

EAST RENFREWSHIRE COUNCIL

22 April 2015

Report by Director of Environment

25 DIVERNIA WAY, BARRHEAD, COMPULSORY ACQUISITION

PURPOSE OF REPORT

1. The purpose of this report is (i) to update the Council in relation to the voluntary purchase negotiations authorised by the Council at its meeting on 25 June 2014; (ii) to seek formal approval to make the East Renfrewshire Council (25 Divernia Way, Barrhead) Compulsory Purchase Order 2015; (iii) to place the property on the Housing Revenue Account in order to bring an empty home back into use for appropriate housing needs; and (iv) to settle any compensation claims and incidental costs arising from the compulsory acquisition.

RECOMMENDATIONS

2. It is recommended that the Council
- (a) Resolves to make the East Renfrewshire Council (25 Divernia Way, Barrhead) Compulsory Purchase Order 2015 in terms of Sections 9 and 10 of the Housing (Scotland) Act 1987 in the form of the draft Order appended to the report; and
 - (b) Notes the liability for compensation payments arising from the acquisition and authorises the Director of Environment in consultation with the Chief Officer – Legal & Procurement, to negotiate and settle any compensation claims arising.

BACKGROUND

3. As explained in the report considered on 25 June 2014, 25 Divernia Way is a long term empty property in the Auchenback area of Barrhead. The property was formerly a Scottish Homes property and sold under the Right to Buy legislation.

4. The property has been vacant for the last few years and shows evidence of fire damage and neglect. It seriously detracts from the amenity of the area. A summary of the known conditions of this property include:

- Fire Damage to upper level of property
- A section of damaged/missing gutters to rear gable of property
- Boarded and secured windows and front and back doors
- Graffiti on rendering of property
- Overgrown and untidy garden with debris (wood, pipe work, etc)
- A Dangerous Building Notice has been served under Section 29, Building (Scotland) Act 2003 to repair missing front access steps from the pavement to property

5. There is housing need for this type of property in Barrhead. Acquisition and restoration of the property by the Council is proposed in order to bring it back into use as an occupied house.

REPORT

6. Various options have been considered to bring the property up to an acceptable repair standard and back into residential use.

7. In consultation with legal and estates staff, it has been recommended that an application be made to the Scottish Ministers for a Compulsory Purchase Order (CPO).

8. The Council has attempted to negotiate a voluntary purchase with the owner by writing to the owner by recorded delivery mail. A phone call was received from someone claiming to be an agent of the owner. The Council wrote again to the owner following this phone call seeking information as to the status of the caller, advising that the Council's objective was to restore the property to residential use and giving a deadline for response. No response has been received from the owner.

9. Under Section 9 of the Housing (Scotland) Act 2007, the Council has the power to acquire houses together with any lands occupied with the houses or buildings, or any right or interest in the houses or buildings, for or in connection with the provision of housing accommodation. Under Section 10 of the Act, this power may be exercised by agreement or, with the authority of the Scottish Ministers, by compulsory purchase.

10. The Compulsory Purchase Order is being promoted under Sections 9 and 10 of the Housing (Scotland) Act 1987.

11. The draft order and draft plan of the land to be acquired are attached as Appendix 1.

FINANCE AND EFFICIENCY

12. It is expected that the costs of acquisition and repair will be modest. It is proposed that these be met from Council Tax Discount resources which can be used for Housing purposes.

CONSULTATION AND PARTNERSHIP WORKING

13. Consultation has been undertaken with all relevant services in the Council, in particular Housing, Planning and Legal Services.

IMPLICATIONS OF THE PROPOSALS

14. There are no staffing, property, legal policy, IT or equalities implications of the proposal implications of the proposal.

15. The Council will be responsible for meeting any compensation claims. Compensation is payable to the owner of the property. If there is any outstanding loan over the property, the compensation is payable to the heritable creditor up to the market value of the property. There are also the incidental costs of acquisition and the costs associated with any appeal process.

CONCLUSIONS

16. Following the Council meeting on 25 June 2014, the Council attempted to enter into voluntary negotiations. These negotiations have not been successful and the Council is asked to formally resolve to make the East Renfrewshire Council (25 Divernia Way, Barrhead) (Compulsory Purchase Order 2015 in terms of Sections 9 and 10 of the Housing (Scotland) Act 1987).

RECOMMENDATIONS

17. It is recommended that the Council:

- (a) Resolves to make the East Renfrewshire Council (25 Divernia Way, Barrhead) Compulsory Purchase Order 2015 in terms of Sections 9 and 10 of the Housing (Scotland) Act 1987 in the form of the draft Order appended to the report; and
- (b) Notes the liability for compensation payments arising from the acquisition and authorises the Director of Environment in consultation with the Chief Officer – Legal & Procurement, to negotiate and settle any compensation claims arising.

