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**STRATHAVEN COMMUNITY COUNCIL**  
(Incorporating Strathaven & Glassford)

23 February 2011

FAO David Stewart MSP  
Scottish Parliament  
Holyrood  
Edinburgh

Dear Mr Stewart

**The Building Repairs (Scotland) Bill Consultation:  
Observations of Strathaven Community Council**

We are delighted that steps are being taken to re-launch the consultation on the issue of building repairs to dangerous and defective buildings and would hope that any new legislation that is introduced will enhance the powers of local authorities to enforce owners to repair defective properties.

In Strathaven there have been several cases where buildings, not listed but often in the Conservation Area, have been vacated, neglected and allowed to become both an eyesore and a potential public danger. Perhaps due to the defects in the existing legislation, the local authority has been reluctant to get involved. In seeking to improve the legislation we would suggest that the following matters should be considered:

- Any notice for recovery of costs of repairs should be served on all owners and also served against the property itself. Failure to settle costs for repairs with the authority within an agreed timescale (e.g. 12 months) should automatically lead to the next step of compulsory purchase. This should enable the authority to recover costs within a reasonable period of time. Unless there is a timescale put on the sale of the property (to recover costs of repairs) local authorities may be reluctant to bear the cost of repairs, particularly if monies could not be recovered until the property was sold in 10/20+ years. Steps need to be taken to speed up the whole the process to ensure that repairs are carried out timeously and costs recovered more easily.
- Whilst agreeing that the period for allowing owners to carry out the repairs could be extended from 28 days (4 weeks) it is felt that an extension to 12 weeks is excessive and that 8 weeks might be more reasonable. It should be borne in mind that the property owner(s) will be fully aware of the situation and

that the service of the official notice will no doubt come at the end of a considerable period of negotiation and correspondence with the local authority, which the owners(s) has chosen to ignore. Furthermore, the community will be anxious to ensure that repairs are carried out as quickly as possible. The balance of concern should shift towards the common good, the community – away from the neglectful owner - through the local authority

- The 8 week period could be the minimum for compliance with the local authority allowed a degree of flexibility in setting a longer timescale for more complex cases.
- Although we accept that it is often difficult to make provision for in legislation it would be beneficial if local authorities had an obligation to serve Building Repairs Notice – just now the service of such notices is discretionary. Too often the early signs of neglect are ignored and the local authorities only become involved when it is apparent that the property is a danger to the public, which can result in the demolition of the building. The aim of the legislation should be to ensure that all buildings are maintained in a safe and proper condition.
- On a separate, but related issue, in the longer term it may be worthwhile considering the introduction of legislation which places an obligation on all property owners to maintain their property in a safe and proper condition.

Strathaven Community Council would be grateful if these comments could be taken into consideration when you are formalising the legislation. Enclosed with this letter are some photographs which highlight property in the town which has been neglected.

Yours faithfully



Wendy Gilmour (Secretary)  
Strathaven Community Council

Encs: Photographs – typical example in Strathaven  
under section area – privately owned &  
occupied.

