
Report to: **Clackmannanshire Council**

Date of Meeting: **26th June 2025**

Subject: **Housing Property Acquisitions Policy and Asset Disposal Policy**

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

1.0 Purpose

- 1.1. This report outlines the work undertaken to establish policies for housing acquisition activity and the disposal of housing owned assets. The policies support the efforts made by Clackmannanshire Council to progress the Council's housing investment priorities and our affordable housing development plans.

2.0 Recommendations

- 2.1. It is recommended that Council:

2.1.1. Approve the Housing Property Acquisition Policy (attached as Appendix 1),

2.1.2. Approve the Housing Asset Disposal Policy (attached as Appendix 2),

2.1.3. Approve the limited delegation to the Director Of Place in disposing of HRA assets in line with section 4.11,

2.1.4. Note that the Service plan to review the current arrangements in place for a small number of shared ownership mortgage rescue properties that are jointly owned by the Council and private owner occupiers.

3.0 Background

Property Acquisition

- 3.1. In recent years the Housing Service has allocated budget within the Housing Revenue Account (HRA) Capital Programme to purchase properties from the open housing market. These properties are bought "off-the-shelf" to add to our

existing housing stock and contribute to the supply of affordable housing across Clackmannanshire.

- 3.2. This activity is detailed within our Strategic Housing Investment Plan (SHIP) and the Scottish Government provides grant funding to help support acquisitions through the Resource Planning Assumption (RPA) monies attributed to Clackmannanshire as part of the Affordable Housing Supply Programme (AHSP).
- 3.3. In 2024/25, the Housing Service bought 38 off-the-shelf properties, all of which were ex-Council houses. The current SHIP outlines our intention to acquire a further 20 properties in this financial year with potential for further acquisitions beyond this should budget be available for this.
- 3.4. When purchasing properties, the Housing Service may consider acquiring properties that have not previously been in Council ownership, properties are targeted on the basis of our identified needs and demands as evidenced by our housing waiting list. Efforts will be made within existing funding and Scottish Government guidance constraints to ensure that we are working towards Keeping the Promise in Clackmannanshire. The purchase of ex-Council housing stock does, in some instances, come with the benefit of consolidating the Council's share of ownership in mixed tenure housing blocks and enables us to become the majority or sole owner within a block. This in turn enables an easier route to progressing external fabric and common area maintenance activity.

Asset Disposal

- 3.5. As well as acquiring properties, the Housing Service may also seek to dispose of certain assets in circumstances where:
 - There is no demonstrable need and/or demand for the asset.
 - It's location and/or type are not suitable and/or there is no demand for this location/or type of asset.
 - The level of repair and maintenance required to meet housing standards does not constitute value for money to the HRA.
 - Generally, the asset no longer fulfils its original purpose in benefiting tenants or, in the case of investment properties, may not generate a financial return to the HRA;
- 3.6. The service intend to take forward a stock condition survey of all HRA owned assets in this current financial year, domestic and non-domestic assets will be surveyed and the information derived from this used to inform a Housing Asset Management Plan. Asset disposal will form part of future considerations contained in the asset management plan.

4.0 Considerations

Property Acquisition

- 4.1. The Property Acquisition Policy sets out the criteria for eligibility for the Council to consider the purchase of a property.
- 4.2. As stated in point 3.4, the purchase of properties within mixed tenure blocks can increase the Council's share of ownership or result in the Council becoming the sole owner within a block. The Council own a considerable number of flatted properties contained within mixed tenure blocks, acquisition to increase ownership share can provide an easier route to progressing external fabric and common area maintenance activity. Improvement works within these areas will be a key consideration within the Asset Management Plan and within the context of our aim to improve the energy efficiency of council housing.
- 4.3. There should be no threshold limit on the price paid to acquire any one singular property, the overall collective cost of property acquisitions within any given financial year will be in line with a) the agreed HRA Capital Budget approved by Council as part of the annual budget setting process and b) the approved plan for property acquisitions and the anticipated expenditure associated with this as set out within the SHIP (approved annually by Council).