Director of Environment

Further details can be obtained from Phil Daws Housing Services Manager on 0141 577 3186 or phil.daws@eastrenfrewshire.gov.uk

April 2015

KEY WORDS

Key words: Empty home, compulsory purchase order, voluntary purchase, housing needs, acquisition, compensation.

APPENDIX 1 - Draft

**THE HOUSING (SCOTLAND) ACT 1987
AND
THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND)
ACT 1947
EAST RENFREWSHIRE COUNCIL (25 DIVERNIA WAY, BARRHEAD)
COMPULSORY PURCHASE ORDER 2015**

THE EAST RENFREWSHIRE COUNCIL, incorporated under the Local Government etc (Scotland) Act 1994 and having their headquarters at Council Headquarters, Eastwood Park, Rouken Glen Road, Giffnock, East Renfrewshire, G46 6UG (hereinafter referred to as “the acquiring authority”) in exercise of the powers conferred on them by Sections 9 and 10 of the Housing (Scotland) Act 1987 and of all other powers enabling them in that behalf hereby make the following compulsory purchase order:-

1. This Order may be cited as the East Renfrewshire Council (25 Divernia Way, Barrhead) Compulsory Purchase Order 2015.
2. Subject to the provisions of this Order, the acquiring authority are hereby authorised to purchase compulsorily for the purpose of the provision of housing accommodation the land which is described in the First Schedule hereto and is delineated and coloured red on the map marked “Map referred to in the East Renfrewshire Council (25 Divernia Way, Barrhead) Compulsory Purchase Order 2015” signed and sealed with reference to this Order.
3. In relation to the foregoing purchase Section 70 of the Railways Clauses Consolidation (Scotland) Act 1845 and Sections 71 to 78 of that Act as originally enacted and not as amended for certain purposes by Section 15 of the Mines (Working Facilities and Support) Act 1923 are hereby incorporated with the enactment under which the said purchase is authorised.
4. The registration of a conveyance, as defined in Section 106(5) of the Title Conditions (Scotland) Act 2003, in implement of this Order shall not extinguish the real burdens or servitudes in the Second Schedule hereto.

Given under the seal of the Said The East Renfrewshire Council and subscribed for them and on their behalf by
and Authorised Signatory at Giffnock on the _____ day of
Two thousand and

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FIRST SCHEDULE

Land to be Purchased

Description of the Land	Owners	Lessees and Occupiers
<p>ALL and WHOLE that plot or area of ground on the north of Divernia Way, Barrhead shown delineated in red on the plan annexed and signed as relative hereto and being the Subjects 25 Divernia Way, Barrhead, Glasgow, G78 2JJ registered in the Land Register of Scotland under Title Number REN37409 Together with a right in common with the proprietors of the dwelling house 23 Divernia Way in and to the footpath hatched blue on the said plan with a right of access to the Subjects at all times for pedestrian traffic only over the said footpath, together also with the rights specified in the Deed of Conditions in Entry 2 of the Burdens Section.</p>	Ashiq Ali	Not known

SECOND SCHEDULE

Preservation of Real Burdens and Servitudes

The burdens narrated in Section D Burdens of Title Number REN 37409.

**ENVIRONMENT
DEPARTMENT**

**PROPERTY
&
TECHNICAL
SERVICES**

R. O'KANE
R.I.B.A., R.I.A.S.
PROPERTY &
TECHNICAL SERVICES
MANAGER



□.S.Map	NS5057NE	Ward	File No.
Title No.	REN37409	Drg. No.	Revision 2
Drawn by	DS	Job Code	Survey Date
Drawn/Date	13/3/15	Checked	Issue Date 13/3/15
Address 25 Divernia Way, Barrhead		Purchaser(s) East Renfrewshire Council	

