ul>	Healthy Working Lives Group / HR&WD	Ongoing

Objective 4: Adopt and implement a more proactive approach to managing work related stress.				
4.1 Ensuring sources of work related stress are identified; stress risk assessments carried out and outcomes of risk assessments are acted upon.	Carry out team based stress risk assessments to identify the likely sources of stress and ensure suitable control measures are put in place, and regularly reviewed and updated	<ul style="list-style-type: none"> <li>Number of stress risk assessments and actions completed</li> </ul>	H&S Team. Senior & Line managers, Team leaders.	Initial Assessments completed by August 2023.
4.2 Manage organisational and staff changes in a manner that does not lead to stress	Communicate and promote the Council's Change Protocol to all managers and team leaders, and ensure it is followed.	<ul style="list-style-type: none"> <li>Increased understanding and compliance with the change protocol.</li> </ul>	SLG / HR & WD	Initial communication by January 2023, then ongoing.
Objective 5: Provide employees experiencing mental health and wellbeing problems with access to professional assistance and support.				
5.1 Provide occupational health support, employee assistance programme and other relevant support	Increase awareness and understanding of the benefits of the wide range of supports available to staff.	<ul style="list-style-type: none"> <li>Increased uptake in programmes we can monitor</li> <li>Staff survey results indicate better awareness of support.</li> </ul>	Healthy Working Lives Group	Ongoing
Objective 6: Reduce barriers to employment and support employees who have experienced, or are experiencing, mental health and wellbeing problems/issues.				
6.1 Put in place supportive arrangements and promote good rehabilitation practices	Ensure relevant HR policies and procedures are in place and used appropriately by managers	<ul style="list-style-type: none"> <li>Number of employees who have, or experiencing mental health, kept in work.</li> </ul>	HR & WD / Line Managers.	Maximising Attendance - June 2023

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**Report to Clackmannanshire Council**

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**Date of Meeting: 1 December 2022**

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**Subject: Tripartite Group Terms of Reference**

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**Report by: Strategic Director, Partnership and Performance**

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**1.0 Purpose**

- 1.1. To seek Council approval of the revised terms of reference for the Tripartite Group.

**2.0 Recommendations**

That Council:

- 2.1. **Agree** to adopt the revised terms of reference for the Tripartite Group.

**3.0 Considerations**

- 3.1. The Tripartite Group is a long-standing forum that was convened to enable three way discussion between Trade Unions, Elected Members and Management.
- 3.2. The existing terms of reference were approved by Council on 12<sup>th</sup> May 2016
- 3.3. Following joint review with our Trade Union Colleagues of our Working Together and that, at it meeting on 25 May 2022, the Council agreed changes to the arrangements for convening the Council it was necessary to review and refresh the Tripartite Group Terms of Reference.
- 3.4. Union colleagues have been engaged in the development of this paper.

**4.0 Sustainability Implications**

- 4.1. None

## 5.0 Resource Implications

### 5.1. *Financial Details*

5.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes

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

### 5.4. *Staffing*

## 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 double click on the check box )

Clackmannanshire will be attractive to businesses & 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

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

Tripartite Group Terms of Reference

## 11.0 Background Papers

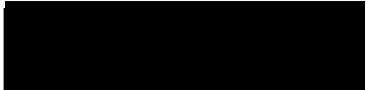
11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes  (please list the documents below) No

### Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Chris Alliston	Senior Manager, HR and Workforce Development	2184

### Approved by

NAME	DESIGNATION	SIGNATURE
Stuart Crickmar	Strategic Director, Partnership and Performance	



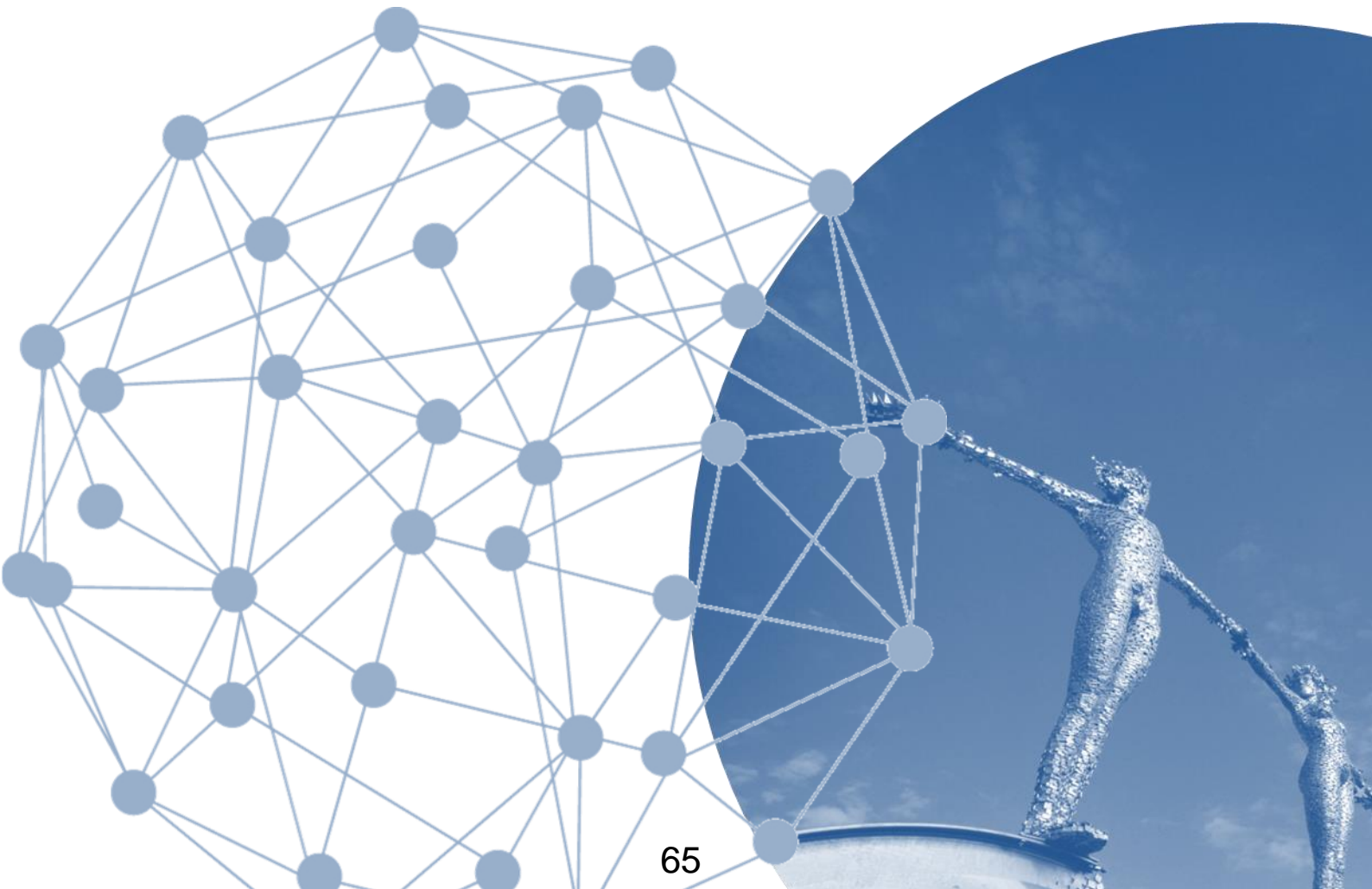


**Clackmannanshire  
Council**

[www.clacks.gov.uk](http://www.clacks.gov.uk)

Comhairle Siorrachd  
Chlach Mhanann

# Tripartite Remit



## **Clackmannanshire Council Tripartite Group Terms Of Reference**

### **Introduction**

Clackmannanshire Council is committed to developing, motivating and engaging with all of its people to ensure that everyone's best efforts are fully focused on tackling the challenges, and making the most of the opportunities, that the Council faces.

At the heart of the Council's relationship with its staff is a positive and progressive relationship with the Trade Unions that represent them. This is reflected in the Working Together Agreement the Management and Unions have agreed.

The Tripartite Group sits at the heart of the Council's ongoing engagement with the Trade Unions.

### **Purpose**

The purpose of the Tripartite Group is to provide a periodic, structured forum for dialogue between elected members, trade unions and management with a particular emphasis on the Council's strategies and policies that have an impact on staff. It provides the opportunity for trade unions to outline their collective position on key issues, such as proposals for change, and to seek clarity from elected members on any queries resulting from such issues.

### **Scope**

The Tripartite Group is the principal forum for trade unions to bring issues to the collective attention of elected members. These issues should not be confined to those that are causing concern but should also reflect particular successes or the sharing of good practice from elsewhere that trade unions may wish elected members to consider.

Generally, these issues should have already been discussed at the regular meetings between trade unions and management to allow management the opportunity to provide the necessary background material or context for consideration by elected members at the Tripartite Group's meetings.

As a forum with a strategic focus the Tripartite Group's purpose does not include the consideration of individual cases under any circumstances nor does it normally include the consideration of specific issues that exist in Services unless the management/trade union dialogue processes have failed to reach agreement.

The Tripartite Group has no delegated authority to make decisions on behalf of the Council. It is for elected members to determine whether the issues raised at Tripartite should be formally considered by the Council or its Boards/Committees in accordance with Standing Orders and the Scheme of Delegation and they will seek the support of management to prepare formal reports as appropriate.



The Tripartite Group will conduct its business with due regard to the standards of conduct and procedures set out in Standing Orders. It is for the joint Chairs to ensure orderly conduct and efficient management of the business of the meetings.

The Tripartite Group will identify standing items for its agenda and review these periodically.

## **Process and administration of the Tripartite Group**

- The Tripartite Group will be chaired alternately by the Chair of the JTUC and the Convenor of Council.
- The Tripartite Group will be comprised of elected members, the Strategic Leadership Group and trade union representatives. The membership of the Tripartite is as set out in Schedule 1 to this document.
- The Senior Manager – HR and Workforce Development will also be in attendance.
- Senior Managers have a standing invitation to all Tripartite Group meetings and must attend personally or send a senior representative where issues are on the agenda that directly affect their service area.
- Only recognised trade union representatives who are members of the JTUC will be members of the Tripartite Group.
- Regional Trade Union officers have a standing invitation to attend Tripartite Group meetings.
- The Strategic Director – Partnership and Performance will have overall responsibility for the management of the Tripartite Group and will be supported by the Senior Manager – HR and Workforce Development and Committee Services
- Requests for agenda items will be made by Committee Services to the Senior Manager – HR and Workforce Development and Trade Union members 10 working days in advance of meetings.
- In conjunction with the Senior Manager – HR and Workforce Development, the meeting Chair will determine the final agenda prior to its circulation
- Meeting papers will aim to be circulated to Tripartite Group members 5 working days before meetings.
- The draft minutes of each meeting will be circulated to members within 10 working days of the meeting.
- Meetings will be scheduled quarterly. Exceptionally, additional meetings may be called at short notice to discuss urgent matters subject to the agreement of the Chair of the JTUC, the Convenor of Council and the Strategic Director – Partnership and Performance.

## **Review of Effectiveness**

Each year the Committee will review its effectiveness and, where appropriate, consider changes to these Terms of Reference in line with good governance practice.

## **Schedule 1**

### **Membership of Tripartite Group**

#### **Full Members**

All Elected members

Strategic Leadership Group

JTUC Trade Union members

#### **In Attendance**

Senior Managers

#### **Standing Invitation**

Regional Trade Union Officers

\*Note other officers may be in attendance for specific agenda items



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**Report to Clackmannanshire Council**

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**Date of Meeting: 1 December 2022**

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**Subject: Short Term Lets Licensing Policy**

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**Report by: Lee Robertson, Senior Manager of Legal & Governance**

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**1.0 Purpose**

- 1.1. On 19 January 2022, The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 (“the Order”) was approved by the Scottish Parliament. The Order came into force on 1 March 2022 and inserts new legislative provisions into the Civic Government (Scotland) Act 1982.
- 1.2. The Order introduces a new mandatory licensing system for short term lets (“STL”) which local authorities were required to establish by 1 October 2022.
- 1.3. The purpose of this report is to seek Council approval of the (i) proposed fees (set out in paragraph [54] of draft policy; and (ii) the policy contained in Appendix 1.
- 1.4. This report seeks to allow the Committee to determine whether any changes should be made to the draft Policy Statement

**2.0 Recommendations**

- 2.1. It is recommended that Council:
  - 2.1.1 note that the Order requires local authorities to open a licensing scheme for short term lets by 1 October 2022;
  - 2.1.2 agree the fee structure for short term let properties; and
  - 2.1.3 agree to finalise and publish the Short Term Let Licensing Policy

**3.0 Considerations**

- 3.1. Prior to the introduction of the legislation, there was no requirement to licence STLs and, therefore, local authorities did not have the ability to regulate these types of premises.
- 3.2. The licensing scheme was brought in by the Scottish Government with the aim to ensure STLs are safe, address issues faced by neighbours, to facilitate

local authorities in knowing and understanding what is happening in their area and handling complaints effectively. It also enables local authorities to ensure the people providing STLs are suitable.

3.3. The Order also aims to make sure that the economic and tourism benefits from STL are balanced with the needs and concerns of local communities.

3.4. The Order addresses a number of concerns that arise regarding short term lets and include:

3.6.1 Impact on available housing supply within the city;

3.6.2 Erosion of sense of community in areas with dense concentrations of short term lets;

3.6.3 STL are generally not suitable for tenement properties;

3.6.4 Properties which are used as short term lets may not reach the same safety standards as other types of visitor accommodation;

3.6.5 Noise and anti-social behaviour created by guests using short term lets; and

3.6.6 STLs which operate on a commercial basis may not be paying rates or other council charges required.

3.6.7 to ensure STLs are safe

3.6.8 address issues faced by neighbours

3.6.9 to facilitate local authorities in knowing and understanding what is happening in their area and handling complaints effectively

3.6.10 it enables local authorities to ensure the people providing STLs are suitable

3.5. The Order aims to make sure The STL licensing scheme will cover a wide range of residential accommodation including, but not exclusively, self-catered properties, B&B's, guest houses, glamping pods and yurts.

3.6. The Order includes a new mandatory safety requirement that will cover every type of short term let to ensure a safe, quality experience for visitors. It will also include a 'fit and proper' test to assess whether the applicant is suitable to hold such a licence, as with all other types of licensable activities under the 1982 Act. The Council also has the discretion to apply further appropriate conditions to address any local concerns.

