

Canllaw Arferion Da Ar Gartrefi Gwag



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

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Rhagair

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Mae'n rhwystredig bob amser pan welir tai y gellid eu defnyddio'n sefyll yn wag pan mae galw amlwg am dai a phan nad yw rhai pobl yn gallu mwynhau'r urddas a'r buddiannau sy'n dod yn sgil cael cartref.

Mae cyfran y cartrefi gwag yn y sector cyhoeddus wedi gostwng yn ystod y blynyddoedd diwethaf. Mae Awdurdodau Lleol a Landlordiaid Cymdeithasol Cofrestredig wedi cael eu hannog i sicrhau bod eu hanheddau'n cael eu meddiannu cyn gynted â phosibl pan maent yn dod yn wag.

Fodd bynnag, mae rhai cartrefi yn y sector preifat sy'n parhau'n wag. Mewn rhai achosion, efallai bod rhesymau da pam eu bod yn wag neu eu bod yn wag am gyfnodau cymharol fyr yn unig. Mewn achosion eraill, mae eiddo'n wag am gyfnodau hir ac efallai eu bod yn achosi anghyfleustra mewn ardaloedd lle mae angen am dai. Gellid gwneud defnydd o eiddo o'r fath i ddarparu cartrefi y mae cymaint o angen amdanynt i bobl mewn rhannau trefol a gwledig o Gymru.

Mae nifer o Awdurdodau Lleol yng Nghymru wedi mabwysiadu dull arloesol sydd wedi'i gynllunio i fynd i'r afael â'r problemau hyn. Yr wyf am sicrhau bod y mesurau gorfodi, y cymhellion a'r cosbau sydd ar gael yn fwy hysbys ac yn cael eu defnyddio'n effeithiol. Drwy wneud hyn, gallwn sicrhau nad yw adnoddau gwerthfawr yn cael eu gwastraffu.

Mae'n bleser gennyf lansio'r Canllaw Arferion Da hwn, sydd wedi'i gynhyrchu mewn partneriaeth â Shelter Cymru. Yr wyf yn ddiolchgar iawn i Awdurdodau Lleol unigol, i Gymdeithas Llywodraeth Leol Cymru a chyrff cynrychioliadol eraill am eu cymorth i gynhyrchu'r canllawiau. Mae eu cyfraniadau'n sicrhau bod hwn yn ganllaw ymarferol sy'n seiliedig ar eu profiadau hwy ac ar y strategaethau a ddatblygwyd gan awdurdodau lleol.

Dylai'r canllaw hwn fod yn adnodd gwerthfawr. Bydd yn galluogi Awdurdodau Lleol i ddatblygu strategaethau cartrefi gwag a fydd yn cyd-fynd â'r nodau a'r amcanion sydd wedi'u cynnwys yn *Cartrefi Cynaliadwy – Strategaeth Dai Genedlaethol i Gymru, Adolygiad Essex* a'n dogfen bolisi *Cymru'n Un*. Yn bwysicach na dim, bydd yn rhoi cyfle i Awdurdodau Lleol wneud defnydd o eiddo gwag unwaith eto a thrwy hynny ateb yr angen am dai ymhlith pobl leol.

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Rhan 1 – Y Canllaw a'i Amcanion

Cyflwyniad

1. Mae cartrefi gwag yn fwy nag adnodd sy'n cael ei wastraffu. Maent hefyd yn gallu achosi niwsans a phroblemau amgylcheddol. Gall cartrefi gwag achosi lefelau uwch o droseddau, fandaliaeth, ymddygiad gwrthgymdeithasol a cham-drin cyffuriau. Gallant hefyd fod yn adnodd tai posibl nad oes defnydd llawn yn cael ei wneud ohono ar y pryd.
2. Gall defnyddio cartrefi gwag unwaith eto helpu i roi sylw i nifer i faterion tai a chymdeithasol drwy gynyddu'r cyflenwad mewn ardaloedd lle mae prinder tai neu bwysau ar y cyflenwad presennol ac mae hwn yn gyfle i gyplysu cartrefi gwag addas â'r angen am dai.
3. Mae'n hanfodol bod gan bob awdurdod lleol yng Nghymru fesurau effeithiol ar waith i ddelio â'r materion hyn yn ogystal â strategaethau cartrefi gwag cynhwysfawr sy'n cyfrannu at gynllunio strategol lleol. Mae gan lawer o awdurdodau lleol strategaeth o'r fath eisoes ond mae'n bwysig eu bod yn cael eu hadolygu'n rheolaidd.
4. Ni ellir gorbwysleisio pwysigrwydd cael strategaeth cartrefi gwag. Mae'n hanfodol bod unrhyw strategaeth yn rhoi ystyriaeth i gwmpas eang cartrefi gwag a'u bod yn edrych ar y problemau a'r cyfleoedd sy'n bodoli yn ardal yr awdurdod lleol, gan gynnwys bwrw golwg ofalus ar y mannau hynny lle gallai cartrefi gwag helpu i leddfu'r angen am dai. Er mwyn datblygu strategaeth bydd yn rhaid dadansoddi maint y broblem tai gwag yn yr ardal yn ofalus, y cyfleoedd a all godi yn eu sgil a'r angen i roi sylw i'r broblem. Mewn rhai ardaloedd gall y problemau fod yn gymharol fach a gallai'r gost o weithredu fod yn rhy uchel o ystyried maint y broblem. Efallai na fydd dim enillion yn deillio o ran tai a gall awdurdod benderfynu mabwysiadu ymagwedd fwy rhagweithiol.
5. Dylai'r strategaeth egluro sut y mae'r cyngor yn bwriadu mynd i'r afael â'r problemau hynny gan ddefnyddio nid yn unig ei adnoddau ariannol ei hun ond hefyd y cyfraniad y gall eraill yn y sectorau cyhoeddus a phreifat ei wneud. Mae'n bosibl y gall trefniadau adnewyddu llai rhagnodol y sector preifat fod yn ddefnyddiol yn hyn o beth¹.

¹ Gweler Cylchlythyr 20/02 Cynulliad Cenedlaethol Cymru– Canllawiau Adnewyddu Tai – Awst 2002.

Cartrefi Gwag: Y Pwyntiau Allweddol

Negyddol	Positif
<ul style="list-style-type: none">• Gwastraff adnoddau• Niwsans• Problemau amgylcheddol• Troseddu• Colli refeniw	<ul style="list-style-type: none">• Cyfleoedd• Adnodd defnyddiol• Rhoi sylw i'r angen am dai• Rhan o ymagwedd strategol leol• Ystyriaethau fforddiadwyedd

Diben y Canllaw

6. Paratowyd y canllaw hwn i gynorthwyo awdurdodau lleol i baratoi strategaethau cartrefi gwag ac i ddatblygu dulliau effeithiol i fynd i'r afael â chartrefi gwag. Mae hefyd yn cynnig enghreifftiau o arferion da y gellir eu dilyn ac mae'n cynnwys enghreifftiau o strategaethau effeithiol sydd ar waith ar hyn o bryd. Mae'r canllaw hefyd yn tynnu sylw at y pwerau a'r mesurau sydd ar gael i awdurdodau lleol i ddelio â'r materion hyn.

7. Nid yw'r wybodaeth hon yn gwbl gyflawn ac wrth i awdurdodau ennill profiad, bydd cyfle iddynt ddatblygu eu cynlluniau eu hunain sy'n gweithio'n lleol.

8. Mae cyfle hefyd i awdurdodau lleol gydweithio ar lefel ranbarthol i gyplysu eu strategaethau lleol â dull ranbarthol cynhwysfawr o weithredu. Mae Llywodraeth Cynulliad Cymru yn annog awdurdodau lleol, mewn cydweithrediad â CLILC a Phanel Technegol Penaethiaid Iechyd yr Amgylchedd Cymru i ddatblygu'r dull hwn o weithredu.

9. Mae'r canllaw'n canolbwyntio ar gartrefi gwag yn y sector preifat. Mae cyfraddau eiddo gwag yn y sector tai cymdeithasol yn gymharol isel ac mae awdurdodau lleol a landlordiaid cymdeithasol cofrestredig (LCCau) yn cael eu hannog i'w gostwng ymhellach.

10. Y bwriad yw cynorthwyo awdurdodau lleol i ganfod yr eiddo gwag hynny a ddylai fod yn ganolbwynt eu sylw gan amlinellu'r cyfleoedd sydd ar gael i gymell perchnogion i ddefnyddio'r eiddo hynny unwaith eto a'r dulliau gorfodi sydd ar gael i'r awdurdodau os nad yw camau eraill wedi llwyddo.

11. Mae'r canllaw hwn hefyd yn nodi sefydliadau eraill a all gynnig cyfleoedd i weithio mewn partneriaeth i ddelio â chartrefi gwag.

Y Canllaw: Pwyntiau Allweddol

- Cynorthwyo Cynghorau i baratoi strategaethau
- Nid yw'n gwbl gyflawn
- Mae'n canolbwyntio ar gartrefi yn y sector preifat
- Bydd yn datblygu ac yn ehangu dros amser
- Cynorthwyo Cynghorau i ganfod/targedu eiddo gwag
- Bydd yn canolbwyntio ar gyfleoedd, cymhellion a gweithio ag eraill

Strategaethau Cartrefi Gwag

12. Dylai strategaethau cartrefi gwag fod yn rhan anhepgor ac yn elfen hanfodol o strategaeth gyffredinol ar gyfer materion tai lleol. Bydd angen rhoi blaenoriaeth i adnoddau bob amser ac mae'n hanfodol bod awdurdodau lleol yn edrych ar ddulliau sy'n ceisio manteisio i'r eithaf ar yr holl asedau a'r cyfleoedd sydd ar gael i fynd i'r afael â blaenoriaethau lleol. Nid yw'r adnoddau a ddarperir gan Lywodraeth y Cynulliad wedi'u neilltuo a gall awdurdodau lleol ddyrannu cymaint o arian a ystyrir yn briodol ganddynt tuag at faterion tai gwag yn unol â'u blaenoriaethau lleol. Yn wir, mae'n bwysig bod awdurdodau lleol yn dyrannu adnoddau digonol o'u Cyllid Cyfalaf Cyffredinol i gyflawni nodau ac uchelgeisiau'u hardal sydd wedi'u cynnwys yn eu polisïau adnewyddu tai a'u strategaethau cartrefi gwag. Hefyd, o fewn yr ardaloedd adnewyddu, gall awdurdodau lleol ddefnyddio Grant Cyfalaf Penodol (SCG) i sicrhau bod eiddo gwag yn cael ei ddefnyddio unwaith eto.

13. Gall delio â chartrefi gwag helpu i roi sylw i broblemau tai eraill drwy ddarparu llety ychwanegol, a thrwy hynny leddfu'r pwysau ar restrau aros a darparu cartrefi ar delerau tymor byr a hir. Mae Sue Essex hefyd wedi cysylltu Tai Gwag â'r ystyriaethau ehangach sy'n ymwneud â fforddiadwyedd yn yr adroddiad ar *Dai Fforddiadwy* a gyhoeddwyd ym Mehefin 2008. Gweithredu pellach ar gartrefi gwag yw thema'r Strategaeth Dai Genedlaethol newydd *Cartrefi Cynaliadwy* hefyd. Bydd aelodau awdurdodau lleol yn fwyaf arbennig am ystyried sut y mae eu strategaeth cartrefi gwag yn cyfateb i strategaethau tai a strategaethau eraill mwy cyffredinol yn eu hardal a'r flaenoriaeth a roddir ganddynt i fynd i'r afael â'r materion hyn, gan gadw mewn cof y buddiannau a all godi o ran ateb yr angen am dai a mynd i'r afael ag amddifadedd.

14. Mae'r problemau cymdeithasol ac amgylcheddol y gellid mynd i'r afael â hwy'n cynnwys:

- adennill hyder mewn ardal lle mae nifer o dai mewn cyflwr gwael;
- problemau plâu o lygod mawr, tipio anghyfreithlon ac argraff wael o'r ardal yn gyffredinol;

- troseddu, a all gynnwys fandaliaeth, ymddygiad gwrthgymdeithasol a cham-drin cyffuriau; a
- gwelliannau gweledol i ymddangosiad ardaloedd.

15. Gall proffil gwleidyddol problemau sy'n deillio â chartrefi gwag fod yn uchel a gall ddenu sylw anffafriol yn y cyfryngau lleol. Gall cynghorau gael eu cyhuddo o fod yn hunan fodlon ac o wastraffu adnodd pwysig, a thrwy hynny niweidio hygyrddedd corfforaethol. Gall strategaeth cartrefi gwag effeithiol, fodd bynnag, ddangos bod y cyngor yn mabwysiadu ymagwedd gredadwy ac nad yw'n anwybyddu dirywiad parhaus nac yn colli cyfle i gynyddu nifer y cartrefi addas sydd ar gael.

16. Mae'r newidiadau a gyflwynwyd i drefniadau adnewyddu'r sector preifat a gyflwynwyd ym mis Gorffennaf 2002 yn golygu bod gan awdurdodau lleol yn awr bolisiau a strategaethau i adnewyddu tai'r sector preifat sydd wedi'u llunio'n bwrpasol i ateb anghenion lleol. Bydd y rhain yn canfod y pwysau a brofir a'r blaenoriaethau mewn ardal ac yn dangos y dull y mae'r awdurdod wedi dewis ei fabwysiadu i dargedu grantiau adnewyddu cartrefi, benthyciadau, gan gynnwys pecynnau rhyddhau ecwiti, adleoli a chlirio. Gall enghreifftiau o'r blaenoriaethau y gallai awdurdodau eu mabwysiadu wrth dargedu cymorth gynnwys:

- addasiadau ar gyfer pobl anabl;
- gwaith i berchnogion tai oedrannus sy'n cynnwys Gofal a Thrwsio;
- tai o ansawdd gwael;
- adnewyddu'n seiliedig ar ardaloedd;
- Tai Amlfeddiannaeth (HMO); a
- chartrefi gwag.

17. Dylai strategaeth cartrefi gwag ddangos meddwl strategol clir ar ran yr awdurdodau, dylai gynnwys ymagwedd gorfforaethol sy'n ymestyn ar draws adrannau ac sy'n cynnwys aelodau. **Mae hyn yn hanfodol.** Mae'n holl bwysig hefyd bod y cyhoedd yn ymwybodol o'r strategaeth a dylid sicrhau cyhoeddusrwydd priodol i sicrhau bod perchnogion a landlordiaid yn gwybod sut y gall yr awdurdod eu helpu a pha gamau gorfodi maent yn debygol o'u cymryd a'r amserlenni a fydd ynghlwm wrth hynny.

18. Mae dadreoleiddio trefniadau adnewyddu'r sector preifat, ynghyd â pheidio neilltuo adnoddau yn golygu cyfleoedd i ddatblygu'r sector rhentu preifat. Mae gan awdurdodau'n awr fwy o gyfle o ran natur a maint y cymorth a ddarperir i landlordiaid drwy eu bolisiau adnewyddu sector preifat². Gellir gwneud cysylltiadau pwysig hefyd rhwng problemau sy'n gysylltiedig â thai gwag ac adnewyddu strategol ehangach. Gall hyn gynnwys ardaloedd adnewyddu gyda chyfleoedd pwysig i awdurdodau lleol dreialu dulliau arloesol yn achos cartrefi gwag, ac os ydynt yn llwyddiannus gallant eu cyflwyno mewn rhannau eraill o'u hardaloedd.

² Gweler Cylchlythyr 20/02 Cynulliad Cenedlaethol Cymru– Canllawiau Adnewyddu Tai – Awst 2002.

19. Mae ffyrdd eraill o fynd i'r afael â phroblemau cartrefi gwag, ac maent yn cynnwys:

- cytundeb gwirfoddoli â pherchnogion i ddefnyddio eiddo gwag unwaith eto;
- gweithio mewn partneriaeth â Landlordiaid Cymdeithasol Cofrestredig (LCCau);
- Gorchmynion Rheoli Anheddau Gwag (GRhAG);
- gwerthu gorfodol; a
- Gorchmynion Prynu Gorfodol (GPG).

20. Edrychir ar yr opsiynau hyn yn fwy manwl yn yr Atodiadau ac yn Rhan 3 y canllaw.

Strategaethau Tai Gwag: Pwyntiau Allweddol

- Rhan anhepgor o ymagwedd strategol tuag at faterion tai lleol
- Edrych mewn ffordd gorfforaethol ar bob agwedd ar dai
- Mynd i'r afael â phroblemau cymdeithasol/amgylcheddol/troseddu
- Adennill hyder
- Rhoi hwb i hygyrdd y cyngor
- Adeiladu ar gyfleoedd a gyflwynwyd yng Ngorchymyn Diwygio Rheoleiddio (Cymorth Tai) (Cymru a Lloegr) 2002
- Cysylltu ag adnewyddu strategol ar sail ardaloedd

Elfennau Strategaeth

21. Nid oes angen gweithredu yn achos pob cartref gwag. Mae'n hanfodol bod awdurdodau'n penderfynu sut y dylent dargedu eu prif weithgareddau drwy ddadansoddiad gofalus, pori drwy'r wybodaeth a gesglir ganddynt i ddatblygu systemau sy'n pennu blaenoriaethau. Er enghraifft, ni fyddai llawer o ddiben mewn targedu eiddo gwag trafodol sy'n wag am reswm da. Byddai hyn yn wir hefyd yn achos eiddo nad ydynt yn achosi niwsans, sydd mewn cyflwr da ac na fyddai'n addas i ddiwallu anghenion tai lleol. Bydd angen hefyd i awdurdod bennu amserlenni realistig fel rhan o unrhyw gynllun gweithredu i fynd i'r afael â'r problemau. Bydd yn rhaid ystyried sut y dylid mynd ati i weithredu h.y. **perswadio** a sicrhau **cytundeb** cyn **gorfodi**. Mae hefyd yn bwysig dros ben cadw mewn cof yr ystyriaethau hawliau dynol sy'n gysylltiedig â gorfodi perchnogion i ryddhau cartrefi gwag a'r darpariaethau statudol sy'n rhaid eu bodloni wrth ystyried mesurau gorfodi megis GRhAG a GPGau.

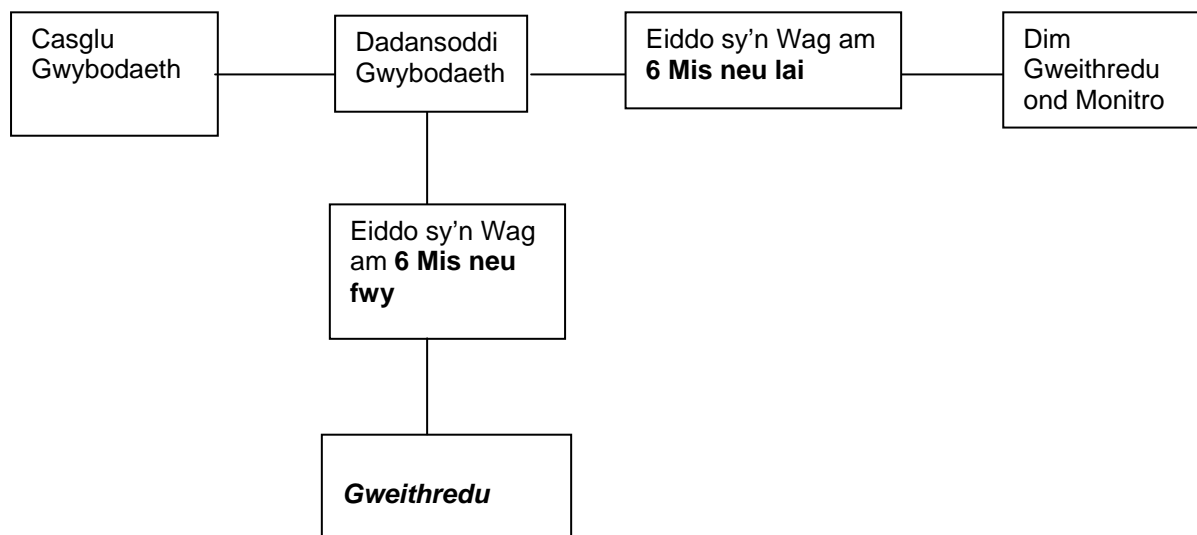
22. Gellir rhannu'r gwaith o baratoi strategaeth i nifer o feysydd penodol, a all gynnwys:

- Dadansoddi'r broblem

- Amcanion/nodau polisi
- Gwybodaeth
- Cyhoeddusrwydd
- Targedu
- Gweithredu
- Monitro a Gwerthuso

23. Bydd rhai agweddau ar y strategaeth o fewn y penawdau hyn yn gorgyffwrdd, ond er mwyn sicrhau eglurder, ymdrinnir â hwy ar wahân yn y canllaw hwn.