Asset Disposal

- 4.4. Subject to specified conditions (outlined below and in section 3.6), the Housing Service may seek to dispose of certain HRA owned assets.
- 4.5. Where properties are in mixed tenure, and the Council is in the minority ownership, and/or there is low demand for properties (in mixed tenure or not), then the service may decide that they no longer offer best value or meet with the needs of the service and our tenants.
- 4.6. Mixed tenure properties are more likely to suffer from a lack of investment in external fabric and common areas, this places the property and our tenant at greater risk of experiencing issue with weather damage and penetrating damp in buildings, it also impacts our compliance with the Scottish Housing Quality Standards.
- 4.7. The service seek approval to deem HRA assets surplus to requirements and to sell these on the open market with intention to reinvest the income received back into the HRA, this with an aim of supporting activity aligned to meeting our current and future strategic housing needs and objectives.
- 4.8. In 2016, the Scottish Ministers provided Councils the delegated authority to dispose of HRA assets by way of General Consent whereby Councils can 'self-certify' the consent to dispose of assets rather than seeking the consent from the Scottish Ministers for the majority of disposals.
- 4.9. The Council's Financial Regulations outlined within the Scheme of Delegation state (in Section 17.6.) that where a Chief Officer deems that Land or Buildings are surplus to requirements, a report must be submitted to Council for approval to declare surplus and disposal.

- 4.10. This paper seeks Council approval (as noted in 2.1.3) to provide delegated authority to the Strategic Director (Place) to progress with disposal of HRA owned assets that are deemed surplus to requirements. To do so will require Council to approve an amendment to be made to the Financial Regulations contained within the Scheme of Delegation.
- 4.11. The Strategic Director (Place) will approve to dispose of HRA owned assets, following confirmation having been provided by the Senior Manager Housing and the Chief Finance Officer that the asset is surplus to requirements, disposal is the best value option for the Council and the HRA and the proposed action meets with relevant legislation. Ahead of any proposed disposal action, an appropriate level of consultation will be had with the Housing Spokesperson and with council tenants (this in line with the requirements of the Housing (Scotland) Act 1987) and a clear audit trail kept evidencing the process gone through and the engagement activity completed.
- 4.12. The HRA must comply with legislation, statutory guidance and accounting codes of practice. Assets must provide, or be likely to provide a positive return to the HRA. Assets not benefitting tenants must be considered for disposal, transfer or change of use and decisions to retain or dispose of assets must be explained to tenants. Scottish Ministers' consent is required if assets are sold for less than the market value (March 2015 Scottish Government Guidance, Disposal of assets from HRA's).

Mortgage Rescue Properties

- 4.13. Clackmannanshire Council currently has a small number of shared ownership mortgage rescue properties within its housing stock, each of these has varying levels of shared ownership. These arrangements were entered into a number of years ago with owners who had difficulty in keeping up with mortgage payments and undertaking the necessary repairs and maintenance works to their home.
- 4.14. The Housing Service intends to engage with sharing owners to review the current arrangements in place and explore any potential to fully acquire ownership of these properties with owners becoming sitting tenants. Decisions will be based on individual ownership arrangements, the financial circumstances of owners, and other relevant circumstances as appropriate.

5.0 Sustainability Implications

- 5.1. There are no sustainability implications.

6.0 Resource Implications

6.1. Financial Details

- 6.2. The Service is working with Finance colleagues to determine any potential impact.

6.3. Staffing

There are no staffing implications from this report.

