

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

PWNC/SUBJECT: Cais am ganiatâd i ail-werthu cyn dŷ Cyngor o dan cymal Adran 157 Deddf Tai 1985 (yn flaenorol Adran 19 Deddf Tai 1980) – 51 Maes Newydd, Aberdyfi

Application to give consent to the re-sale of former Council Property under section 157 Housing Act 1985 (formally section 19 Housing Act 1980) - 51 Maes Newydd, Aberdyfi.

AELOD CABINET/CABINET MEMBER Y Cynghorydd/Councillor Ioan Thomas (arwyddwyd yn ei absenoldeb gan y Cynghorydd Dyfed Edwards, arweinydd y Cyngor/ signed in his absence by Councillor Dyfed Edwards, Council Leader).

PENDERFYNIAD/DECISION

Rhoi caniatâd i berchennog 51 Maes Newydd, Aberdyfi werthu'r eiddo i'r darpar brynwr neilltuol yma.

Consent given to the owner of 51 Maes Newydd, Aberdyfi to sell the property to this particular prospective buyer.

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 yn byw ar ffin y sir, fel nad ydynt o dan anfantais i gymharu gyda gweddill perchnogion y sir. Mae'r polisi yma yn galluogi i'r Cyngor rhoi hawl i'r perchennog werthu eu heiddo, os yw'r darpar brynwr wedi byw neu weithio am dair blynedd cyn gwneud y cais, o fewn radiws o 20 milltir i'r eiddo, ond mewn sir arall. Mae'r darpar brynwyr hyn yn cydymffurfio gyda'r canllawiau gan ei bod wedi byw, ers dros y tair blynedd diwethaf, o fewn radiws llai na 20 milltir o'r eiddo.

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 live on the border of the county, so as not to disadvantage them as compared with owners within the county. This policy enables the Council to consent to the owner to sell their property, if the prospective buyer has lived or worked for three years before making the application, within a 20 mile radius of the property, but in another county. The prospective buyer complies with these guidelines, as she has been living over the last three years less than 20 miles radius from the property.

YSTYRIAETHAU PERTHNASOL

O dan Adran 157 o Ddeddf Tai 1985, gall y Cyngor gynnwys mewn trawsgludiad o dŷ wedi ei leoli yn y Parc Cenedlaethol neu mewn Ardal Wledig a ddynodwyd, gyfamod yn cyfyngu ar ryddid y tenant (ac unrhyw olynnydd mewn teitl) i ganiatáu tenantiaeth neu drwydded lle nad yw'r eiddo yn parhau i fod yn brif gartref i'r prynwr (neu unrhyw olynnydd 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 y Cyngor 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 bod yn 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 eu bod a'u 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:

- (a) Bod y darpar brynwr wedi bod â'u man gwaith 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 wŵr /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.

Mae cais felly am ganiatâd i drosglwyddo'r eiddo yn cael ei ystyried gan y Cyngor ac mae angen roi sylw i'r wybodaeth ganlynol cyn dod i benderfyniad:-

(a) Cysylltiadau lleol y darpar berchennog:- Mae'r darpar brynwr wedi byw ers dros y tair blynedd diwethaf o fewn radiws llai na 20 milltir o'r eiddo.

(b) Y pris o'i gymharu â thai cyffelyb – Yn dilyn ymholiadau gyda gwerthwyr tai lleol, nodir nad oes yna fyngalo seml gyda dwy lofft, cyffelyb i 51 Maes Newydd, ar werth ar hyn o bryd yn y pentref. Mae prisiau tai fel arall yn amrywio o £128,500 am dŷ semi tair llofft, £135,000 am gyn dŷ cyngor tŷ semi tair llofft, i £225,000 am dŷ gyda dwy lofft wedi ei leoli yng nghanol y pentref.

(c) Cyfnod bu'r eiddo ar y farchnad – Rhoddwyd yr eiddo ar y farchnad ar y 30^{ain} o Fedi 2014 gyda phris gofyn o £145,000.

Wedi ystyried holl wybodaeth sydd wedi ei gyflwyno gan y perchennog ynglŷn â'r uchod, ystyrir ei fod yn briodol i roddi caniatâd i'r perchenogion werthu'r eiddo i'r darpar brynwr.

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.

An application for permission to transfer the property is be considered by the Council and there is a need to address the following information before making a decision: -

(a) The prospective owner's local connection: - The prospective buyer has been living over the last three years within a radius of 20 miles from the property.

(b) The price compared to similar houses – Following enquires with local estate agents it is noted that there are no semidetached bungalows with two bedrooms, similar to 51 Maes Newydd, currently for sale in the village. Houses prices otherwise vary from £128,500 for a three bed roomed semidetached house, £135,000 for an ex-council three bed roomed semi-detached house, to £225,000 for a two bed roomed house situated in the middle of the village.

(c) Period property has been on the market - The property was placed on the market on the 30th September 2014 with the asking price of £145,000.

Having considered all the information that has been presented by the owner in respect of the above, it is considered appropriate to give permission to the owners to sell the property to a prospective buyer.

BARN Y SWYDDOGION STATUDOL/VIEWS OF STATUTORY OFFICERS

1. Y Prif Weithredwr/Chief Executive:-

Dim i'w ychwanegu

Nothing to add

2. Swyddog Monitro/ Monitoring Officer:-

Mae gan y Cyngor drefniadau sydd yn caniatáu cymeradwyo ceisiadau mewn amgylchiadau penodol ble nad yw amgylchiadau y darpar brynwr yn disgyn o fewn llythyren y cyfamod. Rwy'n fodlon fod y penderfyniad yn disgyn o fewn cwmpawd y disgrisiwn yma ar gyfer caniatáu y gwerthiant.

The Council has an arrangement which allows approval of applications in specific circumstances where the circumstance of the prospective buyer does not fall within the wording of the covenant. I am satisfied that this decision falls within the ambit of the discretion for consent to the disposal.

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 Cyngorydd/ Councillor Dewi Owen

Does dim gwrthwynebiad gennyf ar ganiatâd gwerthu cyn dŷ cyngor 51 Maes Newydd Aberdyfi.

*I have no objections to the consent to the disposal of the former council house
51 Maes Newydd Aberdyfi.*

LLOFNOD /SIGNED

DYDDIAD/DATE

Signed by Ewan

25/6/15