3.7. The Order sets out a timetable for the implementation of the licensing scheme, which will take place incrementally to give hosts and operators time to comply. The Order contains transitional provisions which allow existing operators to continue hosting guests whilst their application is considered and determined. Accordingly, the timeline for local authorities to open a licensing scheme for short term lets to applications is as follows:

- 1 October 2022 – Licensing system opens to applications;

- By 1 April 2023 – Existing hosts or operators must have made an application to the Council and can continue to operate whilst their application is processed and determined. New entrants to the market will be required to have a licence application granted before being able to operate; and
  - 1 July 2024 – All short term lets to be licensed.
- 3.8. The Order will broadly have additional resource impacts for the Licencing Authority in Clackmannanshire which is required to administer them.

#### **4.0 Fee Structure**

4.1 Licensing authorities are required to charge fees in respect of processing and determining applications. The Order states that licensing fees must be sufficient to cover the authority's administrative expenses. This doesn't just include staff time and ongoing associated expenses, but all the work involved in getting the licensing scheme up and running.

4.2 The fee charged for the consideration of an application for the grant, renewal or variation of a licence and for any inspection relating to that consideration must not exceed the reasonable costs of that consideration and related inspection. The legislation also enables enforcement costs to be recovered separately. These are for premises which require inspection after ongoing complaints or whether there is a failure to comply with conditions relating to the premises.

4.3.1 The fee structure requires a level of estimation given the unknown certainty as to how many licence applications will be received for Clackmannanshire Council area. A close analysis of income vs expenditure for short term let licensing will be undertaken from 1 October 2022 to ensure that fees are set at the correct level. This should be reviewed annually by officers and increase in fee levels brought back to Council for approval.

4.3.2 A licensing authority may charge such reasonable fees as they may determine in respect of an inspection of premises following:-  
 (i) a failure to comply with a licence condition, or  
 (ii) a complaint relating to the premises (unless the complaint is frivolous or vexatious).

4.3.3 The decision to make such a charge will be taken in a proportionate manner in line with the Enforcement Policy for Environmental Health. Where such a charge is to be made, the Council will seek full cost recovery for such inspections based on the appropriate productive hourly rate for the grade of officer undertaking the inspection.

**Note** - where a Local Authority charges a fee in respect of an inspection, the licensing authority must—

- (a) produce a report of its finding to the licence holder within 28 days of the inspection, or
- (b) where a report is not provided within 28 days of the inspection, refund the fee charged to the licence holder.

## 5.0 Declarations

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

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

- Clackmannanshire will be attractive to businesses & 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)

## 6.0 Equalities Impact

6.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes  No

## 7.0 Legality

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

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

Appendix 1 Draft Short Term Lets Policy



## 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  (please list the documents below) No

The Civic Government (Scotland) Act 1982 (Licensing of Short Term Lets) Order 2022

### Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Dale Bell	Solicitor	

### Approved by

NAME	DESIGNATION	SIGNATURE
Lee Robertson	Senior Manager of Legal & Governance	
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## **CLACKMANNANSHIRE COUNCIL**

### Short Term Let Licensing Scheme

### ***DRAFT POLICY SUBJECT TO FINAL APPROVAL BY COUNCIL ON 1ST DECEMBER 2022***

#### **Background**

1. On 19 January 2022, The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 (“the Order”) was approved by the Scottish Parliament. The Order came into force on 1 March 2022 and inserts new legislative provisions into the Civic Government (Scotland) Act 1982 (“the Act”).
2. The Order introduces a new mandatory licensing system for short term lets (“STL”) which local authorities are required to establish by 1 October 2022.
3. Prior to the introduction of the legislation, there was no requirement to licence STLs and, therefore, local authorities did not have the ability to regulate these types of premises.
4. The licensing scheme was brought in by the Scottish Government with the aim to ensure STLs are safe, address issues faced by neighbours, to facilitate local authorities in knowing and understanding what is happening in their area and handling complaints effectively. It also enables local authorities to ensure the people providing STLs are suitable. The legislation aims to make sure that the economic and tourism benefits from STL are balanced with the needs and concerns of local communities.
5. The STL licensing scheme will cover a wide range of residential accommodation including, but not exclusively, self-catered properties, B&B’s, guest houses, glamping pods and yurts.

#### **Definitions within the Act – see appendix [1]**

6. Definition of a Short Term Let

The definition of a Short-term Let (STL) as prescribed by law broadly defines this as a business agreement to use residential accommodation by a guest but excludes:

Hotels; boarding houses and other licensing activities, e.g. mobile home.  
The full definition of an STL is contained within Appendix 1 to this policy.

7. Excluded Accommodation

The 2022 Order provides for certain accommodation to be regarded as “excluded accommodation” and therefore there is no need for the owners or operators of these types of accommodation to require a Short-term Let Licence. A full list is contained in Appendix 2 of this policy and includes:

Nursing Homes; hostels; student accommodation, etc.

8. Excluded Tenancies

The 2022 Order also makes provision to exclude certain tenancies. A list of excluded tenancies can be found in Appendix 2 of this policy and includes: Assured and short assured tenancies; Scottish Secure tenancy, etc. Clackmannanshire Council recommends that people take their own independent legal advice around whether their agreement with a guest constitutes an excluded tenancy as Clackmannanshire Council cannot provide legal advice and can only determine exclusion through proof of one of the above tenancy agreements.

**NOTE: Clackmannanshire Council recommends taking your own independent legal advice on whether or not your accommodation would require an STL licence as Clackmannanshire Council cannot provide legal advice on whether or not a premises is excluded from requiring an STL licence.**

### Purpose

9. This Policy sets out how Clackmannanshire Council will provide information on the following areas:

- Licence Duration and Renewal
- Temporary Licences
- Temporary Exemptions
- Additional Conditions which will apply
- Compliance and Enforcement

10. This policy is to provide guidance for prospective applicants, existing licence holders, those who may wish to object to an application. The Council will have regard to the terms of its policy when determining applications. This policy will be reviewed and revised when necessary.

### Aims

11. The key aims of licensing are the preservation of public safety and order and the prevention of crime. A specific licensing regime for STLs will allow the Council to take into account local circumstances when setting out its licensing policy and to exercise appropriate control and regulation to ensure any STL premises meet the requisite safety standard, manage their licensing scheme, including the types of licence that will be issued and the duration; licence conditions; the application process; enforcement and compliance; and applicable fees

## Key Dates

12. Owners or operators of a STL accommodation should note the key dates for the implementation of the STL licensing scheme set out below:

Date	Hosts operating a STL before 1 October 2022	Never operated a STL before 1 October 2022
1 October 2022	<p>You can continue to operate your premises as a STL – must comply with existing laws and regulations;</p> <ul style="list-style-type: none"> <li>• You must apply to the Licensing Authority where your premises is situated for a STL licence before 1 April 2023; and</li> <li>• If your STL Licence application is refused by the Licensing Authority you must stop using your premises as a STL within 28 days of the decision</li> </ul>	<ul style="list-style-type: none"> <li>• If you wish to operate a STL you must apply to the Licensing Authority in which your premises is situated; and</li> <li>• Must not operate a STL without a licence being granted by the Licensing Authority where your premises is situated.</li> </ul>
1 April 2023	<ul style="list-style-type: none"> <li>• Can only operate without a licence if a STL licence application has been submitted to the Licensing Authority where your premises is situated, and it has not been refused; and</li> <li>• You must stop operating as a STL if your application is refused by the Licensing Authority, subject to appeal</li> </ul>	Same as above
1 July 2024	All hosts must have a STL licence.	Same as above

## Licence Conditions

13. Mandatory Licence Conditions

The 2020 Order requires all STL licences across Scotland to apply mandatory licence conditions. A list of all the mandatory licence conditions is contained in **Appendix 3**.

14. Maximum Occupancy

14.1 One of the mandatory conditions that is attached to all STL licences is that the licence holder must ensure that the number of guests residing in the premises does not exceed the number specified in the licence. This includes making the maximum occupancy clear on adverts, listings, as well as in booking terms and conditions.

14.2 All applications will ask the applicant to confirm the number of guests they would like to accommodate in the premises. The Licensing Authority do however have to provide a maximum number of guests who can stay on the premises at any one time on the STL licence when it is issued. This figure is known as “the maximum capacity”.

14.3 The Licensing Authority, taking into account the information provided on the application form and layout plan, will calculate the maximum capacity in the following way:

14.4 The maximum number of persons in relation to a premises is whichever is the less of:

(a) The number specified in Table 1 below in relation to the number of rooms in the house available as sleeping accommodation for guests, and

(b) The aggregate for all such rooms in the premises of the numbers specified in column 2 of Table 2 in relation to each room of the floor area specified in column 1.

14.5 It should also be noted that a room is available as sleeping accommodation if it is of a type normally used in the premises as a living room or as a bedroom.

14.6 The Licensing Authority will not include children under the age of 2 years when calculating the maximum capacity. No account shall be taken for the purposes of either Table of a room having a floor area of less than 50 square feet.

**Table 1**

<b>Number of Rooms</b>	<b>Number of Persons</b>
1	2
2	3
3	4
4	7

5 +	2 for each room
-----	-----------------

**Table 2**

<b>Floor area of each bedroom</b>	<b>Number of Persons</b>
90 sq. ft. (8.36 sq. m) or more	2
50 sq. ft. (4.65 sq. m) or more but less than 90 sq. ft (8.36 sq. m)	1

- 14.7 Applicants will state in their application how many guests they would like to accommodate. The Council will consider the following criteria when determining maximum occupancy:

14.7.1 the number requested on the application form;

14.7.2 the maximum number that can be accommodated safely (broken down to the number of adults and number of children);

14.7.3 the maximum number that can be accommodated within tolerable noise and nuisance for neighbours.

- 14.8 The Council will ask applicants to submit a floor plan for their premises as part of their application. This should include room sizes, fire escapes routes and accommodation intended for guests with mobility impairment; the location of any steps, stairs, elevators or lifts in the premises, as well as the extent and boundary of the building where deemed relevant.

15. **Additional Licence Conditions**

In addition to the mandatory licence conditions which apply to all Short-term Lets, licensing authorities may impose additional conditions. These enable the licensing authority to respond to challenges and concerns relative to specific types of Short-term Letting.

The Council cannot set conditions which limit the number of nights a premises may be used for secondary letting. The Council has no plans to set limits on home letting or home sharing premises.

**STL Application Process**

16. Where appropriate, the Council will grant a short term let licence for the following time periods:

16.1 Secondary Letting – 3 year

16.2 Home Sharing – 3 years

- 16.3 Home Letting – 3 Years
- 16.4 Home Letting and Home Sharing – 3 Years
17. An application for the grant, variation or renewal of a full licence must be made to the Council together with the appropriate fee and layout plan, as well as providing copies of the following certification – please only provide copies of documents as originals will not be returned:
- 17.1 annual Gas Certificate (for accommodation with a gas supply);
  - 17.2 Current Electrical Installation Condition Report;
  - 17.3 Annual Portable Appliance Test Certificate; and
  - 17.4 For secondary letting only, Planning Permission under the Town and Country Planning (Scotland) Act 1997 (the 1997 Act) for the use of the premises as a short term let; or proof that an application for planning permission has been made under the 1997 Act, which has not yet been determined; or proof that planning permission is not required (for example, a certificate of lawfulness).
18. As part of the application process, applicants will be required to confirm, by self-declaration, that the following documentation is held for the accommodation:
- 18.1 Current Fire Safety Risk Assessment – (required for new and any subsequent renewal applications or where there has been a change to the number of occupants);
  - 18.2 Current Energy Performance Certificate;
  - 18.3 Current Building Insurance Certificate;
  - 18.4 Current Public Liability Insurance Certificate;
  - 18.5 Current legionella risk assessment; and
  - 18.6 annual Emergency Lighting Certificate (Secondary letting only, for accommodation with 5 occupants and above) An application will only be considered as complete if it comprises of the completed application form accompanied by all copies of required certificates and layout plan. Any applications deemed to be incomplete will be returned and not processed.

### **Notice of Application**

19. The applicant must display a notice of the application on or near the premises where it can be conveniently read by the public. The notice must be displayed for 21 consecutive days from the date the application is lodged with the Council. A copy of a display notice can be downloaded from the Licensing Service website. As soon as possible after the expiry of the period of 21 days, the applicant shall submit to the Council a certificate (available online) which states that a notice was duly exhibited for the required period.



20. The notice will include the following information, as required by the 1982 Act:
- 20.1 The type of licence applied for (Secondary Letting, Home Letting, Home Sharing or Home Letting and Home Sharing);
  - 20.2 If applying as an individual, the applicant's full name and address. If not applying as an individual, the full name of the organisation together with the registered or principal office address, names of directors or persons responsible for the management of the premises;
  - 20.3 Person responsible for the day to day management of the premises;
  - 20.4 Address of the STL premises;
  - 20.5 The number of bedrooms in the premises;
  - 20.6 The maximum number of occupants for the premises;
  - 20.7 Details of any other STL licences that have been granted to the applicant (included on the application form);
  - 20.8 The name and address of the owner(s) where the applicant is not the owner of the premises or on the land on which the premises is located (included on the application form);
  - 20.9 Confirmation that the owners consent to the application (included on the application form); and
  - 20.10 Where objections and representations in relation to the application can be made to, the 28 day timescale for submitting an objection or representation and the statutory requirements of an objection or representation (in writing, providing name and address etc).
21. The application fee table for licence applications can be found here (will be added once determined by the Regulatory Committee)
22. Applicants should note that the application fee is non-refundable in the event of the licence application being refused or being withdrawn prior to determination.

### **Evidence of Operation as a STL before 1 October 2022**

23. Where an applicant has been operating a STL before 1 October 2022, the applicant will be required to certify this when submitting a STL licence application. Checks to confirm this may be made by the Council.

### **Temporary Licences**

24. As per paragraph 7(1) of Schedule 1 of the 1982 Act, the Council can issue temporary licences for short term lets, which may be granted for a duration of up to 6 weeks.
25. The Council consider that the grant of temporary licences for short term lets may be appropriate in the circumstances as set out below:

For home sharing or home letting or home sharing and home letting to give first time hosts the opportunity to try out STL, prior to making a full application.