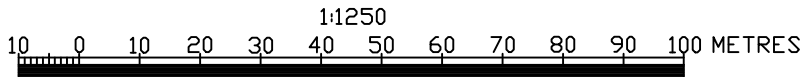
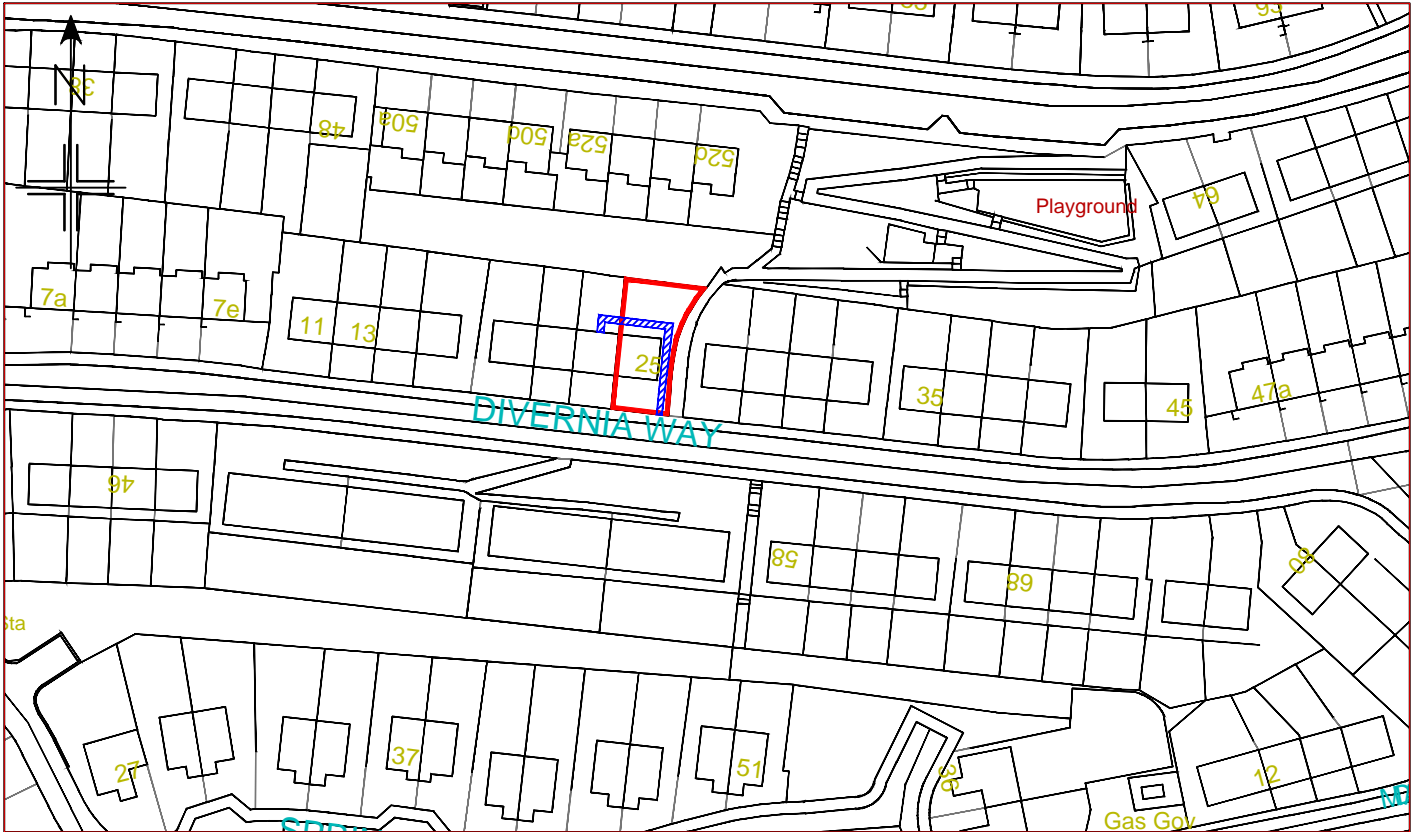
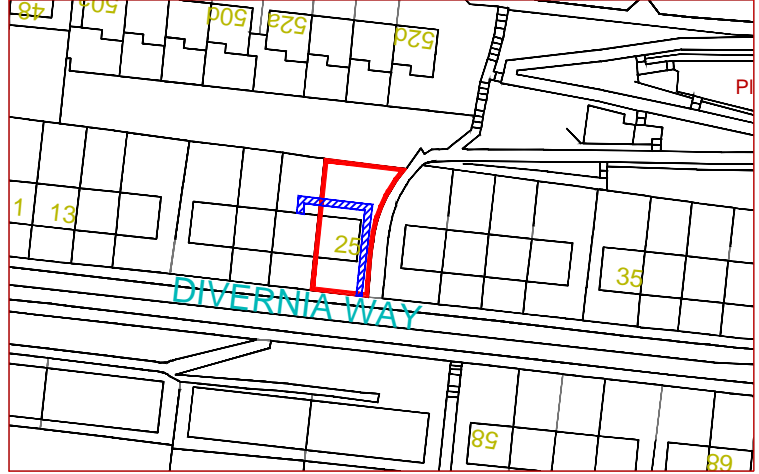
BOUNDARY INFORMATION

LINE & POINT	DISTANCE (m)	FEATURE
A-B		
B-C		
C-D		
D-E		
E-F		
F-G		
G-H		
H-I		
I-J		
K-L		

This is the plan referred to in the foregoing East Renfrewshire Council (25 Divernia Way Barrhead) Compulsory Purchase Order 2015.

PLOT INFORMATION

Contents within the boundaries coloured Red :
224 square metres or thereby



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