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

9 September 2024

Dear Ms [REDACTED]

**THE HOUSING (SCOTLAND) ACT 1987
THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947
THE GLASGOW CITY COUNCIL (FLAT 2/1, 12 BALCURVIE ROAD, GLASGOW)
COMPULSORY PURCHASE ORDER 2024**

1. I refer to the Council's email of 17 June 2024, submitting the Glasgow City Council (Flat 2/1, 12 Balcurvie 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.

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 2/1, 12 Balcurvie Road, Glasgow, G34 9QH, which is an empty two-bedroom flat, the leftmost house on the second floor of the tenement, and situated within the Provanhall district of Glasgow, a housing priority area. The property comprises an entrance hallway, lounge, kitchen, two bedrooms and bathroom with WC.
4. If the Order is confirmed, the Council will take title to the property which will be transferred to Provanhall Housing Association (Provanhall HA) 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 Association through the Council's Affordable Housing Supply Programme budget. The Association already own four of the six flats within the close and whilst not the official factors, they are able to make decisions on and carry out the required repairs without the need to be appointed as factors.



5. The flat was recorded as empty in the Council Tax records since 12 February 2020. The letting agents who managed the property prior to 2020 stopped acting as the landlord became uncontactable, with emails bouncing back and having no telephone service. Attempts by Provanhall HA to voluntarily acquire the flat failed because the property is effectively ownerless. Provanhall HA issued an offer to purchase on 31 July 2023, which was returned to them by Royal Mail (return to sender service) with the words “struck off 2019” on the envelope. The Council officer searched the name of the last known director of the registered owner [REDACTED], in LoCTA Hub, a UK-wide data hub providing access to billing authorities, including electoral roll, local authority council tax, and there were no matches. As the subjects may have fallen to the Crown as *bona vacantia*, the Council officer made the King’s and Lord Treasurer’s Remembrancer (KLTR) aware of this property. On 16 November 2023 KLTR responded to confirm it did not intend to assert Crown rights over the property in question. The Council officers did not have access to the property to ascertain its condition.
6. It has not been possible to achieve voluntary acquisition as this property is effectively ownerless and appears to be abandoned. The Council pursued all possible avenues and made reasonable efforts to encourage a voluntary acquisition with last known owners, and despite searches to trace an owner and contact with KLTR, this property is effectively ownerless and may remain permanently empty and in decline, unless action is taken to refurbish it and return it to the local community as affordable housing.
7. The title is not encumbered by any charges however Council tax has not been paid since 20 February 2020, leaving a substantial outstanding balance.

The Scottish Ministers’ Decision

8. In determining to confirm the Order, the Scottish Ministers consider that the compulsory acquisition of Flat 2/1, 12 Balcurvie Road, Glasgow is necessary to stop the decline of this property and the detrimental impact on neighbouring properties. Acquisition will remove blight, bring this property back into use and provide much needed social rented housing accommodation in the area, which would be managed by Provanhall HA. This in turn would ensure future maintenance of the property and provide a secure tenancy for new tenants. It is believed this would have a positive impact on the local community and would also be in line with local strategies. There are no alternative means of bringing this property back into use and at present the flat cannot be used as housing accommodation whilst ownerless. No person would be made homeless by this acquisition as the flat has been empty since February 2020, and no known owner can be traced.
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:

[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]@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