24. Wrth baratoi strategaeth efallai y bydd awdurdod am ystyried trywydd penderfynu y gellir ei ddilyn wrth i wybodaeth gael ei chasglu ac wrth i benderfyniadau gael eu gwneud ar weithredu priodol. Gallai'r canlynol fod yn un amlinelliad o drywydd penderfynu y gellid ei ystyried:



25. Ceir mwy o fanylion am y trywydd penderfynu hwn yn Atodiad A.

Amcanion Polisi

26. Ar y dechrau **mae'n hanfodol bod awdurdodau'n penderfynu beth yn union yw eu hamcanion polisi mewn strategaeth. Mae'n amlwg y bydd yn rhaid i aelodau fod yn gysylltiedig â'r ymarferiad hwn. Dylid cael cytundeb corfforaethol ar yr amcanion gan yr awdurdod lleol ac, os yn briodol, â'r Landlordiaid Cymdeithasol Cofrestredig, er mwyn sicrhau nad oes gwrthdaro rhwng adrannau'r awdurdod.** Er enghraifft, gallai pethau fod yn anodd i gynlluniau megis addasu adeiladau dibreswyl lle mae angen newid defnydd os na fyddai caniatâd cynllunio'n cael ei ganiatáu. Bydd y nodau a'r amcanion yn amrywio o awdurdod i awdurdod yn ddibynnol ar faint y broblem cartrefi gwag sy'n eu hwynebu, y galw am dai mewn ardal, amgylchiadau lleol a'r cyfleoedd sydd ar gael iddynt i fynd i'r afael â'r problemau. Gallai enghreifftiau gynnwys:

- a. dod â nifer sylweddol o eiddo gwag yn ôl i ddefnydd preswyl drwy fabwysiadu ymagwedd gorfforaethol a strategol;
- b. mynd i'r afael ag eiddo sydd mewn cyflwr gwael gyda golwg ar:
 - weithio mewn partneriaeth â landlordiaid cymdeithasol cofrestredig;
 - eu tynnu o'r stoc dai (clirio cau);
 - eu dychwelyd i berchen-feddiannaeth (cynlluniau perchnogaeth cartref cost isel);
 - eu dychwelyd i ddefnydd fel cartrefi sy'n cael eu rhentu'n breifat (perswadio landlordiaid drwy grantiau neu fenthyciadau).
- c. troi adeiladau gwag yn dai cymdeithasol drwy:
 - ddefnyddio LCC drwy weithio mewn partneriaeth sy'n cynnwys trefniadau rheoli neu brynu ac adsefydlu;
 - hawliau enwebu gan landlordiaid y sector preifat fel amod grant neu fenthyciad;
 - defnyddio GRhAG.
- d. adfywio canol trefi/pentrefi drwy aildddefnyddio eiddo gwag uwchben siopau;
- e. gwneud defnydd unwaith eto/delio ag eiddo mewn cyflwr gwael mewn ardaloedd penodol e.e. ardaloedd adnewyddu neu ardaloedd targed adnewyddu mewn dinasoedd neu drefi;
- f. ystyried opsiynau mewn ymgynghoriad â'r perchnogion, awdurdodau cyhoeddus eraill, LCC a landlordiaid y sector preifat i leihau nifer y cartrefi gwag; a
- g. gellid cyplysu strategaeth i ddelio â chartrefi gwag â chynlluniau hyfforddi i ddefnyddio llafur/sgiliau lleol drwy recriwtio'n lleol.

Amcanion Polisi: Pwyntiau Allweddol

- | |
|--|
| <ul style="list-style-type: none"> • Pennu nodau ac amcanion polisi • Pwysau a blaenoriaethau lleol • Gwneud defnydd o eiddo unwaith eto drwy amrywiaeth o ddulliau • Ystyriaethau cymunedol ehangach • Ymgynghori eang • Sgiliau/hyfforddiant lleol |
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Rhan 2 – Dulliau Polisi

Gwybodaeth

27. Mae'n hanfodol bod gan awdurdodau lleol wybodaeth dda am faint y problem cartrefi gwag yn eu hardal. Gan ddefnyddio'r wybodaeth hon, gall cynghorau ddadansoddi'r problemau a'r opsiynau sydd ar gael iddynt i fynd i'r afael â'r problemau a'r math o gartrefi gwag y dylid eu targedu yn y strategaeth. Byddai'r wybodaeth hefyd yn galluogi'r cyngor i gadw cronfa ddata o gartrefi gwag a/neu gofrestr o eiddo gwag y gellir wedyn eu defnyddio ar gyfer elfennau eraill o'r strategaeth. Gellir cael gafael ar yr wybodaeth hon mewn nifer o ffyrdd:

- arolygon o gartrefi gwag (gan gynnwys cofnodion y dreth gyngor);
- llinell wybodaeth gyda chyhoeddusrwydd priodol sy'n gofyn i bobl gysylltu â'r rhif os ydynt yn gwybod am gartrefi gwag;
- holiaduron i landlordiaid – gellid targedu landlordiaid hysbys yn yr ardal gyda holiaduron, gan gynnwys Cymdeithas Genedlaethol y Landlordiaid (NLA) i'w holi am faint eu portffolio eiddo ac a ydynt wedi'u meddiannu ai peidio ar y pryd;
- gwybodaeth gan sefydliadau ariannol/cymdeithasau adeiladu/gwerthwyr tai/banciau am yr eiddo y mae ganddynt fuddiant ynddynt ac a all fod yn wag;
- fforymau corfforaethol mewnol awdurdodau lleol a fyddai'n cynnwys amryw o adrannau a all fod â gwybodaeth am gartrefi gwag. Gallai'r rhain gynnwys adrannau tai, iechyd yr amgylchedd, cynllunio, gwasanaethau cymdeithasol, y dreth gyngor ayb;
- Cynghorau Cymuned;
- Gwybodaeth gan LCC a all fod â gwybodaeth dda am yr ardaloedd lle mae ganddynt eiddo;
- siambrau masnach/perchnogion siopau lleol a fydd â gwybodaeth am adeiladau a all fod yn dai, a fflatiau uwchben siopau;
- entrepreneuriaid lleol, buddiannau masnachol, sefydliadau crefyddol a all fod â gwybodaeth am adeiladau gwag a all fod yn addas i'w troi'n ofod byw;
- uned tai gwag bwrpasol a fyddai'n gyfrifol am y dasg o ganfod a mynd i'r afael â phroblemau tai gwag. Gallai uned o'r fath gynnal arolygon a defnyddio cofnodion cyhoeddus i olrhain perchnogion e.e. y gofrestrfa dir neu dŷ'r cwmnïau ayb;
- Yr Heddlu – a all fod wedi derbyn cwynion am ddigwyddiadau troseddol mewn cartrefi gwag;
- Awdurdodau Tân – a all fod â gwybodaeth benodol drwy eu swyddogion Lleihau Tanau Bwriadol;
- Grwpiau Gwarchod y Gymdogaeth;

- Aelodau Cynulliad Lleol, Aelodau Seneddol a chynghorau a all fod â gwybodaeth am eiddo gwag sy'n achosi problemau yn eu hetholaethau neu wardiau;
- Arolygon Adnewyddu Cymdogaethau (AAC) mewn cysylltiad ag ardaloedd adnewyddu neu gynlluniau adfywio eraill a all fod wedi canfod eiddo gwag; ac
- Arolygon o eiddo ar gyfer cynlluniau trwsio grŵp a thrwsio bloc a all hefyd ganfod cartrefi gwag.

Gwybodaeth: Pwyntiau Allweddol

- Gwybodaeth dda'n hanfodol
- Arolygon o eiddo gwag
- Holiaduron
- Fforymau corfforaethol mewnol awdurdodau lleol
- Cysylltiadau â'r sector preifat
- Cysylltiadau â LCC
- Unedau tai gwag o fewn awdurdodau lleol
- Cynlluniau tai eraill
- Hysbysebion

Cyhoeddusrwydd

28. Mae cyhoeddusrwydd yn bwysig er mwyn cael gafael ar yr wybodaeth y cyfeiriwyd ati yn adran 6 ac i sicrhau bod landlordiaid/perchnogion/gwerthwyr tai ayb yn ymwybodol o'r cyfleoedd a'r cymhellion i ddefnyddio eiddo unwaith eto a'r cosbau am beidio â gwneud hynny.

29. Dylai'r cyhoeddusrwydd egluro'r anfanteision sylweddol iddynt os yw eiddo'n parhau'n wag a bod cyfleoedd a manteision i'w defnyddio unwaith eto.

30. Gallai cyhoeddusrwydd fod ar ffurf llythyru uniongyrchol, pecynnau gwybodaeth, seminarau, cyfarfodydd â landlordiaid, perchnogion a phartïon eraill â diddordeb, megis sefydliadau ariannol, siambrau masnach ayb.

31. Mae'r sefydliadau y gellid eu targedu'n cynnwys gwerthwyr tai. Nid yn unig y gall fod ganddynt wybodaeth am eiddo gwag ond gallant hefyd gynorthwyo i leddfu'r problemau hyn drwy weithredu fel asiantaethau gosod. Mae rhai gwerthwyr tai yn gwneud hyn eisoes, yn enwedig yn achos eiddo sy'n anodd ei werthu ond hefyd lle mae galw am lety dan rent.

32. Gallai awdurdodau lleol lansio ymgyrchoedd i ddod o hyd i eiddo drwy siopau papur newydd, gan gynnwys y wasg am ddim a chylchlythyrau awdurdodau lleol. Gallai ymgyrch bosteri wedi'i hategu gan lenyddiaeth mewn llyfrgelloedd, canolfannau chwaraeon, canolfannau iechyd, canolfannau DIY, gwerthwyr deunydd adeiladu ayb fod yn ddefnyddiol i gyfleu'r neges bod cartrefi gwag yn adnodd sy'n cael ei wastraffu a bod buddiannau'n dod yn sgil eu defnyddio unwaith eto.

33. Gellid targedu cwmnïau/siopau gyda fflatiau gwag uwch eu pen drwy gynnig trafod y cyfleoedd sydd ar gael drwy grantiau adnewyddu cartrefi, benthyciadau a gweithio â'r awdurdod lleol a allai benodi partneriaid megis LCC i weithredu fel asiantaethau rheoli ar eu rhan.

34. Mae dull tebyg yn aml yn ddefnyddiol yn achos sefydliadau eraill sy'n berchen ar adeiladau gwag eraill a allai fod yn addas i'w troi'n anheddau byw. Fodd bynnag, byddai'n rhaid i awdurdodau fod yn hapus ynghylch eu hyfywedd economaidd a'u hymarferoldeb a'r dystiolaeth o angen am dai a fyddai'n gysylltiedig ag unrhyw gynlluniau a fyddai'n ymwneud â'r math hwn o eiddo.

35. Gallai awdurdodau roi cyhoeddusrwydd i'w ffordd o weithio ymhlith landlordiaid drwy dynnu sylw at rôl yr NLA a Chynllun Achrediad Landlordiaid Cymru Gyfan sy'n amlinellu dulliau rheoli da, y cymhellion i wneud defnydd unwaith eto o eiddo gwag a'r cosbau os na wneir hynny.

36. Byddai uned cartrefi gwag problemus a/neu linell wybodaeth awdurdod lleol ynghyd â **Swyddog Cartrefi Gwag** yn ddefnyddiol a byddai'n annog y cyhoedd i dynnu sylw at broblemau cartrefi gwag. Er y gallai'r swyddog hwnnw fod â chyfrifoldebau eraill, dyma fyddai'r prif berson cyswllt ar gyfer problemau'n ymwneud â chartrefi gwag. Byddai hyn yn osgoi llawer o'r rhwystredigaeth y gall y cyhoedd ei brofi wrth geisio cael gafael ar swyddogion â chyfrifoldeb penodol am faterion o fewn awdurdodau lleol. Byddai rhif ffôn y swyddog (y llinell wybodaeth cartrefi gwag) ar gael yn rhwydd a rhoddid cyhoeddusrwydd iddo yn yr hysbysebion/llynyddiaeth y crybwyllwyd uchod.

37. Gellid ehangu fforwm mewnol yr awdurdod lleol i greu fforwm tai sector preifat ehangach. Gallai'r fforwm hwnnw gynnwys yr awdurdod lleol, landlordiaid, fforwm landlordiaid, gwerthwyr tai, syrfewyr, benthycwyr morgeisi, siambrau masnach, LCC a sefydliadau eraill â diddordeb. Gallai gwrdd o bryd i'w gilydd i drafod materion sy'n ymwneud â chartrefi gwag ac i gyfnewid arferion da. Gallai weithredu hefyd fel bwrdd seinio ar gyfer cynlluniau/camau y mae'r awdurdod lleol yn ystyried eu datblygu yng nghyd-destun y strategaeth cartrefi gwag neu ymagwedd strategol ehangach tuag at faterion tai.

Cyhoeddusrwydd: Pwyntiau Allweddol

- Mae'n hanfodol bod gwybodaeth am strategaeth y cyngor yn cael ei lledaenu'n eang
- Angen egluro manteision gwneud defnydd o eiddo gwag unwaith eto
- Egluro anfanteision gadael eiddo'n wag
- Llythyr uniongyrchol/seminarau/pecynnau gwybodaeth/crynodeb o'r strategaeth
- Targedu buddiannau lleol
- Ymgyrchoedd lleol
- Troi adeiladau gwag yn ofod byw (os yn briodol)
- Person cyswllt penodol yn yr awdurdod lleol
- Canllawiau ymarfer da lleol
- Uned cartrefi gwag a fforwm mewnol

Dadansoddi a Tharged

38. Dylai dadansoddiad o'r wybodaeth a gesglir gynnwys didoli'r eiddo hynny lle nad oes angen gweithredu, lle na fyddai'n gost effeithiol neu os na fyddai modd rhoi sylw i angen cydnabyddedig am dai. Er enghraifft, eiddo neu dai gwag trafodol sy'n wag oherwydd bod swyddogion o'r lluoedd arfog ar ddyletswydd estynedig mewn gwlad dramor. Er mwyn eu cynorthwyo gyda'r ymarferion hyn gallai awdurdodau ystyried datblygu math o ddadansoddiad cost a budd. Gallai'r dadansoddiad fod yn un eang a gallai'r costau gynnwys amser staff, refeniw a gollir (y dreth gyngor) a'r gost o ddarparu cymorth a chymryd camau cyfreithiol/gorfodi. Gallai'r buddiannau gynnwys darparu tai fforddiadwy ar gyfer pobl leol, ychwanegu at y stoc dai a lleihau'r problemau a amlinellwyd ym mharagraff 14 uchod, gan gynnwys lleihau trosedd. Nid yw'r enghreifftiau hyn yn rhestr gyflawn o'r holl opsiynau a gall yr awdurdodau eu hunain benderfynu ar yr hyn maent am ei gynnwys. Bydd angen i'r gwaith o fonitro a gwerthuso polisi'r cyngor o ran eiddo gwag ystyried ymarferoldeb ymyrraeth yn ogystal ag ystyriaethau cost a budd.

39. Pan fydd gan awdurdodau wybodaeth dda ar nifer y cartrefi gwag yn eu hardal bydd angen iddynt benderfynu sut i dargedu gweithgareddau yn yr ardal fel rhan o'u strategaeth ac i neilltuo digon o adnoddau refeniw a chyfalaf i'w galluogi i weithredu ar eu blaenoriaethau lleol. Mae'n bwysig peidio ag anwybyddu eiddo gwag problemus nad oes eu hangen i roi sylw i'r angen am dai ond a all er hynny bod yn destun camau gorfodi.

40. Efallai y bydd rhai awdurdodau'n teimlo y dylent roi blaenoriaeth i fynd i'r afael â'r cartrefi gwag gwaethaf sy'n achosi problemau neu niwsans. Efallai y bydd eraill yn credu y byddai'n fwy buddiol i edrych ar yr eiddo hynny y gellid gwneud defnydd ohonynt heb wneud llawer iawn o waith arnynt yn gyntaf ac a allai helpu i roi sylw i'r angen am dai. Gall y dadansoddiad ddangos na fyddai dim neu fawr ddim budd yn

deillio drwy weithredu yn achos rhai eiddo. Bydd llawer yn ddibynnol ar flaenoriaethau a phwysau lleol. Pa bynnag ddull a fabwysiedir mae'n hanfodol bod awdurdodau'n cyflawni'u eu hymrwymiaid statudol i ddelio ag adeiladau sydd mewn cyflwr gwael neu sy'n achosi niwsans a'u bod hefyd yn manteisio ar yr holl gyfleoedd a all fod ar gael yn sgil gwneud defnydd o eiddo unwaith eto.

41. Er enghraifft, efallai y bydd rhai awdurdodau'n penderfynu peidio cynnwys eiddo sy'n:

- cynnwys unrhyw ran wag lle mae gorchymyn cau neu wahardd;
- gwag dros dro e.e. eiddo gwag trafodol, llety myfyrwyr rhwng tymhorau, eiddo sy'n cael ei adnewyddu neu os yw'r preswylwyr arferol mewn gwlad dramor dros dro, e.e. swyddogion y lluoedd arfog;
- sy'n ail gartrefi neu'n dai haf;
- anheddau sydd heb eu meddiannu oherwydd bod yr unig breswilydd yn yr ysbyty, cartref gofal preswyl yn barhaol, neu oherwydd bod y preswilydd yn gofalu am rywun arall yn rhywle arall; neu
- sydd heb fod yn wag am fwy na 6 mis oni bai eu bod yn achos cwynion.

42. Gall awdurdodau benderfynu, fodd bynnag, eu bod am gynnwys y categorïau canlynol:

- eiddo sy'n adfeilion, wedi'u hesgeuluso'n ddifrifol sydd angen gwaith trwsio sylweddol – sydd wedi bod yn destun cwynion oherwydd tipio anghyfreithlon, fandaliaeth, sgwatio, llygod mawr ayb;
- eiddo â gorchymyn cau neu hysbysiad trwsio statudol – sydd unwaith eto wedi bod yn achos cwynion lle mae angen gwaith adferol; neu
- eiddo mewn cyflwr gwael lle mae angen gwaith i'w gwella ond sy'n destun nifer cyfyngedig o gwynion.

43. Er na fydd yr uchod o reidrwydd yn addas ar gyfer eu defnyddio eto, er hynny bydd angen i awdurdodau lleol weithredu i ddelio â niwsans ayb.

44. Gellir defnyddio amryw o ffyrdd i ganfod yr eiddo hynny ac fe'u trafodir yn adran 6. Gallant gynnwys edrych ar eiddo gwag fesul ward a'u cyfyngu i'r ardaloedd hynny gyda'r crynodiadau mwyaf o eiddo problemus. Yn yr un modd, gall awdurdodau ganfod yr eiddo dan sylw drwy gofnodion eraill a all fod yn eu meddiant e.e. gwybodaeth am fudd-dal tai neu'r dreth gyngor ac adroddiadau sy'n seiliedig ar adborth gan Swyddogion Iechyd yr Amgylchedd a Swyddogion Grant sy'n delio ag adnewyddu'r sector preifat.

45. Mae Gorchymyn Diwygio Rheoleiddio (Cymorth Tai) (Cymru a Lloegr) 2002³ yn cynnig cyfleoedd i awdurdodau ddatblygu dulliau arloesol i adnewyddu tai a allai dargedu gweithgarwch mewn ardaloedd neu wardiau penodol lle ceir crynodiadau o

³ Daeth y Gorchymyn hwn i rym yng Ngorffennaf 2002. Gweler hefyd Gylchlythyr 20/02 Cynulliad Cenedlaethol Cymru – Canllawiau Adnewyddu Tai – Awst 2002.

fath arbennig o gartrefi gwag, lle mai adnewyddu'r sector preifat fyddai'r ffordd orau o fynd i'r afael â'r broblem.