7.0 Exempt Reports

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

8.0 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 & 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 they can thrive and flourish. ☒

(2) **Council Policies**

Complies with relevant Council Policies ☒

9.0 Equalities Impact

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

Yes ☒ No ☐

10.0 Legality

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

11.0 Appendices

11.1. Please list any appendices attached to this report.

Appendix 1. Housing Property Acquisitions Policy

Appendix 2. Housing Asset Disposal Policy

Appendix 3. Equality and Fairer Scotland Impact Assessment

12.0 Background Papers


12.1. 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 X
(please list the documents below)

Author(s)

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Approved by

NAME	DESIGNATION	SIGNATURE
Kevin Wells	Strategic Director – Place	



Clackmannanshire Council
Housing Service
Property Acquisition Policy
June 2025



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1. Scope of the Policy

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

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

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

2. Aims of the Policy

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

This policy aims to:

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



3. Criteria for Eligibility:

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

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

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

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

4. Managing Applications and Offers

4.1. Applying to sell to the Council

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



4.2. Making contact

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

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

4.3. Ensuring suitability and viewing:

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

4.4. Making an offer

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

Factors include, but are not limited to:

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

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

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



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

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

4.5. Accepting an offer

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

4.6. If a property goes to a closing date

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

5. Equal Opportunities and Diversity

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

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

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

6. Privacy Statement

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

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

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



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

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

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

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

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

7. Complaints

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

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

8. Monitoring and Reviewing

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

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



Clackmannanshire Council
Housing Service
Asset Disposal Policy
June 2025



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1. Scope of the Policy

Clackmannanshire Council's Housing Service may seek to dispose of housing revenue account (HRA) owned assets as necessary where the Service has identified that these are surplus to requirements and no longer offer best value to the HRA and its tenant base.

The Clackmannanshire Council's Asset Disposal Policy sets out a framework for disposing of HRA owned assets.

The policy sits alongside and supports the aims of Clackmannanshire Council's Strategic Housing Investment Plan (SHIP) 2024-2029, the HRA Business Plan and the Strategic Housing Asset Management Plan, all of which are key to realising the Council's future housing investment priorities.

2. Aims of the Policy

This policy aims to:

- Facilitate the disposal of assets deemed surplus to requirements and to sell these on the open market;
- Minimise the risks arising from retaining assets whose management or maintenance needs can no longer be adequately met;
- Minimise the potential for void rent loss resulting from the retention of assets that are in low demand;
- Provide a means to dispose of assets where they no longer fulfil their original purpose in benefiting tenants or, in the case of investment properties, may not generate a financial return to the HRA;
- Provide means to generate an income from the disposal of assets that can be utilised to the benefit of Council tenants and the HRA;
- Provide means to dispose of assets where the Council is in minority ownership within mixed tenure blocks, minimising the risk of deterioration to Council housing stock and the resulting impact that this has on tenants.

3. Legislative Framework

The housing revenue account (HRA) must comply with legislation, statutory guidance and accounting codes of practice. Assets must provide, or be likely to provide a positive return to the HRA. Assets not benefitting tenants must be considered for disposal, transfer or change of use and decisions to retain or dispose of assets must be explained to tenants. Scottish Ministers' consent is required if assets are sold for less than the market value (March 2015 Scottish Government Guidance, Disposal of assets from HRA's).



Clackmannanshire Council will ensure that this policy adheres to all legislative requirements under relevant legislation and gives due regard to statutory guidance.

The main legislative framework for disposal of assets is set out in the following legislation:

- Disposal of Land by Local Authorities (Scotland) Regulations 2010
- Housing (Scotland) Act 1987
- Local Government Act 2003
- Local Government (Scotland) Act 1973

4. Disposal of Assets

4.1. Considerations for asset disposals

Clackmannanshire Council's Housing Service may consider the disposal of its assets in the following circumstances:

- The Service deems the asset to be surplus to requirements and not longer fit for purpose and/or offering best value to the HRA;
- The asset has no identified potential for future use or other redevelopment purposes permitted under HRA financial guidance;
- There is no demonstrable need and/or demand for the asset;
- The asset is a property within a mixed tenure block where the Council has a minority share and it is unlikely the Council will obtain a majority share;
- The asset is a property, and the level of repair and/or maintenance required to meet Scottish Housing Quality Standard and energy efficiency requirements does not constitute value for money to the Housing Revenue Account;
- The disposal of the asset would not be detrimental to Council tenants and/or to the management of existing Council stock.

