

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

24 May 2023

Dear

**THE HOUSING (SCOTLAND) ACT 1987
THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947
THE GLASGOW CITY COUNCIL (FLAT 2/2, 4 MELVILLE STREET, GLASGOW)
COMPULSORY PURCHASE ORDER 2023**

1. I refer to the Council's email of 3 March 2023, submitting the Glasgow City Council (Flat 2/2, 4 Melville 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Ministers have given careful consideration to the merits of the Order, to which one objection was received and then withdrawn. 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 2/2, 4 Melville Street, Glasgow, G41 2LN. The property is the westmost flat on the second floor of the tenement number 4 Melville Street, a three storey mid-range pre-1919 blonde sandstone tenement with flats on the ground, first and second floors. Flat 2/2 is a three-bedroom flat, with a living room and a bathroom. If confirmed the Council will take title to the property which will be transferred to Southside 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 and, if required, make use of any other specific grant assistance available through the Council's strategic funds or any other such funds. However, if the Order is confirmed by the Scottish Ministers, the Council undertakes not to make the general vesting declaration if a formal agreement (concluded missives) with both owners on the voluntary sale of Flat 2/2, 4 Melville Street, Glasgow to Southside Housing Association is in place at that time and settlement takes place successfully. The Council also undertakes to assist, if necessary, with the voluntary sale of the said property to Southside Housing Association. The Council will not prevent such a sale to the Housing Association.

4. Flat 2/2, 4 Melville Street is in joint ownership, has been empty since around November 2017, and is in an unlettable condition at present. It would greatly benefit from upgrading works and it requires a number of essential works and general maintenance repairs. Southside Housing Association own one other flat in the tenement. There is a Maintenance Plan in place, imposed by the Council and the flat requires essential repair works which include dry rot treatment, repairing wall cracks and investigating door openings running off level. Over 10 years ago, all owners in the tenement failed to progress common repairs listed in a statutory notice served by the Council. Several flats were unoccupied at the time, including Flat 2/2. The Council carried out the statutory common repairs and charged costs to the owners. The repayment charge was registered to the title on completion of works. On 04 November 2021, the Council wrote to owners of the unoccupied flats, including the two owners of Flat 2/2. At that time those flats had been empty for over 12 months. The Council encouraged the owners to bring their properties back into use and provided detailed advice on options available to them, and offered to assist with the process of registering as a private landlord. Other available options listed were the sale on the open market or voluntary sale to Southside Housing Association. The Council engaged with the two owners separately over the years and whilst one owner was minded to accept a recent offer to voluntarily sell the property under certain circumstances, the other owner did not respond to this offer. Discussions continue with both owners to try and voluntary acquire Flat 2/2, 4 Melville Street.
5. The title is encumbered by a repayment charge by Glasgow City Council. It is also encumbered by a standard security in favour of Bank of Scotland Plc. The sum outstanding under this security was not disclosed to the Council's officers; however, it is understood to be high enough to create negative equity. Council Tax has not been paid for many years.

The Scottish Ministers' Decision

6. In determining to confirm the Order, the Scottish Ministers consider that the compulsory acquisition of Flat 2/2, 4 Melville Street, Glasgow is necessary to stop the decline of this property and any detrimental impact on neighbouring properties.

Acquisition will bring this family sized property back into use for social rented housing accommodation, which is in demand in the area and 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 many years, and the owners reside elsewhere.

7. 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.
8. This letter constitutes the Scottish Ministers decision to that effect.

Subsequent Procedures

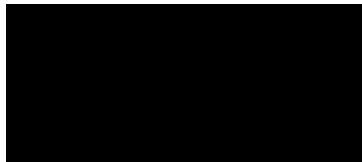
9. In accordance with paragraph 6 of the First Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 ("the 1947 Act"), notice of confirmation of the Order should be published as soon as may be in the prescribed form (Form No. 4 in the Schedule to the Compulsory Purchase of 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.
10. 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.
11. 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.
12. 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]

13. 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