

EAST RENFREWSHIRE COUNCIL

25 June 2014

Report by Director of Environment

25 DIVERNIA WAY, BARRHEAD – COMPULSORY ACQUISITION  
AND DISPOSAL

**PURPOSE OF THE REPORT**

1. To make recommendations to the Council in relation to entering into voluntary purchase negotiations with the owner of an empty home at 25 Divernia Way, Barrhead, G78 2JJ and if these negotiations do not result in a voluntary acquisition, to authorise the acquisition of the property through a Compulsory Purchase Order (CPO).

**RECOMMENDATION**

2. It is recommended that the Council authorises the Director of Environment and the Chief Officer (Legal and Procurement) to:

- a) Enter into voluntary purchase negotiations with the owner of 25 Divernia Way;
- b) In the event that these negotiations are unsuccessful, to seek to acquire the property through a Compulsory Purchase Order;
- c) Place the property on the Housing Revenue Account to bring an empty home back into use for appropriate housing needs; and
- d) Settle any compensation claims and incidental costs arising from the acquisition or compulsory acquisition.

**BACKGROUND**

3. 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.

4. The property has been vacant for the last few years and shows evidence of fire damage and neglect of home and garden maintenance. 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. The property is in need of repair to bring it up to an acceptable standard. Attempts to encourage the owner to manage the condition and general appearance of the property have failed.

## **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 services, it has been agreed that if negotiations with the owner fail with regard to voluntary purchase, an application will be made to the Scottish Ministers for a Compulsory Purchase Order (CPO).

### Voluntary Purchase

8. If the Council approve the recommendations within this report it is proposed that the owner be contacted by the Council's estate services, with a view to a last attempt at negotiating voluntary purchase on the back of advising that a CPO is in prospect. Any compensation would be determined and negotiated independently by the District Valuer.

### Compulsory Purchase Order

9. If the Council approve the recommendations within this report, and negotiations for voluntary purchase fail – legal services will be asked to commence Compulsory Purchase Order procedures with a view to acquiring the property compulsorily, providing the consent of Scottish Ministers (which is a legal requirement) is granted.

10. If successful, the Council will take possession of the property and begin steps to return it to a reasonable state of repair and allocate the property. It is estimated that the whole process will take between one and three years to complete depending on the type of acquisition.

## **FINANCE AND EFFICIENCY**

11. 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.

## **CONSULTATION AND PARTNERSHIP WORKING**

12. As part of the consultation process, Housing Services consulted with East Renfrewshire Council's: Legal Services, Environmental Health, Building Standards, and Estates services. During investigations, information has been obtained from Barrhead Housing Association.

## **IMPLICATIONS OF THE PROPOSALS**

13. This report has implications in terms of finance where resources will be required to upgrade the property for residential use. There are also potentially modest financial implications to resource the proposed acquisition and upgrade the property for residential use and (if required) settle any compensation claims and costs. There will also be legal and estate services implications with purchase negotiations and application to the Scottish Ministers for a Compulsory Purchase Order (and if approved) execution of this Order.

14. This report does not directly raise any significant new staffing, IT, equalities or corporate strategy issues.

## **CONCLUSIONS**

15. The report provides an update on matters relating to 25 Divernia Way and seeks approval to enter into voluntary purchase negotiations with the owner and if these negotiations do not result in a voluntary acquisition, to authorise the acquisition of the property through a Compulsory Purchase Order (CPO) settling any compensation claims and costs arising from the acquisition.

## **RECOMMENDATIONS**

16. It is recommended that the Council authorises the Director of Environment and the Chief Officer (Legal and Procurement) to:

- a) Enter into voluntary purchase negotiations with the owner of 25 Divernia Way;
- b) In the event that these negotiations are unsuccessful, to seek to acquire the property through a Compulsory Purchase Order;
- c) Place the property on the Housing Revenue Account to bring an empty home back into use for appropriate housing needs; and
- d) Settle any compensation claims and incidental costs arising from the acquisition or compulsory acquisition.

Director of Environment

Further details can be obtained from Phil Daws Housing Services Manager on 0141 577 3186 or [phil.daws@eastrenfrewshire.gov.uk](mailto:phil.daws@eastrenfrewshire.gov.uk)

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## **KEY WORDS**

Key words: Divernia, Compulsory Purchase Order, voluntary purchase, housing needs, acquisition, serve, finance.