26. Temporary licences would normally be suitable for the following types of let:
  - 26.1 Home letting;
  - 26.2 Home sharing; or
  - 26.3 Home letting & Home sharing
27. Any temporary licence which is issued will be subject to the mandatory conditions of licence, as set out in the 1982 Act.
28. Temporary licences will also be subject to the additional conditions set out in the Council's STL Conditions Framework.
29. The fee for temporary licence applications can be found here (will be added once determined by the Regulatory Committee)

### **Temporary Exemptions**

30. As per paragraph 1A of Schedule 1 of the 1982 Act, the Council can grant a temporary exemption to the requirement to have a STL licence. Under the terms of the 1982 Act, temporary exemptions can be issued for a specified single continuous period not exceeding 6 weeks in any period of 12 months. The 6 weeks limit on a licence is a maximum, and not a default.
31. The Council may grant temporary exemptions to the requirement to obtain a STL licence, for home letting or home sharing only, in certain circumstances.
32. Temporary Exemptions will be issued for the following types of let:
  - 32.1 Home Letting;
  - 32.2 Home Sharing; and
  - 32.2 Home Letting and Home Sharing
33. The licensing service will aim to process and determine a temporary exemption application within 3 months of the application being received.
34. Any temporary exemption which is issued will be subject to the mandatory conditions of licence, as set out in the 1982 Act.
35. Temporary exemptions will be subject to the additional licence conditions set out in the Council's STL Conditions Framework at appendix two.
36. The fee for a temporary exemption application can be found here (link to be provided in due course)

### **Accommodation Inspections**

37. Inspections of short term let accommodation, as part of the application process, will be undertaken on a risk-based approach.

## **Making an Objection**

38. It is possible to lodge an objection against the grant of an application for a full STL licence. Objections must be made in writing (emails are accepted) and sent to the Licensing Service ([licensing@clacks.gov.uk](mailto:licensing@clacks.gov.uk)) within 28 days of the application being advertised. If an objection is lodged out with this period, it must explain why it has been lodged late. It would then be a matter for the Council to consider if it is satisfied that there is sufficient reason why the objection was not made in the time required.
39. Under the terms of the 1982 Act there is no objections process for temporary licence applications or for temporary exemption applications.
40. To be considered as competent, objections should include the following information:
  - 40.1 The name and address of the person or organisation making the objection
  - 40.2 The accommodation to which the objection relates
  - 40.3 The grounds of objection, and
  - 40.4 The objection must be signed by the objector, or on their behalf

## **Determining an Application**

41. Each STL application will be considered on its own merits against the terms of the relevant statutory provisions, Scottish Government guidance and this policy. The process with which an application is determined will be in accordance with the Council's Committee terms of reference and the scheme of delegation.

## **Timescale for Determining Applications**

42. Under the terms of the 1982 Act, the Council has 9 months in which to determine a STL application from the date it is received with all the required documentation.
43. Those applications which were received prior to 1 April 2023 where the STL operated prior to 1 October 2022, the Council will have 12 months to determine the application.

## **Material Change in Circumstances**

44. The licence holder must notify the Council in writing, as soon as is reasonable, where there is a material change in circumstances affecting the licence holder or the STL accommodation.

## **Compliance & Enforcement**

45. The Council will seek to work with hosts, residents and other interested parties to ensure compliance with legislative requirements and to be satisfied the accommodation is safe for use.

46. General enforcement fees will be included in the fees for new and renewal STL licence applications. The Council will charge a fee to a host or operator for a visit to their accommodation, where the visit results from their failure to comply with licence conditions or a complaint relating to the accommodation. The Council notes the Scottish Government guidance on frivolous or vexatious complaints in this regard.
47. Where complaints are received in relation to the operation of a licensed short term let accommodation, the Council will seek to resolve it through engagement with the host or operator in the first instance.
48. Information on how to make a complaint in against a STL licence holder or in respect of the operation of the licenced STL can be found on the Licensing Service website.
49. Where appropriate other enforcement options will be considered, which include:
  - 49.1 Additional licence conditions on application or through variation;
  - 49.2 Compliance notices;
  - 49.3 Variation, suspension or revocation of licence; or
  - 49.4 Report to the Procurator Fiscal of any alleged offences under the 1982 Act.
50. A fee will be charged for an inspection following a complaint, where it is found that there are also compliance issues, whether or not those are the issues that were the subject of the complaint.
51. Where a fee is charged for inspections, the Council will produce a report of its findings to the host or operator within 28 days of the inspection.

### **Fee structure**

52. Licensing authorities must determine their own fees and fee structure to recover the running costs specific to their area. The Civic Government (Scotland) Act 1982 states that licensing fees must be sufficient to cover the authority's administrative expenses. As a result the fees charged by licensing authorities will vary across Scotland as is the case for various other Civic Government licensing functions undertaken by licensing authorities.
53. Application, renewal and other chargeable fees will be reviewed on annual basis and increased annually in line with inflation, and updates will be published on the Council's website:

54. The following are the application fees applied to the STL:

**New Application Fees:**

	Maximum Occupancy applied for ( 4 or under)	Maximum Occupancy applied for ( 5 or more)
Secondary letting	£450	£550
Home letting or Home Sharing (or both)	£275	£350

**Renewal Fees:**

	Maximum Occupancy applied for ( 4 or under)	Maximum Occupancy applied for ( 5 or more)
Secondary letting	£400	£500
Home letting or Home Sharing (or both)	£225	£450

**Variation Fee:**

55. A variation application will be £75 for all types of STL licences.

## APPENDIX 1 - DEFINITIONS

Definitions can be found in the Scottish Government guidance at:  
<https://www.gov.scot/publications/short-term-lets/>

For the purposes of this policy:

**1982 Act** means the Civic Government (Scotland) Act 1982;

**“Clackmannanshire Council”, “the Council”** means Clackmannanshire Council, a Local Authority in terms of the Local Government (Scotland) Act 1994 having its headquarters at Kilncraigs, Alloa, Clackmannanshire, FK10 1EB.

**A Short-term Let** is defined in the Act as the use of residential accommodation provided by a host in the course of business to a guest, where all the following criteria are met:

- (a) the guest does not use the accommodation as their only or principal home;
- (b) the Short-term Let is entered into for commercial consideration;
- (c) the guest is not an immediate family member of the host, an owner or part owner of the accommodation, or sharing the accommodation as part of an arrangement made, or approved by a school, college or university;
- (d) the accommodation is not provided for the principal purpose of facilitating the provision of work or services by the guest to the host, or to another member of the host’s household;
- (e) the accommodation is not excluded accommodation; and
- (f) the Short-term Let does not constitute an excluded tenancy.

**Accommodation** – this includes whole or any part of any premises. Commercial consideration includes:

- (a) money; and
- (b) a benefit in kind (such as provision of a service, or reciprocal use of accommodation).

**Guest** – this means a person who occupies accommodation under the Short-term Let.

**Host** – this means a person who is the owner, tenant or person otherwise in control over occupation and use of the accommodation.

**Immediate Family Member** – a guest is deemed to be an immediate family member of the host if they are:

- (1) your partner (spouse, civil partner or someone you live with as if you were married to them);
- (2) the parent or grandparent, child or grandchild or brother or sister of you or your partner;
- (3) parents or grandparents, children or grandchildren or brothers and sisters of the partner of one of you: parents or grandparents, children or grandchildren or brothers or sisters.

**Civic Licensing Standards Officer** has the definition in Section 45(d) of the 1982 Act.

**Home Letting** means a Short-term Let for the use, while the host is absent, of accommodation which is or is part of, the host's only or principal home.

**Home Sharing** means a Short-term Let for the use, while the host is present, of accommodation which is, or is part of, the host's only or principal home.

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**Hostel** means a building, other than a house, in which there is provided for persons generally or for any class or classes of persons:

- (a) residential accommodation; and
- (b) either or both –

- (i) meals;
- (ii) cooking facilities.

**The General Purposes Board** means Clackmannanshire Council's civic licensing and regulatory committee.

**Short-term Licence or STL Licence** means a licence for a Short-term Let.

**Secondary Letting** means a Short-term Let for the use of accommodation which is not, or is not part of, a host, only a principal home;

**Type of Short-term Let** means one of the following purposes:

- secondary letting
- home letting;
- home sharing; or
- home letting and home sharing.

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## APPENDIX 2 - EXCLUDED ACCOMMODATION AND TENANCIES

**Excluded Accommodation** means accommodation which is, or is part of:

- (a) an aparthotel;
- (b) premises in respect of which a premises licence within the meaning of Section 17 of the Licensing (Scotland) Act 2005 has effect and where the provision of accommodation is an activity listed in the Operating Plan as defined in Section 20(4) of that Act;
- (c) a hotel which has planning permission granted for use as a hotel;
- (d) a hostel;
- (e) residential accommodation where personal care is provided to residents;
- (f) a hospital or nursing home;
- (g) a residential school, college or training centre;
- (h) secure residential accommodation (including a prison, young offenders' institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital, secure local authority accommodation, or accommodation used as military barracks);
- (i) a refuge;
- (j) student accommodation
- (k) accommodation which otherwise requires a licence for use of a hire for overnight stays (not including an HMO licence granted under Section 129 of the Housing (Scotland) Act 2006);
- (l) accommodation which is provided by the guest;
- (m) accommodation which is capable, without modification, of transporting guests to another location;
- (n) a body; or
- (o) accommodation owned by an employer and provided to an employee in terms of a contract of employment or for the better performance of the employee's duties.

**An Excluded Tenancy** is a tenancy which falls under any of the following definitions:

- (a) a protected tenancy (within the meaning of Section 1 of the Rent (Scotland) Act 1984);
- (b) an assured tenancy (within the meaning of Section 12 of the Housing (Scotland) Act 1988);
- (c) a short assured tenancy (within the meaning of Section 32 of the Housing (Scotland) Act 1988);
- (d) a tenancy of a croft, (or in the meaning of Section 3 of the Crofters (Scotland) Act 1993);
- (e) a tenancy of a holding situated outwith the crofting counties (within the meaning of Section 61 of the Crofters (Scotland) Act 1993) to which any provisions of the Small Landholders (Scotland) Acts 1886 to 1931) apply;
- (f) a Scottish Secure Tenancy (within the meaning of Section 11 of the Housing (Scotland) Act 2001);
- (g) a short Scottish Secure Tenancy (within the meaning of Section 34 of the Housing (Scotland) Act 2001);
- (h) the 1991 Act Tenancy (within the meaning of Section 1(4) of the Agricultural Holdings (Scotland) Act 2003);

- (i) a limited duration tenancy (within the meaning of Section 93 of the Agricultural Holdings (Scotland) Act 2003);
- (j) a modern limited duration tenancy (within the meaning of Section 5A of the Agricultural Holdings (Scotland) Act 2003);
- (k) a short limited duration tenancy (within the meaning of Section 4 of the Agricultural Holdings (Scotland) Act 2003);
- (l) a tenancy under a lease under which agricultural land is let for the purpose of its being used only for grazing or mowing during some specified period of the let (as described in Section 3 of the Agricultural Holdings (Scotland) Act 2003);
- (m) a private residential tenancy (within the meaning of Section 1 of the Private Tenancies (Scotland) Act 2016); or
- (n) a student residential tenancy.

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## **APPENDIX 3 - MANDATORY LICENSING CONDITIONS**

### **Agents**

1. Only those named as a holder of the licence can carry out the day to day management of the Short-term Let of the premises.

### **Type of Licence**

2. The holder of the licence may only offer the type of Short-term Let for which the licence has been granted.

### **Fire Safety**

3. The Holder of the licence must ensure the premises has satisfactory equipment installed for detecting, and for giving warning of: (a) fire or suspected fire, and (b) the presence of carbon monoxide in a concentration that is hazardous to health.
4. The holder of the licence must keep records showing that all upholstered furnishings and mattresses within the parts of the premises which are for guest use, or to which the guests are otherwise permitted to have access, comply with the Furniture and Furnishings (Fire Safety) Regulations 1988.

### **Gas Safety**

5. Where the premises has a gas supply:
  - (a) the holder of the licence must arrange for an annual gas safety inspection of all gas pipes, flues and appliances in the premises;
  - (b) if, after an annual inspection, any appliance does not meet the required safety standard, the holder of the licence must now allow a Short-term Let of the premises until the works necessary to bring the appliance to the required safety standard have been carried out.

### **Electrical Safety**

6. Where there are electrical fittings or items within the parts of the premises which are for guest use, or to which the guests are permitted to have access, the holder of the licence must:
  - (a) ensure that any electrical fittings and items are in: (i) a reasonable state of repair, and (ii) proper and safe working order,
  - (b) arrange for an electrical safety inspection to be carried out by a competent person at least every five years and more frequently if directed by the competent person,
  - (c) ensure that, following an electrical safety inspection, the competent person produces an Electrical Installation Condition Report on any fixed installations,
  - (d) arrange for a competent person to: (i) produce a Portable Appliance Testing Report on moveable appliances to which a guest has access, and (ii) date label and sign all moveable appliances which have been inspected.
7. In determining who is competent, the holder of the licence must have regard to guidance issued by the Scottish ministers under Section 19B(4) of the Housing (Scotland) Act 2006.

### **Water Safety: Private Water Supplies**

8. Where the premises are served by a private water supply, the licence holder must comply with the requirements on the owners of private dwellings set out in the Water Intended for Human consumption (Private Supplies) (Scotland) regulations 2017.

### **Water Safety: Legionella**

9. The holder of the licence must assess the risk from exposure to legionella within the premises, whether or not the premises are served by a private water supply

### **Safety and Repair Standards**

10. (a) The holder of the licence must take all reasonable steps to ensure the premises are safe for residential use.  
  
(b) Where the premises are subject to the requirements of Chapter 4 of Part 1 of the Housing (Scotland) Act 2006, the holder of the licence must ensure that the premises meet the repairing standard.

### **Maximum Occupancy**

11. The licence holder must ensure that the number of guests residing on the premises does not exceed the number specified in the licence.

### **Information to be Displayed**

12. The holder of the licence must make the following information available within the premises in a place where it is accessible to all guests:
  - (a) a certified copy of the licence and the licence conditions;
  - (b) fire, gas and electrical safety information;
  - (c) details of how to summon the assistance of emergency services;
  - (d) a copy of the Gas Safety Report;
  - (e) a copy of the Electrical installation Condition Report; and
  - (f) a copy of the Portable Appliance Testing Report.

### **Planning Permission**

13. Where the premises is in a Short-term Let control area for the purposes of Section 26B of the town and Country Planning (Scotland) Act 1997 (“the 1997 Act”), the holder of the licence must, where the use of the premises for a Short-term Let requires planning permission under the 1997 Act, ensure that either:
  - (a) an application has been made for planning permission under the 1997 Act and has not yet been determined; or
  - (b) planning permission under the 1997 Act is in force.

