

ANGUS COUNCIL

COMMUNITIES COMMITTEE – 18 APRIL 2023

REVOCATION OF CLOSING ORDERS

REPORT BY ALISON SMITH, DIRECTOR OF VIBRANT COMMUNITIES & SUSTAINABLE GROWTH

ABSTRACT

To revoke Closing Order/s in relation to part of a building which has been brought up to the Tolerable Standard.

1. RECOMMENDATION

It is recommended that the Committee agree to make an order revoking the Closing Order or Orders relating to the attic flat at 5C South Street, Arbroath DD11 1BG.

2. ALIGNMENT TO THE COUNCIL PLAN

The contents of this report contribute to the following priorities set out in the Angus Council Plan 2025 - 2028:

CARING FOR OUR PLACE

- ensure the provision of new houses in Angus.
- ensure that our housing estate is well maintained and invest in improvements.

3. BACKGROUND

3.1 Section 116 of the Housing (Scotland) Act 1987 states that if in the case of a house in respect of which a Closing Order has been made the local authority are satisfied, on an application made by any owner of the house or building, or any person appearing to the authority to have reasonable cause for making the application, that the house has, or, as the case may be, the house or houses comprised in the building have, been brought up to the Tolerable Standard, they shall make an order revoking the Closing Order.

3.2 Four (4) Closing Orders were made by Angus District Council on 12 March 1991 in respect of the building known as 5 South Street Arbroath which at that time was configured as follows.

- (i) 5a First floor left flat
- (ii) 5b First floor right flat maisonette including partial attic floor
- (iii) 5c Ground floor right flat
- (iv) 5d Ground floor left flat

3.3 Following extensive renovations sometime in the past, the layout of the property has been significantly altered, the numbering of some of the properties changed and the building now comprises.

- (i) 5, Ground floor flat
- (ii) 5A, First floor left flat,
- (iii) 5B, First floor right flat maisonette including partial attic floor,
- (iv) 5C, Attic flat.

3.4 The Closing Order which was originally issued for the Flat 5b South Street has already been revoked leaving the three (3) Orders referred to above. The revocation of these Closing Orders appears to have been an oversight on the part of the previous owners.

4. DETERMINATION OF APPLICATIONS

- 4.1 The fact that these Closing Orders are still extant has been brought to our attention due to the proposed sale of 5C South Street, Arbroath. Although this property did not exist separately at the time the aforementioned Closing Orders were issued back in 1991, it is clear that the intention at the time was to prevent any part of this building being occupied as a dwelling. The Closing Orders apply to the later improved and converted properties that exist today and as such may also apply to the attic space which this property now occupies.
- 4.2 Applications for the revocation of the outstanding Closing Orders specified above have recently been received from the respective owners and all relevant properties were inspected by an Environmental Health Officer on 17 March 2023. The following has been confirmed:
- (i) Flats previously known as 5c and flat 5d have undergone significant renovation at some point in time and now comprise one property known as 5 South Street. This property complies with the Tolerable Standard with the exception that it is not provided with satisfactory equipment installed for detecting fire and for giving warning of fire or suspected fire.
 - (ii) The flat previously known as 5a has also been modernised and also complies with the Tolerable Standard with the exception that it is not provided with satisfactory equipment installed for detecting fire, for giving warning of fire or suspected fire, for detecting and for giving warning of carbon monoxide present in a concentration that is hazardous to health.
 - (iii) The flat now known as 5C, which is the relatively new attic flat, fully complies with all aspects of the Tolerable Standard.

5. PROPOSALS

- 5.1 Section 116 of the Housing (Scotland) Act 1987 states that the Local Authority shall revoke a Closing Order where the property has been brought up to the Tolerable Standard. At the present time Flats 5 and 5A do not comply with the Tolerable Standard for the reasons stated above.
- 5.2 Flat 5C does however comply with the Tolerable Standard and therefore the Local Authority is required by section 116 to partially revoke the aforementioned Closing Orders i.e. only in so far as this will disapply them to this property.
- 5.3 For clarification, revocation is not sought of the Closing Orders in so far as relating to Flats 5 and 5A until such time as they are brought up to the Tolerable Standard and a further report brought before this Committee.

6. FINANCIAL IMPLICATIONS

- 6.1 There are no financial implications arising as a result of this report.

7. OTHER IMPLICATIONS

- 7.1 There are no human rights or equalities implications attached to this Report.

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