46. Os bydd awdurdod yn penderfynu targedu'r eiddo mewn categori penodol mae'n bwysig ei fod yn dal ati i fonitro eiddo mewn categorïau eraill hefyd. Bydd hyn yn sicrhau y bydd modd gweithredu'n gyflym pan mae adeiladau'n dechrau dirywio (gan gynnwys camau gorfodi) cyn i'r sefyllfa fynd yn rhy ddrwg.

47. Yn ogystal â chanfod tai gwag ayb fesul ardal gall awdurdodau ddod o hyd i gyfleoedd i ddarparu llety ychwanegol drwy addasu adeiladau gwag eraill, a all fod, drwy lwc, ar gael mewn ardaloedd lle mae'r angen am dai'n uchel. Dylai unrhyw drefniadau targedu yn y strategaeth felly fod yn ddigon eang a hyblyg i gynnwys tai ac adeiladau eraill lle mae'n gost effeithiol a phriodol ar gyfer yr ardal.

48. Mae Atodiad A yn awgrymu trywydd penderfynu y gellid ei ddefnyddio i ddadansoddi'r wybodaeth a gasglwyd.

Dadansoddi a Thargedu: Pwyntiau Allweddol

- Targedu blaenoriaethau
- Pwysau a chyfleoedd lleol
- Cyntaf gwaethaf neu'r mwyaf addas
- Byddai rhai adeiladau'n cael eu cyfrif fel rhai eithriedig
- Rhestr o flaenoriaethau
- Ni ddylid anwybyddu eiddo nad ydynt yn flaenoriaeth
- Technegau i benderfynu ar gategorïau
- Cyfleoedd yn sgil addasu adeiladau nad ydynt yn dai, fel sy'n briodol

Gweithredu

49. Ar ôl casglu gwybodaeth dda ar faint y problemau cartrefi gwag mewn ardal a sicrhau cyhoeddusrwydd priodol i sicrhau bod pawb perthnasol yn ymwybodol o'r cyfleoedd a all godi yn sgil gwneud defnydd ohonynt unwaith eto a'r cosbau y gellid eu rhoi am wneud dim, bydd angen i awdurdodau gynnal dadansoddiad gofalus ac ystyried pa fath o gamau y gallant eu cymryd i sicrhau eu bod yn cyflawni amcanion eu polisi.

50. Bydd natur a maint y camau a gymerir yn dibynnu ar faint y broblem cartrefi gwag yn yr ardal, ar ystyriaethau ymarferol, nodau ac amcanion yr awdurdod, yr angen am fath penodol o dai a'r cyfleoedd sy'n codi.

51. Bydd gweithredu'n amrywio o gytundebau gwirfoddol neu berswadio i orfodi pwerau statudol, er mai "**cam olaf**" fydd hyn fel arfer. Y cam cyntaf felly fydd ceisio perswadio perchnogion neu landlordiaid y byddai'n fanteisiol iddynt wneud defnydd o'u heiddo. Bydd yn rhaid i awdurdodau ystyried pa gymhellion y gall eu cynnig os na fydd yn llwyddo i'w perswadio a hynny heb golli golwg ar y pwerau gorfodi sydd ar

gael iddynt os na fyddant yn llwyddo i'w perswadio (gan gynnwys hysbysiadau "bwriad i wasanaethu"). Wrth ystyried y dull mwyaf addas ar gyfer eiddo gwag penodol, mae'n bwysig bod awdurdodau'n cynnal arfarniad trylwyr o'r opsiynau a allai fod yn rhan o asesiad adnewyddu cymdogaeth ehangach. Mae'r paragraffau canlynol yn amlinellu'r math o gamau y gellid eu cymryd.

Perswadio a Chytuno

52. Mae'r adran ar Gyhoeddusrwydd (uchod) yn awgrymu y dylai awdurdodau sicrhau cyhoeddusrwydd priodol ac y dylent gael cysylltiadau da â pherchnogion, landlordiaid a sefydliadau eraill sy'n gysylltiedig â'r sector rhentu preifat. Dylai'r cysylltiadau hynny, drwy gyfarfodydd ayb, helpu i sicrhau bod modd perswadio landlordiaid neu berchnogion y bydd yn werth chweil iddynt i **beidio** cadw'u heiddo'n wag.

53. Efallai na fydd rhai landlordiaid a pherchnogion yn ymwybodol o'r cyfleoedd sydd ar gael e.e. ar gyfer cymorth grantiau neu fenthyciadau, prydlesu tymor byr neu ddefnyddio LCC fel asiantaethau gosod, ac mai'r cam cyntaf i'w gymryd yw sicrhau bod gwybodaeth am y dulliau hyn ar gael yn hawdd a'i bod wedi'i thargedu'n benodol at berchnogion cartrefi gwag.

54. Ni fydd angen gweithredu pellach ar yr amod:

- bod y tŷ mewn cyflwr da;
- nad yw'n achosi niwsans, a bod
- y landlord yn gwybod am yr holl gyfleoedd a all fod ar gael ac nad yw camau gorfodi'n briodol.

Cymorth

55. Un o'r cyfleoedd y bydd awdurdodau'n awyddus i dynnu sylw landlordiaid ato o dan y pennawd "perswadio" fydd y cymorth sydd ar gael o dan Orchymyn Diwygio Rheoleiddio (Cymorth Tai) (Cymru a Lloegr) 2002. Gallai'r cymorth fod ar ffurf:

- grantiau i drwsio neu wella;
- grantiau i landlordiaid sy'n gysylltiedig ag achredu;
- benthyciadau neu becynnau rhyddhau ecwiti;
- grantiau ar gyfer HMOau neu addasiadau;
- mathau o gymorth y penderfynir arnynt yn lleol;
- cymorth gyda deunyddiau a llafur; neu
- gyngor.

56. Yr awdurdod lleol fydd yn penderfynu ar natur a faint o gyngor a ddarperir. Gellid cysylltu grantiau ar gyfer landlordiaid ag aelodaeth o'r cynllun Cymru gyfan ar gyfer achredu landlordiaid neu'r hawliau enwebu sydd ar gael i'r awdurdod lleol neu LCC. Bydd y manylion yn cael eu cynnwys ym Mholisi Adnewyddu Tai'r awdurdod.

57. Bydd cymorth yn arbennig o ddefnyddiol lle mae llety ar gael eisoes, ond sydd mewn cyflwr gwael. Gellid targedu cymorth ar rannau cymunedol yr adeiladau – mynedfeydd, grisiau, ayb. – sydd angen sylw a gall cymorth fod yn briodol os yw adeilad dibreswyl yn cael ei addasu'n anheddau e.e. fflatiau uwchben siopau. Yr awdurdodau ddylai benderfynu pa fath o gymorth a faint ohono fyddai'n briodol i weithredu fel ysgogwr i berswadio landlordiaid ac eraill i fuddsoddi i wneud defnydd unwaith eto o adeiladau gwag drwy gyfrwng y mecanwaith hwn.

58. Mae gwybodaeth fanwl am y cyfleoedd sydd ar gael i awdurdodau i ddarparu cymorth wedi'i chynnwys yng Nghylchlythyr 20/02 Cynulliad Cenedlaethol Cymru. Mae'r newidiadau i drefniadau adnewyddu'r sector preifat a gyflwynwyd yn sgil Gorchymyn Diwygio Rheoleiddio (Cymorth Tai) (Cymru a Lloegr) 2002 yn llawer llai rhagnodol o safbwynt awdurdodau lleol ac maent yn cynnig manteision sylweddol o'i gymharu â'r trefniadau blaenorol.

Rhan 3 – Gweithredu a Gorfodi

Rôl Landlordiaid Cymdeithasol Cofrestredig (RSL)

59. Gall Landlordiaid Cymdeithasol Cofrestredig fod yn gysylltiedig ag amrywiaeth o weithgareddau i wneud defnydd o eiddo unwaith eto. Gall hyn gynnwys:

- cael eiddo gwag i'w cynnwys yn eu stoc eu hunain;
- cael eiddo gwag i'w haddasu a'u gwerthu o dan gynlluniau perchnogaeth cartrefi cost isel e.e. Cymorth Prynu;
- prydlesu; neu
- weithredu fel asiantaethau rheoli.

60. Mae gan Landlordiaid Cymdeithasol Cofrestredig ran bwysig i'w chwarae drwy fynd i'r afael â phroblem eiddo gwag fel rhan o raglen adnewyddu lle mae hyn wedi'i gyplysu â'r anghenion a'r blaenoriaethau a ganfuwyd yn strategaeth dai'r awdurdod. Gall awdurdodau gynorthwyo LCC i ddelio â phroblemau eiddo gwag drwy Gyllid Cyfalaf Cyffredinol (GCF) neu Grant Cyfalaf Penodol (SCG) ar gyfer ardaloedd adnewyddu a gelir ariannu gweithgarwch mwy penodol drwy'r Grant Tai Cymdeithasol (SHG) drwy raglen ddatblygu'r awdurdod.

61. Pan mae landlordiaid yn dymuno parhau fel perchnogion eu heiddo ond nad ydynt yn awyddus i fod yn gysylltiedig â'r gwaith o'i reoli gall LCC weithredu fel asiantaethau rheoli os ydynt yn cytuno i ymgymryd â'r dasg.

62. Dylai awdurdodau gadw mewn cysylltiad agos â LCC a landlordiaid ar y mater o'r angen am dai mewn ardaloedd lle byddai'n briodol i LCC fod yn gysylltiedig â'r trefniadau. Un o'r amcanion fyddai ceisio paru argaeledd eiddo gwag â'r angen/galw am dai.

Hawliau Enwebu

63. Mae gan lawer o awdurdodau lleol drefniadau anffurfiol â landlordiaid i roi hawliau enwebu os ydynt yn cefnogi drwy ddarparu cymorth. Mae'r Gorchymyn Diwygio Rheoleiddio yn galluogi awdurdodau lleol i osod amodau ar y cymorth a roddir ganddynt a bydd y manylion wedi'u cynnwys yn y polisiau adnewyddu tai a gyhoeddwyd ganddynt.

64. Wrth chwilio am landlordiaid addas ar gyfer hawliau enwebu dylai awdurdodau ystyried eu perfformiad yn y gorffennol a'r amodau y byddent yn barod i gytuno arnynt e.e. safon y llety, trefniadau gosod, achredu ayb. Mae'n bwysig bod adrannau tai ynghyd ag adrannau iechyd yr amgylchedd ac eraill yn yr awdurdod lleol yn cadw mewn cysylltiad agos os yw hawliau enwebu'n elfen o strategaeth cartrefi gwag.

Prydlesu Tymor Byr

65. Gall awdurdodau gynnig trefniadau prydlesu tymor byr i landlordiaid sydd ag eiddo a fydd ar gael am gyfnod cyfyngedig yn unig. Bydd hyn yn cynnig manteision sylweddol i landlordiaid sy'n amharod i osod oherwydd eu bod yn ofni y gallai fod yn anodd iddynt gael eu heiddo'n ôl. Mae prydlesu tymor byr yn gost effeithiol a gall hwn fod yn ddull effeithiol i awdurdodau lleol.

Cynlluniau Bond Awdurdodau Lleol – Cynlluniau Blaendal Tenantiaeth

66. Bydd rhai perchnogion yn barod i osod eu heiddo os gallant fod yn siŵr o gael bondiau priodol. Gall awdurdodau lleol helpu rhai darpar denantiaid i symud i mewn i'r sector rhentu preifat drwy'r mecanwaith hwn.

67. Gall rhai eiddo hefyd fod yn addas i'w defnyddio fel llety symud ymlaen a chymorth ar gyfer pobl anabl sydd angen rhywfaint o gymorth i ailsefydlu eu hunain, mewn partneriaeth â'r sector gwirfoddol.

68. Cyflwynodd Deddf Tai 2004 drefniadau blaendal tenantiaeth newydd i ddiogelu blaendaliadau ac i ddatrys anghydfodau yn y sector rhentu preifat. Erbyn hyn mae cynllun ar y cyd wedi'i gyflwyno sy'n cynnwys Cymru a Lloegr ac mae tair elfen yn rhan ohono.

69. Mae'r Cynllun Diogelu Blaendaliadau (DPS) yn gynllun gwarchod lle mae'n rhaid i landlordiaid drosglwyddo'r blaendal yn llawn. Mae ar gael i bob Landlord ac Asiantaeth Osod ac mae'r gwasanaeth hwn yn cael ei ariannu'n gyfan gwbl gan y llog a gynhyrchir gan y blaendaliadau a gedwir. Os bydd anghydfod yn codi rhwng y landlord a'r tenant ar ddiwedd y denantiaeth bydd y cynllun yn cadw'r swm dan sylw hyd nes bydd y gwasanaeth datrys anghydfodau neu'r llysoedd yn penderfynu beth sy'n deg.

70. Mae Tenancy Deposit Solutions Ltd (TDSL) yn bartneriaeth rhwng Cymdeithas Genedlaethol y Landlordiaid a Hamilton Fraser Insurance. Mae'r cynllun diogelu blaendaliadau hwn sy'n seiliedig ar yswiriant yn galluogi landlordiaid, un ai'n uniongyrchol neu drwy asiantaethau, i gadw blaendaliadau.

71. Mae'r Cynllun Blaendaliadau Tenantiaethau (TDS) yn gynllun diogelu blaendaliadau a datrys anghydfodau sy'n cael ei gefnogi gan yswiriant ac sy'n cael ei redeg gan y Gwasanaeth Anghydfodau sy'n adeiladu ar gynllun a sefydlwyd yn 2003 i ddatrys anghydfodau ac i ddelio â chwynion ar ran y diwydiant gosod. Mae'r cynllun newydd yn galluogi asiantaethau gosod a landlordiaid i gadw blaendaliadau.

Trefniadau Diwygiedig y Cynllun Cymorth Prynu

72. Gall cynlluniau perchnogaeth cartrefi cost isel helpu awdurdodau lleol i ddelio ag eiddo gwag. Yn yr ystyr ehangaf gall cynlluniau perchnogaeth cartrefi megis y pecyn Cymorth Prynu diwygiedig helpu i ysgogi'r farchnad dai leol drwy roi cyfle i bobl i ymuno yn y farchnad dai na fyddent fel arall yn gallu fforddio gwneud hynny.

Mae'r galw ychwanegol sy'n cael ei greu'n golygu bod rhai eiddo a fyddai o bosibl yn wag fel arall yn cael eu prynu. Bydd cynlluniau Cymorth Prynu hefyd yn helpu u hybu a chynnal cymysgedd dda o ddaliadaethau.

73. Gellir defnyddio cynlluniau Cymorth Prynu i fynd i'r afael ag eiddo gwag yn uniongyrchol a gall fod yn arbennig o ddefnyddiol mewn ardaloedd penodol (e.e. Ardaloedd Adnewyddu). Pan mae LCC yn gysylltiedig â'r cynllun (gweler paragraff 60 uchod) gallai rhai eiddo wedi'u hadnewyddu gael eu gwerthu o dan yr Opsiwn Cymorth Prynu fel dewis yn heblaw rhentu. Bydd angen i awdurdodau ystyried cydbwysedd a'r mater o ddefnyddio'r dull hwn i helpu i symud ymgeiswyr oddi ar y rhestr aros am dai cymdeithasol.

Ailddatblygu a Chlirio

74. Mewn rhai achosion bydd arfarnu'r opsiynau'n dangos mai'r dull mwyaf addas ar gyfer delio â chartref gwag fydd ei glirio ac ailddatblygu'r safle. Gall yr opsiwn hwn fod yn arbennig o ddefnyddiol pan mae nifer o dai gwag neu adfeiliedig yn yr un bloc ac sy'n achosi problemau sylweddol yn y gymuned, neu sydd wrth ochr tir a all fod yn addas i'w ailddatblygu.

75. Mewn achosion lle mae eiddo gwag yn gymysg ag eiddo adfeiliedig eraill yn yr un bloc gall fod yn bosibl o hyd i glirio ac ailddatblygu'r safle drwy berswadio perchnogion yr eiddo sydd wedi'i feddiannu i fanteisio ar gymorth i symud i gartref addas arall o dan Orchymyn Diwygio Rheoleiddio (Cymorth Tai) (Cymru a Lloegr) 2002. Ceir amlinelliad o'r trefniant hwn a sut y gallai fod yn rhan o strategaeth adnewyddu tai yng Nghylchlythyr 20/02 Cynulliad Cenedlaethol Cymru.

Gorfodaeth

76. Rhaid dweud os bydd pob ymdrech i geisio perswadio perchnogion/landlordiaid i wneud defnydd o'u heiddo'n methu, ac os bydd yr eiddo'n parhau i fod yn niwsans neu mewn cyflwr gwael, bydd yn rhaid i awdurdodau ystyried defnyddio'u pwerau gorfodi. Bydd y pwerau gorfodi priodol yn amrywio a bydd angen i awdurdodau ystyried pob achos yn ôl ei deilyngdod. **Fodd bynnag, ni ddylai awdurdodau fod yn amharod i ddefnyddio'r pwerau hyn pan mae opsiynau eraill wedi bod yn aflwyddiannus**, er y bydd yn rhaid iddynt allu cyfiawnhau'r defnydd o GRhAG neu GPG. Ceir gwybodaeth fwy manwl ar orfodaeth yn Atodiadau'r canllaw hwn.

77. Y dewis olaf o ran gorfodaeth pan fydd pob opsiwn arall wedi methu fydd defnyddio pwerau prynu gorfodol. Cyn mynd ati i ddefnyddio'r pwerau hyn dylai cynghorau bod yn bendant ynghylch y bwriadau ar gyfer defnyddio'r eiddo ar ôl ei brynu ac unrhyw oblygiadau ariannol a fydd ynghlwm wrth hynny e.e. a fydd yn costio i'r awdurdod ddarparu cymorth ynteu a oes prynwr yn debygol o dalu cost y gwaith adnewyddu ar ôl i'r eiddo gael ei werthu gan y cyngor.

Adnewyddu Ardaloedd

78. Pan mae strategaethau awdurdodau lleol ar gyfer adnewyddu'r sector preifat yn targedu ardaloedd penodol e.e. ardaloedd adnewyddu, bydd angen iddynt edrych yn ofalus ar faint y broblem cartrefi gwag yn yr ardaloedd hynny. Byddai'r ymagweddau hyn i gyd yn berthnasol yn yr ardaloedd hynny ynghyd â thechnegau adnewyddu mwy traddodiadol sy'n seiliedig ar ardaloedd megis trwsio grŵp neu drwsio bloc ayb. Er enghraifft, efallai y gellid perswadio perchnogion neu landlordiaid i wneud defnydd unwaith eto o eiddo gyda chymorth o dan gynllun trwsio grŵp neu bloc. Efallai yr hoffai awdurdodau lleol hefyd ystyried defnyddio ardaloedd adnewyddu i dreialu dulliau arloesol i fynd i'r afael â phroblemau sy'n gysylltiedig â chartrefi gwag.

Gweithredu: Pwyntiau Allweddol

- Perswadio a chytuno
- Sicrhau bod Perchnogion/Landlordiaid yn ymwybodol o gyfleoedd
- Argaeledd grantiau neu fenthyciadau
- Y gallu i bennu amodau grantiau neu hawliau enwebu
- Rôl LCC
- Gosod drwy asiantaethau
- Prydlesu tymor byr
- Cynlluniau Bond/Cynllun Blaendaliadau Tenantiaeth
- Cynlluniau Cymorth Prynu
- Cyfleoedd i ddatblygu/clirio
- Sicrhau bod Perchnogion/Landlordiaid yn ymwybodol o ganlyniadau gwneud dim
- Gorfodaeth
- Adnewyddu Ardaloedd

Rhan 4 – Strategaethau ar Waith

Amserlen

79. Bydd angen i Strategaethau Cartrefi Gwag awdurdodau lleol gynnwys amserlenni eglur. Er enghraifft, bydd angen iddynt ddangos faint o amser ddylai awdurdodau lleol ei ganiatáu ar gyfer perswadio neu sicrhau cytundeb cyn mynd ati i orfodi. Dylai hefyd roi syniad o hyd y prydles i fyddai'n dderbyniol fel arfer, a'r cytundebau i gysylltu sy'n bodoli rhwng yr awdurdod, LCC, Landlordiaid y Sector Preifat ac eraill i ddatblygu'r ffordd fwyaf priodol o weithredu.