## Listings

- 14.1 The holder of the licence must ensure that any listing or advert (where electronic or otherwise) for the Short-term Let of the premises includes:
- (a) the licence number; and
  - (b) a valid Energy Performance Certificate rating if an Energy Performance Certificate is required for the premises, in accordance with the Energy Performance of Buildings (Scotland) Regulations 2008.
- 14.2 the holder of the licence must ensure that any listing or advert (whether electronic or otherwise) for the Short-term Let of the premises is consistent with the terms of the Short-term Let licence.

## Insurance

15. The holder of the licence must ensure that there is in place for the premises:
- (a) valid buildings insurance for the duration of the licence; and
  - (b) valid public liability insurance for the duration of each Short-term Let agreement.

## Payment of Fees

16. The holder of the licence must pay any fees due to the licensing authority in respect of the licence on demand.

## False or Misleading Information

17. The holder of the licence must not provide any false or misleading information to the licensing authority.

## Interpretation for the Mandatory Conditions

18. In this schedule:

**“Electrical installation Condition Report”** means a report containing the following information:-

- (a) the date on which the inspection was carried out;
- (b) the address of the premises inspected;
- (c) the name, address and relevant qualifications of the person who carried out the inspection;
- (d) a description, and the location of each installation, fixture, fitting and appliance inspected;
- (e) any defect identified;
- (f) any action taken to remedy a defect.

**“Energy Performance Certificate”** means a certificate which complies with Regulation 6 of the Energy Performance of Buildings (Scotland) Regulations 2008;

**“Gas Safety Report”** means a report containing the following information:-

- (a) the date on which the appliance or flue was checked;
- (b) the address of the premises at which the appliance or flue is installed;
- (c) a description of and location of each appliance or flue checked;
- (d) any safety defect identified;
- (e) any remedial action taken;
- (f) confirmation that the check undertaken complies with the requirements of an examination –
  - (i) the effectiveness of any flue;
  - (ii) the supply of combustion air;
  - (iii) subject to head;
  - (iv) its operating pressure or heat input or, where necessary, both;
  - (v) if it is not reasonably practicable to examine its operating pressure or heat input (or, where necessary, both), its combustion performance;
  - (vi) its operation so as to ensure its safe functioning.
- (vii) The name and signature of the individual carrying out the check; and
- (viii) The registration number with which that individual, or that individual's employer, is registered with a body approved by the health and Safety Executive for the purposes of Regulation 3(3) of the Gas Safety (Installation and Use) Regulations 1998.

**“Holder of the Licence”** means any person to whom a Short-term Let licence has been granted or jointly granted;

**“Home Letting”** means a Short-term Let consisting of the entering into of an agreement for the use, while the host is absent, of accommodation which is, or is part of, the host's only or principal home;

**“Home Sharing”** means a Short-term Let consisting of the entering into of an agreement for the use, while the host is present, of accommodation which is, or is part of, the host's only or principal home;

**“Premises”** means the accommodation which is the subject of an application for a Short-term licence or the subject of a Short-term licence;

**“Repairing Standard”** means the steps which the holder of the licence is required to take to comply with the obligations placed on the holder by Chapter 4 of Part 1 of the Housing (Scotland) Act 2006;

**“Secondary Letting”** means a Short-term Let consisting of the entering into of an agreement for the use of accommodation which is not, or is not part of, the licence holder's only or principal home;

**“Short-term Let”** has the same meaning as in Article 3 of the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022;

**“Short-term Let Licence”** means a licence for a Short-term Let; and

**“Type of Short-term Let”** means one of the following purposes:

- (a) secondary letting;
- (b) home letting;
- (c) home sharing; or
- (g) home letting and home sharing.

## **APPENDIX 4 - ADDITIONAL LICENCE CONDITIONS**

**Clackmannanshire Council are considering adding these specific Conditions to all STL Licences.**

- 1.** The Licence holder shall provide guests, no later than 2 days from the booking date, with information on the property / appliances and how to dispose of refuse (including general and recyclable refuse) properly and appropriately from the licensed premises.
- 2.** The Licence holder shall take all reasonable steps to ensure that the appropriate refuse facilities (for both general and recyclable refuse) is in line with Clackmannanshire Council's current policy on the storage and collection of refuse, are available at all times either in the communal areas surrounding the premises or within the premises boundary where there are no communal areas, for the disposal of refuse by guests.
- 3.** The Licence holder shall ensure that the refuse facilities at the premises are in the communal surrounding areas of the premises are used appropriately at all times by the guests.
- 4.** The Licence holder shall be responsible for advising residents of the refuse collection day and for making arrangements for the presentation of wheeled bins for collection at the appropriate time and day.
- 5.** The Licence holder shall take reasonable steps to:
  - i.** clearly label bins as belonging to the premises
  - ii.** ensure guests are made aware of how to correctly use the bins provided for the premises
  - iii.** ensure provide bins/sacks are available
  - iv.** ensure that guests manage their waste properly, including when they depart
  - v.** ensure guests are made aware as to what items should not be disposed of by flushing down the toilet
- 6.** The Licence holder shall act reasonably in relation to the management of the licensed premises in respect of any dealings with neighbouring residents of the premises and in relation to the payment of their share of all maintenance costs, insurance costs and repair costs of areas in common relative to the premises and in dealings with any other owners and relevant factor.
- 7.** The Licence holder must take reasonable steps to investigate any complaint made by residents of neighbouring properties relating to the behaviour of any guests at or in the vicinity of the licensed premises and to respond in a fair and proportionate manner.
- 8.** The Licence holder shall advise guests that as a condition of booking they must provide details of a named person over the age of 21 years.
- 9.** The Licence holder, as part of the booking conditions should advise guests' additional noise making equipment such as decks and speakers are prohibited at the premises.

**10.** The Licence holder must not affix a key box or other device to facilitate the entry for guests to the licensed premises, to any public or jointly owner private infrastructure without prior written permission of the relevant authority or owners. The Licence holder must be able to produce the relevant permissions to the Licensing Authority on request.

**11.** The Licence holder must take reasonable steps to ensure that guests do not arrive first or finally depart from the licensed premises between the hours of 11.00pm and 7.00am. The Licence holder must advise guests of this as part of their booking conditions.

**12.** The Licence Holder must ensure that window opening restrictor locks are provided to all windows which can be opened.

**13.** The licence holder shall require to produce on demand to any authorised person any policy, certificate, document, record, certificate of inspection or safety, licence or plan required by or issued in terms pursuant to any condition of this licence.

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**Report to Clackmannanshire Council**

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**Date of Meeting: 1 December 2022**

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**Subject: Programmes of Council and Committee Meetings: August 2022 to June 2023 and Extended Programme from August 2023 to June 2025**

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**Report by: Senior Manager, Legal & Governance**

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**1.0 Purpose**

- 1.1. The purpose of this report is to seek Council's approval for the continuance of the indicative Programme of Council and Committee Meetings from August 2022 to June 2023; and to seek approval for the indicative draft Programme of Council and Committee Meetings from August 2023 to June 2025.

**2.0 Recommendations**

That Council:

- 2.1. Agree that the meeting dates set out in the indicative Programme of Meetings from August 2022 to June 2023, which was approved by Council on 23 June 2022 (set out in Appendix 1 for information) will continue subject to paragraph 2.3;
- 2.2. Agrees the indicative Draft Programme of Meetings from August 2023 to June 2025, set out in Appendix 2 to this report; and
- 2.3. Notes that the indicative Programmes of Meetings from August 2022 to June 2023 and from August 2023 to June 2025 will both be finalised and brought back to Council for approval at the conclusion of the review of Standing Orders and the Scheme of Delegation.

**3.0 Considerations**

- 3.1. At its meeting on 23 June 2022, the Council agreed an indicative Programme of Meetings to June 2023, the final version of which was to be brought back to Council in August 2022 for approval following cross party discussions with members as part of the working group review of standing orders and scheme of delegation. That draft programme runs for a single year period from August 2022 to June 2023.

- 3.2. Due to capacity issues, the working group has not yet been able to meet, therefore to ensure business continuity and diary management, approval is being sought to continue the agreed indicative timetable of Council and Committee meetings from August 2022 to June 2023 until the conclusion of the review of Standing Orders and Scheme of Delegation.
- 3.3. An extended draft Programme of Meetings from August 2023 to June 2025 has also been developed which, if approved, will enhance diary management and business continuity for the Council over a longer period of time.
- 3.4. Both of these Programmes of Meetings will be considered as part of the review of Standing Orders and Scheme of Delegation and will be finalised and brought back to Council for final approval.

#### 4.0 Sustainability Implications

- 4.1. None

#### 5.0 Resource Implications

##### 5.1. Financial Details

- 5.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes

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

5.3.1. Finance have been consulted in terms of the statutory deadlines for the draft and final accounts.

##### 5.4. Staffing

#### 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 double click on the check box )

Clackmannanshire will be attractive to businesses & 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**

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

Appendix 1 Indicative Programme of Council and Committee Meetings  
August 2022 – June 2023 (Approved by Council 23/06/22)  
(For information)

Appendix 2 Draft Indicative Programme of Council and Committee Meetings  
August 2023 – June 2025  
(For approval)

**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  (please list the documents below) No

**Author(s)**

<b>NAME</b>	<b>DESIGNATION</b>	<b>TEL NO / EXTENSION</b>
Lee Robertson	Senior Manager, Legal and Governance	2087

**Approved by**

<b>NAME</b>	<b>DESIGNATION</b>	<b>SIGNATURE</b>
Stuart Crickmar	Strategic Director, Partnership and Performance	

<b>Programme of Council and Committee Meetings 2022 – 2023 – FOR INFORMATION</b>							
<b>Meeting</b>	<b>Time/Day</b>	<b>Cycle 1</b>	<b>Cycle 2</b>	<b>Cycle 3</b>	<b>Cycle 4</b>	<b>Cycle 5</b>	<b>Cycle 6</b>
<b>Clackmannanshire Council</b>	9.30 am <b>Thursday</b>	11 August 2022	6 October 2022	30 November 2022 – <b>Wednesday</b>	2 February 2023	23 March 2023	18 May 2023  29 June 2023
Audit and Scrutiny Committee	9.30 am <b>Thursday</b>	25 August 2022	27 October 2022	15 December 2022	9 February 2023	20 April 2023	15 June 2023
Regulatory Committee	9.30 am <b>Tuesday</b>	16 August 2022	27 September 2022	22 November 2022	31 January 2023	28 March 2023	30 May 2023
Planning Committee	9.30 am <b>Thursday</b>	8 September 2022	3 November 2022	19 January 2023	16 March 2023	4 May 2023	22 June 2023
Licensing Board	9.30 am <b>Tuesday</b>	30 August 2022	4 October 2022  8 November 2022	6 December 2022  17 January 2023	21 February 2023  21 March 2023	25 April 2023	23 May 2023  27 June 2023

Approved by Council 23/06/22

<b>Indicative DRAFT Programme of Council and Committee Meetings 2023 – 2024</b>							
<b>Meeting</b>	<b>Time/Day</b>	<b>Cycle 1</b>	<b>Cycle 2</b>	<b>Cycle 3</b>	<b>Cycle 4</b>	<b>Cycle 5</b>	<b>Cycle 6</b>
<b>Clackmannanshire Council</b>	9.30 am <b>Thursday</b>	10 August 2023	5 October 2023	30 November 2023	1 February 2024	21 March 2024	16 May 2024  27 June 2024
Audit and Scrutiny Committee	9.30 am <b>Thursday</b>	24 August 2023	26 October 2023	14 December 2023	8 February 2024	18 April 2024	13 June 2024
Regulatory Committee	9.30 am <b>Tuesday</b>	15 August 2023	26 September 2023	21 November 2023	30 January 2024	26 March 2024	28 May 2024
Planning Committee	9.30 am <b>Thursday</b>	7 September 2023	2 November 2023	18 January 2024	15 March 2024	2 May 2024	20 June 2024
Licensing Board	9.30 am <b>Tuesday</b>	29 August 2023	3 October 2023  7 November 2023	5 December 2023  16 January 2024	20 February 2024  19 March 2024	23 April 2024	21 May 2024  25 June 2024

## Indicative DRAFT Programme of Council and Committee Meetings 2024 – 2025

Meeting	Time/Day	Cycle 1	Cycle 2	Cycle 3	Cycle 4	Cycle 5	Cycle 6
<b>Clackmannanshire Council</b>	9.30 am <b>Thursday</b>	8 August 2024	3 October 2024	28 November 2024	30 January 2025	20 March 2025	15 May 2025  26 June 2025
Audit and Scrutiny Committee	9.30 am <b>Thursday</b>	22 August 2024	24 October 2024	12 December 2024	6 February 2025	17 April 2025	12 June 2025
Regulatory Committee	9.30 am <b>Tuesday</b>	13 August 2024	24 September 2024	19 November 2024	28 January 2025	25 March 2025	27 May 2025
Planning Committee	9.30 am <b>Thursday</b>	5 September 2024	31 October 2024	16 January 2025	13 March 2025	1 May 2025	19 June 2025
Licensing Board	9.30 am <b>Tuesday</b>	27 August 2024	1 October 2024  5 November 2024	3 December 2024  14 January 2025	18 February 2025  18 March 2025	22 April 2025	20 May 2025  24 June 2025





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**Report to: Clackmannanshire Council**

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**Date of Meeting: 1 December 2022**

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**Subject: Scottish Housing Regulator Annual Return of the Charter (ARC)**

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

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## **1.0 Purpose**

- 1.1. This report asks members to note the Council's annual submission of the Scottish Housing Regulator's Annual Return of Charter (ARC), the submission is attached in Appendix 1. The Tenants Report (Appendix 2) provides a snapshot overview of housing performance against key charter outcomes.

## **2.0 Recommendations**

- 2.1.1 It is recommended that Council:
- 2.1.2 Notes the 2021/22 submission of the Annual Return of the Charter, which was submitted to the Scottish Housing Regulator on 31<sup>st</sup> May 2022, noting the relevant performance results and measures for scrutiny purposes.

## **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.

### ***Purpose of the Charter***

- 3.3 The Charter aims to improve the quality and value of the services that social landlords deliver for their tenants and other customers and supports the Scottish Government's strategic objective of a safer and stronger Scotland. It does so in the following ways:
- By providing tenants and other customers with a clear statement of what they can expect from social landlords, and helping them to hold landlords to account.
  - Focuses the efforts of social landlords on achieving outcomes that matter to their tenants and other customers.

