

E: [REDACTED]@gov.scot

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

27 August 2024

Dear [REDACTED]

**THE HOUSING (SCOTLAND) ACT 1987
THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947
THE GLASGOW CITY COUNCIL (35 STROWAN CRESCENT, GLASGOW)
COMPULSORY PURCHASE ORDER 2024**

1. I refer to the Council's email of 18 July 2024, submitting the Glasgow City Council (35 Strowan Crescent, 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 35 Strowan Crescent, Glasgow, G32 9DW, which is an empty 3 bed former local authority semi-detached property in the Sandyhills area of Glasgow.
4. If the Order is confirmed by the Scottish Ministers, the Council shall transfer the house to West of Scotland Housing Association Limited. Funding for the acquisition and the repair of the property will be made available to West of Scotland HA through the Affordable Housing Supply Programme budget. West of Scotland HA 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 to improve and bring the house back into effective use as social housing accommodation stock. West of Scotland HA own and manage other properties in the area.

5. The owner's title was recorded in the General Register of Sasines on 20 December 1977. The title is not registered in the Land Register of Scotland. Investigations revealed that the owner died intestate. Her two children, a son and a daughter, now in late years of their own lives, did not apply for confirmation at the Sheriff Court and, as far as the Council is aware, do not have plans to take title. The house is identified on the Council Tax register as long-term empty since December 2021 and has become the subject of neighbours' complaints. The owner died in August 2013. It was initially thought that her son continued to live at 35 Strowan Crescent until December 2021 when he was taken into care. On 22 February 2022 the Council officer wrote to the son and subsequently visited him at the nursing home. He confirmed that he lived at 35 Strowan Crescent prior to moving to the nursing home and he did not have any long-term plans for the property. He indicated that he had a sister, whose contact details he did not have. During a further visit by the Council officer on 7 September 2022, he advised that he owned his own property and that he had only moved in with his mother to support her through her terminal illness. On this occasion the Council officer advised him that he could/should arrange to take title so that he could sell his mother's property, and so that new owners could repair it and use it as a home. The officer investigated further, as social work suggested the son thought his mother must have left a Will. The officer visited the nursing home again on 15 September 2023 and obtained a signed mandate to contact the family solicitor. As this solicitor could not be found, the officer contacted the Law Society of Scotland who provided details of the firm who took over the practice of the deceased solicitor. It was ascertained that the owner left no Will, and so she died intestate. The officer also enquired with Glasgow Sheriff Commissary Office who advised that there is no Confirmation of the deceased's estate. A last letter advising of the promotion of the order was sent to her son on 28 February 2024. The officer traced one of the owner's grandchildren, the daughter's son, and telephoned him on 30 August 2022. This person advised that his mother no longer has legal capacity and suggested that the officer only engages with his uncle in relation to this property. Later discussions with the grandson confirmed that he holds Power of Attorney (Welfare and Financial) for his mother. He agreed to receive correspondence relating to the Order. It is understood that the owner's daughter's family have no intentions of taking title to the property.
6. In March 2022, the officer conducted a site visit and took several photographs. Neighbours had reported terrible problems with infestation of rats from the front and rear gardens. A notice under s 4 of the Prevention of Damage by Pests Act 1949 was issued on 15 June 2023. The works were carried out by the Council public health department later in September 2023, at a high cost. Two vehicles left on the driveway since October 2012 had to be removed to access the back garden for works required to clear the pest infestation. The property is presently lying in a state of abandonment, and it is a blight on the area. Externally the house is in need of fabric repairs. It is anticipated that major refurbishment works will be required internally. The gardens at both the front and rear of the property are seriously overgrown impacting negatively on the neighbouring properties.
7. The Council's approach is to encourage and assist the owners with reinstating their properties. It has not been possible to achieve a voluntary acquisition in this case, as the descendants did not take title to the property and do not appear to have any intentions of doing so. This property meets the requirements for housing and will provide most needed affordable housing accommodation in the area.

The house is in a state of disrepair which has a negative effect on the adjoining house and the neighbouring community as a whole. The Order, if confirmed, will enable the repair and use of the property for social housing, ultimately benefitting the homeless families in the area. The Council considers the Order to be necessary and proportionate as there is an absence of alternative means of bringing the house back into use. The Council will not be rendering any person homeless by making of the Order as no-one resides at the house.

8. The title is not encumbered by any charges. There is an outstanding Council Tax bill for this property as it has not been paid since 2 December 2021 when liability reverted to the legal owner, as the property was no longer occupied.

The Scottish Ministers' Decision

9. In determining to confirm the Order, the Scottish Ministers consider that the compulsory acquisition of 35 Strowan Crescent, 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 family sized 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. No person would be made homeless by this acquisition as the house has been empty since December 2021, the owner died intestate; leaving no will, and her relatives have not taken title to the property, and seem unlikely to do so.
10. 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.
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]
Policy Officer
The Scottish Government
More Homes Division
Bothwell House
Hamilton Business Park
Caird Park
Hamilton ML3 0QA

Alternatively they may be emailed: [REDACTED]

16. 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