

Stage 1 debate briefing for the Land Reform (Scotland) Bill

16 December 2016

This is a joint briefing from:

- Shelter Scotland
- Scotland's Towns Partnership
- Rural Housing Scotland
- Scottish Empty Homes Partnership

Shelter Scotland helps over half a million people every year struggling with bad housing or homelessness through our advice, support and legal services. And we campaign to make sure that, one day, no one will have to turn to us for help.

Compulsory Sale Order power for empty buildings

We broadly welcome the Land Reform Bill currently progressing through Holyrood, however Shelter Scotland, Scotland's Towns Partnership, Rural Housing Scotland and the Scottish Empty Homes Partnership believe the bill would be greatly strengthened with the inclusion of a **Compulsory Sale Order power for empty buildings**. This power would enable local authorities to bring difficult long term empty private properties back into use.

This power would **only be used as a last resort** where other mechanisms to bring the private properties which blight local communities back into use have failed. The best practice process promoted by the Scottish Empty Homes Partnership to support owners to bring their properties back into use has several steps, the very last of which would be the use of this enforcement power.

Local authorities report that current compulsory purchase order legislation is inappropriate for this purpose and as a result they do not use it to bring long term empty properties back into use. Introducing a Compulsory Sale Order would help local authorities and communities tackle the long term empty properties that blight communities which can currently be extremely difficult to remedy. It would do this by giving local authorities a legal right to force a long term empty property onto the open market for sale with the purpose of securing its reuse.

The challenge of meeting current and existing housing needs across Scotland is a significant one; there are over 150,000 people on housing waiting lists; and bringing more of the 27,000 long term private sector empty homes back into use can contribute to housing supply levels in a very practical and effective way. Empty properties which have stood vacant for years, despite the efforts of local authorities to support owners to bring them back into use, would provide homes again and help reinvigorate both town centres and rural communities.

Local communities

We believe that in addition to local authorities having this compulsory sale order power it is important that local communities should be a key player in initiating the use of such an enforcement tool.

A mechanism for communities to compel local authorities to take action over long term empty properties should therefore also be included¹. The power to use such a tool would rest with local authorities, and would only be used after all voluntary efforts have been made to help the owner to make the best use of their property.

We believe a Compulsory Sale Order for Empty Buildings is in line with the spirit of the Land Reform process, to enable Scotland's land and property to benefit the whole of society rather than just land and property owners. Failing to act on empty property in this Bill would, we believe, be a missed opportunity.²

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¹ We envision a similar process to the mechanism in the Community Empowerment Act where communities can make a request to the Scottish Government (following unsuccessful attempts to engage the owner) to request an asset transfer of abandoned or neglected land that is causing direct or indirect harm to the environmental wellbeing of the community.

² Shelter Scotland and the Scottish Towns Partnership are also part of a wider group of organisations including Community Land Scotland and the Development Trust Association Scotland who are in favour of the introduction of a full Compulsory Sale Order power, as proposed by the Land Reform Review Group, but expanded to include long term empty property as well as vacant and derelict land. These additional groups are looking for a broader ranging Compulsory Sale Order power. We are not opposed to these wider aims but see a Compulsory Sale Order Power for empty buildings as a useful starting point.