- Provides the basis for the Scottish Housing Regulator to assess and report on how well landlords are performing. This enables the Regulator, tenants and other customers, and social landlords to identify areas of strong performance and areas where improvement is needed.
- 3.4 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. This return is submitted to the Scottish Housing Regulator (SHR) who monitors landlord performance against the Charter. Due to the scheduling of Committee meetings (and the volume of information required to be gathered) it was not possible this year to provide final copy of the report in full to Committee ahead of the submission deadline. The service will endeavour where possible in future submissions to present the return information to Committee ahead of submission to the SHR.
- 3.5 Comparison will be difficult between performance years given the impact of covid on service performance. However, some key points of note from the return for 2021/22 include;

#### Response Repairs/Void Property Re-let

- Average Length of time to complete emergency repairs has reduced from 3.63 hours (20/21) to 3.49 hours (21/22). This is largely owed to an increased availability of trades personnel able to attend to re-active repairs due to a vastly reduced planned programmed works package, planned capital works packages are yet to fully start back following a period of pause during the Covid pandemic.
- Average length of time taken to complete non-emergency repairs has increased slightly from 4.24 days (20/21) to only 4.9 days (21/22). Increase in time taken can be attributed to catch up of non-emergency repair works backlogged during the Covid pandemic.
- Percentage of reactive repairs carried out in the last year completed right first time remained consistently high at 97.1% (20/21) and 97.01% (21/22)
- Average length of time to re-let properties in the last year has decreased from 39.93 days (20/21) to 32.55 days (21/22). Reduced turn around times are in part owed to removal of a Covid safe standstill period which meant that properties had to be left unoccupied for 3 days before works commencement, this was removed following consultation with unions and following Scottish Government and H+S advice. Covid safe working practices are still being employed where required.

#### SHQS/ESSH

- Our performance in SHQS and ESSH dipped in financial year 2021/22 due to a large number of EPC Certificates expiring (ESSH compliance down from 85.3% to 62.3% and SHQS compliance down from 79.19% to 59.9%).

We have been unable to access properties to carry out EPC assessments because of the restrictions put in place during the COVID-19 pandemic.

A planned programme of EPC assessment is scheduled for this financial year with aim to utilise the data gathered to improve our EESSH/SHQS performance.

81 exemptions to EESSH reported as technical issues are due to stone built architecture within conservation areas (hard to treat properties).

### 3.6 Rent

The below table shows the value of current rent arrears has increased in year 21/22 compared with the previous years figure however the number of accounts in arrears has decreased. The service continue to employ the use of a rent arrears analytics tool to help protect income, reduce arrears and sustain tenancies.

#### Rent arrears comparison

	20/21	21/22
Current rent arrears	834,254.61	871,113.40
Gross arrears as a % (indicator 31)	9.56	10.66
<b>No of accounts in arrears</b>	1920	1793
greater than £4000	12	15
Between £3000 & £3999	10	17
Between £2000 & £2999	42	39
Between £1000 & £1999	175	146
Between £500 & £999	306	267
Between £0 and £499	1375	1309
Highest account balance	£6,826.24	£7,943.57

## 4.0 Sustainability Implications

4.1. The information contained within the ARC 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 Return of Charter (ARC) 2021/22

Appendix 2 – Tenants Report (shortened version) 2021/22

## 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

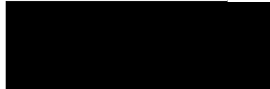
No

(please list the documents below)

**Author(s)**

<b>NAME</b>	<b>DESIGNATION</b>	<b>TEL NO / EXTENSION</b>
Andrew Buchanan	Team Leader Business Improvement	Ext : 5169
Tony Cain	Senior Manager (Housing)-Place	Ext : 5128

**Approved by**

<b>NAME</b>	<b>DESIGNATION</b>	<b>SIGNATURE</b>
Pete Leonard	Strategic Director (Place)	





**Landlord name:** Clackmannanshire Council

**RSL Reg. No.:** 1,006

**Report generated date:** 22/07/2022 09:37:13

### Approval

A1.1	Date approved	06/06/2022
A1.2	Approver	Tony Cain
A1.3	Approver job title	Service Manager (Housing)
A1.4	Comments (Approval)	N/A



Comments (Submission)

N/A



**Social landlord contextual information****Lets**

Number of lets during the reporting year, split between 'general needs' and 'supported housing' (Indicator C3)		
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C3.1	The number of 'general needs' lets during the reporting year	345
C3.2	The number of 'supported housing' lets during the reporting year	8
Indicator C3		353



The number of lets during the reporting year by source of let (Indicator C2)		
C2.1	The number of lets to existing tenants	42
C2.2	The number of lets to housing list applicants	94
C2.3	The number of mutual exchanges	45
C2.4	The number of lets from other sources	1
C2.5	The number of lets to homeless applicants.	216
C2.6	Total number of lets excluding exchanges	353

## Annual Return on the Charter (ARC) 2021-2022

Comments (Social landlord contextual information)

The number of lets in the reporting year has increased in comparison to the previous year, this increase was expected following relaxation of covid restrictions/measures which had previously been in place.  
The vast majority of Clackmannanshire Council's housing stock is general needs stock.

**Overall satisfaction****All outcomes**

Percentage of tenants satisfied with the overall service provided by their landlord (Indicator 1)
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1.1.1	1.1 In relation to the overall tenant satisfaction survey carried out, please state: the number of tenants who were surveyed	901
1.1.2	the fieldwork dates of the survey	05/2019
1.1.3	The method(s) of administering the survey: Post	<input type="checkbox"/>
1.1.4	Telephone	<input type="checkbox"/>
1.1.5	Face-to-face	<input checked="" type="checkbox"/>
1.1.6	Online	<input type="checkbox"/>
1.2.1	1.2 In relation to the tenant satisfaction question on overall services, please state the number of tenants who responded: very satisfied	441
1.2.2	fairly satisfied	379
1.2.3	neither satisfied nor dissatisfied	31
1.2.4	fairly dissatisfied	30
1.2.5	very dissatisfied	10
1.2.6	no opinion	10
1.2.7	Total	901

Indicator 1	91.01%
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## Annual Return on the Charter (ARC) 2021-2022

Comments (Overall satisfaction)

Our next Tenant Satisfaction and Aspirational Survey is due in 2022, we will be working in collaboration with Stirling Council, Rural Stirling Housing Association and Forth Housing Association. The Survey data captured shall be provided within the 2023 ARC submission.



## The customer / landlord relationship

### Communication

Percentage of tenants who feel their landlord is good at keeping them informed about their services and decisions (Indicator 2)

2.1	How many tenants answered the question "How good or poor do you feel your landlord is at keeping you informed about their services and decisions?"	901
2.2.1	2.2 Of the tenants who answered, how many said that their landlord was: very good at keeping them informed	431
2.2.2	fairly good at keeping them informed	431
2.2.3	neither good nor poor at keeping them informed	18
2.2.4	fairly poor at keeping them informed	18
2.2.5	very poor at keeping them informed	3
2.2.6	Total	901

	Indicator 2	95.67%
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## Participation

Percentage of tenants satisfied with the opportunities given to them to participate in their landlord's decision making processes (Indicator 5)

5.1	How many tenants answered the question "How satisfied or dissatisfied are you with opportunities given to you to participate in your landlord's decision making processes?"	901
5.2.1	5.2 Of the tenants who answered, how many said that they were: very satisfied	423
5.2.2	fairly satisfied	374
5.2.3	neither satisfied nor dissatisfied	85
5.2.4	fairly dissatisfied	12
5.2.5	very dissatisfied	7
5.2.6	Total	901

	Indicator 5	88.46%
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## Annual Return on the Charter (ARC) 2021-2022

Comments (The customer / landlord relationship)

We recognise need for improvement within the area of tenant engagement and participation and have already seen a return to face to face tenant engagement sessions early in this current financial year. Moving forward we aim to develop collaborative decision making and aim to progress improvement on our current percentage of tenants satisfied with the opportunities to participate in decision making.





## Housing quality and maintenance

### Quality of housing

#### Scottish Housing Quality Standard (SHQS) – Stock condition survey information (Indicator C8)

C8.1	The date your organisation's stock was last surveyed or assessed for compliance with the SHQS	03/2021
C8.2	What percentage of stock did your organisation fully assess for compliance in the last five years?	25.00
C8.3	The date of your next scheduled stock condition survey or assessment	04/2022
C8.4	What percentage of your organisation's stock will be fully assessed in the next survey for SHQS compliance	30.00
C8.5	Comments on method of assessing SHQS compliance.	
<p>A rolling stock condition survey programme undertaking assessment of condition of 10% of our domestic housing stock was in place and undertaken prior to impact of Covid-19. This work was undertaken by an in-house resource who has (since Covid-19) been reassigned to undertaking of other essential duties. Moving forward it is likely that our stock condition survey programme will be undertaken by contracting suitable resource to complete assessments required. We recognise the importance of a robust survey programme in informing compliance with SHQS and have identified this as a key area in which works must recommence.</p>		



Scottish Housing Quality Standard (SHQS) – Stock summary (Indicator C9)
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		End of the reporting year	End of the next reporting year
C9.1	Total self-contained stock	4,959	4,974
C9.2	Self-contained stock exempt from SHQS	219	127
C9.3	Self-contained stock in abeyance from SHQS	0	0
C9.4.1	Self-contained stock failing SHQS for one criterion	1,771	884
C9.4.2	Self-contained stock failing SHQS for two or more criteria	0	0
C9.4.3	Total self-contained stock failing SHQS	1,771	884
C9.5	Stock meeting the SHQS	2,969	3,963



## Percentage of stock meeting the Scottish Housing Quality Standard (SHQS) (Indicator 6)

6.1.1	The total number of properties within scope of the SHQS: at the end of the reporting year	4,959
6.1.2	projected to the end of the next reporting year	4,974
6.2.1	The number of properties meeting the SHQS: at the end of the reporting year	2,969
6.2.2	projected to the end of the next reporting year	3,963
Indicator 6 - Percentage of stock meeting the SHQS at the end of the reporting year		59.87%
Indicator 6 - Percentage of stock meeting the SHQS projected to the end of the next reporting year		79.67%



## Percentage of tenants satisfied with the quality of their home (Indicator 7)

7.1	How many tenants answered the question "Overall, how satisfied or dissatisfied are you with the quality of your home?"	901
7.2.1	7.2 Of the tenants who answered, how many said that they were: very satisfied	451
7.2.2	fairly satisfied	366
7.2.3	neither satisfied nor dissatisfied	47
7.2.4	fairly dissatisfied	30
7.2.5	very dissatisfied	7
7.3	Total	901

	Indicator 7	90.68%
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**Repairs, maintenance & improvements**

Average length of time taken to complete emergency repairs (Indicator 8)		
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8.1	The number of emergency repairs completed in the reporting year	6,733
8.2	The total number of hours taken to complete emergency repairs	23,501

Indicator 8		3.49
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## Average length of time taken to complete non-emergency repairs (Indicator 9)

9.1	The total number of non-emergency repairs completed in the reporting year	8,930
9.2	The total number of working days taken to complete non-emergency repairs	43,788

	Indicator 9	4.90
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## Percentage of reactive repairs carried out in the last year completed right first time (Indicator 10)

10.1	The number of reactive repairs completed right first time during the reporting year	8,567
10.2	The total number of reactive repairs completed during the reporting year	8,831

Indicator 10		97.01%
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How many times in the reporting year did not meet your statutory duty to complete a gas safety check (Indicator 11).

11.1	The number of times you did not meet your statutory duty to complete a gas safety check.	0
11.2	if you did not meet your statutory duty to complete a gas safety check add a note in the comments field	N/A

Indicator 11	0
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Percentage of tenants who have had repairs or maintenance carried out in last 12 months satisfied with the repairs and maintenance service (Indicator 12)

12.1	Of the tenants who had repairs carried out in the last year, how many answered the question "Thinking about the LAST time you had repairs carried out, how satisfied or dissatisfied were you with the repairs service provided by your landlord?"	589
	12.2 Of the tenants who answered, how many said that they were:	568
12.2.1	very satisfied	
12.2.2	fairly satisfied	12
12.2.3	neither satisfied nor dissatisfied	2
12.2.4	fairly dissatisfied	1
12.2.5	very dissatisfied	6
12.2.6	Total	589

	Indicator 12	98.47%
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## EESH

## Percentage of properties meeting the EESH (Indicator C10)

C10.1		Number of self contained properties			
	Gas	Electric	Other fuels	Total	
Flats	1,068	78	3	1,149	
Four-in-a-block	1,095	12	1	1,108	
Houses (other than detached)	2,603	33	13	2,649	
Detached houses	53	0	0	53	
<b>Total</b>	<b>4,819</b>	<b>123</b>	<b>17</b>	<b>4,959</b>	

C10.2		Number of self contained properties not in scope of the EESH			
	Gas	Electric	Other fuels	Total	
Flats	2	0	0	2	
Four-in-a-block	2	0	0	2	
Houses (other than detached)	74	0	0	74	
Detached houses	3	0	0	3	
<b>Total</b>	<b>81</b>	<b>0</b>	<b>0</b>	<b>81</b>	

C10.3		Number of self contained properties in scope of the EESH			
	Gas	Electric	Other fuels	Total	
Flats	1,066	78	3	1,147	
Four-in-a-block	1,093	12	1	1,106	
Houses (other than detached)	2,529	33	13	2,575	
Detached houses	50	0	0	50	
<b>Total</b>	<b>4,738</b>	<b>123</b>	<b>17</b>	<b>4,878</b>	

C10.4		Number of properties in scope of the EESH where compliance is unknown			
	Gas	Electric	Other fuels	Total	
Flats	109	0	0	109	
Four-in-a-block	147	0	0	147	
Houses (other than detached)	623	0	0	623	
Detached houses	8	0	0	8	
<b>Total</b>	<b>887</b>	<b>0</b>	<b>0</b>	<b>887</b>	



C10.4.21	Where EESSH compliance is unknown for any properties, please explain why
EPC data is now over 10 years old and a programme to renew has commenced	

