

Report of	Assistant Director Place and Client	Author	Suzanne Norton ☎ 282249
Title	Review and Revisions to Post Right to Buy Policy		
Wards affected	All		

## 1. Executive Summary

- 1.1 The Post Right to Buy (RTB) Policy has been reviewed and revised as part of our ongoing programme of reviewing and refreshing housing policies. The policy was last reviewed and updated in February 2014. The review provided the opportunity to ensure the policy is up to date with current legislation, that the aims of the policy were still fit for purpose and reflected current procedures.
- 1.2 The policy was reviewed by officers from Colchester Borough Council with responsibility for ensuring the policy is implemented. The review considered the impact of the changes that were made when the policy was last reviewed and refreshed the content to provide clarity and ensure continued functionality with current procedures and working practices.

## 2. Recommended Decision

- 2.1 To approve the refreshed Post Right to Buy Policy.

## 3. Reason for Recommended Decision

- 3.1 All policies should be reviewed regularly, usually a minimum of every 3 years or sooner if a significant or legislative change is required. The Post RTB policy was last reviewed in February 2014. It is important that each policy is reviewed and refreshed to ensure it is fit for purpose, setting out a clear approach of how enquiries and decisions will be made in an objective and consistent way.

## 4. Alternative Options

- 4.1 To continue with the policy last reviewed in February 2014.

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## **5. Background Information**

- 5.1 The Council operates the Right to Buy (RTB) scheme for its tenants in line with the regulations set out in current legislation.
- 5.2 In 2009 a policy was developed to deal with situations arising after a council property had been purchased under the RTB scheme. The policy was reviewed and revised in 2014 to include additional issues that were not covered in the original policy; the policy now covers the following.
- Repayment of the discount given under the right to buy.
  - Right of first refusal when the owner of a property sold under the right to buy wishes to sell the property before the time limit restriction ends.
  - Approval, release, or variation of a restrictive covenant that applies to a property purchased under the right to buy scheme.
  - Reconsideration of requests to approve, remove or vary a covenant.
  - Action on breaches of restrictive covenants.
  - Enforcement of restrictive covenants.
  - Requests to extend the lease for a leasehold property.
  - Requests to purchase the freehold of a leasehold property.
- 5.3 The policy has been implemented successfully since it was first adopted in 2009 and subsequently following the amendments made in 2014. The review and refresh provided the opportunity to refine the policy and to ensure its continued functionality. After reviewing the policy there are no new areas that need to be added to the list above.
- 5.4 The policy has been amended in the following area to ensure a fair and consistent approach, providing clear guidance to both customers and officers.

### **Right of First Refusal (Buy Back)**

- 5.5 Under the current policy there is no process for dealing with disagreements of the valuation of a property that is offered back to the Council to purchase. On behalf of the Council, Amphora Trading Ltd (ATL) carryout a survey and provide a valuation for properties that are offered back. If the seller does not wish to accept the offer to purchase at the valuation provide by ATL they can request that the District Valuation Office (DVO) provide a valuation which would supersede any previous valuation.
- 5.6 The valuation provided by the DVO maybe higher or lower than the original valuation provided by ATL. The seller will want to achieve the highest sale price possible, however, the Council needs to consider whether the sale price represents value for money to determine whether to proceed with the purchase. Therefore, we propose that the Council has the right to negotiate with the seller to agree a mutually acceptable sale price. If an agreement cannot be reached and the negotiation process has been exhausted the Council will allow the seller to proceed with selling the property on the open market.
- 5.7 Additional information summarising the time limits for dealing with Right of First Refusal offers has been included in the policy with a link to the regulations for additional clarity.

### **All areas of the policy**

- 5.8 The policy has been reviewed for clarity, conciseness and formality and revised to ensure it easy to read and understand and provides a clear and consistent approach.

## **6. Equality, Diversity and Human Rights implications**

- 6.1 The Council completes Equality Impact Assessments (EQIA) for policies, procedures and practices that have an impact on customers and employees. The EQIA for the Post Right to Buy Policy has been reviewed and updated alongside the policy and the revised EQIA 'Discretionary Elements of Right to Buy' has been published and can be viewed here, [Colchester Borough Council](#)

## **7. Strategic Plan References**

- 7.1 The policy contributes directly to the Strategic Plan 2021-2023 in the following priority areas:

- **Tackling the causes of inequality and support our most vulnerable people**
  - Support people to live in healthy homes that meet their needs
- **Increase the number, quality and types of homes**
  - Improve existing Council homes to keep them in good repair and improve energy efficiency
  - Continue to improve and modernise available housing for older people

## **8. Consultation**

- 8.1 Consultation was undertaken with CBC officers responsible for ensuring the policy is implemented as part of the review and refresh process.
- 8.2 There are no changes proposed that would impact tenants, leaseholders, or residents directly, therefore no additional consultation has been undertaken.

## **9. Publicity Considerations**

- 9.1 The policy will be communicated to CBC staff responsible for the implementation.
- 9.2 The policy will be published on the CBC website and Colchester Borough Homes' website under Right to Buy will provide a link to the policy.

## **10. Health, Wellbeing and Community Safety Implications**

- 10.1 The policy helps the Council improve health inequalities by enabling the council to consider medical conditions, emotional and psychological reasons when considering applications for the non-repayment of Right to Buy discount which may otherwise be a barrier to moving home.
- 10.2 The policy also helps in reducing health inequalities by enabling the council to consider material circumstances including health reasons when processing applications for consents, variations, breaches and enforcement of restrictive housing covenants.

## **11. Standard References**

- 11.1 There are no particular references to the financial, health and safety, risk management or environmental and sustainability implications.

## **Appendices**

Appendix A. – Refreshed Post Right to Buy Policy