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City Chambers
Glasgow G2 1DU

24 April 2024

Dear [REDACTED]

**THE HOUSING (SCOTLAND) ACT 1987
THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947
THE GLASGOW CITY COUNCIL (FLAT 1/3, 27 HARLEY STREET, GLASGOW AND
FLAT 3/2, 27 HARLEY STREET, GLASGOW) COMPULSORY PURCHASE ORDER 2023**

1. I refer to the Council's email of 13 November 2023, submitting the Glasgow City Council (Flat 1/3, 27 Harley Street, Glasgow and Flat 3/2, 27 Harley 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.

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 1/3 and 3/2, 27 Harley Street, Glasgow, G51 1AJ. Flat 1/3, 27 Harley Street is the southmost house on the first floor of the tenement. This title is encumbered by a Standard Security. Flat 3/2, 27 Harley Street is the middle house on the third floor of the tenement and is also encumbered by a Standard Security. The Council ascertained with the legal representatives of this heritable creditor that there is no envisaged repossession of the two flats and that they would claim compensation when competent to do so.



4. If confirmed the Council will take title to the flats which will be transferred to Elderpark Housing Association in a back to back agreement. The Association will refurbish the properties and add them to their housing stock portfolio for social rent. Funding for the acquisition and any repairs to the flats will be made available to the Housing Association through the Affordable Housing Supply Programme budget (AHSP).
5. Flat 1/3 is currently occupied, however it is unclear what the status of the occupant is, or if she is paying rent to the owner. There is no tenancy agreement in place as far as Council officers are aware, however there appears to have been an informal living arrangement in place, cash in hand, as confirmed by the tenant in 2022. Council Officers now believe that anyone residing in the property is staying there rent-free as the owner has abandoned the property. The flat was surveyed for valuation purposes in November 2022 and whilst 'no major repairs necessary' is noted in this report, the flat needs improvements to ensure compliance with Health and Safety requirements. Elderpark Housing Association have offered this occupant another flat which was refused.
6. Flat 3/2 appears to be occupied on an intermittent basis and again, it is unclear what the status of the occupant is, and if they are paying rent. There is no current tenancy agreement in place as far as the Council officers are aware, believing that anyone residing in the flat is staying there rent free, as the owner has abandoned this flat too. It has not been possible to gain access to Flat 3/2 to conduct a valuation report, therefore the condition is unknown, but it is anticipated that both properties do not meet current rental standards.
7. In February 2022, a case was made to revoke the owner's registration from the Private Register of Landlords. This was due to his failure to respond to requests for prescribed information, including documentation to evidence his standing as a fit and proper person to be registered as a private landlord, and to demonstrate that both properties meet the required standards for private let. The owner was removed from the Register of Private Landlords on 2 March 2022. Rent Penalty Notices were served on these flats on 17 May 2022 and came into force on 31 May 2022. Council officers from the Private Landlord Registration Unit reported these properties to the Procurator Fiscal and tried to engage with the occupiers in order to obtain signed statements regarding their residence, which were refused. The Procurator Fiscal indicated that without signed witness statements and/or witnesses prepared to testify against the landlord in court, he cannot take forward such cases for prosecution. The owner failed to take action to reinstate his private landlord registration and failed to ensure that no-one occupied the flats.
8. In August 2022 Elderpark Housing Association offered to purchase the flats on a voluntary basis and their officer managed to discuss a possible voluntary acquisition on the telephone with the owner, who was keen to sell, stating he could not receive any rent on his properties. However, the owner did not engage further, did not facilitate access for valuation purposes and did not respond to any subsequent calls. 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 communicating with the owner to encourage him to engage, sell or repair both flats.

The Council now considers that both these properties have been abandoned by the owner and that the Bank will not enforce repossession, but claim compensation if the Order is confirmed. There is substantial outstanding Council Tax and Factor fees owed for both flats.

The Scottish Ministers' Decision

9. In determining to confirm the Order, the Scottish Ministers consider that the compulsory acquisition of Flats 1/3 and Flat 3/2, 27 Harley Street, Glasgow is necessary as they appear to be abandoned. Acquiring the flats would ensure future maintenance by Elderpark Housing Association, who already factor the building. Compulsory acquisition would secure the property for housing accommodation and ensure that it can be maintained in a fit standard for housing. A secure legal tenancy would be certain for occupants, which in turn would ensure a positive future for these flats and increase the supply of affordable social housing in the area. Currently, the properties cannot be used as housing accommodation for rent if their owner is not registered as a private landlord. It is therefore in the public interest to promote the Order for the benefit of people requiring social affordable housing in the area who could occupy the flats and to prevent the deterioration of these homes which, if left empty, will eventually cause blight for the people in the immediate vicinity and for the neighbouring community as a whole. It is believed this will have a positive impact on other residents within 27 Harley Street, and will also be in line with the Council's local strategies. No person will be made homeless by this acquisition as the current occupants of the flats will be allowed to remain as secure tenants or rehomed if the Order is confirmed, and the owner resides elsewhere.
10. The Scottish Ministers have considered carefully all the evidence presented to them and consider that acquisition of the interests 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:

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

Alternatively, they may be emailed: [REDACTED] [@gov.scot](mailto:[REDACTED]@gov.scot)

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

Yours sincerely

[REDACTED]

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