Monitro

80. Os yw unrhyw strategaeth am lwyddo yna mae'n hanfodol bod gwaith monitro'n cael ei wneud i ganfod i ba raddau y mae'r amcanion yn cael eu cyflawni a pha mor effeithiol yw'r gwahanol gamau y mae'r awdurdod yn eu cymryd.

81. Bydd angen datblygu, gwella, ehangu a newid strategaethau cychwynnol ar sail y gwersi a ddysgir. Efallai y bydd angen newid rhai agweddau ar yr elfennau gwybodaeth a chyhoeddusrwydd os gwelir nad ydynt yn effeithiol. Yn yr un modd, gellir datblygu unrhyw agweddau eraill ymhellach os ydynt wedi bod yn arbennig o ddefnyddiol e.e. efallai y bydd awdurdodau'n canfod ffordd fwy hwylus o gasglu data neu i gyfleu eu strategaeth ymhlith landlordiaid / asiantaethau ayb. Mae gan lawer o awdurdodau lleol strategaethau cartrefi gwag eisoes ond bydd angen eu hadolygu a'u coethi'n rheolaidd er mwyn adlewyrchu newidiadau mewn amgylchiadau lleol.

82. Mae'n hanfodol bod y gwaith monitro'n adlewyrchu llwyddiant yr awdurdodau wrth ganfod unedau gwag ac i ba raddau y mae defnydd yn cael ei wneud ohonynt. Byddai'n ddefnyddiol hefyd pe ceid syniad o'r rhai na lwyddwyd i'w perswadio nac i sicrhau cytundeb â hwy ond lle nad oedd angen cymryd camau pellach.

83. Mae effaith gwneud defnydd unwaith eto o eiddo mewn ardal ar ddigartrefedd ac ar restrau aros am dai cymdeithasol yn fesurau defnyddiol y gellid eu hystyried. Gellid hefyd monitro'r effaith ar y gymuned. Gallai hyn gynnwys nifer y cwynion a wneir am eiddo gwag a chydbwysedd rhwng eiddo perchenogion-feddianwyr/dan rent mewn ardal.

84. Dylai'r gwaith monitro hefyd edrych ar y gost i'r sector cyhoeddus o ddefnyddio eiddo unwaith eto ac ar gyfran y buddsoddiad sector cyhoeddus i breifat. Mae monitro eisoes yn elfen bwysig o gynlluniau adnewyddu ardal a dylai cartrefi gwag yn yr ardaloedd hynny hefyd gael eu cynnwys yn y gwaith monitro hwnnw. Yn y pen draw, dylai'r monitro ddangos effaith gyffredinol Strategaethau Cartrefi Gwag yr awdurdodau ar y sefyllfa cartrefi gwag yn eu hardal. Bydd monitro hefyd yn rhoi gwybodaeth sy'n bwysig i ddatblygiad y Strategaeth Cartrefi Gwag a sut y mae'r strategaeth honno'n cyd-fynd â'r ymagwedd strategol gyffredinol tuag at eiddo gwag mewn ardal.

Monitro: Pwyntiau Allweddol

- Monitro eglur yn hanfodol
- Newidiadau i'r strategaeth
- Llwyddiant wrth ganfod cartrefi gwag
- Llwyddiant wrth wneud defnydd unwaith eto o gartrefi
- Cwynion
- Y gost i'r sector cyhoeddus
- Cyllid sy'n cael ei ddenu o ffynonellau preifat
- Effaith ar ymagwedd strategol ehangach

Crynodeb

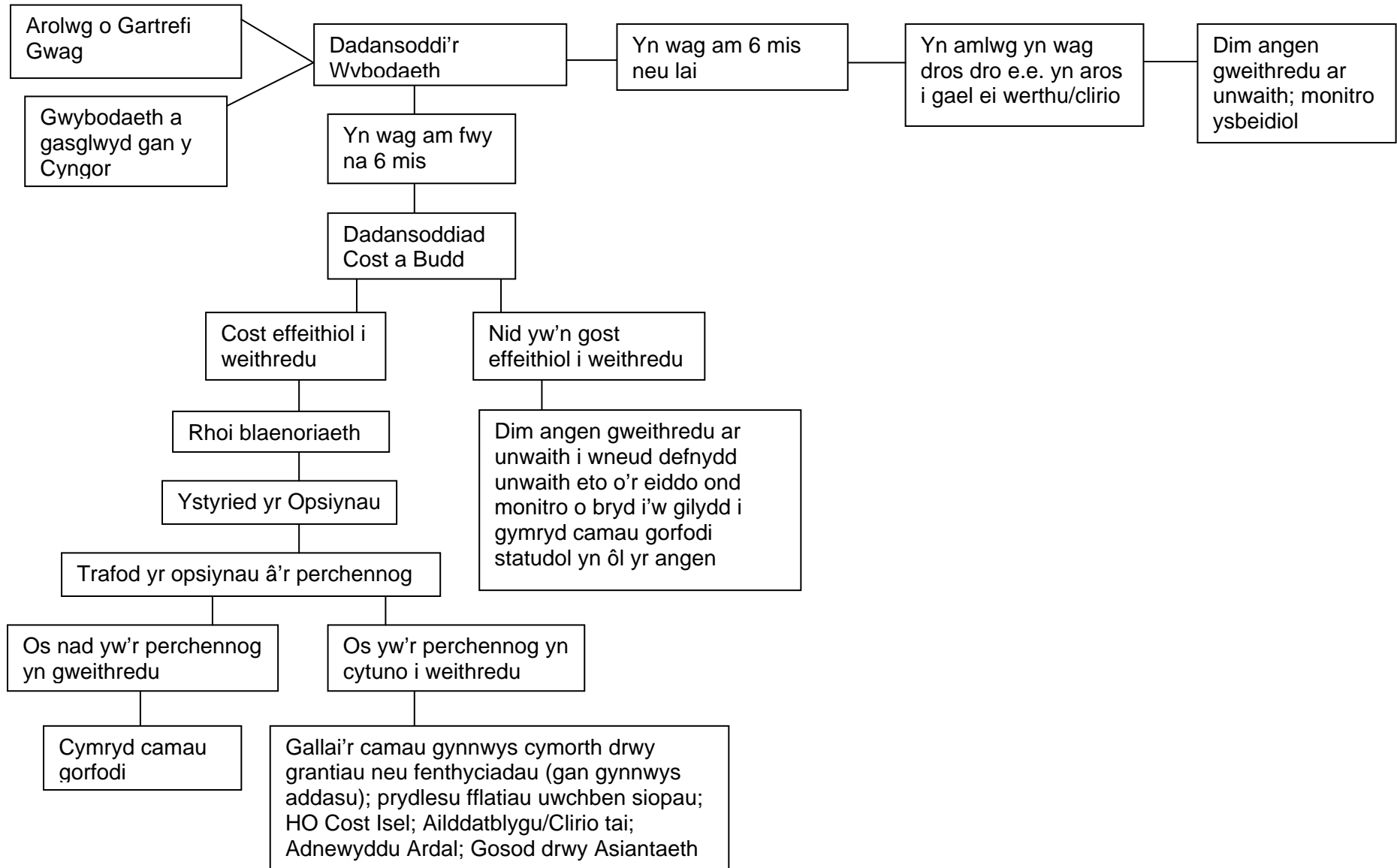
85. **Mae arferion da'n ystyriaeth barhaus.** Bydd arferion da pellach yn datblygu wrth i ragor o awdurdodau gyflwyno strategaethau cartrefi gwag ac mae'n hanfodol bod gwybodaeth dda'n cael ei rhannu rhwng awdurdodau a dylai'r Fforwm Cartrefi Gwag a lansiwyd yn ddiweddar fod yn ddefnyddiol wrth gyflawni hyn. Yn y cyfamser, efallai yr hoffai awdurdodau ystyried y ffordd oriau o fabwysiadu arferion da wrth iddynt gael eu datblygu.

86. Efallai y gall Shelter Cymru, CLILC, Panel Technegol Penaethiaid Iechyd yr Amgylchedd Cymru, Swyddogion Grant a Phrif Swyddogion Tai weithredu fel hwyluswyr i helpu i ddatblygu a lledaenu arferion da.

**GALL STRATEGAETH CARTREFI GWAG EFFEITHIOL
DRAWSNEWID ADNODD SY'N CAEL EI WASTRAFFU'N GYFLE I
GREU CARTREF**

Atodiad A

Cartrefi Gwag – Awgrym Ar Gyfer Trywydd Penderfynu



Annex B

Empty Dwelling Management Orders (EDMO)

1. Empty Dwelling Management Orders (EDMOs) enable a local authority to take management control of a dwelling so that it can secure occupation of it. The legislation is intended to operate alongside existing procedures for securing occupation of empty homes.
2. Part 4 of the Housing Act 2004 outlines powers for Local Authorities to introduce Empty Dwelling Management Orders. These were finally introduced through regulations in Wales in October 2006.
3. A property does not have to be run down or uninhabitable for an EDMO to be placed on it. The fact that it has not been lived in for more than 6 months may be enough to allow an EDMO to be made.
4. There are two types of EDMO. An interim EDMO lasts for an initial period of 12 months, during which time the council must work with the owner to agree a way of getting the property back into use. For example, the council might seek the owner's agreement to let the property out. If no agreement is reached an authority may seek to make a final EDMO, which can last for up to seven years. The owner has fewer rights over how a property is brought back into use under a final EDMO. If an authority fails to reach agreement with the owner and decides not to make a final EDMO then the property reverts to the owner.
5. An EDMO cannot be made on a building that is not a dwelling, i.e. a building or part of a building used for non-residential purposes; if a building is not *wholly* occupied e.g. only part of a house or flat is unoccupied or there are spare rooms not in use; it has been lived in at any time within the previous 6 months.
6. The six-month exception applies to all empty dwellings regardless of the reason they are unoccupied. However, some unoccupied properties will continue to be exempt if:
 - ✓ the owner is temporarily resident elsewhere;
 - ✓ the owner is absent because they are being cared for elsewhere;
 - ✓ the owner is absent because they are caring for someone elsewhere;
 - ✓ the owner is in the armed forces and is away on service;
 - ✓ the property is occupied occasionally by the owner or guests as a second or holiday home;
 - ✓ the property is on the market for sale or letting; or
 - ✓ someone is expecting to inherit the property but does not have probate following the death of the owner.

7. An authority **cannot** make an interim EDMO without getting approval from the Residential Property Tribunal (RPT). The RPT will decide whether the order should be allowed and in doing so will make sure that the authority has followed to correct procedures. The RPT does not have to approve an order if it considers that there are good reasons for not doing so. The tribunal has to be satisfied that:

- ✓ the property has been unoccupied for at least six months and is unlikely to be occupied in the near future;
- ✓ the council would be able to find someone to occupy it;
- ✓ the property is not covered by one of the exceptions; and
- ✓ that the council has made every effort to contact the owner to come to some form of agreement.

8. The RPT will also consider the effect an order might have on the rights of the owner. Ultimately it is up to the tribunal to decide whether the order should be made. It will not be under any obligation to make an order and will have regard to all the relevant facts in making a decision.

9. An authority may incur costs in managing a property e.g. by having to pay an agent such as an RSL or a private company to manage the property on its behalf. It may also be the case that the property needs some work done to it due to the existence of Category 1 or 2 hazards under the Housing Health and Safety Rating System (HHSRS) before it can be rented out.

10. The owner would not be expected to pay the additional costs but the authority could recover its expenditure out of the rental income received whilst the order is in force. The authority must pay the owner any surplus income that is left over after it has recovered its expenses.

11. If an authority decides to make an EDMO then it must be certain that it meets the requirements relating to the orders contained in the Housing Act 2004 and the accompanying regulations. This includes ensuring that it has made every effort to contact the owner or that the property is not exempted for the reasons given previously. What needs to be avoided at all costs is any risk that the application is rejected by the RPT.

Case Study

The City & County of Swansea Council has operated an Empty Property Strategy since 2005. This strategy acknowledges that empty properties can blight an area, create areas of dereliction and decay, and attract crime and anti social behaviour. It sets out a range of measures that are designed to bring empty dwellings back into occupation.

On 11 May 2009 the City & County of Swansea became the first authority in Wales to make a final EDMO. Here's how they did it.

The property selected to 'trial out' the process was an end of link house which was approximately 20 years old. It had been empty since December 1996 and although in need of some maintenance was generally in a fairly good state of repair.

Attempts were made to locate the owner through HM Land Registry, Council Tax and the mortgage company. Both the HM Land Registry and Council Tax had the owner registered at the property itself; however the mortgage company were able to provide the council with a more recent correspondence address which was based in Hong Kong. All letters throughout the process were sent to this last known correspondence address and the premises, with all formal notices also being affixed to the front door of the property.

As work had been carried out in default at the property a few years previously and the owner had failed to pay for this work, initial letters asked them to contact the authority to pay the outstanding bills. When no response was received, the formal EDMO process was triggered and a questionnaire was sent to the owner which aimed to confirm if the property fell into any of the prescribed exceptions (as detailed in the legislation).

The owner also failed to respond to this letter and so formal steps were taken to gain access to the house using the rights of entry listed in the 2004 Housing Act Sections 239 and 240. It was felt that a full inspection of the dwelling was necessary in order to determine if it was suitable for an EDMO and whether it was appropriate to move forward with an application for an Interim EDMO to the Residential Property Tribunal (RPT).

Entry under a warrant allowed the officer to complete a full schedule of works and confirm that renovation and maintained costs would be such that it would be possible to recoup them all within the 7 year notice period. In addition the council's nominated letting agent was able to confirm that they were confident that they would be able to let the property relatively easily.

An application was then made to the RPT who preferred to determine the case through a formal hearing. At the hearing the council were asked to present their case and after taking this and the written information submitted as part of the application into account the RPT granted an Interim Empty Dwelling Management Order (IEDMO) for the property. The council immediately served the IEDMO which was registered as a land charge and an improvement notice to deal with all Category 1 hazards present within the dwelling.

Insuring the property proved to be a little bit more difficult as initially every insurance company contacted refused insurance on the grounds that the property was not owned by the council. As a result temporary cover was set up under the councils own group insurance scheme until a company called Parkman's Insurance based in Blackwood stepped in and provided full cover at a suitable rate.

No response was received from the owner regarding the IEDMO and also they failed to confirm what steps were being taken, if any, to bring the property back to occupation of their own accord. As a result renovation work designed to bring the property up to a safe and lettable standard was put out to tender and the council

officer started to put together the management scheme plan which is required as part of a Final Empty Dwelling Management Order (Final EDMO).

On 14 April 2009 an Intention to Serve a Final EDMO notice was served on the owner. This gave them prior notice that the council intended to serve a Final EDMO, provided details of the order, management scheme plan and allowed them 14 days to come back to the council with any representations. Once again, no contact was received from the owner and so the Final EDMO was served. This was immediately registered as a land charge and a contractor was appointed to carry out all necessary renovation work.

Annex C

Enforced Sale

1. The Enforced Sales Procedure (ESP) is a process by which a council brings about the sale of a privately owned house. It is used as a means to sell-on a long term vacant property to a new owner, in circumstances where the present owner is either unwilling or unable to deal with the house and its associated problems.
2. By bringing about a change in ownership, it is hoped that a new owner will be more willing and able to invest in the property and ensure its likely re-occupation, upkeep and proper use.
3. The process for ESP is actually a method of debt recovery, but the main principle for its operation by a local authority could be for purposes of regeneration. It is a relatively draconian measure and might only be used in the last resort in particular circumstances when all other methods to deal with a problem empty property have failed.
4. In order for a property to be considered suitable for ESP it must satisfy the following criteria. It must be:
 - a dwelling;
 - vacant;
 - registered with HM Land Registry;
 - a property where debt is owed to the council and the debt is registered in Part 2 of the Local Land Register; or
 - of sufficient priority within the context of an authority's overall regeneration strategy.
5. The legislative basis for using ESP is where there is a financial charge registered in Part 2 of the Local Land Charges Register. This gives a Local Authority the power to enforce that charge. Consequently the authority has all the powers and remedies available to a mortgagee under the Law of Property Act 1925.
6. Section 7 of the Local Land Charges Act 1975 provides that a Local Land Charge takes effect as if it had been created by a Deed of Charge within the meaning of the Law of Property Act 1925.
7. Section 101(i) of the Law of Property Act 1925 confers on a mortgagee a power of sale and an Order of the Court is not necessary as the legislation itself provides that power. Section 87(1) of the Law of Property Act 1925 confers a right of possession. In addition, many of the statutes used by a council, which result in carrying out Works by Default, give the council the power of sale and a right to priority over other charges.

8. The first step in pursuing the legal process of ESP is to serve a notice under Section 103(i) of the Law of Property Act 1925. The council may not exercise the power of sale unless and until this notice (requiring payment of the mortgage) has been given and a default of payment has been made for 3 months after the service of the notice.

9. The council must also write to the owner and any other chargees stating that it intends to carry out an enforced sale. If another charge should pay the outstanding money, this prevents the council taking priority over their charge.

Case Study

An Enforced Sale in Caerphilly using the Law of Property Act 1925

A three bedroom traditional terraced property, typical of the area was brought to the attention of the empty property officer following complaints of an overgrown garden at the rear and alleged sightings of vermin. The owner's identity had been found through the land registry but as with many searches, the address of the owner was recorded as that of the empty property.

A Housing Act 1985 Section 197 notice was served in March 2005 and the property accessed and inspected. It was apparent that there was serious disrepair and the property was clearly unfit for human habitation. A Housing Act 1985, Section 189 Repair Notice was served in May 2005 with a compliance date of July 2005.

The complainant neighbour was more concerned about the overgrown garden so the Environmental Health team were asked to attend and a Prevention of Damage by Pests Act 1949 Section 4 notice was served in July 2005. Works in default to clear the overgrown garden resulted and a local land charge placed on the property. The cost of the garden clearance was £1,325.00.

The decision was made not to proceed to undertake the work in default for the repairs to the property because of the uncertainty of recovering the costs, which were potentially very high.

The enforced sale procedure developed by Manchester City Council was obtained and proved to be an invaluable guide to the process. Firstly the original PDPA notice was re-served on the property. As with all legal notices, certificates of service were completed and photographs taken at the time of the notice being attached to the property. A property file was compiled with copies of all notices served, evidence of works in default, invoices and records of charges on the property and the enforced sale notice prepared. The Law of property Act 1925 notice, signed by the Chief Housing Officer, was served in February 2006 and provided notice to the owner of the authority's intention to recover the debt relating to the work in default either through the court or through the sale of the property.

Following the expiry of the three months period required to proceed to an enforced sale, the property file was submitted to the legal team and all actions to recover the land charges were suspended.

There was an unavoidable delay in the process due to the time taken to apply and register the land charge with HM Land Registry, but once this was confirmed, the process got underway. A local auction house was approached to advertise the property and the auctioneer was advised to inform prospective purchasers that the onus would be on the buyer to comply with the Repair Notice.

The property was sold at auction for £42,000 in February 2007. The final sum received by the authority was £40,237.50, from which the legal team's costs, financial charge plus interest and £3,156 of outstanding Council Tax debt were recovered.

In February 2007 £37,800 was placed in an interest bearing account for the former owner, or a personal representative if deceased, to claim.

The purchaser of the property at auction was a local builder, who completely renovated the property and advertised it for sale with a local agent in July 2007. The property has been occupied since November 2007. The former owner has never come forward to claim the proceeds of the enforced sale.

176 High Street, Blackwood, NP12 1AH
Telephone: 01495 223757

Estate and Letting Agents

JW Homes

Reference - JW432



£94,950

**Queens Road
New Tredegar**

JW Homes have pleasure in offering FOR SALE this recently re-furbished End Terraced Property which has been upgraded and modernized by the current Vendor. Accommodation briefly comprising to the Ground floor, Entrance Hallway, living room, dining room, fitted kitchen and ground floor bathroom. To the first floor are three bedrooms. The property also benefits from UPVC double glazing and gas central heating.