4.2. Conditions for asset disposal

In line with legislative requirements, the Housing Service may dispose of its assets valued under £10,000 at less than market value without seeking General Consent. Assets valued above £10,000 require General Consent to be granted.

The Scottish Government Guidance on Disposal of assets from HRA's (March 2015) outlines that "In the main, General Consent is granted when two key considerations have been met: that the disposal price is in line with a best consideration valuation performed by someone accredited to the Royal Institution of Chartered Surveyors (RICS) and that an appropriate level of consultation with tenants has taken place. Best consideration is the amount for which an asset could be exchanged between 1 knowledgeable, willing parties in an arm's-length transaction. Best consideration is the amount that would be paid for an asset in its highest and best use, i.e. market value."



The Housing Service may seek to dispose of its assets valued over £10,000 at market value where a General Consent is deemed to be granted in line with the below noted circumstances:

- The disposal price of the asset is at least 75% of market value;
- The disposal price of the asset is below 75% of market value, and the end use is social housing;

Under General consent, the Council has 'self-certified' the consent without seeking consent from the Scottish Minister. As noted above, General Consent will be granted when the following circumstances are met:

- The asset disposal price is in line with a best consideration valuation carried out by a Chartered surveyor;
- The Housing Service has carried out an appropriate level of consultation with the tenants.

The type and level of consultation undertaken will vary on a case-by-case basis, will include the tenants' views on the use of HRA assets, and will be taken into account when reaching final decision about the disposal of the assets.

If the Housing Service seeks to dispose of its assets where the disposal price of the asset is below 75% of market value, and the end use is not social housing, the Council will need to seek consent from the Scottish Ministers.

4.3 Approval for Asset Disposal

The Strategic Director (Place) will approve to dispose of HRA owned assets, following confirmation having been provided by the Senior Manager (Housing) and the Chief Finance Officer that the asset is surplus to requirements, disposal is the best value option for the Council and the HRA and the proposed action meets with relevant legislation. Ahead of any proposed disposal action, an appropriate level of consultation will be had with the Housing Spokesperson and with council tenants, a clear and detailed audit trail will be kept to evidence the process followed and the engagement activity undertaken.

5. Equal Opportunities and Diversity

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

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

In accordance with the Equality Act 2010, the Council is actively working towards the elimination of policies and practices that discriminate unfairly on grounds including age; disability; gender



reassignment; marriage and civil partnership; pregnancy and maternity; race including colour, nationality, ethnic or national origin; religion or belief; sex; and sexual orientation.

6. Privacy Statement

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

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

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

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

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

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



8. Monitoring and Reviewing

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

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

Equality and Fairer Scotland Impact Assessment - Screening

Title of Policy:	Property Acquisition/ Asset Disposal Policies
Service:	Housing
Team:	Housing Business Management

Will the policy have to go to Council or committee for approval	Yes
Is it a major policy, significantly affecting how functions are delivered?	No
Does it relate to functions that previous involvement activities have identified as being important to particular protected groups?	No
Does it relate to an area where the Council has set equality outcomes?	No
Does it relate to an area where there are known inequalities?	No
Does it relate to a policy where there is significant potential for reducing inequalities or improving outcomes?	No

IF YES TO ANY - Move on to an Equality & Fairer Scotland Assessment

IF NO - Explain why an Equality & Fairer Scotland Assessment is not required

APPROVAL		
NAME	DESIGNATION	DATE

NB This screening exercise is not to be treated as an assessment of impact and therefore does not need to be published. However, if you decide not to assess the impact of any policy, you will have to be able to explain your decision. To do this, you should keep a full record of how you reached your decision.