C10.5	Number of properties in scope of the EESSH that do not meet the standard			
	Gas	Electric	Other fuels	<b>Total</b>
Flats	174	49	0	223
Four-in-a-block	69	9	0	78
Houses (other than detached)	540	25	3	568
Detached houses	2	0	0	2
<b>Total</b>	<b>785</b>	<b>83</b>	<b>3</b>	<b>871</b>

C10.6	Number of properties in scope of the EESSH that are exempt the standard			
	Gas	Electric	Other fuels	<b>Total</b>
Flats	2	0	0	2
Four-in-a-block	2	0	0	2
Houses (other than detached)	74	0	0	74
Detached houses	3	0	0	3
<b>Total</b>	<b>81</b>	<b>0</b>	<b>0</b>	<b>81</b>

C10.7	Number of properties in scope of the EESSH that meet the standard			
	Gas	Electric	Other fuels	<b>Total</b>
Flats	781	29	3	813
Four-in-a-block	875	3	1	879
Houses (other than detached)	1,292	8	10	1,310
Detached houses	37	0	0	37
<b>Total</b>	<b>2,985</b>	<b>40</b>	<b>14</b>	<b>3,039</b>

	C10	62.3%
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## Anticipated exemptions from the EESSH (Indicator C11)

C11.1	Number of properties anticipated to require an exemption from the first EESSH milestone in the next reporting year			
	Gas	Electric	Other fuels	Total
Flats	2	0	0	2
Four-in-a-block	2	0	0	2
Houses (other than detached)	74	0	0	74
Detached houses	3	0	0	3
<b>Total</b>	<b>81</b>	<b>0</b>	<b>0</b>	<b>81</b>

C11.2	The reasons properties anticipated to require an exemption	
		Number of Properties
Technical		81
Social		0
Excessive cost		0
New technology		0
Legal		0
Disposal		0
Long term voids		0
Unable to secure funding		0
Other reason / unknown		0
<b>Total</b>		<b>81</b>

## C11.3 If other reason or unknown, please explain

N/A

## Annual Return on the Charter (ARC) 2021-2022

### Comments (Housing quality and maintenance)

Our performance in SHQS and EESSH dipped in financial year 2021/22 due to a large number of EPC Certificates expiring, we have been unable to access properties to carry out EPC assessments because of the restrictions put in place during the COVID-19 pandemic. We have a planned programme of EPC assessment scheduled for this financial year and aim to utilise the data gathered to improve our EESSH performance. 81 exemptions to EESSH reported as technical issues are due to stone built architecture within conservation areas.

Allocated appointments for repairs have provided tenants with improved levels of service delivery, with the percentage of tenants satisfied with the repairs and maintenance service increasing from 97.31% in 2019/20 to 98.6% in 2020/21, performance has remained steady at 98.5% in 2021-22.

A planned improvement to a new housing business management system (incorporating repairs) will provide for a streamlined, robust and modern repairs system moving forward.

Satisfaction with the repairs service is high. From the formal independent tenant consultation survey carried out during summer 2019, 92% of tenants were either very or fairly satisfied with the repairs service. While this is an excellent level of satisfaction, the Service is continually looking for ways to improve and raise this.



## Neighbourhood & community

### Estate management, anti-social behaviour, neighbour nuisance and tenancy disputes

Percentage of all complaints responded to in full at Stage 1 and percentage of all complaints responded to in full at Stage 2. (Indicators 3 & 4)

	1st stage	2nd stage
Complaints received in the reporting year	30	5
Complaints carried forward from previous reporting year	0	0
All complaints received and carried forward	30	5
Number of complaints responded to in full by the landlord in the reporting year	30	5
Time taken in working days to provide a full response	125	71

Indicators 3 & 4 - The percentage of all complaints responded to in full at Stage 1	100.00%
Indicators 3 & 4 - The percentage of all complaints responded to in full at Stage 2	100.00%
Indicators 3 & 4 - The average time in working days for a full response at Stage 1	4.17
Indicators 3 & 4 - The average time in working days for a full response at Stage 2	14.20



Percentage of tenants satisfied with the landlord's contribution to the management of the neighbourhood they live in (Indicator 13)

13.1	How many tenants answered the question "Overall, how satisfied or dissatisfied are you with your landlord's contribution to the management of the neighbourhood you live in?"	901
13.2.1	13.2 Of the tenants who answered, how many said that they were: very satisfied	357
13.2.2	fairly satisfied	464
13.2.3	neither satisfied nor dissatisfied	50
13.2.4	fairly dissatisfied	25
13.2.5	very dissatisfied	5
13.2.6	Total	901

	Indicator 13	91.12%
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## Percentage of tenancy offers refused during the year (Indicator 14)

14.1	The number of tenancy offers made during the reporting year	533
14.2	The number of tenancy offers that were refused	180

	Indicator 14	33.77%
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Percentage of anti-social behaviour cases reported in the last year which were resolved (Indicator 15)
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15.1	The number of cases of anti-social behaviour reported in the last year	215
15.2	Of those at 15.1, the number of cases resolved in the last year	160

	Indicator 15	74.42%
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Abandoned homes (Indicator C4)
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C4.1	The number of properties abandoned during the reporting year	33
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## Percentage of the court actions initiated which resulted in eviction and the reasons for eviction (Indicator 22)

22.1	The total number of court actions initiated during the reporting year	26
22.2.1	22.2 The number of properties recovered: because rent had not been paid	5
22.2.2	because of anti-social behaviour	1
22.2.3	for other reasons	1

Indicator 22 - Percentage of the court actions initiated which resulted in eviction because rent had not been paid	19.23%
Indicator 22 - Percentage of the court actions initiated which resulted in eviction because of anti-social behaviour	3.85%
Indicator 22 - Percentage of the court actions initiated which resulted in eviction for other reasons	3.85%
Indicator 22 - Percentage of the court actions initiated which resulted in eviction	26.92%

## Annual Return on the Charter (ARC) 2021-2022

### Comments (Neighbourhood & community)

COVID-19 restrictions to legal action were lifted during financial year 2021/22 and have led to evictions being reported again since pre-pandemic times. Clackmannanshire Council recognises that tenants will require support through the cost of living crisis and coming out of the pandemic.

**Access to housing and support****Housing options and access to social housing**

Percentage of lettable houses that became vacant in the last year (Indicator 17)	
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17.1	The total number of lettable self-contained stock	4,818
17.2	The number of empty dwellings that arose during the reporting year in self-contained lettable stock	354

Indicator 17		7.35%
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Number of households currently waiting for adaptations to their home (Indicator 19)		
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19.1	The total number of approved applications on the list for adaptations as at the start of the reporting year, plus any new approved applications during the reporting year.	270
19.2	The number of approved applications completed between the start and end of the reporting year	139
19.3	The total number of households waiting for applications to be completed at the end of the reporting year.	131
19.4	if 19(iii) does not equal 19(i) minus 19(ii) add a note in the comments field.	
		N/A

		Indicator 19	131
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Total cost of adaptations completed in the year by source of funding (£) (Indicator 20)		
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20.1	The cost (£) that was landlord funded;	£148,397
20.2	The cost (£) that was grant funded	£0
20.3	The cost (£) that was funded by other sources.	£0

Indicator 20		£148,397
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The average time to complete adaptations (Indicator 21)		
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21.1	The total number of working days taken to complete all adaptations.	14,228
21.2	The total number of adaptations completed during the reporting year.	160

Indicator 21		88.92
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Homelessness – the percentage of homeless households referred to RSLs under section 5 and through other referral routes (Indicator 24).

24.1	The total number of individual homeless households referred to RSLs under section 5.	36
24.2	The total number of individual homeless households referred to RSLs under other referral routes.	0
24.3	The total number of individual homeless households referred to RSLs under section 5 and other referral routes.	36
24.4	The total number of homeless households to whom the local authority has a statutory duty to secure permanent accommodation.	422

	Indicator 24.	8.53%
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Average length of time to re-let properties in the last year (Indicator 30)		
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30.1	The total number of properties re-let in the reporting year	345
30.2	The total number of calendar days properties were empty	11,231

Indicator 30		32.55
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**Tenancy sustainment**

Percentage of new tenancies sustained for more than a year, by source of let (Indicator 16)
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16.1.1	The number of tenancies which began in the previous reporting year by: existing tenants	54
16.1.2	applicants who were assessed as statutory homeless by the local authority	214
16.1.3	applicants from your organisation's housing list	66
16.1.4	other	1
16.2.1	The number of tenants at 16.1 who remained in their tenancy for more than a year by: existing tenants	53
16.2.2	applicants who were assessed as statutory homeless by the local authority	182
16.2.3	applicants from your organisation's housing list	62
16.2.4	other	0

Indicator 16 - Percentage of new tenancies to existing tenants sustained for more than a year	98.15%
Indicator 16 - Percentage of new tenancies to applicants who were assessed as statutory homeless by the local authority sustained for more than a year	85.05%
Indicator 16 - Percentage of new tenancies to applicants from the landlord's housing list sustained for more than a year	93.94%
Indicator 16 - Percentage of new tenancies to others sustained for more than a year	0.00%

## Annual Return on the Charter (ARC) 2021-2022

Comments (Access to housing and support)

We are conscious of the backlog to the waiting list for medical adaptations due COVID-19, subject to approval for extra funding we hope to clear the backlog in financial year 2022/23.

Our percentage of new tenancies to applicants who were assessed as statutory homeless by the local authority sustained for more than a year sits at 85%, this is an area in which we plan to focus attention with aim to improve performance within.



## Getting good value from rents and service charges

### Rents and service charges

Rent collected as percentage of total rent due in the reporting year (Indicator 26)
---

26.1	The total amount of rent collected in the reporting year	£18,523,882
26.2	The total amount of rent due to be collected in the reporting year (annual rent debit)	£18,757,855

	Indicator 26	98.75%
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Gross rent arrears (all tenants) as at 31 March each year as a percentage of rent due for the reporting year  
(Indicator 27)

27.1	The total value (£) of gross rent arrears as at the end of the reporting year	£1,999,500
27.2	The total rent due for the reporting year	£18,757,855

Indicator 27		10.66%
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## Average annual management fee per factored property (Indicator 28)

28.1	The number of residential properties factored	0
28.2	The total value of management fees invoiced to factored owners in the reporting year	N/A

Indicator 28		N/A
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## Percentage of rent due lost through properties being empty during the last year (Indicator 18)

18.1	The total amount of rent due for the reporting year	£18,757,855
18.2	The total amount of rent lost through properties being empty during the reporting year	£124,217

Indicator 18		0.66%
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## Rent increase (Indicator C5)

C5.1	The percentage average weekly rent increase to be applied in the next reporting year	3.10%
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The number of households for which landlords are paid housing costs directly and the total value of payments received in the reporting year (Indicator C6)

C6.1	The number of households the landlord received housing costs directly for during the reporting year	3,411
C6.2	The value of direct housing cost payments received during the reporting year	£10,421,814



Amount and percentage of former tenant rent arrears written off at the year end (Indicator C7)
--

C7.1	The total value of former tenant arrears at year end	£1,317,756
C7.2	The total value of former tenant arrears written off at year end	£0

	Indicator C7	0.00%
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## Value for money

Percentage of tenants who feel that the rent for their property represents good value for money (Indicator 25)
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25.1	How many tenants answered the question "Taking into account the accommodation and the services your landlord provides, do you think the rent for your property represents good or poor value for money?"	901
25.2.1	25.2 Of the tenants who answered, how many said that their rent represented: very good value for money	234
25.2.2	fairly good value for money	541
25.2.3	neither good nor poor value for money	72
25.2.4	fairly poor value for money	48
25.2.5	very poor value for money	6
25.3	Total	901

Indicator 25	86.02%
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## Percentage of factored owners satisfied with the factoring service they receive (Indicator 29)

29.1	How many factored owners answered the question "Taking everything into account, how satisfied or dissatisfied are you with the factoring services provided by your landlord?"	
29.2.1	29.2 Of the factored owners who answered, how many said that they were: very satisfied	
29.2.2	fairly satisfied	
29.2.3	neither satisfied nor dissatisfied	
29.2.4	fairly dissatisfied	
29.2.5	very dissatisfied	
29.3	Total	

Indicator 29

## Annual Return on the Charter (ARC) 2021-2022

Comments (Getting good value from rents and service charges)

There have been no Former Tenant Arrears identified for write-off in 2021/22 due to additional work responding to COVID-19. Work will recommence and be reported during 2022/23.

We aim to improve performance with the percentage of tenants who feel their property represents good value for money, we will collect data on this during our planned tenant satisfaction survey this year and are keen to explore the detail behind responses provided. This is a key area in which we wish to ensure tenants feel good value for money is provided.

**Other customers****Gypsies / Travellers**

For those who provide Gypsies/Travellers sites - Average weekly rent per pitch (Indicator 31)
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31.1	The total number of pitches	15
31.2	The total amount of rent set for all pitches during the reporting year	£73,180

	Indicator 31	£93.82
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For those who provide sites – percentage of Gypsy/Travellers satisfied with the landlord's management of the site (Indicator 32)

32.1	How many Gypsies/Travellers answered the question "How satisfied or dissatisfied are you with your landlord's management of your site?"	9
32.2.1	32.2 Of the Gypsies/Travellers who answered, how many said that they were: very satisfied	1
32.2.2	fairly satisfied	3
32.2.3	neither satisfied nor dissatisfied	5
32.2.4	fairly dissatisfied	0
32.2.5	very dissatisfied	0
32.2.6	Total	9

Indicator 32	44.44%
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## Annual Return on the Charter (ARC) 2021-2022

### Comments (Other customers)

Clackmannanshire Council have received funding from the Scottish Government for the Westhaugh Traveller Site, refurbishment work will commence during 2022. Once residents are back on site we will carry out a full satisfaction survey.

# Clackmannanshire Council Annual Performance Report 2021-2022



Clackmannanshire  
Council

www.clacks.gov.uk

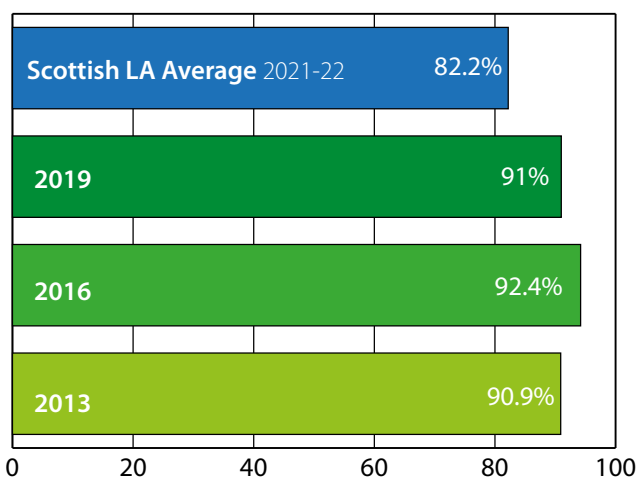
Comhairle Siorrachd  
Chlach Mhanann

Welcome to your latest annual performance report from Clackmannanshire Council. This reports informs you how well we are doing as a landlord based on the performance indicators of the Scottish Housing Regulator. We have chosen some of the key indicators and you can see the full report online at [www.clacks.gov.uk](http://www.clacks.gov.uk) You can compare this year's performance with that of previous years and against the Scottish Local Authority average.