ENTRANCE

Enter via a upvc double glazed front door.

ENTRANCE HALLWAY

Coved and plastered finish to the ceiling, smooth plastered finish to the walls, central heating radiator, Stairs to the first floor. Doors through to:

LIVING ROOM 10' 0" x 11' 9"

Coved and plastered finish to the ceiling, ceiling rose, smooth plastered finish to the walls, upvc double glazed window to the front aspect, central heating radiator, double doors through to:

DINING ROOM 12' 4" x 12' 0"

Smooth plastered finish to the walls and ceiling, spot lighting, upvc double glazed windows to



Caerphilly County Borough Council

05/07/2007

Please note that housing enforcement action was taken prior to the enactment of the Housing Act 2004 and the requirement for Home Information Packs at the time of sale.

Annex D

Compulsory Purchase Orders

1. Many bodies with statutory powers have compulsory purchase powers. Such powers are conferred and prescribed by Acts of Parliament, and require the approval of the Government Minister specified in the particular Act or Welsh Ministers (or the National Assembly in Wales). In practice, the greatest users of compulsory purchase powers are Local Authorities. Other statutory bodies who may make CPOs include Government Departments and major utilities such as water or electricity companies. Those seeking to provide infrastructure (such as railways) will normally apply for an order under the Transport and Works Act 1992 which will give compulsory purchase powers.
2. The two most commonly used powers of compulsory purchase are:
 - a Compulsory Purchase Order (CPO), based on a specific Act of Parliament; or
 - an Order under the Transport and Works Act 1992.
3. The compulsory purchase process is made up of a number of stages. It is important to note that the acquiring authority does not have the powers to compulsorily acquire land until the appropriate Assembly Government Minister confirms the CPO. However, they can acquire by agreement at any time and they should attempt to do so before acquiring by compulsion.
4. If the acquiring authority is unable to purchase by agreement because they are unable to agree or it is impractical to do so they will go down the compulsory purchase route. Various stages need to be completed before the powers are confirmed. The first stage is for the acquiring authority to decide that land is required for some particular purpose or scheme and that they are prepared to use compulsory purchase powers to assist in achieving this.
5. The acquiring authority may choose to make direct contact with owners and occupiers at this stage, and may seek to enter into negotiations to acquire land by agreement. They may use statutory powers to obtain information from landowners and occupiers or to enter land for survey purposes.
6. Once the acquiring authority has completed their initial investigations and established the proposed CPO boundary, they can proceed to the next stage. This is the formal resolution to use compulsory purchase powers. If the CPO is to be made by a local Council, the Council Executive or the appropriate Executive Committee will consider a report prepared by officers recommending the use of compulsory purchase powers and make a decision. The resolution will define the land to be acquired (usually by reference to a plan) and state the purpose for which the land is required.

Case Study

Cardiff - The Making of a Compulsory Purchase Order (CPO)

This was a two storey end of terrace property comprising of two living rooms and kitchen to the ground floor, three double bedrooms, bathroom and separate w.c. to the first floor. It was situated approximately five miles from the city centre in an estate comprising Local Authority stock and privately owned properties, purchased under the Right to Buy.

The Council first became aware of the property following a complaint from a neighbour regarding its condition, overgrown gardens and accumulations of rubbish. The owner had moved out in September 2002 for personal reasons and advised he had no intention of returning to the property because of the problems he had encountered whilst at the property. In November 2002 the property was the subject of an arson attack and extensively fire damaged.

The property was inspected and assessed against criteria contained in the Council's Wasted Homes Strategy (revised by the Empty Property Strategy) and registered as a Category A vacant property. This category represents Empty properties that are unsightly, causing nuisance and in a poor condition.

The Council always try to work with an owner and during the following twelve months tried to encourage the owner to improve the property or offer it up for sale to return it to beneficial occupation. However, despite correspondence and several meetings, the owner failed to accomplish this.

Works were carried out by Council appointed contractors in the owner's default to secure the property against unauthorised access and clear vegetation overhanging the public highway. Because of the fire damage the owner was awarded a full exemption from Council Tax.

Because of the lack of any progress, in September 2003 the owner was advised of the Council's intention to commence its CPO process under Section 17 of the Housing Act 1985. The person was requested to contact the Council immediately.

In 2004 the property became the focus of local media coverage and newspaper articles appeared highlighting its condition and showing that rubbish had been fly-tipped at the property.

Following further correspondence, to which the owner failed to respond, a CPO was submitted to the Welsh Assembly Government on the 23 July 2004. The owner objected on the grounds that they had not received the CPO, had not been contacted about the CPO and had not been able to afford the repairs on the property.

The Council responded to the objection by confirming that several meetings had been held with the owner when they were advised of the Council's intentions. The person had been advised that the Council could purchase the property by agreement, or the owner could approach a list of developers interested in buying the

property which had been provided by the Council, sell the property or the Council could assist them in listing the property for sale at auction.

In order to avoid the cost of a Public Inquiry to both parties and to provide the owner with every opportunity to either arrange the sale of the property or undertake the renovation works, the Council agreed in March 2005 to accept an undertaking from the owner to carry out the necessary repairs and return the property to occupation by the end of October 2005. In September 2005 the owner was informed that an inspection revealed works had not yet commenced and that the Council would continue with the CPO process. In October 2005 the owner wrote to advise that he was now in receipt of funds and the work would commence at the beginning of November 2005.

The Council confirmed that it would continue with the CPO. However, if the owner had agreed not to object and the Order was confirmed, the Council would have agreed to a written undertaking from them to return the property to occupation within a reasonable timescale. No response was received from the owner and a Public Inquiry was held on the 23 May 2006.

An Inquiry bundle consisting of the Council's Statement of Reasons, Statement of Case, Statement of Evidence by the officer and relevant documents were circulated to the owner and the Welsh Assembly Government prior to the Inquiry. The Council was represented by Counsel and a Council Solicitor. The case Officer gave evidence and the owner presented his own case to the Assembly Government Planning Inspector.

An inspection of the property was carried out by the Inspector after the Inquiry closed and the fire damage and extensive works required were assessed by the Inspector.

On the 28 July 2006 the CPO was confirmed without modification and following the service of a General Vesting Declaration the property was vested into the Council's ownership and sold at auction.

The property was returned to beneficial occupation in 2008 after undergoing refurbishment by the new owner. The whole process took six years, but the Council gave the owner every opportunity to renovate and sell or occupy the property.

The council has since streamlined its CPO process. However, there are still statutory timescales that have to be adhered to. The new framework includes:

- writing in the first instance to owners requesting details of intentions for properties within 28 days;
- Issuing a second letter If no response is received allowing a further 28 days;
- If the owner fails to provide an adequate response the case is passed to the Council's Solicitors who will write to the owner giving 21 days to respond;

- an internal report is drafted requesting delegated authority to commence the CPO procedure and a Statement of Reasons (SoR) passed to the Solicitors to support the making of the Order;
- the CPO is advertised in a local newspaper for 2 consecutive weeks and notice is served on all interested parties allowing 28 days for representations;
- the CPO is submitted to the Welsh Assembly Government and should an objection be received a Statement of Case (SoC) is drawn up in response to objector's comments;
- prior to a Public Inquiry a Statement of Evidence is drafted and circulated to all parties in a bundle of documents including the SoR and SoC; and
- if successful and the CPO is confirmed, the council serves a General Vesting Declaration (GVD) and after three months the title of the property is vested in the council's ownership and the property is submitted for sale at auction.

Annex E

Shelter Cymru - Summary of Approaches to Empty Homes adopted by Local Authorities in Wales

1. Rhonda Cynon Taff - Flats Over Commercial Buildings

The aim of the scheme is to bring empty space back into use above commercial premises.

The scheme is primarily targeted at town centres where there is identified housing need. The amount of grant available varies depending on the property.

- 60% grant (up to a maximum of £15,000) is available for the conversion of empty space to provide residential accommodation for the first time; and
- 80% grant (up to a maximum of £15,000) is available to upgrade an existing property to bring it back into use as residential accommodation (it must have been empty for at least 12 consecutive months).

In addition to conversion work and repair costs, the grant may help with the funding towards improvement works such as new central heating systems, provision of kitchens and bathroom facilities, including upgrading any existing facilities, installation of fire detector systems if required and the upgrading of property insulation.

2. Flintshire County Council

A former Guinness bottling plant in Shotton has been converted into a showpiece housing complex for the disabled and a drop-in resource centre for people with dementia. Flintshire County Council has transformed 24 Ryeland Street into three self-contained flats for young disabled people and a drop-in resource centre for people with dementia. The project, which included major renovation work and improvements, was carried out under the authority's Empty Homes Scheme.

The building has been fully refurbished to provide adapted affordable housing for people who have a physical disability and a resource centre for younger people with dementia, carers and professionals. The centre utilises the latest telecare technology and is the first in Wales. It will also include an Alzheimer's Café where families and carers can call in for ongoing advice and support.

The council's services for younger people with dementia team will be based at the resource centre. The team delivers community support and services to young people with dementia and their families and carers.

Clwyd Alyn Housing Association, part of the Pennaf Housing Group, has assisted in the development of the Old Brewery site by working in partnership with the site owners and Flintshire County Council to manage residential units on the site.

3. Torfaen County Borough Council

Torfaen County Borough Council has been dealing with a long-term mid-terrace empty which had been causing a variety of problems. The property is without any owner as the owner died several years ago. There was a severe dry rot problem in the property and the Senior Environmental Health Officer has worked with their renovation grant team to treat the problem and also to use grant aid to leave the property in a sound and weather-tight condition.

Basically tying-in works have been carried out to ensure that the adjoining properties are no longer affected by its condition. Works have recently completed and include new roof, windows, re-pointing etc.

An enforced sale procedure will be used to recover the debt for the dry rot work and also the grant money will be recouped at this time.

4. Caerphilly County Borough Council - Private Sector Leasing Scheme

In October 2007 Caerphilly CBC leased its first privately owned property to a homeless family. The property had been empty and in an uninhabitable condition for over 10 years. With the aid of a Landlord Grant from the private sector housing team, the property was completely renovated then redecorated by the owner, who was also asked to provide floor coverings, a new cooker, curtains and lampshades. Since its return to beneficial use the property has provided interim housing accommodation for three unintentionally homeless families whilst they waited for permanent housing with either the authority or housing association partners. Since that first lease became operational, the council now has 19 former long-term empty properties and flats in use. Only long-term empty properties are selected for the scheme and once renovated, are solely used for interim housing of the authority's homeless service users.

The empty property leasing scheme has housed 10 unintentionally homeless families ('families' include single people, couples and lone parents) in the first year (October 2007 to March 2008) and a further 34 families from April 2008 to the present. On average, each tenancy lasts for between 3 and 6 months, which prior to the scheme would have meant that the majority of these families would have been accommodated in bed and breakfast accommodation.

5. Cyngor Ynys Mon – Empty Home Grant and Private Sector Leasing Scheme

The Council offers grant assistance providing certain criteria is met:

- the applicant must own the property to be leased and provide proof of ownership to the council;
- there must be proven housing need in the area;
- the owner must agree to participate in the council's Private Sector Leasing Scheme;

- the owner must agree to give the council tenant nomination rights in the event that the Private Sector Leasing Scheme is not renewed (within the terms of the Nomination Rights Agreement); and
- the owner must seek Planning Permission and Building Regulations approval where necessary.

To qualify the owner must enter into a Private Sector Leasing Scheme agreement with the Homelessness Section. The landlord should note that in the event of the Private Sector leasing Scheme ending, either after the first 12 month agreement or thereafter, he/she agrees to take tenant/s nominated by the Council from its Housing Register for a minimum period of 5 or up to 10 years under a separate agreement known as the Nomination Right Agreement.

The percentage of grant that can be awarded will depend on the number of year's nomination right the owner is prepared to provide.

6. Cyngor Gwynedd – Private Sector Leasing Scheme

Cyngor Gwynedd has a dedicated Empty Homes officer and has around 60 units in the Private Sector Leasing scheme thus saving on Bed & Breakfast accommodation costs.

7. Conwy County Borough Council And Denbighshire County Council – *Partnership with North Wales Housing Association*

- North Wales Housing Association (NWAHA) has formed an innovative partnership with Denbighshire County Council and Conwy County Borough Council in order to make more effective use of empty homes. The Association provides revenue funding for:
 1. a full-time Empty Homes Officer for Denbighshire (the officer is employed by NWAHA); and
 2. the empty homes work of an Officer in Conwy (the officer is employed by Conwy CBC).
- Both partnerships clearly make the link between empty homes and increasing the supply of affordable housing. Properties, which are brought back into use through an empty homes grant are being made available for between 5 and 10 years for affordable housing and the lettings are filled from the waiting list of each local authority.
- Both projects revolve around sharing expertise. North Wales Housing Association provides revenue funding for the Empty Homes Officers and the expertise of their development team whilst Conwy County Borough Council and Denbighshire County Council provide and secure capital funding for grants and purchase of properties, the expertise for housing renewal and the work of their Strategy Teams.

- Each project is steered by a group of representatives from both NWHHA and the individual councils. Although separate, both projects have a key role to play in increasing the supply of affordable housing and contributing to regeneration initiatives such as the North Wales Coast Regeneration Area. The projects have close links with the strategies and business plans of both Local Authorities and NWHHA.

Annex F

Further Good Practice

N.B. The information contained in this Annex is not meant to represent a definitive list of current approaches to dealing with problem empty properties that are or have been successful. The examples are included as suggestions that Local Authorities may wish to consider and explore further when formulating or revising empty homes strategies.

Kent County Council – No Use Empty: Kent Empty Property Initiative

Overview

1. Kent County Council launched its 'No Use Empty' campaign in 2005 to examine better ways of delivering services, and particularly at working more effectively with district councils. The primary aim of the Initiative is to improve the physical urban environment in Kent by bringing empty properties back into use as quality housing accommodation.
2. The initiative was originally focused on the towns of the four districts of Thanet, Dover, Shepway and Swale, as research has found that the majority of empty properties (over 3,000) are located within these four districts. Additionally 19 of the 20 most deprived wards are also located within these same areas. In January 2008 Kent County Council expanded the initiative to include all 12 district councils in the county.

Objectives

3. Overall the aim of the initiative has been to substantially increase the number of long-term empty homes returned to use as good quality housing accommodation. A specific numerical target to return 372 empty properties to use over three years was set, which represented a doubling of previous rates. This was to be achieved through the development of new and innovative practice and improved partnership working. The total of 487 properties was achieved in the three-year period, which was a 262% increase on previous performance prior to the Initiative commencing.

Setting up the Scheme

4. Prior to the launch of the Initiative a large amount of research was undertaken to: 1) identify the location of the empty properties; 2) establish their condition and likely costs for refurbishment; 3) the full range of options available (in conjunction with the Empty Homes Agency) to help bring these properties back into use; and 4) to establish what help and assistance would encourage owners to return their properties back into use.

5. Using this research the Initiative developed a project plan that would focus on the following to secure its aim and objectives:

- an awareness campaign to highlight the issue of empty homes to be targeted at owners;
- the development of an information resource for owners, residents, and anyone else with an interest in empty properties. This led to the creation of the No Use Empty web site www.no-use-empty.org, and the production of regular newsletters;
- financial support to encourage owners to refurbish and bring their properties back into use;
- training for empty property officers and other local authority personnel involved in this work e.g. solicitors, planners, environmental health officers, building control on the enforcement options; and
- practical one-to-one on the ground guidance for empty property officers provided by the project consultant, utilising the range of legislative options and wider mechanisms.

6. Additionally a residents' and business survey was undertaken to gauge the impact of empty properties on resident and business confidence in their locality. A follow-up survey was undertaken in Summer 2008, which demonstrated an increase in business and resident confidence in their locality as a result of bringing empty properties back into use. In December 2006 the Initiative undertook a series of events, to which owners were invited, to launch the Initiative and outline the assistance available.

7. The Initiative has now developed three strands of financial assistance to use its capital funding (£5 million) to encourage the re-use of empty properties. These are as follows:

- *Loan Scheme* – loans are available to help owners/developers for the refurbish/conversion of empty homes or redundant commercial buildings to provide good quality residential accommodation. On completion properties must be made available for sale or rent. The loan fund is operated as a revolving fund, so that as loans are repaid, the money is then re-lent to support new schemes. £25K per unit, max £175K per applicant, secured as a charge based on a max 90% LTV.
- *Partnership Fund* – funding available to help the Districts undertake enforcement where deemed necessary e.g. Compulsory Purchase Orders, works in default or direct purchase. District Councils have extensive powers to deal with run down empty properties but often lack both financial resources and personnel or knowledge to effectively utilise these powers.
- *Direct Purchase Scheme* – involving the acquisition of empty properties by KCC for redevelopment into good quality housing accommodation.

Evaluation

8. The success of the project has been measured by the tangible results achieved through the number of empty homes brought back into use, which amounted to 487 properties in the first three-year period. A revised target of 650 properties being returned to use was set for April 2008-March 2010, which was achieved by April 2009 with 728 being brought back into use. Consequently, a new target of 850 properties was set to be achieved by April 2010.

9. The recently completed business and resident survey demonstrated an increase in confidence in localities as a result of bringing empty properties back into use. *No Use Empty* is now widely regarded as one of the most effective initiatives to deal with empty properties in the UK. The scheme and their partners have been nominated for awards such as the British Urban Regeneration Association and Margate Civic Society Award for the impact on the local environment and quality of the product.

10. The Empty Property Initiative has been incorporated into KCC's second Local Area Agreement as a target to support its joint wider regeneration projects within the four partner districts and increase housing provision and quality. Specifically the Initiative has linked with these regeneration projects to identify key properties to target for action. All districts had an empty property strategy in place prior to the commencement of the project. The Initiative has contributed to the aims and objectives of these strategies and increased the numbers of empty properties that have been brought back into use.

Lessons Learnt

11. The main lessons learnt from establishing the project were firstly, an awareness of the time taken to develop this type of Initiative. Although not overly complex bringing together the resources, information and personnel required took much longer than originally anticipated and there was a large time lag between the launch in December 2006 and the availability of the main financial funding. Good customer care was essential to keep clients informed of progress (or lack at times) in order to keep them on board.

12. Secondly, the importance of training both for personnel directly involved in empty property work and for departments that can make an input to this area of work e.g. legal, building control, environmental health and planning. For departments that contribute a "supporting" role an increased awareness and knowledge has brought about an increased level of support for empty property work, which is helping to tackle particularly difficult cases.

13. Thirdly, initially there was a lack of a corporate approach to the problem of empty properties, which resulted in Councils dealing with the problem in a piecemeal fashion. There was also a lack of understanding of the overall picture and the methods available to deal with empty properties. Creating a change in this culture has facilitated a more positive approach to the problem and a new willingness to embrace all the available tools to bring empty properties back into use.

14. Finally, shared learning – this has brought about an increasingly improved level of skills and knowledge, which are being effectively utilised in empty property work. Low cost training has been provided to over 600 officers, through the initiative. One aspect that has proved invaluable has been the services of the project consultant, who has provided ground support and practical training on the use of the wide ranging legislation.

Ceredigion County Council: Empty Homes Strategy - A Rural Renewal Area Perspective

1. Ceredigion County Councils Empty Properties Strategy was first published in 2006 and has resolved to tackle the issues surrounding problematic empty dwellings. Also of significance was the publishing of Ceredigion County Councils House Condition Survey (D Adamson, Edinburgh 2007) which highlighted key features of the housing stock within the county. The survey found that 10.5% of the total housing stock is vacant with a large number relating to transactional and short-term vacancies of 9.1% leaving 1.4% long term empty dwellings, latest figures utilised for 2008/2009 show 765 long term empty dwellings (over 6 months).