Equality and Fairer Scotland Impact Assessment - Scoping

Purpose of the proposed policy or changes to established policy
<p>Clackmannanshire Council's Housing Service recognises that many Council-owned properties were sold under the Right-to-Buy scheme which operated from 1980 to 2016. To address the shortage of affordable housing and meet the increasing housing demands, the Housing Service seeks to bring properties back into the public sector by buying back ex-council and other suitable properties from the local open market. The Service may also seek to dispose of its land and building assets as it sees fits, where the Service has identified vacant and surplus assets, there is a benefit to the Service in reducing its portfolio of assets and/or where the assets are not deemed worth refurbishing.</p> <p>The Policies sets out the framework for purchasing properties into Clackmannanshire Council's housing stock and disposing of any Housing Revenue Account assets.</p>
Which aspects of the policy are particularly relevant to each element of the Council's responsibilities in relation to the General Equality Duty and the Fairer Scotland Duty?
General Equality Duty -
<p>➤ Eliminating unlawful discrimination, harassment and victimisation and other prohibited conduct</p>
<p>The Housing Service has carefully considered its responsibilities under the Equality Act 2010 to eliminate unlawful discrimination, harassment, and victimisation. In doing so, it has ensured that the property acquisition policy is accessible to all eligible property owners, regardless of protected characteristics.</p> <p>Any property owner wishing to sell their property to the Council will have the opportunity to register their interest and submit an application through an open and transparent process. The Council will purchase properties from the open market where private owners have advertised their property for sale, or, alternatively, individuals will be able to contact the Council directly to make the Council aware of a property which they intend to sell.</p> <p>Each application will be subject to a consistent and streamlined assessment framework, which will take into account the individual circumstances of the applicant. This approach is designed to ensure fairness, promote equality of opportunity, and prevent any form of unlawful discrimination in the decision-making process.</p>
<p>➤ Advancing equality of opportunity between people who share a relevant protected characteristic and those who do not</p>
<p>The impacts of this policy in relation to advancing equality of opportunity are assessed as low. Nevertheless, the policy includes proactive measures to ensure inclusive engagement and communication with all property owners, including those who may share one or more protected characteristics.</p> <p>The Council will seek to establish clear, accessible, and responsive communication channels to facilitate the sale of properties. These measures aim to remove potential barriers and ensure that all eligible individuals have an equal opportunity to understand, consider, and participate in the process, regardless of their background or personal circumstances.</p>
<p>➤ Fostering good relations between people who share a protected characteristic and those who do not.</p>
<p>Impacts are assessed as low in relation to this policy. The policy invites everyone, regardless of their protected characteristics to register their interest and apply to the Council to sell their property. The Council will purchase properties from the open market where private property owners have advertised their property for sale, or alternatively, individuals will be able to contact the Council directly to make us aware of a property which the individual intends to sell.</p>

Fairer Scotland Duty -

➤ Reducing inequalities of outcome caused by socioeconomic disadvantage

The policy may have implications for property owners who are currently experiencing, or are at risk of experiencing, socioeconomic disadvantage. It provides an opportunity for property owners to voluntarily sell their properties, should they express an interest and consider it appropriate to do so. This may be particularly beneficial for individuals who are asset-rich but income-poor, by offering a simplified and supportive route to sell off assets, generate income, and reduce ongoing financial or physical burdens related to property ownership.

In particular, the policy could help alleviate the responsibilities of maintaining properties that owners may no longer be able to sustain – especially in cases involving mixed tenure developments where owners have additional obligations for the upkeep of shared or communal areas.

