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Ms [REDACTED]
Solicitor
Corporate and Property Law
Glasgow City Council
City Chambers
Glasgow G2 1DU

27 November 2024

Dear Ms [REDACTED]

**THE HOUSING (SCOTLAND) ACT 1987
THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947
THE GLASGOW CITY COUNCIL (FLAT 1/2, 1263 ARGYLE ST, GLASGOW)
COMPULSORY PURCHASE ORDER 2024**

1. I refer to the Council's email of 9 July 2024, submitting the Glasgow City Council (Flat 1/2, 1263 Argyle 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 1/2, 1263 Argyle Street, Glasgow, which is a long term empty two bed property on the second left or eastmost house on the first floor above the ground floor entering by close 1263 Argyle Street, Glasgow. The common stair is accessed via a security entry system providing access to all floors.
4. If the Order is confirmed, the Council will take title to the property which will be transferred to Yorkhill Housing Association (Yorkhill HA) in a back to back agreement. Whilst Council officers did not have access to ascertain the property condition, 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 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.



5. A referral was received by the Council from Yorkhill HA on 22 March 2023, advising that Flat 1/2 at 1263 Argyle Street was long-term empty and that the Association's efforts to acquire failed because the person whom they thought was a proprietor did not in fact have a registered title. Yorkhill HA factor the tenement and own 4 of the 9 flats in this close; they want to include this flat in their housing stock and to own a majority of properties in the close, which would make decisions regarding tenement maintenance much easier.
6. The property is owned by Mr ██████████ whose title was recorded in the General Register of Sasines on 20 July 1981. The owner's address shown on the 1981 Disposition had since been demolished, so no correspondence could be sent to that non-existent address, therefore the Council officer instructed people finders Fraser and Fraser to locate the owner on 23 March 2023. Fraser and Fraser responded on 28 July 2023 identifying an owner of another property on Argyle Street as a potential relative of this owner. The Council officer found contact details, but this person confirmed that although he is a registered landlord in Glasgow, he never owned this property. The Council officer also sent a letter to Flat 1/2, 1263 Argyle Street, in case there is any redirection to the owner's address, but there was no reply. The Council requested Fraser and Fraser conduct a second search on 19 September 2024. Fraser and Fraser responded on 3 October 2024, and again Mr ██████████'s whereabouts could not be ascertained. The property is not managed by a private landlord and a search in the Scottish Landlord Register dated 29 May 2024 showed no records. Neighbours within the close have not noticed any signs of occupation since the flat became vacant in 1999 and the Order Notice attached to the property door by Sheriff Officers remained in place on weekly inspection, over four weeks. The Council's approach is to encourage and assist owners with reinstating their properties, however in this case despite all reasonable enquiries to contact this owner, it was concluded that the owner's current whereabouts are unknown, therefore it was not possible to either discuss repair of the property or negotiate a voluntary acquisition.
7. The title is not encumbered by any secured charges. Council Tax records show that previous occupiers could not be traced, and that liability was amended to 'owner' (instead of 'occupier') with effective date of 1 April 1999. There is no evidence that the property was ever occupied since that date. Council Tax was not paid since 1 April 2015, which is the earliest date that records reach on the Council's Council Tax payment system. The outstanding Council Tax balance is substantial, and Yorkhill HA are also owed money for unpaid factoring bills.

The Scottish Ministers' Decision


8. In determining to confirm the Order, the Scottish Ministers consider that the compulsory acquisition of Flat 1/2, 1263 Argyle Street, Glasgow is necessary to stop the decline of this property and any detrimental impact on neighbouring properties. Acquisition will remove potential blight and bring this long term empty 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 owner is not registered as a private landlord and his whereabouts is unknown, despite two in-depth searches to try and locate him. No person would be made homeless by this acquisition as it is believed the flat has been empty since 1 April 1999.

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 owner of the property and the public interest. Taking these considerations into account, the Scottish Ministers are satisfied that the Order should be confirmed.
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: @gov.scot

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

Yours sincerely

[REDACTED]

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