2. Since then work has been ongoing to address key objectives identified by the Empty Properties Strategy (Ceredigion County Council, 2006), these being:

Establishment of an empty properties register

- The Empty Properties Database is now fully operational and a working database that is updated quarterly with the aid of:
 - i. Council Tax information;
 - ii. identification of empty dwellings by council officers, councillors and other public sector representatives; and
 - iii. complaints from members of the public, as examples.
- Following the updates, questionnaires are sent to all newly identified empty property owners requesting information on 'current and proposed uses' of the properties. This acts as an important tool in engaging with the owners. On the return of the questionnaires council officers work with owners to identify suitable ways of bringing their properties back into use. A response rate of 47% is currently being achieved which greatly assists in ensuring our information is up-to-date and accurate.
- It also gives an initial perspective on what difficulties owners encounter with the empty dwellings and the reasons for their apparent neglect. The council is also engaging with external partners and organisations to assess what options may be available to owners in occupying their dwellings.
- By ensuring that the information held on the register is as up-to-date and as accurate as possible housing inspectors within the department can carry out field surveys of those properties where questionnaires have not

been returned in order to prioritise actions and assess occupation status. This is highlighted as essential in ensuring an up-to-date register as a result of the high percentage of short-term or transitional vacant dwellings.

Promotion of Regeneration Initiatives to Tackle Wasted Homes in Cardigan Renewal Area

- There is ongoing work within the Cardigan Renewal Area to provide funding towards the conversion of empty spaces into self contained units of accommodation. The council provides a 50% capped funding contribution, to a maximum of £15,000 per unit of accommodation, on the proviso that the flats are let to local people, students, key workers or council/ housing association waiting list tenants, at an affordable rent level under the council's nomination rights scheme.
- Since the Cardigan Renewal Area was declared in April 2004 up to June 2009, funding has assisted in bringing back into use 15 empty spaces or units of accommodation. This has resulted in the provision of 34 new units of accommodation. There is currently work underway to complete a further 9 units of accommodation in 3 identified empty properties.
- This has proven to be very successful within the town of Cardigan in providing a mix of tenure opportunities for members of the public. Affordability has also been a key objective within the nomination scheme. As an example Ceredigion Care Society now administer the letting management of a previously empty space above a shop that has been converted into 4 self contained flats of mixed tenure:

"This nomination scheme has provided a good standard of accommodation at an affordable rate for 3 of tenants who are in receipt of local housing allowance and also for a young couple who are in part time employment in Cardigan. They are hoping that now they are closer to work they can either pick up more hours or gain other part-time employment to add to the hours they already work".

Rachel Nicholas: *Ceredigion Care Society.*

Developing New Initiatives and a Range of Mechanisms and Options to Reduce the Number of Empty Homes

- A co-ordinated empty homes team has been established and meet regularly to discuss matters relating to achieving the objectives of the empty homes strategy. This will include representatives of the Council Tax department and officers are looking to invite key Council Members and other Local Authority departments to expand the membership.
- The Private Sector Housing Enforcement Strategy is currently being updated to further detail an enforcement options toolkit for tackling empty dwellings. Due to the range of difficulties encountered with empty

dwelling and the effects these have on local communities, with for instance, nuisance, vandalism, pest control and effects on local land values. The toolkit aims to focus intervention options available to enforcement officers. Problems associated with empty dwellings are wide ranging with each property presenting their own issues and difficulties, the toolkit aims to respond to this agenda and assist in determining the most appropriate courses of action. This work is being done in partnership with RH Environmental Ltd and involves the production of procedures and policy guidance for tackling empty dwellings.

- Work is currently underway to produce a mapping-based system for the plotting of empty properties that will in the first instance be available to local authority officers. Should the provision of both freedom of information and data protection legislation be satisfied there is the potential to extend this to a publicly accessible mapping system.

Newport City Council - Partnership Working

- Empty private sector properties are a major issue in Newport. There is considerable pressure placed on the housing stock in the city, across all tenures, particularly on the availability of affordable housing for local people. This, along with the number of homeless households, means that there is greater need to bring empty properties back into use. Empty properties, quite simply, are a wasted resource.
- Long-term empty properties attract crime, vandalism and anti-social behaviour thus tying up the resources of the Environmental Health, Building Control, Housing and Planning departments of the Local Authority along with the Police and Fire Services. Empty homes are detrimental to adjoining properties through damp and infestations. Unsightly boarded-up windows, doors and overgrown gardens also affect the value of neighbouring properties.
- Properties can remain empty for a variety of reasons and can therefore come to the attention of the authority in a number of ways. Numerous complaints about the poor condition of some properties bring them to the attention of the Strategic Housing Team at Newport City Council. Further investigation can show that they may have been empty for some time and have to be made secure by the Local Authority on numerous occasions as they can become targets for squatters. With stay away owners, private properties become public problems when the Local Authority has to intervene. Council Tax receipts are lost as a result of the property being unoccupied, while costs are being incurred through the involvement of Environmental Health and the Emergency Services.
- The procedure set out in the Newport City Council Empty Homes Strategy to engage with empty home owners is via a series of letters. Sometimes owners start to liaise with the Council and show an interest in selling the property but no action is taken. Further work carried out on the empty dwelling by Local Authority departments can then result in a charge being

made against the property enabling an Enforced Sale to be carried out. The owner of the property is then advised of every step of the process and given the opportunity to pay the charges on the property stopping the Enforced Sale.

- The charges are registered with the Land Charges Department and after the owner had been provided ample opportunity to repay the debt the charges are registered on the title of the property at HM Land Registry. If the owner of the property does not respond to any of the correspondence sent by the Local Authority and the charge remains unpaid. It can then be decided that the best course of action is to continue with the Enforced Sale procedure and the owner is informed that the Council will use its powers under the registered charge to enforce the sale of the dwelling to a management company, who could be a local Housing Association, who will work in partnership with Newport City Council to bring the property back into use.
- Such properties can be a great cause of much concern for the Strategic Housing Team at Newport City Council. Once Enforced Sales are completed, sometimes with grant funding provided by Newport City Council, properties can then be renovated to change them from long-term empty eyesores into quality family homes. This can then result in Newport City Council receiving 5 years nomination rights on the property once refurbishment is completed.
- Some housing associations are happy to assist Newport City Council in their objective of tackling long-term empty properties which attract anti-social behaviour. Enforced Sale is sometimes essential as negotiations between Newport City Council and owners can fail. Although such cases can be difficult and the process of returning an empty property back into use is challenging, it can work effectively and previously abandoned properties can be transformed into new homes for people who are in housing need.

Annex G

Empty/Void Unsecured Buildings

- The Wales Arson Reduction Strategy 2009 www.wales.gov.uk/fire recognises the risks which are posed to our communities and the emergency services by unsecured void buildings and sites.

- It states that:

Deliberate fire setting continues to have a negative impact on the environment and our communities.

The impact of deliberate fire setting undermines social and economic confidence and draws on resources which could be utilised more effectively elsewhere.

The maintenance and improvement of both the quality and appearance of the environment in which we live should influence and inform stakeholders in their work to build safer communities, reduce the fear of crime and promote community confidence.

- The strategy identifies that we need to reduce the opportunities for deliberate fire setting at vacant sites and buildings. The rationale which supports our action is that unsecured empty properties and sites are a focal point for anti-social behaviour including deliberate fire setting and present a high level of risk to our communities and the emergency services. They are frequently poorly maintained and vandalised resulting in an adverse impact upon the environment.
- Empty buildings are at risk from various forms of criminal activity and deterioration, the risks increase if the building is left empty for any length of time. Precautions taken at the time a building becomes empty and subsequent follow-up action will minimise the risk of loss or damage. The problems surrounding these premises can blight the lives of the local community and impact heavily on key partners' resources.
- Our goals are to ensure owners of vacant sites and buildings within our communities take responsibility to secure, maintain and monitor their assets and to ensure unsecured sites and buildings are secured as soon as possible following their discovery, thus mitigating the risk and removing the potential for deliberate fire setting and anti-social behaviour.
- Should these goals be achieved our communities will see an improvement in their environment and a reduction in deliberate fire setting and anti-social behaviour. The resulting reduction in incidents relating to these sites and premises will enable key partners to direct resources into other areas.

Risk and consequence

- A poorly maintained empty property will affect the owner the community and the emergency services in many ways.
- It may attract:
 - squatters;
 - persons wishing to steal the contents such as central heating systems, fireplaces wiring etc;
 - young people using the site as a playground;
 - persons engaged in drug taking activities and the resulting abandoned paraphernalia such as needles and syringes;
 - persons consuming alcohol;
 - persons intent on damaging the property through vandalism and graffiti;
 - arson/deliberate fire setting.
- Should there be a fire at this address adjacent properties may be damaged and their occupants placed at risk. In the event that the Police Service is responding to the report of a missing person in that area , any unsecured property will be searched. A run down and unmanaged property will present additional risks to search teams.
- A run down and unmanaged property may attract crime. Increased levels of anti-social behaviour and its associated crimes will reduce community confidence. Incidents at a badly managed property can place a strain on the resources of the emergency services. Multiple calls to increased levels of activity at a property can be prevented by good management.
- Emergency services may encounter a high degree of risk at an empty property where the contents have been left in situ, the services are live, and the building may have been vandalised. The environment within a community can be degraded by a property which is run down and uncared for. The appearance of a property can adversely affect community spirit and reduce the possibility of inward investment. Local property prices may also be affected.
- Injuries to members of the community or the Emergency Services incurred at the site or property may expose the owner to litigation should it be shown that the site or property had not been managed in a responsible fashion.

Management of an Empty Property

- There are many measures which owners should consider in order to protect their assets the community and the Emergency Services, these should include: ensuring the property or site is secured in an appropriate and robust manner and monitoring the property regularly in order to identify any emerging problems and to repair any damage which may have occurred. Small amounts of damage can escalate into larger incidents and give an impression that the property is uncared for.
- Talking to neighbours may provide you with additional protection for your property. Offer them your telephone number and consider leaving a key for emergencies. Ensure your local Police are aware of the location of any key holders.
- Report any criminal activity to the Police Service and any signs of fire (even if it has been extinguished) to the Fire and Rescue Service. In order to keep your property and the local community safe the Police and Fire Services need to monitor any activity which may indicate an emerging problem in order to develop crime reduction strategies.
- Isolate the mains electricity and gas supplies where appropriate. Emergency personnel who have to gain access in order to carry out operations or members of the community who have gained unauthorised access are at increased risk of injury or death from gas and electricity supplies which remain live.
- Remove any sources of ignition and any potential fuel. Items which are available externally can be used to damage the property. Items stored internally such as furniture or other high risk items such as compressed gas cylinders will provide fuel for any potential arsonist and increase the risk to the emergency services that may have to attend an incident at that property/site.
- Suspend or stop any postal or newspaper deliveries to that address. These items can build up behind the front door and provide fuel should an arsonist wish to push a source of ignition through a letter box or has gained entry and needs fuel to start a fire. A build up of mail behind a door can also indicate that the property is empty encouraging those who may wish to enter the property illegally.
- Maintain the external aspects of the property such as hedges and lawns. Such maintenance will prevent the property giving an impression of being derelict or vulnerable. Such management will also ensure that natural surveillance is possible for nearby residents or any other members of the public passing your property.
- Inform the Police Service that the property is empty and seek crime prevention advice should you feel it is necessary. Inform your insurance company. They will have specific measures which they wish you to employ

in order to protect your property and reduce their exposure to claims against a policy. Failure to inform your insurer may result in the benefits of your policy being reduced or lost completely.

- Consideration may be given to the employment of security services who can provide regular surveillance. Consider maintaining any existing intruder alarm systems.
- Ensure that smoke detection is fitted or maintained (even if the property is empty the alarm may be heard by others who can alert the Fire and Rescue Service to a fire at your property).

Annex H

Extracts from Empty Homes Strategies

We are very grateful to the following Local Authorities for allowing us to reproduce section of their Empty Homes strategies as possible examples for others to follow:

1. Caerphilly County Borough Council – Empty Homes Strategy

(N.B. This is the empty homes strategy which Caerphilly County Borough Council produced in 2006. This has since been revised in 2008).

2. Denbighshire County Council – Empty Homes Strategy

PRIVATE SECTOR HOUSING



Empty Property Strategy



CAERPHILLY COUNTY BOROUGH COUNCIL
DIRECTORATE OF THE ENVIRONMENT

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1.0 Introduction

At any given time there will be a number of private sector vacant dwellings within an area, allowing for residential mobility and the improvement or redevelopment of the housing stock. This is accepted as both an inevitable and essential feature of an effective housing system. Empty properties within the private sector fall into two groups: *transitional vacants* and *long-term problematic empty properties*. The transitional vacant dwellings are re-occupied relatively quickly and are necessary for mobility within the local housing market. Problematic empty dwellings however, have become the focus of attention both nationally and locally, to such an extent that the Government and the Assembly have determined that a strategic approach must be taken at a local level to respond to this wasted resource.

This strategy represents an integral part of the council's overall housing policies to meet both the individual need for housing and the community, and the need for regeneration and renewal, and to sustain communities within the borough. The ultimate aim of this strategy is to identify homes that are empty and bring them back into use.



The council will use a range of existing measures, including advice and enforcement tools where necessary, to obtain the overall aim of the strategy. The council will also use new research and will actively seek out examples of good practice in order to pursue its aim to bring problematic empty dwellings back into beneficial use.

The reasons why dwellings become vacant

Privately owned empty dwellings exist within any community as a result of the local housing market function. When dwellings stand empty and unused for any length of time, gardens become overgrown; they can become a target for antisocial behaviour activities and vandalism and detract from the visual amenity of any residential area. Research conducted for the Government in 1996 (HMSO 1996) found that a range of processes were responsible for the creation of long-term vacant dwellings:

- The dwelling is in a **dilapidated**, uninhabitable condition and requires repair, alteration, renovation or improvement prior to habitation.
- Dwellings were found to be **abandoned** due to their construction type or location and therefore difficult to market.

- **Unresolved ownership** issues such as an owner dying intestate, requiring a lengthy legal process to take place before marketing the dwelling.
- The dwelling is retained as an **investment holding**, where the owner prefers to 'test' the housing market.
- The dwelling is kept empty as an **inheritance holding**, where the owner may wish to reside at the property in the future, at short notice, and not wishing to let in the meantime.
- As a **mobility holding**, where an owner may live abroad or outside the district but intends to occupy in the future.
- As a **co-habitation holding**, where one of the joint owners doesn't wish to sell or let the property.

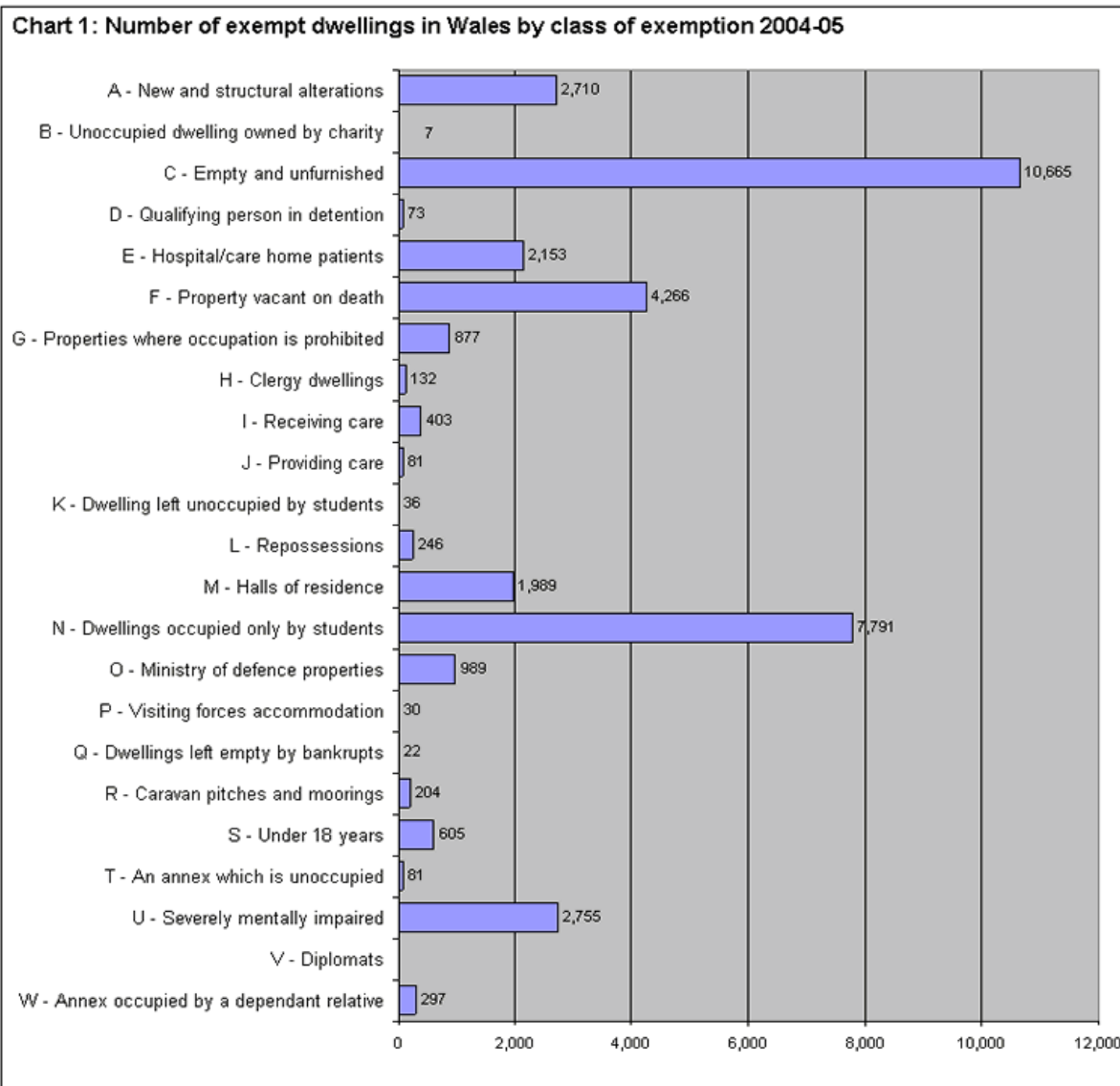
Additional reasons suggested for dwellings being left empty were that owners were unsure of how to let a property, or were not inclined to go to the trouble of doing so, or were unwilling to sell because of capital gains tax (CIH 2003). Other suggested reasons are bankruptcy of the owner, long-term hospitalisation of the owner and repossession of the property.

The National Situation

2001 census returns provide estimates of the number of empty dwellings across all tenures as around 51,000. However, private sector dwellings account for the greater majority of these properties and there is evidence that there has been a steady decline in the number of vacant dwellings since 1999, when the housing market became buoyant and house sales steadily increased. Reasons suggested by the CIH (2003) for the decline in empty dwellings are that Local Authorities have targeted the improvement of these properties through grant assistance, and also that the housing market has become dynamic, reducing the timescale that dwellings have remained empty.

In addition to census returns, Council Tax data sources, published by the National Assembly, provide statistics for the number of properties liable for Council Tax in Welsh Local Authorities for the financial year 2004-05. The data is taken from the Council Tax dwellings returns supplied by the Welsh County and County Borough Councils.

Overall, the total number of properties liable for Council Tax in Wales for 2004-05 is 1,275,017, a rise of 1% over the previous year. This total is equivalent to 1,075,697 Band D properties. The authority with the highest rise is Denbighshire 3.9%. Torfaen is the only authority to show a fall in tax base (-0.1%).