It's important that we get feedback on this report. This feedback could be the level of information included, the format or opinions on what performance indicators we put in the report. Please give your feedback at <https://clackmannanshire.citizenspace.com/housing-business-management-team/performance-report-2021-22/>

## Satisfaction

**Percentage of tenants satisfied with our overall landlord service**

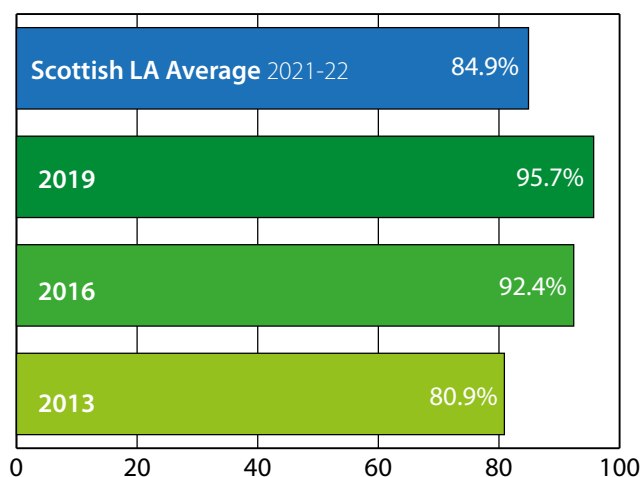


Evaluation of performance 2019:

**91%**

Performance within this area has dropped but still remains above the Scottish average. Tenants dissatisfied with the overall service delivered cited issues with the quality of repairs performance and a need for upgrade and improvement within their home. Since the time of collection of data (2019) our repairs performance has improved year on year and currently returns excellent customer service feedback. Our planned works programmes to upgrade and improve tenant homes were postponed by the pandemic; we are now starting to deliver these programmed works and tenants should soon learn about future improvement plans within their area.

**Percentage of tenants who feel we are good at keeping them informed**

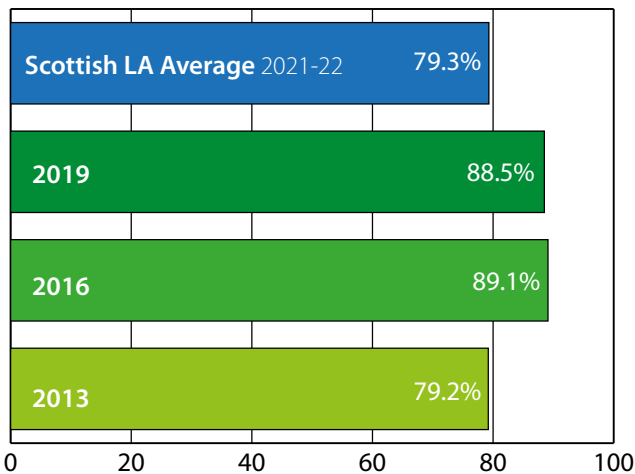


Evaluation of performance 2019:

**95.7%**

Performance in this area has steadily increased year on year and sits above the Scottish average. Our ability to keep tenants informed in recent times has been tested throughout the covid pandemic with necessity for most communication to be undertaken online and by telephone. Our housing and property officers have had to adapt to new ways of working whilst maintaining effective lines of communication with our tenants; recent communications which have proven successful in reaching and engaging tenants have been in areas of rent consultation, repairs service delivery and tenant participation.

**Percentage of tenants satisfied with opportunities given to them to participate in our landlord decisions**



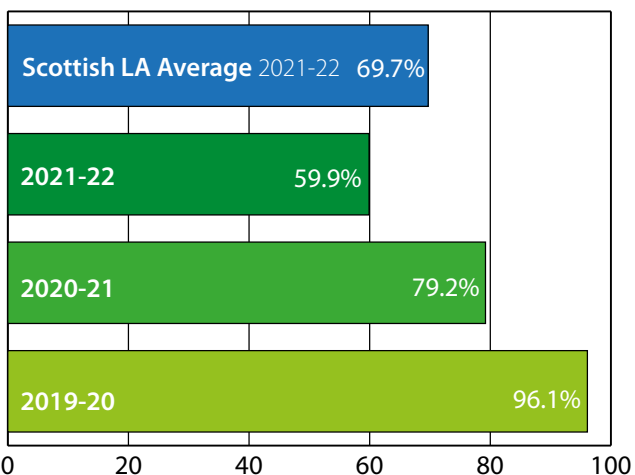
**Evaluation of performance 2019:**  
**88.5%**

Satisfaction within this area decreased slightly between 2016 and 2019 but maintains well above the Scottish LA average. Earlier this year the Housing and Property Service and Clackmananshire Tenants and Residents Federation (CTRF) held a very successful Tenants Information Event in Sauchie, our first face to face in person event since the covid pandemic. A number of online information sessions were also held throughout the year addressing key housing topics relevant to our tenants.

Our performance noted in the above tables was recorded from our previous Tenant Satisfaction and Aspiration Survey undertaken in 2019, our next Tenant Satisfaction and Aspirational Survey is due this year in 2022; we will be working in collaboration with Stirling Council, Rural Stirling Housing Association and Forth Housing Association. The survey data captured shall be provided within the 2023 ARC submission.

**Property and Repairs**

**Percentage of stock meeting Scottish Housing Quality Standard (SHQS)**

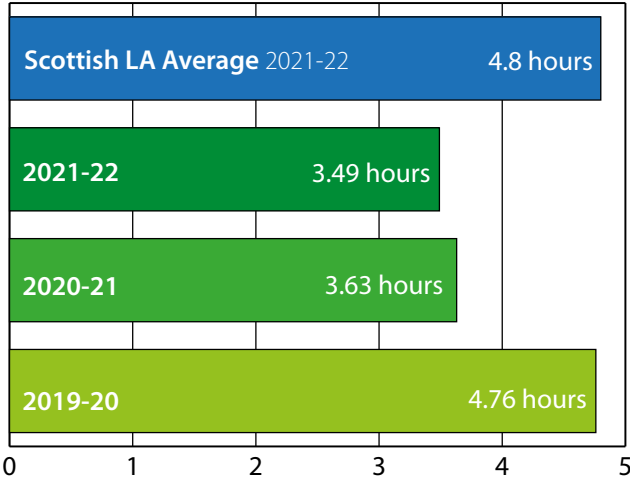


**Evaluation of performance 2021-22:**  
**59.9%**

Our performance in SHQS dipped in 2021/22 due largely to a change in SHQS guidance and the reporting requirement within this area. We were also unable to access properties to carry out EPC assessments during the covid pandemic. A planned programme of Energy Performance Certificate assessments is scheduled to commence with the aim of increasing compliance with both SHQS and the Energy Efficiency Standard for Social Housing (EESH).

**“At 31 March 2022 the Council owned 4,974 homes.”**

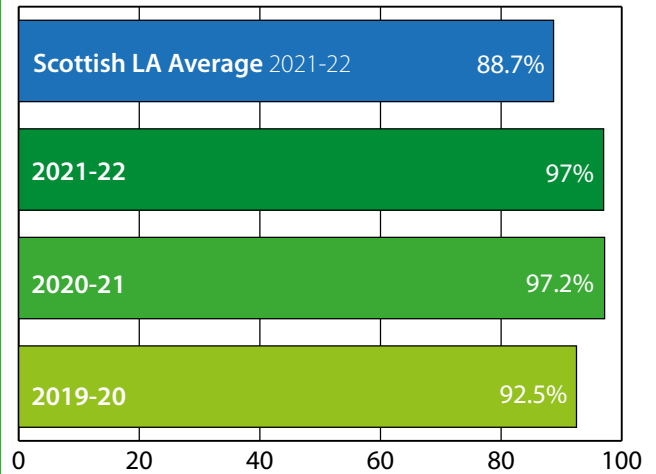
### Average time taken in hours to complete emergency repairs



Evaluation of performance 2021-22  
**3.49 hours**

Performance in emergency response repairs has been excellent with a focused process review in this area helping us achieve the year on year reduction in response time shown. It is worth noting however that one factor influencing the reduction in response times has been greater availability of trade workforce during the covid pandemic and the stopping of non-essential planned programmed works provided greater number of trades available to work on re-active repairs.

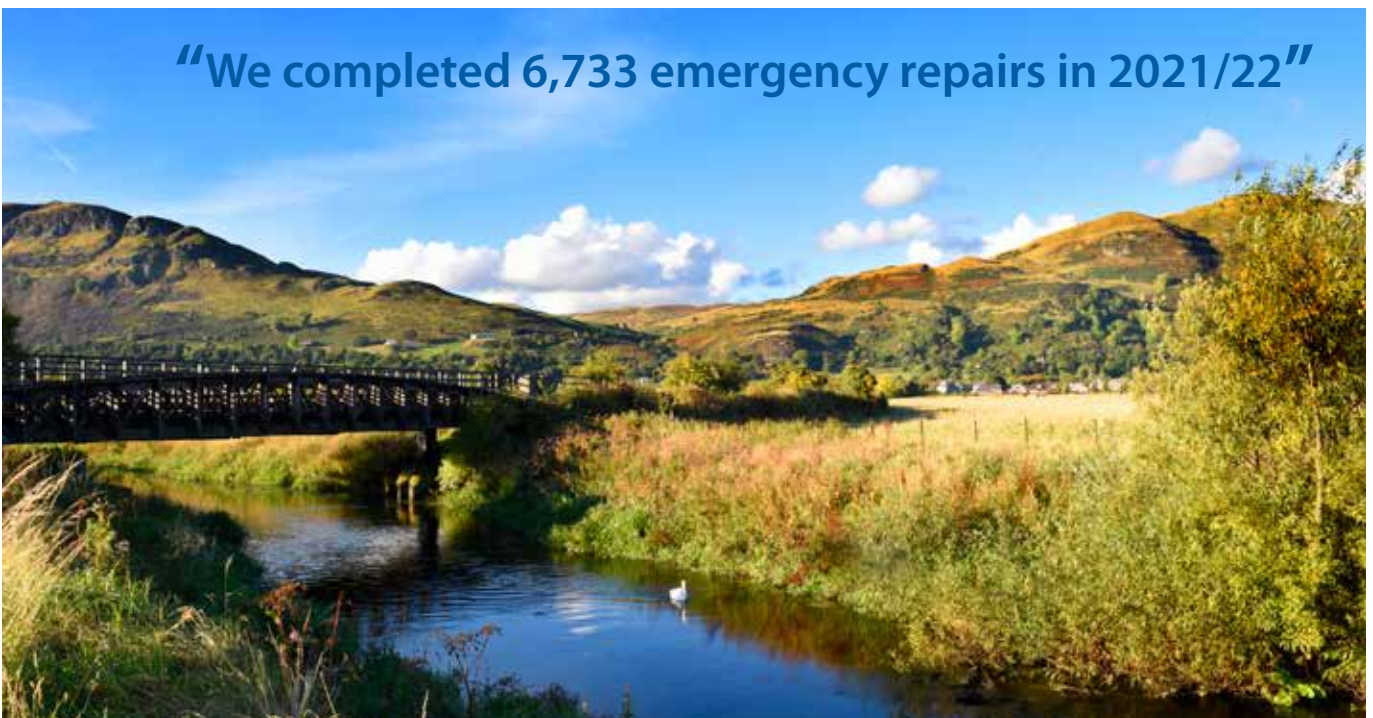
### Percentage of reactive repairs completed right first time



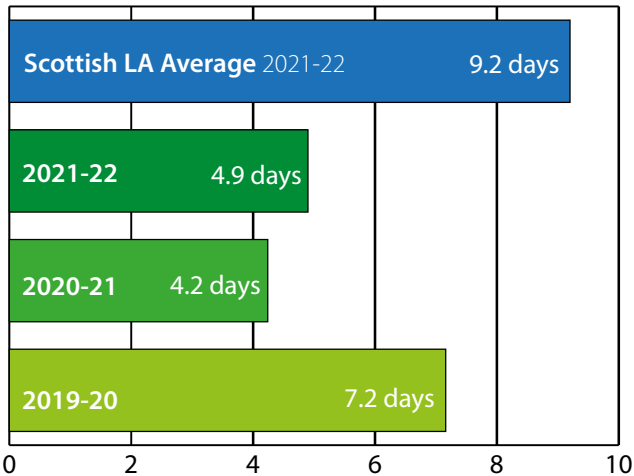
Evaluation of performance 2021-22:  
**97%**

Performance remains consistently high and above the Scottish LA average. Significant improvement in performance over the last 2 years can be attributed in part to a focus within the repairs team to improve the level of information provided to repairs operatives when a repairs line is raised, in this way the repairs operative is better placed to understand the repair need before arriving at the tenants property and is better prepared to fix the issue right first time.

**“We completed 6,733 emergency repairs in 2021/22”**



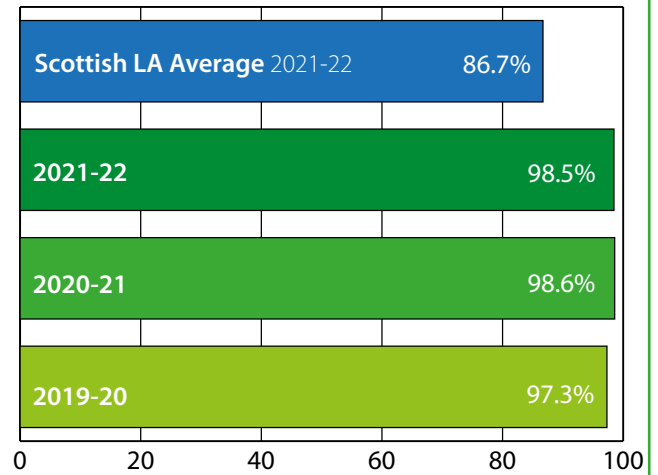
### Average time taken in working days to complete non-emergency repairs



Evaluation of performance 2021-22  
**4.9 days**

Non emergency repairs response times have increased slightly in comparison to the previous year. This can be attributed to catch up of non-emergency repair works backlogged during the covid pandemic. Performance is good in comparison to Scottish LA average.

