16 July 2019

Dear James

Thank you for your letter of 13 June 2019 about the on-going empty homes inquiry.

I have been following the empty homes inquiry with interest and I am pleased to see so many of our stakeholders actively participating and sharing their views. Your letter provides a useful summary of the evidence gathered from local authorities about their use of Compulsory Purchase Orders (CPO) and the proposed Compulsory Sales Orders (CSO). I can advise that we still propose to introduce a new Compulsory Sales Order power for local authorities, to help them to tackle the blight of abandoned and derelict buildings and small plots of land in our communities. However, we do not have a specific timescale for their introduction and, given other legislative priorities and pressures, it is unlikely that there will be scope to introduce legislation in the current Parliamentary term.

Our intention is that CSOs will be an effective and practicable power that supplements the existing tools that local authorities have to tackle derelict and abandoned buildings and plots of land that are blighting communities. However, given that CSOs would result in the expropriation of private property rights in support of the public interest there will need to be appropriate checks and balances in the process which ensure that owners’ rights are adequately considered, and that the process is compatible with the European Convention on Human Rights.

Our Programme for Government committed us to improving the operation of the CPO system in advance of legislative reform. This commitment followed the review of CPO processes and legislation undertaken by the Scottish Law Commission in 2014-15.

Over the past two and half years we have provided a range of support to authorities who may be considering the use of CPO, including:

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot
• publishing revised guidance for Acquiring Authorities that steers them through the process from beginning to end;
• publishing a register of all CPOs submitted to Ministers since 1st January 2012, enabling authorities to identify colleagues who have promoted a similar type of CPO from whom they may learn;
• meeting with approximately 26 local authorities to discuss their experience of utilising CPO and to provide advice on potential usage;
• publishing a series of case studies on the use of CPO for different purposes; and
• hosting (in partnership with the Compulsory Purchase Association Scotland and RICS) a number of free to attend training, good practice sharing and networking events for local authority staff to allow them to hear from those who have successfully utilised CPO.

Nevertheless, we remain committed to continuing to make improvements to the CPO system and will consider whether a commitment to the reform of CPO legislation (potentially alongside the introduction of CSOs) should form part of our proposals for the next Scottish Parliament.

As we look towards the housing system we want to see in 2040 it is the ideal time to take stock of our current approach on empty homes and consider how we can best support private sector homes owners, local authorities and all those with an interest in the sector to bring more homes back into use. The evidence you are gathering, together with the additional data due to be collected by the Scottish Empty Homes Partnership, will useful feed into our internal review and help shape future thinking.

I hope the Committee find this information useful.

KEVIN STEWART