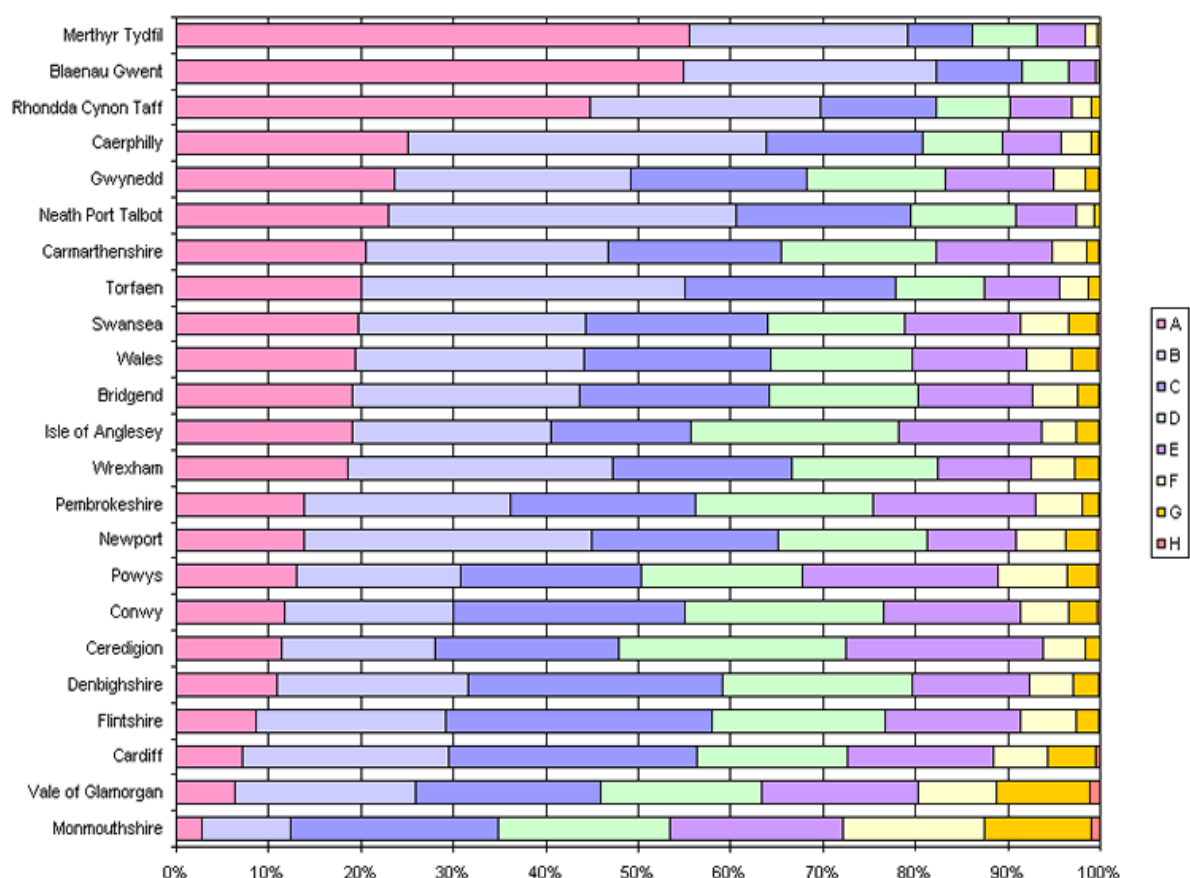
There are 36,418 dwellings in Wales that are exempt from Council Tax, the largest exempt category being empty and unfurnished (29%), followed by student properties (21%), with an additional 5% for halls of residence (see Chart 1).

The Caerphilly Picture

The private housing stock figure as reported by the Caerphilly CBC Council Tax section is 61,700 for the financial year 2004/05, of which 910 are long-term empty properties (defined as being vacant for 6 months or longer). The empty properties that make up the total are properties that are exempt from Council Tax payment for reasons as indicated in the exemption classes shown in Chart 1 above.

Chart 2 shows the percentage of dwellings in each of the 8 Council Tax bands for all the Local Authorities in Wales. Properties are placed into the appropriate Council Tax band depending on the value of each property (Band A being the lowest value). It can be seen that Caerphilly CBC has 62% of its chargeable housing stock in Bands A and B, which when compared to the other Local Authorities in Wales demonstrate the lower value of Caerphilly CBC housing stock.

Chart 2: Chargeable dwellings in Wales by percentage in each band 2004-05



The Cost of keeping properties empty

When a dwelling stands empty, it is only a matter of time before Local Authority staff such as environmental health officers, community wardens, pest control officers and housing technical officers become immersed in the problems created by the property. Dealing with complaints relating to the dwelling costs Authorities dearly in officer time and resources. In some cases, Police and Fire Authority Services are also required. The Royal Institute of Chartered Surveyors (2004) has estimated that the average costs of keeping a property empty are in excess of £6000 per year. This figure includes costs for Council Tax, insurance, repair costs (both by the owner and the Local Authority) and loss of possible rental income. The longer a property stands empty, the higher the repair costs are likely to be. From experience with the renovation of empty dwellings through the Authority's grant system, the costs of the work required to render the property fit for human habitation have ranged from £10,000 to £45,000.

2.0 Assessing the scale of the Empty property problem in Caerphilly

The starting point in tackling the problem of empty property in Caerphilly is the Council Tax database. As noted in the previous section, 910 privately owned empty properties currently stand empty. Whilst the Council Tax database provides a list of properties exempt from payment, no information is held on the physical condition of each of these properties. Furthermore, the exemption Category 'A' refers to those properties that are uninhabitable due to refurbishment or renovation and does not distinguish these properties from those that are 'abandoned' by the owner. Having the Council Tax exemption data does provide a means to undertake statistical work for empty properties as a whole, but it does not allow for the determination of the number of *problematic* empty properties within the borough.

Figure 1 shows the number of empty properties on an area basis, using data obtained from the Council Tax database. It is worthy of note that the spread and distribution of the number of empty properties cannot be predicted i.e. we cannot apply stereotypes or assume that a given area will have fewer empty properties due to its affluence. Current Council Tax information informs that the Caerphilly and Penyrheol wards (combined) have the highest number of private empty properties, which accounts for approximately 10% of the total.

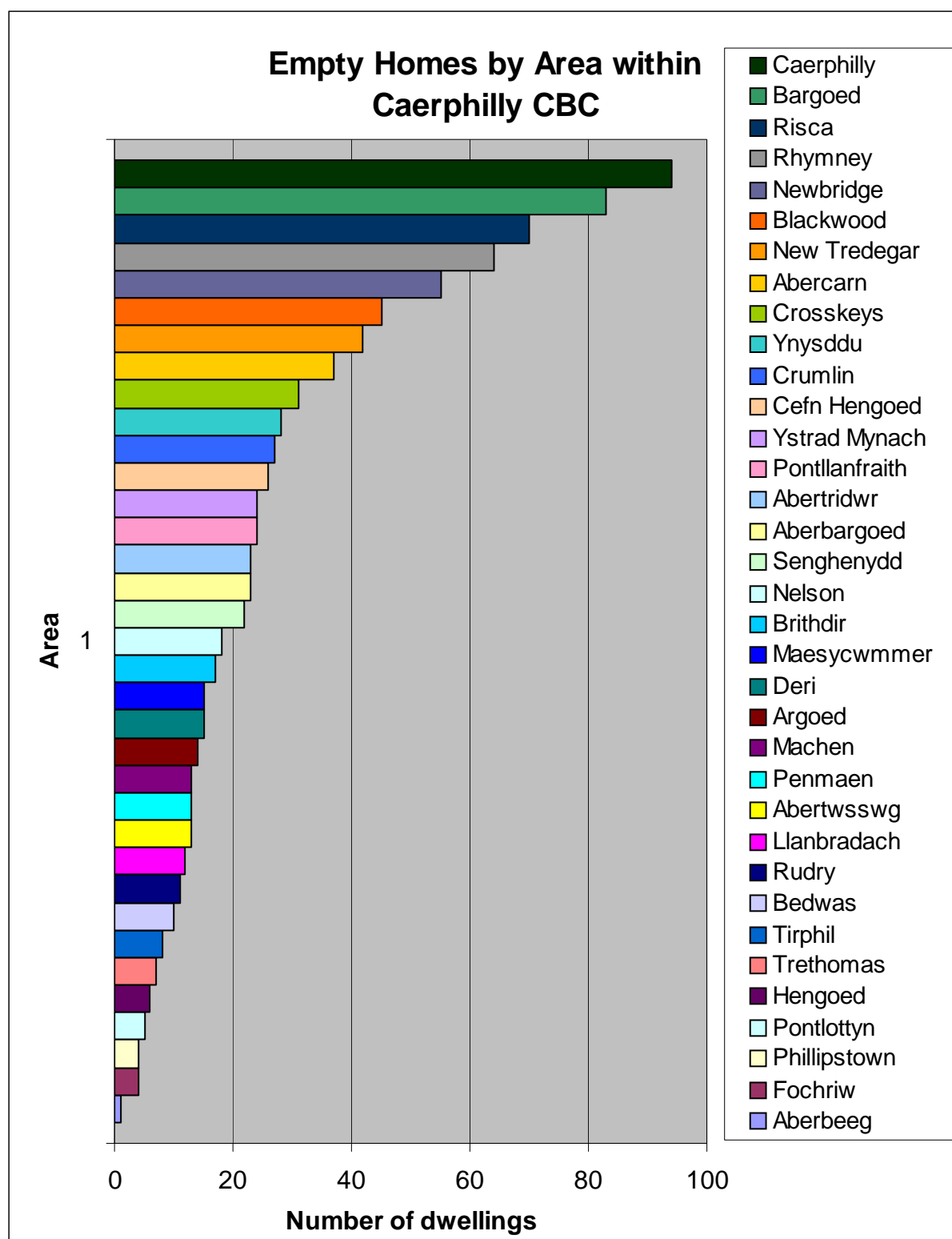


Figure 1. Privately owned empty property numbers by area

How do we identify problematic empty properties?

Our awareness of problematic empty properties arises through a variety of routes:

- Through applications for Home Improvement Grants.
- Through complaints from the occupants of neighbouring properties.
- Through referrals from local ward members.
- Via officers dealing with associated issues such as vermin sightings and accumulations of litter.
- Through area housing initiatives such as group repair schemes and renewal areas.
- Via estate agents and prospective purchasers.

How do we record our empty property information?

All complaints relating to privately owned empty properties are held on the authority's FLARE computer database. Whether relating to sightings of rats, dangerous structures or empty properties open to trespass; the specific complaint information is recorded against each premises. Additional codes have been added to the FLARE database in order to differentiate the property type as an *empty* property as opposed to an *occupied* one. As detailed information builds up for each property, case files are necessary which are held within the private sector housing office. As with all details and information regarding property and ownership, the requirements of the Data Protection Act apply to all records held by the authority.

How do we prioritise our actions on empty properties?

A priority rating system has been developed to ensure that the worst empty properties are dealt with first and, that resources are targeted towards properties where there is the greatest need. The priority rating system examines four main criteria relating to the property:

- ❑ Has the property been vacant for more than 12 months?
- ❑ Is there a history of complaint relating to the appearance or condition of the property on the authority's FLARE system?
- ❑ Does the external appearance of the property detract from the visual amenity of the surrounding properties?
- ❑ Are there registered charges held against the property as a result of previous works being undertaken by the Authority in default of a notice?

The answers to these questions along with an assessment of the property by an officer allows us to differentiate between the most urgent and less urgent cases. It should be noted however, that regardless of the priority rating system outcome, enforcement action is taken whenever necessary to protect the public or neighbouring properties. Examples of the range of enforcement powers available to the authority are given in Appendix B.

3.0 What the authority can do?

- ➡ Grant assistance.
- ➡ Renewal area-group repair.
- ➡ Fast track first time buyers through the grant process.
- ➡ Landlord grants.

Grant assistance

Is available to any empty property where the following criteria are met:

- ➡ The property is unfit for habitation.
- ➡ The property has been in the ownership of the applicant for 3 years or longer.
- ➡ The property was built before 1964.
- ➡ The property is in Council Tax band A to D.

The applicant will be means tested in accordance with the Caerphilly CBC Private Sector Housing Renewal Policy to establish whether they can be reasonably expected to contribute towards a Home Improvement Grant to return the property to a fit and habitable condition. Post grant conditions are that the property is occupied in accordance with the appropriate signed Future Occupation Certificate for a minimum of 5 years.

Renewal Areas

Empty properties in the renewal areas of Llanbradach and Rhymney will attract priority status in terms of grant assistance. In short, empty property owners will not be subject to the usual waiting list, but will fast track the grant system to enable property improvement in these key areas. Group and Block repair schemes within the Renewal Areas will also be of benefit to property owners who would be encouraged to improve their properties with the benefit of such schemes.

Fast tracking 'Home improvers'

The authority is aware that the spiralling cost of property has created difficulties for first time buyers attempting to get on to the property ladder. Empty properties on the open market often attract investment buyers and builders who have the means to improve these properties. However it is often the case that first time buyers are priced out of the market and it is this group of potential property owners that the authority would most like to assist with grant aid in line with Key Priority 3 of the Authority's Private Sector Housing Renewal Strategy.

Landlord grants

These grants are available where the property is unfit for habitation and is let to a tenant for a minimum of 5 years following completion of the grant works. The landlord grant will assist financially on a 50:50 basis up to a maximum of £15,000. Whilst these grants are available in any area of the borough, applicants for landlord grants in the two Renewal Areas will receive priority status where the property of concern is a long-term or problematic empty property. However, care must be exercised when considering assistance that will increase the number of houses moving from what was originally owner occupation to the private rented sector. In offering assistance in this manner, the housing conditions and needs of the area will always be a major consideration.

What the authority has done

The authority has to date made several steps towards tackling the problem of empty properties within the county borough:

- Dedicating a housing environmental health officer to take forward this initiative.
- Developing a list of priority problematic empty properties.
- Employing a mixture of advice, grant aid and enforcement powers to return properties to a fit and habitable condition and return them to beneficial use.

What the authority will do

The authority will:

- Actively seek examples of good housing practice and innovation to return long-term problematic empty properties back to beneficial use.
- Use enforcement powers and enforced sales procedures where cooperation with property owners cannot be achieved to return properties to beneficial use.
- Take advantage of forthcoming housing legislation to adopt suitable empty property schemes e.g. nominated rights powers.
- Seek new housing policy initiatives to assist first time buyers.
- Develop a 'landlord pack' to provide owners of empty properties with information where they are considering becoming a landlord.

Monitoring and Review

For any strategy to be effective it is essential that there is clear and careful monitoring on the extent to which the strategic objectives are being met, and the effectiveness of the various actions the authority is taking. The authority has a target number of private empty properties to return to beneficial use within the first year of the strategy, which is also a Welsh Assembly Government Performance Indicator

(NAWPI 4.1(b)). The primary monitoring exercise will focus on the effectiveness of the strategy in achieving this target.

How the empty properties were returned to beneficial use will be an important feature of the monitoring process; whether achieved through advice, grant assistance or enforcement, this information will be used to inform future strategic direction at the strategy review stage.

How much is spent in achieving the strategic objectives will require careful monitoring, not only to inform future strategic options but also to ensure that the authority can demonstrate a viable and accountable service.

Implementation of the strategy will also be monitored to give a measure of the success of the different approaches to empty property returns have been. For example, will taking an 'advisory approach' with a property owner be sufficient to return a property to use, or will the authority need to resort to enforcement action in every case?

The Authority will monitor the effectiveness of our publicity with regard to empty properties by measuring the number of complaints received about properties, the numbers of grant enquiries received and the impact of the strategy within the Authority's two Renewal Areas.

4.0 Staffing and Resources

The financial implications of the empty property strategy relates to capital funding where grant aid is considered. In implementing the strategy the Private Sector Housing grant budget will be sufficient to accommodate any demand generated by the strategy implementation and associated grant assistance. The existing resources of the Private Sector Housing team are sufficient to drive the strategy.

How will we publicise the strategy?

Several means of providing information to the public are available to the Private Sector Housing team that will be valuable tools to share information across the borough. Firstly, the empty property strategy will be included on the authority's web site, which will also provide contact details for the empty property officer. The Caerphilly News line newspaper will [http:// intranet/ccbc@www/newsandviews/news/newsline/currentissue.htm](http://intranet/ccbc@www/newsandviews/news/newsline/currentissue.htm) also be used to feature the strategy initiatives and provide contact details for the empty property officer. Information on becoming a landlord will also be developed by the housing team to assist and advise potential buyers of empty property who are considering 'buying to let'.



5.0 Strategic Aim and Objectives

The strategy objectives support the overall aim to return the long-term private empty properties within the County Borough to beneficial use. The strategic objectives will be achieved through a programme of activities and actions in the short, medium and long term. Some work towards tackling empty properties within the county borough has already taken place, but many of the tasks necessary to achieve the strategy objectives are still in the planning stages. As discussed in the 'Monitoring and Review' section of this document, it is essential to monitor the progress through the action plan and give careful consideration of the effectiveness of the strategy during the review period.

Strategy Aim

To return the long-term private empty properties within the County Borough to beneficial use.

Objectives

1. To raise awareness of empty property issues with property owners, the local community, local members and community councillors.
2. To work closely with internal and external partners to sustain and develop initiatives to turn empty properties to beneficial use.
3. To maximise all resources (funding, advice, planning powers and enforcement action) to turn empty properties into homes.
4. To identify through research why properties become and remain empty and utilise that information to inform the strategy review process.

The 4 key strategic objectives will be achieved through a program of actions and tasks that support the overall strategic aim. The Action Plan is contained in Appendix A.

6.0 Consultation

No adverse comments were received from the consultation process.

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Appendix A: Strategy Action Plan

1. To raise awareness of empty property issues with property owners, the local community, local members and community councillors.			
Action	Task	Target	Partners
1.1 To encourage involvement of the whole community through the sharing of information and an effective communication strategy.	Regular press releases of empty property related items in the Authority's News line publication. Publicise the empty property strategy on the Authority's web page and on the intranet.	Quarterly news features. Ongoing.	Communications Unit and Media Officer Corporate IT
1.2 Promote the empty property strategy by maximising media coverage and raise the profile of the authorities work on problematic empty homes.	Produce an empty property awareness leaflet to be included in Council Tax demands.	On adoption of the strategy and ongoing thereafter.	Council Tax Department
1.3 Increase awareness of empty properties amongst those officers in direct contact with the public.	Publicise the empty property strategy on the intranet facility. Use the intranet to share information, report empty properties and assist in tracing property owners.	On adoption of the strategy and ongoing thereafter.	All Local Authority staff

2. To work closely with internal and external partners to sustain and develop initiatives to turn empty properties to beneficial use.			
Action	Task	Target	Partners
2.1 Promote the availability of grants and other services of private landlords and property owners in relation to prioritised empty properties.	Produce an empty property grant information pack for owners.	January 2006	Home owners Letting Agents Empty property owners Private landlords Registered social landlords
	Produce an advice and information pack for prospective landlords.	January 2006	
2.2 Create an information database reflecting the number and location of long-term private sector empty properties.	Liaise with Council Tax Department to update members of private properties empty for more than 6 months.	Annually	IT Department Council Tax Department
2.3 Raise the profile of the Authority's Landlords Forum.	Utilise the Landlords Forum to promote the empty property strategy, provide advice and share information.	On adoption of the strategy and ongoing thereafter.	Caerphilly Landlords Forum Communications Unit

3. To maximise all resources (funding, advice, planning powers and enforcement action) to turn empty properties into homes.			
Action	Task	Target	Partners
3.1 Develop an enforcement approach to deal with owners of empty property who do not voluntarily return the property to beneficial use.	<p>Develop procedures for the use of enforced sales, compulsory purchase and empty dwelling management orders.</p> <p>Review the existing Private Sector Housing Renewal Policy in relation to enforcement options.</p>	Ongoing and subject to the enactment of relevant legislation.	<p>Legal Services</p> <p>Manchester City Council</p> <p>Housing Scrutiny Committee</p>

4. To identify through research why properties become and remain empty and utilise that information to inform the strategy process.			
Action	Task	Target	Partners
4.1 To monitor the empty property agenda including legislation and research.	Participate in relevant conferences and training events where good practice can be shared.	To provide examples of good practice – ongoing.	Council Tax Department Empty Homes Agency IT Department Environmental Health Department
	Liaise with the Council Tax Department to keep up to date with numbers of empty properties.	To provide feedback for the empty property strategy and to inform the review process – annually.	
4.2 Develop a system of investigating ownership of empty properties.	Establish a database on which all prioritised empty property investigations and actions can be recorded.	To enable the calculation of return for NAW BVPI – annually.	