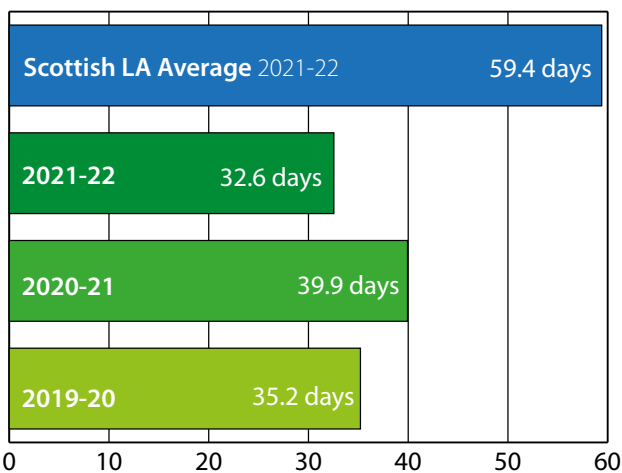
### Percentage of tenants satisfied with the repairs and maintenance service



Evaluation of performance 2021-22:  
**98.5%**

Satisfaction remains high and well above the Scottish LA average; this is a real achievement in the context of the challenging covid pandemic. Our repairs team is focusing on gathering as much customer feedback as possible throughout the year with the aim of addressing any issues raised as quickly as possible minimising disruption to our tenants.

### Average length of time taken in calendar days to re-let properties



Evaluation of performance 2021-22:  
**32.6 days**

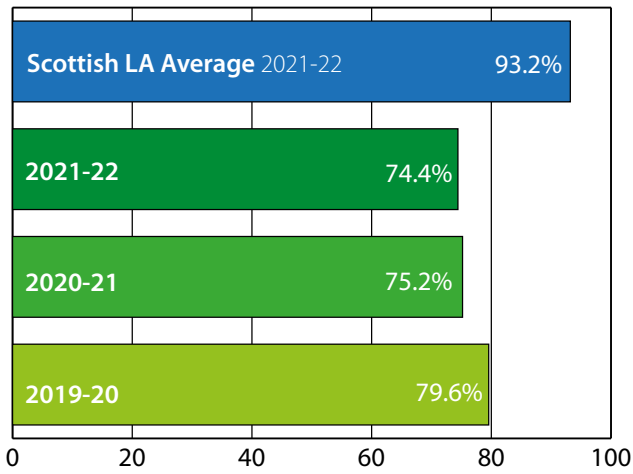
The time taken to relet empty homes has reduced this year due to restrictions being lifted which enabled us to work on properties quicker. The teams have worked on reducing the re-let times. Close working relationships between our allocations team and our colleagues in repairs continue to help us ensure we are minimising the length of time the properties are empty, but still maintain high customer satisfaction.

**“We let 353 properties in 2021/22”**



## Tenancy Management

### Percentage of anti-social behaviour cases resolved in the last year

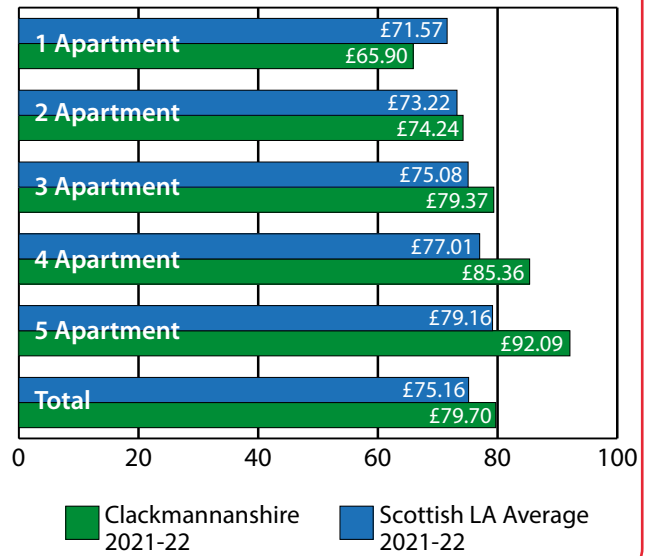


Evaluation of performance 2021-22

**74.4%**

Our ability to investigate anti social behaviour complaints was hampered by covid during the reporting period. Our activities in terms of anti social behaviour complaints have returned to that of pre-covid levels and coupled with a better focus on case management we hope to improve in this area.

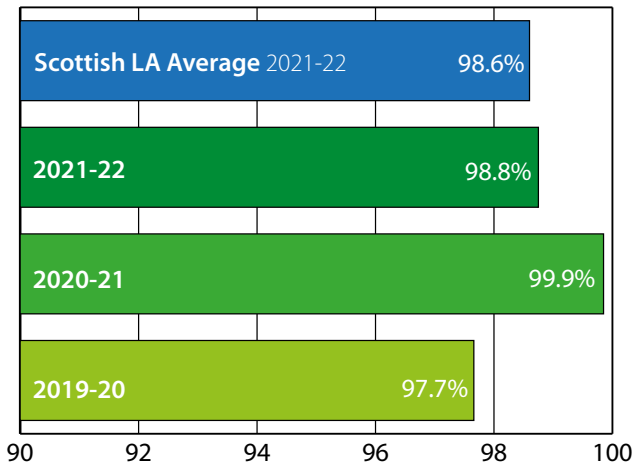
### Average Weekly Rent



“215 antisocial behavior cases were reported in 2021/22”



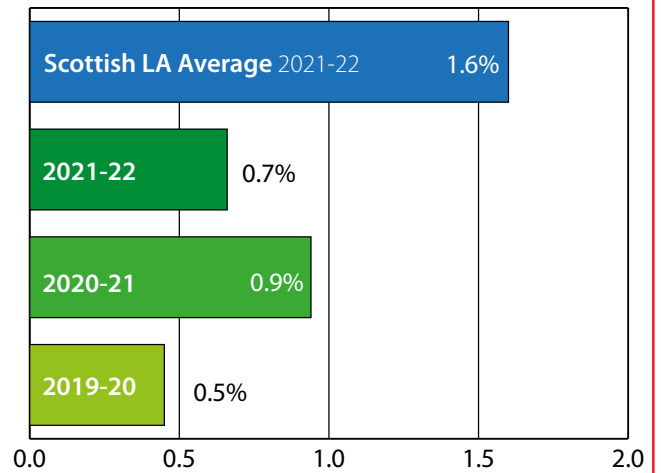
### Rent collected as percentage of total rent due



Evaluation of performance 2021-22  
**98.8%**

We continue to perform well here with only 1% drop from the previous year. Our Housing Officers continue to work in small patches ensuring that they can respond quickly to help our tenants manage their rent accounts. Collecting as much rent as possible means we can invest this back into our housing stock.

### Percentage of rent due lost through properties being empty



Evaluation of performance 2021-22:  
**0.7%**

The average time to re-let our properties decreased in 2021/22 which meant that we have lost less rent due than the previous year. We are also performing well against the Scottish average. We hope that we continue to perform well in voids management meaning we keep rent lost low.



**“We completed 8930 non-emergency repairs in 2021/22”**

## Message from Councillor Jane McTaggart, Spokesperson, Housing and Property



This is a heartening report, especially given the hurdles and constraints of the past two years. And while we always aim for 100%, I believe the performance indicators contained in this report are impressive in light of the challenges of the last two years. While our repairs service has performed well, we must ensure that we avoid delays in completing adaptations that are critical to our tenants safety, while concentrating on bringing our empty properties back into use as quickly as possible.

We know there are things we can improve; responding to anti-social behaviour for example. We know how it can eat into the fabric of our communities, and it erodes confidence in us as a Council, while diverting valuable resources. It is a hugely varied and challenging dilemma, but I would hope that we can find better ways to deal with this, and solutions that improve our performance over the next five years.

The difficulties over the past two years have had an impact but overall levels of satisfaction with the service remain very positive and the process of recovery is well underway. Our staff have worked exceptionally hard between then and now to ensure that nobody was left behind during the pandemic and have achieved so much over that time to reach our tenants, especially those who are most vulnerable, or who have found themselves with new or increased difficulties as a result of the pandemic. I expect the 2022/23 performance report to be positive as a result of the approaches currently being taken.

Overall, this is a promising report, but the challenges faced by tenants and those in need of a home don't go away. Our focus continues to be on delivering an improving service and meeting housing needs at affordable rents.

Our tenants and communities are entitled to expect that.

You can read more about the Scottish Housing Regulator and you can compare our results with other landlords by visiting their website

[www.scottishhousingregulator.gov.uk](http://www.scottishhousingregulator.gov.uk)

You can also view our full ARC return here and compare our performance with other landlords.

### Feedback



We would like your feedback on the format and content of this report.

Please go to <https://clackmannanshire.citizenspace.com/housing-business-management-team/performance-report-2021-22/>

or scan the QR Code



### Useful numbers



Council Contact Centre	01259 450000
Tenancy Management	01259 225100
Housing Repairs	01259 452000
Council Tax/Benefits	01259 226237

If you need this publication in larger print, audio, Braille, or in another language, please contact our office and we will try to help you.



Clackmannanshire  
Council

[www.clacks.gov.uk](http://www.clacks.gov.uk)

Comhairle Siorrachd  
Chlach Mhanann



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**Report to: Clackmannanshire Council**

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**Date of Meeting: 1<sup>st</sup> December 2022**

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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) on 31<sup>st</sup> October 2022. (The Council's Annual Assurance Statement is attached as Appendix 1).

## **2.0 Recommendations**

- 2.1. It is recommended that Council:
- 2.1.1 Approve the 2021/22 submission of the Annual Assurance Statement to the Scottish Housing Regulator, noting the relevant changes to the regulatory framework for social housing in Scotland and the impact of Covid-19 on our ability to implement the improvement actions required to be undertaken.

## **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. ***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 in 2020 and 2021. Clackmannanshire Council’s Annual Assurance Statement for 2021-22 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 members 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 will lead a working group to review performance quarterly.

3.11. The Housing Spokesperson (Place) is required to sign off on the Assurance Statement as being a true and accurate reflection of assurance within the housing service.

### 3.12. ***Forward Engagement by SHR***

3.13. 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 corporate or housing policy in place currently

Legislative	Homelessness	Breach of the Homeless Persons (Unsuitable Accommodation) Order (Scotland) due to use of temporary accommodation out with the local authority area. Works are ongoing to make as many council owned properties available as possible within the local authority area.
Legislative	Tenant and Resident Safety	Postponed electrical safety checks as result of Covid-19 have meant 1540 properties are now overdue an electrical safety check. A planned catch up works programme is underway and due to be completed by August 2023. The normal programme for testing is based on 1,000 properties being tested each year with every domestic property then having been tested once every 5 years in line with electrical safety guidance. The number of properties being tested over the next year is two and a half times what would ordinarily be tested.
Legislative	Involve Tenants and other Service Users in the preparation and scrutiny of performance information	The current Tenant Participation Strategy is now out of date with a new Strategy required to be developed and implemented, this to include for detail on planned tenant scrutiny arrangements.

- 3.14. The above noted areas of service delivery has been reported to the Regulator as items of material non-compliance.
- 3.15. Performance has and still does continue to be impacted by significant challenges ongoing due to Covid-19 with a lesser level of available resource capacity and the ongoing internal restructure within the Place Service restricting our ability to progress performance improvement actions required.
- 3.16. 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.
- 3.17. 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.
- 3.18. 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).
- 3.19. The Scottish Housing Regulator Engagement Plan (2021/22 and 2022-23) for Clackmannanshire Council highlights an intention to analyse the councils work in relation to services to people who are homeless and the site for

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

#### **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 2021/22.

## 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	Team Leader Business Improvement	5169
Tony Cain	Service Manager Housing (Place) (Acting)	5113

### Approved by

NAME	DESIGNATION	SIGNATURE
Pete Leonard	Strategic Director (Place)	



## Clackmannanshire Council Annual Assurance Statement 2022 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.

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 continues to monitor the local housing market for properties which may boost our own stock of suitable accommodation
2. The service continues to explore options with our RSL partners
3. The Service plans to consider some architectural changes to three of our managed temporary accommodation blocks. This would provide potential increase in number of units available within each block. Feasibility study is required.
4. The service is considering the guidance relating to the Rapid Re-housing Transition Plan (RRTP) grant fund with view to a pilot being enacted to address issues around qualification for Scottish Welfare Funding.

### 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. Cross service corporate wide Anti-Social Behaviour Policy to be developed and in use by 31<sup>st</sup> October 2023. The requirement for this to be noted within the Business Plan for appropriate Directorate.

### **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 –

1. A planned programme of catch up works has been devised and is underway, target date for completion is August 2023.

### **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 current 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 –

1. Development of a new Tenant Participation Strategy to be progressed working collaboratively with TIS (Tenant Information Service). This partnership working has worked well on previous TP strategies and is to be progressed with members, officers and RTOs being asked to participate.
2. Recruitment to be undertaken to position of Tenant Participation Officer (this noted within HRA Business Plan approved by Council)
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 2022 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 (2021/22 and 2022/23) for Clackmannanshire Council highlights an intention to analyse the councils work in relation to services to people who are homeless and the site for Gypsy/Travellers. We will continue to work with the SHR in 2022/23 to provide required information on our homeless service and the Gypsy/Travellers site.

To meet our level of assurance we considered appropriate evidence against each of the requirements and will continue to do so during the course of the year.

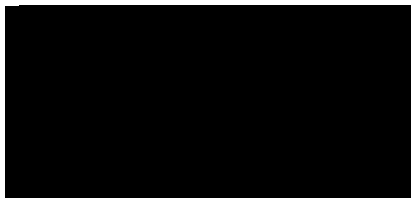
Clackmannanshire Council have plans in place to revise our approach to the collection of equalities information and we have started to consider how to apply a human rights approach to our work.

The Annual Assurance Statement 2022 to the Scottish Housing Regulator will be presented to Council Audit Committee on 15<sup>h</sup> December 2022.

**Signed**

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

**Date: 04/11/22**



**Senior Manager (Housing): Tony Cain**

**Date: 08/11/2022**



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

**Date: 08/11/2022**

