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Solicitor  
Corporate and Property Law  
Glasgow City Council  
City Chambers  
Glasgow G2 1DU

27 April 2023

Dear [REDACTED]

**THE HOUSING (SCOTLAND) ACT 1987  
THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947  
THE GLASGOW CITY COUNCIL (FLAT 0/2, 35 WESTMORELAND STREET, GLASGOW)  
COMPULSORY PURCHASE ORDER 2023**

1. I refer to the Council's email of 3 March submitting the Glasgow City Council (Flat 0/2, 35 Westmoreland Street, Glasgow) Compulsory Purchase Order 2023 ("the Order") to the Scottish Ministers for confirmation.
2. The Scottish Ministers have given careful consideration to the merits of the Order, to which no objections were received. Ministers are satisfied that the Order should be confirmed, subject to the following modifications:-

**Modifications**

3. In the Second Schedule to the Order, subparagraphs 1.1.4 and 1.1.5 are deleted.

**Background Information**

4. The Order is made in exercise of the powers conferred by sections 9 and 10 of the Housing (Scotland) Act 1987 for the purpose of providing housing accommodation. The Order allows the Council to obtain title to Flat 0/2, 35 Westmoreland Street, Glasgow, G42 8LL. The property is the right-hand house on the ground floor of the tenement 35 Westmoreland Street, Glasgow, a four storey mid-range pre-1919 tenement with eight flats on the ground floor and the three upper floors. The accommodation comprises a lounge, two bedrooms, a kitchen and internal bathroom.



5. If confirmed the Council will take title to the property which will be transferred to Govanhill Housing Association in a back to back agreement. The Association will refurbish the property and add it to their housing stock portfolio for social rent. Funding for the acquisition and comprehensive repairs of the flat will be made available to the Housing Association through the Council's Affordable Housing Supply Programme budget.
6. Flat 0/2 was occupied by tenants, however, the owner did not renew his private landlord registration when the previous registration expired in February 2017 and has effectively abandoned the flat since then. The tenants in place at that time continued to live there and allowed other members of their family to live there too. The flat is in poor condition and on 31 August 2022 failed the tolerable standard of repair for a residential property under the Housing (Scotland) Act 1987. On the same day, the occupants were referred to the Homelessness Community Casework Team and rehoused in a temporary furnished flat, while their needs are being assessed through two applications for housing, submitted simultaneously to Govanhill Housing Association and to Southside Housing Association. A Closing Order was served on 2 September 2022 and the flat has now been empty for more than 7 months.
7. The Council and the Housing Association pursued various avenues to try and bring this property back into use. Despite many offers to voluntarily purchase the property, the price offered had to reflect the extent of work needed to bring the flat up to a suitable letting standard and thus it was less than the full market value. It was concluded that this option was not viable. The owner did not take any action to return the property to a tolerable standard, undertake to carry out required works specified by the Closing Order, nor apply to the Council for a suspension of the order. As the owner did not respond to any further correspondence, the Council concluded that both the Council and the Housing Association took all reasonable steps and exhausted all avenues of engaging with the owner with regard bringing the flat back to a habitable standard, or to achieve voluntary acquisition. Having considered other alternative statutory powers, the Council is of the opinion that compulsory purchase is the only means available to ensure the flat is repaired and brought back into use for the community.
8. The tenement number 35 Westmoreland Street was comprehensively refurbished when structural repairs and rot eradication measures were implemented in 2013. The Council instructed the statutory repairs and, on completion, invoiced the owners. The title is therefore encumbered by a first ranking Repayment Charge by Glasgow City Council, with a substantial outstanding balance. The title is also encumbered by a Standard Security, and it is understood that the sum outstanding under this security is high enough to create negative equity. Significant Council Tax arrears also remain unpaid.

### **The Scottish Ministers' Decision**


9. In determining to confirm the Order, the Scottish Ministers consider that the compulsory acquisition of Flat 0/2, 35 Westmoreland Street, Glasgow is necessary to stop the decline of this property and any detrimental impact on neighbouring properties. Acquisition will bring this property back into use providing much needed family size social rented housing accommodation in the area, which would be managed by the Housing Association.

It is believed this would have a positive impact on the local community and would also be in line with local strategies. No person would be made homeless by this acquisition as the flat has been empty for several months, occupants having been rehoused, and the owner resides elsewhere.

10. The Scottish Ministers have considered carefully all the evidence presented to them and consider that acquisition of the interest listed in the Order by compulsory means is proportionate and in the public interest. The Scottish Ministers consider that a fair balance has been struck between the need to protect the rights of the owner and the public interest. Taking these considerations into account, the Scottish Ministers are satisfied that the Order should be confirmed.
11. This letter constitutes the Scottish Ministers decision to that effect.

### **Subsequent Procedures**

12. In accordance with paragraph 6 of the First Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 ("the 1947 Act"), notice of confirmation of the Order should be published as soon as may be in the prescribed form (Form No. 4 in the Schedule to the Compulsory Purchase of Land (Scotland) Regulations 2003 (SSI 2003/446) in one or more newspapers circulating in the locality in which the land comprised in the Order is situated. A like notice and a copy of the Order as confirmed must be served on all persons on whom notice under paragraph 3 of the First Schedule to the 1947 Act was served.
13. Glasgow City Council will require to take what action they consider necessary regarding the service of the notices in accordance with paragraph 19(4) of the First Schedule to the 1947 Act, as amended by paragraph 6 of Schedule 2 to the Local Government (Miscellaneous Provisions) (Scotland) Act 1981.
14. The Order will become operative on the date on which notice of the confirmation is first published, but any person aggrieved may, within 6 weeks of that date make application to the Court of Session in terms of paragraph 15 of the First Schedule to the 1947 Act, as extended by Section 60 of the Land Compensation (Scotland) Act 1973.
15. Extracts of newspapers containing notice of the confirmation of the Order should be forwarded to the Scottish Ministers for retention along with a certificate of the service of required notices. Please send these notices to:

  
 Policy Officer  
 The Scottish Government  
 More Homes Division  
 Bothwell House  
 Hamilton Business Park  
 Caird Park  
 Hamilton ML3 0QA

Alternatively, they may be emailed: [REDACTED]

16. I should be grateful if you would acknowledge receipt of this letter to [REDACTED].

Yours sincerely



[REDACTED]  
**Team Leader**  
**More Homes Division**  
**Directorate for Local Government & Housing**