

**TAFLEN BENDERFYNIAD AELOD CABINET
CABINET MEMBER'S DECISION NOTICE**

PWNC/SUBJECT: Cais am ganiatâd i i ailwerthu cyn dy Cyngor o dan gymal Adran 157 Deddf Tai 1985 – 2 Fron Goch, Maentwrog

Application to give consent to the re-sale of a former Council house under section 157 Housing Act 1985– 2 Fron Goch, Maentwrog.

AELOD CABINET/CABINET MEMBER:- Cyngorydd Ioan Thomas

PENDERFYNIAD/DECISION

Rhoi caniatâd i berchennog 2 Fron Goch, Maentwrog i ail werthu'r cyn dŷ Cyngor i'r barpar brynwyr o dan gymal Adran 157 Deddf Tai 1985 -

Consent given to the owner of 2 Fron Goch, Maentwrog to sell the ex-council property to the prospective buyers under the provisions of Section 157 Housing Act 1985.

RHESYMAU DROS Y PENDERFYNIAD/REASONS FOR THE DECISION

Pwrpas cyfyngiad o dan adran 157 a'r gyn tai cyngor yw ceisio cadw'r stoc tai yma i bobl leol eu prynu, drwy roi amodau person lleol ar y weithred. Mae gan Gyngor Gwynedd bolisi i ddelio gyda cheisiadau gan berchnogion sydd wedi methu gwerthu'r eiddo i berson sydd yng nghydymffurfio gyda'r amod person lleol drwy roi'r cyfle iddynt wneud cais i'r Cyngor i gael caniatâd i werthu i berson sydd y tu allan i ofynion y cyfamod. Mae'r perchennog wedi ceisio gwerthu'r eiddo ers 16^{fed} o Ionawr 2014, pan roddwyd yr eiddo ar y farchnad gyntaf. Mae yna saith o bobl y gellir eu hystyried yn lleol wedi ymweld â'r eiddo ond ni dderbyniwyd cynnig ganddynt ar yr eiddo. Mae cynnig nawr wedi cael ei wneud gan berson sydd ddim yn cydymffurfio gyda'r cyfamod. Gan nad oes cynnig wedi cael ei wneud gan berson lleol, er i'r perchennog ostwng eu pris gwerthu, a chan bod yr eiddo wedi bod ar y farchnad am beth amser, ystyrir y gellir rhoi caniatâd i'r perchennog werthu'r eiddo i'r darpar brynwr yma.

The purpose of the restriction under section 157 on former council housing stock is to try to keep these houses for local people to buy, by placing local person conditions on the deed. Gwynedd Council has a policy to deal with requests by the owners who have failed to sell the property to a person who complies with the local person restriction by allowing them to make an application to the Council to sell the property to a person falls outside the requirements of the covenant. The owner has tried to sell the property since the 16th January 2014 when the property was first placed on the market. Seven people who could be considered local persons visited the property but none of them made an offer on the property. An offer has now been made by a person who does not conform to the covenant. Since no offers have been made by a local person although the owner has reduced the asking price and since the property has been on the market for some time, it is considered

appropriate to grant the permission to the owner to sell the property to these intended buyers.

YSTYRIAETHAU PERTHNASOL

O dan Adran 157 o Ddeddf Tai 1985, gall y Cyngor gynnwys mewn trawsgludiad o dy wedi ei leoli yn y Parc Cenedlaethol neu mewn Ardal Wledig a ddynodwyd, gyfamod yn cyfyngu ar ryddid y tenant (ac unrhyw olynydd mewn teitl) i ganiatáu tenantiaeth neu drwydded lle nad yw'r eiddo yn parhau i fod yn brif gartref i'r prynwr (neu unrhyw olynydd mewn teitl) neu i werthu'r eiddo heb ganiatâd ymlaen llaw gan yr Awdurdod Lleol. Polisi Cyngor Gwynedd oedd gosod cyfamod o'r fath mewn achosion ble'r oedd yn bosibl gwneud hynny.

Pan wneir cais am ganiatâd i'r Cyngor gall atal ei ganiatâd, oni bai fod prynwr yr ymgeisydd trwy gydol y cyfnod o dair blynedd yn union cyn y cais am ganiatâd:-

- a. wedi cael eu man gweithio mewn ardal wedi ei dynodi gan orchymyn gan yr Ysgrifennydd Gwladol ac sydd o fewn ardal y Parc Cenedlaethol, neu Ardal Wledig ddynodedig lle lleolir yr eiddo.
- b. wedi cael eu hunig neu eu prif gartref mewn ardal o'r fath.