To which of the equality groups is the policy relevant?		
Protected Characteristic	Yes/No*	Explanation
Age	Yes	<p>The policy may have a positive impact on this protected group. According to National Records of Scotland, as of 2018 there were 23,670 households across Clackmannanshire, 9,000 of which were over 60 years old. The number of households aged 75 and over is projected to increase by 88% in 2043. As the 2022 Census presents, out of 15,000 owner occupier households, over 5,200 are aged 65+ and over.</p> <p>The policy may provide significant benefits to older property owners, including those who may be seeking to downsize, reduce financial or maintenance burdens, or more easily manage their living arrangements. By offering a straightforward and supportive process for selling properties, the policy acknowledges that older individuals may face age-related challenges, such as reduced mobility, declining health, or fixed incomes that make property upkeep more difficult.</p>
Disability	Yes	<p>There are approximately 3,000 owner occupier households out of a total of 8,000 households which have one or more long-term sick or disabled person in them.</p> <p>The policy offers flexible and accessible options for property owners, including those with disabilities, to engage with the Council and explore the voluntary sale of their properties.</p> <p>In relation to the disposal of assets, the policy aims to ensure that the Council effectively communicates its intention to sell any HRA assets where it sees fit, following a consultation with its tenants. The size and type of consultation will be determined on a case-by-case basis, based on the potential impact that the sale of the asset will have on the tenants and functions of the Housing Service. The Service will aim to ensure that there are different ways for tenants to engage and have their say, including for those with disabilities.</p>
Gender Reassignment	No	There is no indication at this stage that this protected characteristic would be impacted
Marriage and civil partnership	No	There is no indication at this stage that this protected characteristic would be impacted
Pregnancy and Maternity	No	There is no indication at this stage that this protected characteristic would be impacted
Race	No	There is no indication at this stage that this protected characteristic would be impacted
Religion and Belief	No	There is no indication at this stage that this protected characteristic would be impacted

What evidence is already available about the needs of relevant groups, and where are the gaps in evidence?

The evidence in relation to the needs of protected characteristics can be found in the Scottish Census, the Scottish Households Survey, the Scottish Census as well as publications on disability, poverty and income inequality. Internal documents include Clackmannanshire's Strategic Housing Investment Plan.

Which equality groups and communities might it be helpful to involve in the development of the policy?

Clackmannanshire Tenants and Residents Federation (CTRF) are invited to be involved in the development and the review process of the proposed policy to ensure that it is fit-for-purpose, and does not unlawfully discriminate and/or exclude any persons with protected characteristics from the Council's property acquisition process and the consultations in terms of asset disposals.

Next steps

Following the review of the policy and the equalities impact assessment, necessary amendments will be implemented.

The policy will be followed by the development of the procedure document to ensure efficient application of the policy.

The policy will be reviewed every 3 years, following relevant consultations, to ensure that it adheres to the relevant legislation and statutory guidance as well as changes in organisational practices and policies.

Equality and Fairer Scotland Impact Assessment - Decision

Evidence findings		
<p>The assessment has found no evidence that the property acquisition and asset disposal policy will result in unlawful discrimination or disproportionately negative impacts on individuals with protected characteristics. The policy is designed to be voluntary, transparent, and accessible to all eligible property owners, with safeguards in place to ensure fairness. Measures are in place to consider individual circumstances, and no adverse impacts on age, disability, sex, or other protected characteristics have been identified.</p> <p>Where the disposal of assets is concerned, the Housing Service will aim to carry out an appropriate level of consultation with its tenants, based on the size and type of the proposed disposal of assets. The consultation will take into account the needs of tenants with protected characteristics.</p>		
Details of engagement undertaken and feedback received		
<p>The policy will be considered by the senior leadership group and the elected members, and is on track to be approved by the Council.</p>		
Decision/recommendation		
<p>Having considered the potential or actual impacts of this policy, the following decision/recommendation is made:</p>		
Tick <input checked="" type="checkbox"/>	Option 1: No major change <p>The assessment demonstrates that the policy is robust. The evidence shows no potential for unlawful discrimination and that all opportunities have been taken to advance equality of opportunity and foster good relations, subject to continuing monitoring and review.</p>	
	Option 2: Adjust the policy – this involves taking steps to remove any barriers, to better advance equality or to foster good relations. It may be possible to remove or change the aspect of the policy that creates any negative or unwanted impact, or to introduce additional measures to reduce or mitigate any potential negative impact.	
	Option 3: Continue the policy – this means adopting or continuing with the policy, despite the potential for adverse impact. The justification should clearly set out how this decision is compatible with the Council's obligations under the duty.	
	Option 4: Stop and remove the policy – if there are adverse effects that are not justified and cannot be mitigated, consideration should be given to stopping the policy altogether. If a policy leads to unlawful discrimination it should be removed or changed.	
Justification for decision		
APPROVAL		
NAME	DESIGNATION	DATE

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