Appendix B: Range of enforcement powers available

Situation	Statute	Purpose
Dangerous or dilapidated buildings or structures	Building Act 1984 Sections 77 and 78	To require the owner to make the property safe or to enable the authority to take emergency action to make the property safe
	Housing Act 1985 Section 189 and 190	To require the owner to make the property fit for habitation or require repairs
Unsecured properties (if they pose a risk that they may be entered or suffer vandalism, arson or similar)	Building Act 1984 Section 78	To allow the local authority to secure the property
	Local Government Miscellaneous Provisions Act 1982 Section 29	To require the owner to take steps to secure the property or the local authority to board up the property
	Environmental protection Act 1990 Section 80	
The presence or likely presence of vermin	Public Health Act 1961 Section 34	To require the owner to remove waste so that vermin are not attracted to the site
	Prevention of Damage by Pests Act 1949 Section 4	
	Environmental Protection Act 1990 Section 80	
Unightly land and property affecting the amenity of the area	Town and Country Planning Act 1990 Section 215	To require the owner to take steps to address unsightly land or the external appearance of a property

Denbighshire Empty Homes Strategy



2009 - 2012



2. Introduction

Welcome to Denbighshire's first Empty Homes Strategy. This document sets out our plans for bringing the County's empty homes back into use over the next 3 years. It outlines our proactive, co-ordinated approach to tackling the problem of empty homes with our partners. Tackling Denbighshire's 800 long-term private sector empty homes is very much a positive project for all:

- **For those in housing need** – there's an empty home for every four households on the Council Housing Waiting List and seven for every homeless household who the Council had a duty to re-house in the last 12 months. There are real opportunities to use these homes to increase the supply of housing available to these households.
- **For those living nearby** – deteriorating empty homes can blight a street and undermine the community's confidence in an area. It is estimated that adjoining homes may be devalued by up to 18% (Royal Institute of Chartered Surveyors).
- **For the owner** – it costs money to leave a home empty.
£5,700 in lost rent (2 bedroom average rent)
£1,150 on Council Tax (Band D – full charge payable after 6 months)
£1,500 through dilapidation, management, security and insurance
That's £8,350 per year – it just doesn't make sense to leave it empty.
- **For the Council and emergency services** – Dealing with complaints and being called out to empty homes costs the Council, Police and Fire Service thousands of pounds each year which could be used on other services.
- **For the environment** – it would take 12 football pitches (probably of greenfield land) to rebuild the 800 homes that lie empty. It's far more sustainable to use up what we've got first.



Deteriorating empty homes can blight a street and undermine a community's confidence in an area.

3. Objectives

With all this in mind our objectives for this strategy are to:

- **return as many empty homes as possible back into residential use**
- **improve the physical condition of the existing built environment by targeting the most prominent empty homes**
- **utilise empty homes for affordable housing thus reducing the demand for greenfield development by maximising the use of the existing housing stock**
- **recover debts owed to the Council by empty home owners**

We also want to explore the wider benefits of bringing empty homes back into use, such as opportunities for training and skills development and developing specialist housing schemes (see 10.).



There are real opportunities to use these homes to increase the supply of housing available to these households.

4. Background

The Empty Homes Agency predicts that there will be 1 million empty homes in the UK by the end of 2009. Over 60,000 of these will be in Wales representing 5% of the total number of homes.



The Empty Homes Agency is an independent campaigning charity, which exists to highlight the waste of empty property in England and works with others to devise and promote sustainable solutions to bring empty homes back into use.

Changes to the housing market and demand for affordable accommodation have obliged us to look at these empty homes. When house prices soared affordability became a major issue. With the market slowing developers have stopped building and one of our main sources of affordable housing through the planning system has dried up. Without intervention the number of empty homes is likely to rise as owners struggle to sell and re-possession will increase.

4.1 Definition

This strategy focuses upon "long-term empty homes" which have been unoccupied for more than 6 months and have previously been used as a residential dwelling.

We want to target properties where there is no viable plan to bring them back into use. In the current housing market this includes properties that are for sale and we will advise and assist owners who have actively marketed their property for 6 months or more.

It is not within the scope of this strategy to provide assistance in the following circumstances:

- new build empty homes – there is a separate Welsh Assembly Government initiative to assist developers who have unsold, newly completed units
- partly empty houses in multiple occupation (HMOs) and non-self contained flats – the Local Authority Housing Enforcement Team regulate HMOs. This is done using the Housing, Health & Safety Rating System, mandatory licensing and the proposed additional licensing scheme.
- agricultural homes and business premises

We will review this definition annually to ensure that it continues to meet current priorities and conditions.

4.2 The National Context

The need to tackle empty homes has become more widely recognised in Wales in recent years. Both the Joseph Rowntree Foundation (JRF) Commission report into Rural Housing in Wales (June 2008) and the "Essex Review" into Affordable Housing (September 2008) recognised the role that empty homes had in increasing housing supply.

"It is likely that actions on empty homes can potentially make an important contribution to meeting rural housing needs" JRF Commission

"Local authorities should develop an ongoing programme of tackling empty private housing in their area, working with landlords, housing associations and developers where appropriate." Essex Review



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

In response the Welsh Assembly Government (WAG) is clearly promoting increased action on empty homes in the draft National Housing Strategy, Sustainable Homes (January 2009).

"...any unnecessarily empty home is one less available for someone in need. Action plans to quantify and address empty homes need to be part of the armoury of affordable housing delivery." WAG

Local Authorities are now required by the WAG to produce an Affordable Housing Delivery Statement setting out how they will improve delivery of affordable housing, including the use of long-term empty homes.

To assist Local Authorities, WAG are re-writing their guidance on bringing empty homes into use and have provided funding to Shelter Cymru to support and build up the capacity of Empty Homes Officers.

Shelter
Cymru

4.3 The Regional Context

**8,000
HOMES
LIE
EMPTY**
... while 35,000 people are
linguishing on North Wales
council waiting lists — P4

In North Wales the empty homes issue is gaining momentum. In August 2008 a Daily Post headline announced that there were 8,000 empty homes across the region whilst 35,000 people waited for accommodation.

All North Wales Council's have recognised the need to tackle empty homes and are at various stages of bringing them back into use. Talks have begun to set up a network of the regions Empty Homes Officers to share experiences and good practice.

4.4 The Local Context

A concerted effort to bring Denbighshire's 800 empty homes back into use began in July 2008 with the launch of the Denbighshire Empty Homes Project and appointment of a dedicated Empty Homes Officer.

An innovative partnership with North Wales Housing Association has been formed to employ the officer and clearly make the link between empty homes and increasing the supply of affordable housing.



**The Denbighshire
Empty Homes Project**

Key milestones have been set for the 3-year project to:

- **develop an Empty Homes Strategy for the County**
- **create a database of empty homes**
- **source funding opportunities**
- **develop options for bringing empty homes back into use**

The project is steered by a group of representatives from both organisations including the Council's Lead Member for Regeneration and a Board Member of North Wales Housing Association.

The project has a key role to play in increasing the supply of affordable housing and contributing to regeneration initiatives such as the North Wales Coast Regeneration Area. It also has close links with the strategies and business plans of both Denbighshire County Council and North Wales Housing Association.

Relevant Denbighshire County Council Strategies include:

- **Community safety**
- **Health Social Care & Well-being**
- **Local Development Plan**
- **Community strategy**
- **Local Housing Strategy**
- **Affordable Housing Delivery Statement**

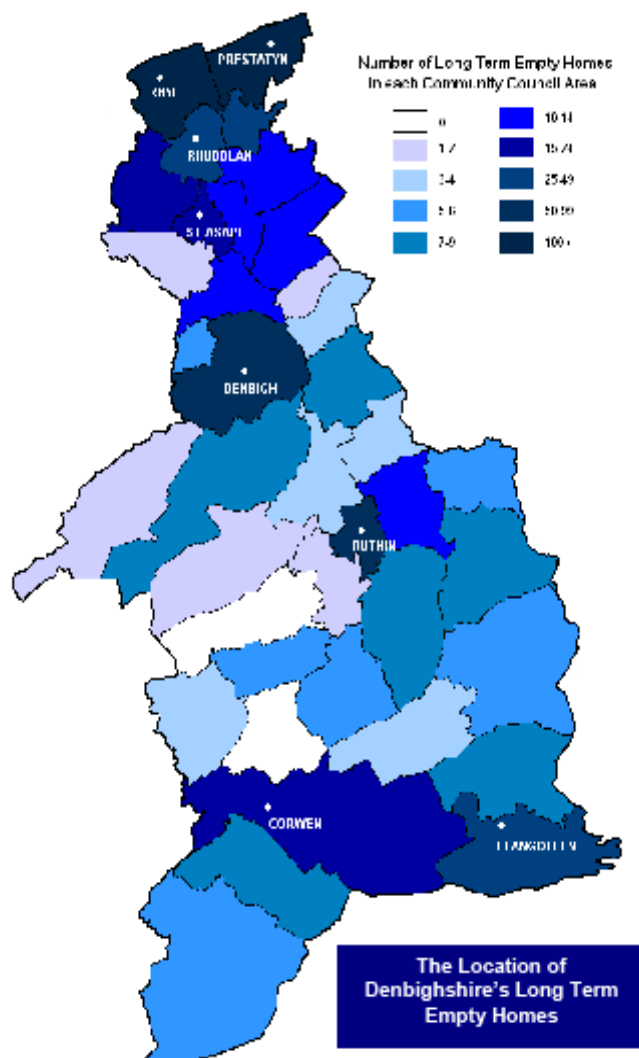
Whilst North Wales Housing Association's main aim is to *"ensure that the homes and services we provide make a positive contribution to the quality of life in the communities where we work."*

5. Understanding the Problem

A survey of Denbighshire's private housing stock completed in 2008 estimated that there were a total of 1,890 empty homes in the County, 5.1% of the housing stock.

Further research by the Empty Homes Officer has provided more detail and located around 800 (as at 1st April 2009) which have been empty for 6 months or more.

As figure 1 illustrates, these properties can be found throughout the County. Whilst there are concentrations in the larger communities, when added together, a significant number of empty homes are located in rural areas.



5.1 The Empty Homes Database

A key milestone of the Empty Homes Project was to develop a database of long term empty homes and an understanding of which homes are empty within the County and the reasons why.

A survey form ([Appendix 1](#)) was sent to the property owners initially identified from the Council Tax Register and Electoral Role, to gather more information about the property and to introduce the empty homes project.

In this survey we took the opportunity to ask owners if they'd be willing to work with us to bring their property back into use. 20% responded positively giving us over 160 empty homes to potentially work with without the need for enforcement. Further details of these properties can be found in [Appendix 2](#).

The Empty Homes Officer is also continually adding to the database when new reports of empty homes are received by owners, concerned neighbours and Council Officers.

It is our intention to review the database annually against the Council Tax Register and Electoral Role to determine the number of long term empty properties in the County and the number brought back into use.

5.2 The Llangollen Pilot

We believe that the best way to know if our plans would work was to test them out.

Whilst we've been developing this strategy we've been running a small pilot scheme in Llangollen. This has given us the opportunity to work with owners and understand the issues and opportunities that empty homes present.

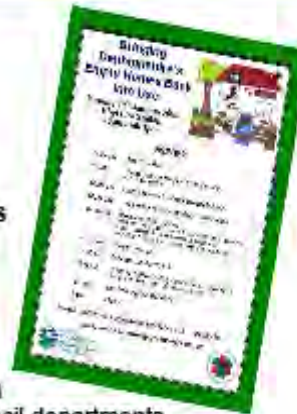
Further information on the homes we have worked with can be found in [Appendix 3](#).



6. Identifying Solutions

6.1 Working in Partnership

The existence of the Empty Homes Project itself is the result of close partnership working between Denbighshire County Council and North Wales Housing Association. The partnership sitting behind this strategy is, however, far wider.



Empty homes and the problems associated with them are dealt with on a daily basis by many different Council departments (Environmental Health, Building Control, Planning, Council Tax etc.) as well as the Police and Fire Service. Empty homes may attract anti-social behaviour or vermin, they may be dangerous structures or be listed and they may owe debts for unpaid taxes or works completed in default.

Estate agents, lettings agents and private sector landlords also have some involvement with empty homes and understand their role in the market place, whilst housing associations, renewal officers and legal advisors are key to finding solutions for bringing empty homes back into use.

We've sought the views of all of these partners when developing this strategy. A consultation event was held on the 19th January 2009 which brought together 40 professionals who work with empty homes. The views expressed at this event have helped to shape this strategy and ensure that it encompasses the whole range of work associated with empty homes. An annual event will be held to review the success of the strategy and ensure on-going engagement with our partners.

6.2 Involving the Local Community

From an early stage in the project we have taken every opportunity to raise awareness of the empty homes issue within the local community:



Jessica, the winner of our drawing competition

- We've talked to many of Denbighshire's Town and Community Councils, interested Community Groups and the Private Sector Landlord's Forum about the need to bring empty homes back into use.
- We've received coverage in the local press and displayed posters asking people to report empty homes.
- We've asked local children attending summer holiday clubs to design our logo.

The community have also been given the opportunity to comment on our draft strategy by making it available for public consultation on www.denbighshire.gov.uk

7. Engaging with Owners

It is essential that a good working relationship is developed between the Empty Homes Officer and property owners to encourage voluntary re-use of long term empty homes. Only where voluntary approaches have been declined or ignored will we consider the use of the Council's statutory enforcement powers.

We are keen to ensure that we do not discriminate either directly or indirectly, against any person on the grounds of gender, sexual orientation, race, ethnic or national origin, nationality, religion, age, disability or illness. Both Denbighshire County Council and North Wales Housing Association Ltd. will comply with all relevant equalities legislation and monitor any action taken in relation to this strategy to ensure that discrimination against any person or group of persons does not occur.



7.1 Prioritisation

We recognise that one Empty Homes Officer cannot tackle all 800 long term empty homes at once and that our funding is limited. For these reasons we will prioritise the empty homes that we work with.

Our Empty Homes Officer will focus upon our top 20 empty homes. This is a rolling list and as homes are brought back into use new ones will be added.

The top 20 will be those homes which receive the highest score when assessed against the Empty Homes Scoring Matrix ([Appendix 4](#)).

8. The Range of Options

Each empty home has a different story to tell and therefore different solutions need to be found to bring them back into use.

There are a wide variety of reasons why a property may be left empty such as lack of funds, fear of renting, inability to sell, bereavement, care needs, imprisonment etc. To be truly successful in bringing them back into use we must have a wide range of options available for owners from supportive advice and assistance to proactive enforcement.



We want to target our action at properties where there is no viable plan to bring them back into use.

8.1 Advice and information

For those looking to sell...

- Information about estate agents and auctions
- Access to the interested purchasers database providing interface between empty home owners and interested purchasers and developers.
- Liaison with Registered Social Landlords and Local Authority Officers to explore opportunities to purchase the property for affordable housing. This would be dependent upon a specific need being identified and the property meeting Welsh Assembly Development Quality Requirements.

For those looking to rent...

- Information about being a private landlord and accreditation schemes
- Invitation to Denbighshire's Private Sector Landlords' Forum

For those renovating for their own occupation...

- Information about undertaking repairs and renovations
- Details of Denbighshire County Council's approved contractors
- Signposting to available grants

8.2 Management & Leasing Schemes

For those nervous or inexperienced about renting ...

- Free no obligation internal inspection, options appraisal and liaison with appropriate organisations
- Signposting to Landlord Accreditation Scheme
- Opportunities to lease the property or have it managed on their behalf by a Registered Social Landlord where there is a housing need for the property. Lettings will be made from the Local Authority's Housing Waiting List and rent levels set at Local Housing Allowance levels.



8.3 Empty Homes Grant

For those with insufficient funds to refurbish their empty home....

- Free no obligation internal inspection, options appraisal and liaison with appropriate organisations
- A grant of £10,000 maximum (or 50% of eligible works) where the property is in an area of housing need for applicants who have owned the property for 3 years (except where recently inherited).
- "Business plan" detailing the amount of grant available and the rental income they will receive.

The owner must:

- Work with a Registered Social Landlord to provide affordable housing through a management or leasing scheme (see 8.2) for 5 years
- Re-pay the grant in full if the property is sold or removed from the affordable housing scheme within 5 years
- Become an accredited landlord

This grant is also available to first time buyers who have a local connection with the community in which the property is located and who would otherwise be unable to fund the work or buy an alternative property on the open market.

Details of the eligible works and the application process are outlined in Appendix 6



8.4 Enforcement

For owners of problematic empties who are unwilling to work with us ...

- Enforcement action to improve the condition of the property
- Enforced sale to recover land charges placed on the property by the Council. The owner is forced to sell to a 3rd party through auction or to a preferred developer of the Council
- Compulsory purchase by the Council where there is a wider strategic agenda e.g. regeneration.
- Empty Dwelling Management Orders where the property is in an area of housing need and there is no prospect of the property becoming occupied in any other way.

9. Funding

Capital funding for the empty homes project is sourced from a variety of existing funds.

9.1 For empty homes grants

- Denbighshire County Council private sector renewal funding
- Area based renewal scheme funding

9.2 For property purchase by a Registered Social Landlord

- Welsh Assembly Government Social Housing Grant
- Strategic Regeneration Area funding made available by the Welsh Assembly Government
- Denbighshire County Council Commuted Sums for Affordable Housing
- Privately sourced finance from the RSL

Other services offered, such as leasing and management schemes, are already operational and would be self-funding.

We will seek to harness any new funding sources and investigate the funding that is available from other organisations e.g. CADW, Town Heritage Initiative.



Uywodraeth Cynulliad Cymru
Welsh Assembly Government



10. Maximising the Benefits

As well as creating more affordable housing and improving the built environment, we believe that there can be many added benefits to bringing empty homes back into use.

10.1 Specialist Housing Schemes

The private housing sector has great potential to assist the local authority in meeting specialist housing needs. Some families require types of properties that simply do not exist within the existing social housing stock, e.g. larger family homes or adaptable bungalows.

We are working with Denbighshire's Housing Services, Homelessness Team, Social Services, Occupational Therapists and Supporting People officers to find uses for our empty homes. This may include supported housing, "move-on" accommodation or alternatives to disabled facilities grants.

Wherever possible we hope to utilise the County's empty homes to fulfil specific housing need and will look at purchasing, managing or leasing suitable homes on the Empty Homes Database before building new or buying occupied ones.



The private housing sector has great potential to assist the local authority in meeting specialist housing needs.

10.2 Wider Regeneration Initiatives

Since beginning our project we have learnt that the northern edge of the County has been included in the Welsh Assembly Government's new North Wales Coast Strategic Regeneration Area. This brings a multi-million pound plan to transform the seaside towns, aiming to boost tourism, improve the environment and raise skill levels and job opportunities.

Bringing empty homes back into use is a key element of the plan. It has been recognised that our work will not only improve the physical appearance of this area but also offer opportunities to address tenure and house type imbalances in areas where the private rented sector and houses in multiple occupation dominate.

10.3 Training Opportunities

We plan to work with the Department of Work and Pensions Programme, the Rhyl City Strategy, to provide construction skills training when refurbishing empty homes.



There are many good practice models where future residents are involved in the works on their new homes. We hope to learn from these and adopt a similar approach.

We also recognise the potential to provide work opportunities for the Probation Service and community groups.

10.4 Fire Safety



Working with the North Wales Fire & Rescue Service, we will promote their work and ensure that every empty home we directly bring back into use has a free Fire Safety check.

11. The Way Forward

We have a lot of work to do to achieve our aims but we know that the rewards will be great. Our efforts will be monitored by the Empty Homes Project Steering Group to ensure that targets are met.

11.1 Targets

Denbighshire County Council is required to report their success in bringing long term empty homes back into use through a National Strategic Indicator ([Appendix 7](#)).

We have set targets against this indicator for us to strive to bring 50 long term empty homes back into use over the duration of the Empty Homes Project. Through our Empty Homes Grant and purchasing arrangements we would hope to make 30 of these homes available for affordable housing.

Number of long term empty homes (over 6 months) brought back into use over period

2008/09	2009/10	2010/11	During 3-year project
5	15	30	50

Number for affordable housing

2008/09	2009/10	2010/11	During 3-year project
0	10	20	30

11.2 Action Plan

We have also set ourselves a detailed action plan ([Appendix 8](#)) to guide our future development of the Empty Homes Project. This will ensure that we develop the capacity and skills to tackle the most problematic empty homes and not lose sight of the additional benefits we can achieve.