Yn unol â'r polisi i ddelio â cheisiadau o'r fath, fe fydd angen i'r Cyngor ystyried os yw'r ffactorau a ganlyn yn berthnasol cyn dod i benderfyniad:

- c. Bod y darpar brynwr wedi cael eu man gweithio neu eu hunig neu brif gartref yn sir Gwynedd neu o fewn radiws o 20 milltir o'r eiddo y bwriedir ei brynu, fel arall yn cydymffurfio gyda'r cyfamod.
- b. Bod gan y darpar brynwr (neu un ohonynt yn achos cyd-brynwr) gysylltiad lleol cryf. Byddai cysylltiad lleol yn cael ei fodloni pe byddai'r ymgeisydd yn wŵr/wraig briod, cyn gŵr /gwraig briod, yn rhiant, yn blentyn, yn frawd neu chwaer i unigolyn sydd yn cydymffurfio yn llawn gyda'r cyfamod.
- c. Lle fo'r darpar brynwr yn aelod o'r lluoedd arfog ac y byddai yn flaenorol wedi cydymffurfio gyda thelerau'r cyfamod.
- ch. Unrhyw amgylchiadau allweddol eraill fyddai yn cyfiawnhau caniatáu'r cais.
- d. Cymdeithas Tai

(i) O dan yr holl amgylchiadau eraill dylai'r cais gael ei gyfeirio at Gymdeithas Dai sy'n gweithredu yn yr ardal dan sylw, er mwyn canfod

os fydda'r Gymdeithas Dai yn barod i brynu'r eiddo.

(ii) Os yw'r Gymdeithas Dai berthnasol wedi nodi yn ysgrifenedig nad yw'n medru neu yn barod i brynu'r eiddo, bydd yn cais yn cael ei ystyried gan y Cyngor

Gwybodaeth Gefndirol:-

Gwerthwyd yr eiddo, 2 Fron Goch, Maentwrog, tŷ teras gyda dwy lofft, yn wreiddiol gan y Cyngor yn nol yn 1988 o dan ddarpariaeth Hawl i Brynu. Rhoddwyd y rhwystrad person lleol o dan adran 157 Deddf Tai, sef rhwystrad ar deitl yr eiddo yn erbyn trosglwyddo.

Mae cais felly am ganiatâd i werthu'r eiddo i berson nad yw yn cydymffurfio gyda'r rhwystrad 'person lleol' yn cael ei ystyried gan y Cyngor ac mae angen roi sylw i'r wybodaeth ganlynol cyn dod i benderfyniad:-

- a. **Y pris o'i gymharu â thai cyffelyb** - Yn dilyn ymholiadau gyda gwerthwyr tai lleol, nodir ar hyn o bryd bod yna ddau eiddo dwy loft ar y farchnad ym mhentref Maentwrog gyda phris gofyn o £140,000 a £195,000. Yn ogystal, mae rhif 1 Fron Goch, sydd gydag un llofft wely, wedi ei restru ar y safle ocsiwn gyda phris canllaw o £57,000. Does gan yr uchod ddim rhwystrad person lleol ar eu teitl. Ystyrir felly fod y pris gwerthu o £75,000 yn un derbyniol.
- b. **Cyfnod bu'r eiddo ar y farchnad** - Rhoddwyd yr eiddo ar y farchnad ym mis Ionawr 2014 gyda phris gofyn o £89,950. Cafwyd 4 gwahanol berson yn gweld yr eiddo ers y dyddiad hynny, gyda'r pedwar ohonynt yn 'berson lleol'. Ym mis Ionawr 2015 gostyngwyd y pris i'r pris gofyn nawr, sef £75,000. Ymwelwyd tri pherson a'r eiddo wedi hynny gyda'r tri yn bobl leol. Ni dderbyniwyd yr un cynnig am yr eiddo. Dywed y perchennog bod yr adborth maent wedi ei dderbyn wedi'r ymweliadau hyn nodi ei hi'n anodd cael morgais ar yr eiddo oherwydd y rhwystrad person lleol. Mae cynnig nawr wedi ei roi gan berson nad yw yn cydymffurfio gyda'r cymal person lleol. Mae'r perchennog wedi derbyn y cynnig yma yn ddibynnol ar gael caniatâd Cyngor Gwynedd i'r gwerthiant.
- c. **A gynigwyd y Tŷ i Gymdeithas Tai-** Dywed y perchennog ei bod wedi cynnig yr eiddo i Gartrefi Cymunedol Gwynedd Cyf. ond wedi derbyn llythyr ganddynt yn gwrthod y cynnig i brynu'r eiddo. Mae'r perchennog hefyd wedi cysylltu gyda'r Gymdeithas Tai Grŵp Cynefin, sydd wedi troi i lawr y cynnig i brynu'r eiddo.

