

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

4 June 2024

Dear

THE HOUSING (SCOTLAND) ACT 1987
THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947
THE GLASGOW CITY COUNCIL (FLAT 0/2, 102 LOCHDOCHART ROAD, GLASGOW)
COMPULSORY PURCHASE ORDER 2024

- 1. I refer to the Council's email of 8 February 2024, submitting the Glasgow City Council (Flat 0/2, 102 Lochdochart Road, 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, subject to the following modification:-

Modification

In paragraph 1.1 of the Second Schedule to the Order, for "Land Certificate Number GLA135858" substitute "Land Certificate Number GLA122191".

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 0/2, 102 Lochdochart Road, Glasgow, G34 0BT, which is an empty two-bedroom righthand house on the ground floor of the block. The tenement was modernised in recent years, however, internally the property requires a substantial degree of refurbishment. Lochfield Park Housing Association own 3 of the 6 flats in the tenement.









- 4. If the Order is confirmed, the Council will take title to the property which will be transferred to Lochfield Park 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. Lochfield Park Housing Association will carry out the refurbishment and, if required, make use of any other specific grant assistance available through the Council's strategic funds or any other such funds.
- 5. The flat has been unoccupied since August 2002 and 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, and stop the blight on the neighbouring properties.
- This flat is jointly owned, and in March 2019 a Council officer wrote to the owners to 6. advise that the flat was identified as empty. The first owner responded, advising that she wanted to sell both flats she owned at 102 Lochdochart Road. Lochfield Park Housing Association confirmed her agreement to sell, and whilst one flat was successfully voluntarily purchased, flat 0/2 could not be sold because of difficulties with establishing the whereabouts of the joint owner. Lochfield Park Housing Association secured the flat in July 2019 due to potential security issues for other residents and the wider tenement. This empty home has had adverse consequences on other owners in the building, including a potential purchaser of another flat in the building having issues obtaining a mortgage due to flat 0/2 being boarded up and empty, causing obvious blight in the vicinity. The Council carried out all reasonable enquiries to trace the owner and despite searches for him conducted by Fraser and Fraser, concluded that the second owner's current whereabouts remain unknown. As this owner could not be traced it has not been possible to either discuss repair of the property or negotiate a voluntary acquisition with him, hence promotion of the Order.
- 7. The title is encumbered by a Charging Order to Glasgow City Council following an emergency repair of a burst pipe in the flat for which the owners were charged 100% costs of repairs. There is also an outstanding bill charged for securing the flat.

The Scottish Ministers' Decision

8. In determining to confirm the Order, the Scottish Ministers consider that the compulsory acquisition of Flat 0/2, 102 Lochdochart Road, Glasgow is necessary to stop the decline of this property and the detrimental impact on neighbouring properties. Acquisition will remove blight and bring this property back into use, providing much needed social rented housing accommodation in the area, which would be managed by the Housing Association. This would ensure future maintenance of the property and provide a secure tenancy for future tenants. It is believed this would have a positive impact on the local community and would also be in line with local strategies. At present the flat cannot be used as housing accommodation as the owners are not registered as private landlords. No person would be made homeless by this acquisition as the flat has been empty since August 2002, one owner lives elsewhere and the whereabouts of the second owner remains unknown.









- 9. 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 owners of the property and the public interest. Taking these considerations into account, the Scottish Ministers are satisfied that the Order should be confirmed with modification.
- 10. This letter constitutes the Scottish Ministers decision to that effect.

Subsequent Procedures

- 11. 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.
- 12. 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.
- 13. 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.
- 14. 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:

15. I should be grateful if you would acknowledge receipt of this letter to

Yours sincerely



Team Leader
More Homes Division
Directorate for Local Government & Housing







