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

23 April 2024

Dear [REDACTED]

**THE HOUSING (SCOTLAND) ACT 1987
THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947
THE GLASGOW CITY COUNCIL (FLAT 2/1, 221 ALLISON STREET, GLASGOW)
COMPULSORY PURCHASE ORDER 2024**

1. I refer to the Council's email of 22 February 2024, submitting the Glasgow City Council (Flat 2/1, 221 Allison Street, Glasgow) Compulsory Purchase Order 2024 ("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.

Background Information

3. 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 2/1, 221 Allison Street, Glasgow, G42 8RU. Flat 2/1 is the lefthand house on the second floor of the tenement and comprises a hallway, lounge, two double bedrooms, an internal kitchen, and a narrow bathroom with window, the total dwellinghouse area extending to circa sixty-five square meters.
4. If the Order is confirmed, the Council will take title to the property which will be transferred to Govanhill Housing Association Ltd in a back to back agreement. The Association will refurbish the property and add it to their housing stock portfolio for social rent.



5. 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 and, if required, make use of any other specific grant assistance available through the Council's strategic funds or any other such funds.
6. Council Tax records show the flat 2/1, 221 Allison Street declared empty in December 2020. The property is not in the Scottish Landlord Register and the owner is not registered as a private landlord. However, during a visit by Council officers, the flat was found to be occupied, the occupants indicating that they had no tenancy agreement and did not pay council tax. The occupiers were placed into temporary accommodation on 6 November 2023, while awaiting permanent housing via the Homelessness Services. The Council also made the decision to secure the flat to reduce the chances of further unauthorised occupancy. The property is in a poor condition, found to be failing both the Repairing and Tolerable standards.
7. Govanhill HA was interested in acquiring this property for a number of years. The owner contacted Govanhill HA by telephone on 14 September 2015 confirming his interest to sell, however, as he was out of the country at the time, did not respond to subsequent requests for access for the district valuer's inspection. A voluntary acquisition was not possible. From 2020, Govanhill HA actively pursued a voluntary acquisition from the Bank, who held a repossession decree since 2017. Govanhill HA officers corresponded with the solicitors acting for the Bank and an offer to purchase was made on 6 July 2021, but was never progressed. Despite further discussions April 2022, no agreement was reached since then and to date. It is not clear if repossession proceedings commenced at all. The Bank were notified of the making of the Order in February 2024. Govanhill HA continue negotiations on the voluntary acquisition with the Bank's solicitors. A further valuation was conducted by the District Valuer on 26 February 2024, and the Bank's solicitor advised of this. They have not confirmed the Bank's decision to sell to Govanhill HA or to the Council yet.
8. Further major common repairs are now required, and a majority of owners have agreed to progress a voluntary common repair scheme. Govanhill HA already own two properties in the close and as Factors, have been engaging with the other owners. There has been no engagement from the owner of flat 2/1. The Council may need to take enforcement action and serve a works notice to allow common repairs to be progressed.
9. There are substantial outstanding Council Tax arrears against this property and the title is encumbered by a standard security in favour of the Bank of Scotland. The Bank hold a repossession court decree dated 12 May 2017. The title is also encumbered by a Repayment Charge by Glasgow City Council and a notice of potential liability for costs registered by Govanhill HA on 13 July 2021.
10. The Council is of the opinion the owner has effectively abandoned this property by stopping both mortgage and council tax payments. There is no engagement regarding common repairs. The owner is not registered as a private landlord, he does not use it as his main residence and cannot rent it out. Also, the Council is satisfied that there is a need for further housing accommodation in the area. In addition to reinstating an empty home to its residential use, the Order will facilitate improvement of the local area, add one extra unit to the social housing accommodation stock, stop the blight on the neighbouring properties and ensure future maintenance of the flat.

The Scottish Ministers' Decision

11. In determining to confirm the Order, the Scottish Ministers consider that the compulsory acquisition of Flat 2/1, 221 Allison Street, Glasgow is necessary to stop the decline of this property and the detrimental impact on neighbouring properties. Acquisition will bring this property back into use providing much needed 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 is empty and the owner lives elsewhere.
12. The Scottish Ministers have considered carefully all the evidence presented and consider that acquisition of the interest listed in the Order by compulsory means is proportionate, and strikes a fair balance between the need to protect the rights of the owner of the property and the public interest. Taking these considerations into account, the Scottish Ministers are satisfied that the Order should be confirmed.
13. This letter constitutes the Scottish Ministers decision to that effect.

Subsequent Procedures

14. 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.
15. 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.
16. 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.
17. 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:

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

Alternatively they may be emailed [REDACTED]

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

Yours sincerely

[REDACTED]

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