Wedi ystyried yr uchod, ystyrir ei fod yn briodol i roddi caniatâd i'r perchennogion werthu'r eiddo i'r darpar brynwyr sydd wedi rhoi cynnig ar yr eiddo. Fe arhosir y rhwystrad person lleol ar deitl yr eiddo am unrhyw drosglwyddiad yn y dyfodol.

RELEVANT CONSIDERATIONS

Under Section 157 of the Housing Act 1985, the Council may include in a conveyance of a house that is located in the National Park or a designated Rural Area, a covenant limiting the freedom of the tenant (and any successor in title) to grant a tenancy or license where the property will continue to be the main home to the purchaser (or any successor in title) or to sell the property without prior permission from the Local Authority. Gwynedd Council's policy was to impose such a covenant in cases where it was possible to do so.

When a request for permission is made to the Council it may withhold its consent unless the buyer candidate throughout the three year period immediately preceding the application for permission:-

a) has been working in an area designated by an order of the Secretary of State and which is within the National Park area, or a designated Rural Area where the property is located.

b) have had their only or main home in such an area.

In line with the policy to deal with such requests, the Council will need to consider if the following factors are relevant before making a decision:

(a) That the prospective buyers have had their place of work or their only or principal home in Gwynedd or within a radius of 20 miles of the property proposed to be purchased, otherwise comply with the covenant.

(b) That the prospective buyers (or one of them in the case of joint purchasers) have a strong local connection. Local connection would be satisfied if the applicant is a husband / wife spouse, ex-husband / wife spouse, parent, child, brother or sister of a person who is fully compliant with the covenant.

(c) where the potential buyer is a member of the armed forces and would have previously complied with the terms of the covenant.

(d) Any other key circumstances which would justify granting the application.

(e) Housing Associations:-

(i) In all other circumstances the application be referred to a Housing Association operating within the area in question to ascertain whether the Housing Association is prepared to purchase the property.

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- (ii) If the relevant Housing Association has indicated in writing that it is unable or unwilling to acquire the property, the application will then be considered by the Council.

Background information:-

2 Fron Goch, Maentwrog, a two bedroomed terrace house was sold originally by the Council back in 1988 under the Right to Buy provisions. The local person restriction was placed on the title under Section 157 Housing Act 1985, which is a restriction against transfer.

An application for permission to sell the property to persons who do not conform to the 'local person restriction' is to be considered by the Council and there is a need to address the following information before making a decision:

- d. **The price compared to similar houses** – Following enquires with local estate agents, it is noted that there are currently two, two bedroomed properties on the market in the village of Maentwrog with an asking price of £140,000 and £195,000. In addition, Number 1 Fron Goch, which has one bedroom, has been placed on the list of the auction site with a guide price of £57,000. None of the above has the local person restriction on their title. It is considered therefore, that the selling price of £75,000 is acceptable.
- e. **Period property has been on the market** - The property was placed on the market in January 2014, with the asking price of £89,950. There have been 4 different viewings of the property since that date, with all four of them being 'local persons'. In January 2015, the asking price was reduced to the current asking price, which is £75,000. Three persons visited the property subsequently with all three being local people. No offers were made on the property. The owner states that the feedback she received following the viewings was that it was difficult to obtain a mortgage on the property due to the local person restriction. An offer has now been made by persons who do not conform to the local person covenant. The owner has accepted the offer dependent upon obtaining Gwynedd Council's permission to the sale.
- f. **Has the Property been offered to a Housing Association-** The owner states that the property has been offered to Cartrefi Cymunedol Gwynedd Cyf. and has received a letter from them declining the offer to purchase the property. The owner also contacted the Housing Association Grŵp Cynefin, who turned down the offer to buy the property.

Having considered the above, it is considered appropriate to give permission to the owners to sell the property to the intended buyers who have placed an offer on the property. The local person restriction will

remain on the title for all future transfers.

BARN Y SWYDDOGION STATUDOL/VIEWS OF STATUTORY OFFICERS

1. Y Prif Weithredwr/Chief Executive:-

Dim i'w ychwanegu. *Nothing further to add.*

2. Swyddog Monitro/ Monitoring Officer:-

Mae'r daflen wedi ei pharatoi gan y Gwasanaeth Cyfreithiol felly dim sylwadau i'w hychwanegu o safbwynt priodoldeb

The notice was prepared by the Legal Services, therefore no further observations to be added from the propriety perspective.

3. Prif Swyddog Cyllid/Chief Finance Officer:-

Dim gwrthwynebiad o safbwynt priodoldeb ariannol

No objection from the perspective of financial propriety.

BARN YR AELOD LLEOL/VIEW OF LOCAL MEMBER

Y Cynghorydd/ *Councillor* :- Thomas Griffith Ellis

Dim gwrthwynebiad i'r cais yma. *No objections to this application.*

LLOFNOD /SIGNED



DYDDIAD/DATE

23/11/15 .
