

Right of First Refusal Buying Back Ex-Council Properties sold through RTB

Frequently Asked Questions

1. Why do I have to offer my property back to the Council?

All properties (freehold and leasehold) sold under Right to Buy legislation since 18th January 2005 contain a covenant which compels the owner, if the property is offered for sale within ten years of the original purchase, to offer the property back to the Council.

2. What do I need to do to offer my property to the Council?

You should write to us and include the following information:

- A statement from the owner or trustee saying that they wish to dispose of the property
- The full postal address of the property being offered
- State there is a covenant regarding buy-back under Right to Buy legislation
- Information about the type of property (ground floor flat, semi-detached etc), the number of bedrooms and details of the heating system
- Details of any improvements or structural changes made since purchasing from the Council
- The open market value of the property
- An address where correspondence can be sent

You should send this information to;

Professional Services
Corporate Professional Support Unit
Colchester Borough Council
33 Sheepen Road
Colchester
CO3 3WG

E-mail: Performanceandimprovement@colchester.gov.uk

3. Does the Council have to buy my property?

No. The Council is not obliged to buy back properties that are offered in this way. However the Council will consider whether or not to buy back a property on an individual basis.

The Council's decision whether to buy back a property or not will be determined by the following factors;

- a) Capital funds available.
- b) Housing need and demand is established for the type of property being offered and in the area where the property is located.
- c) Additional costs for any refurbishment work is minimal, i.e. to bring the property up to the Decent Homes Standard.
- d) The purchase represents value for money.

4. Can I offer the property to another registered social landlord (RSL)?

No. The Council may nominate another registered social landlord (RSL) to buy the property therefore the Council may consult with RSLs to see whether there is any interest to purchase the property being offered.

5. What happens once I have sent my request?

We have a target to acknowledge your letter within 5 working days of receipt; we will tell you the name and telephone number of the officer dealing with your request. We will specify the date of receipt of your offer notice; if we have not accepted your offer or nominated another person to accept the offer within 8 weeks of receipt of your offer you may dispose of the property in accordance with the regulations (please seek independent legal advice). If the property is not disposed of within 12 months following the 8 week expiry date the owner is required to offer the property back to the Council in accordance with the regulations.

6. What will happen next?

Your request will be considered in line with the Council's Policy. If we need additional information we will contact you. Once we have all the information required the ALMO Performance Manager will consider whether the property meets the policy criteria and if further approval is required before providing a decision. We have to

provide you with either an 'Acceptance notice' or 'Rejection notice' within 8 weeks of receipt of your enquiry, if we fail to provide this within 8 weeks you may dispose of the property in accordance with the regulations.

7. What happens once a decision is made?

If the decision is to accept your offer we will send you an 'Acceptance notice' either accepting the offer ourselves or nominating an RSL to accept the offer. The 'Acceptance notice' does not give any right that means the Council or RSL is required to purchase the property until a binding contract is entered into. If the Council accepts your offer our Legal Service will be instructed to progress the purchase of the property, you will need to instruct a solicitor to complete the sale on your behalf. If a RSL has expressed an interest in accepting your offer they will communicate with you directly regarding the sale.

If the decision is to reject your offer we will send you a 'Rejection notice' which must be served within 8 weeks of receipt of your offer. After receipt of a 'Rejection notice' the owner may dispose of the property in accordance with the regulations (please seek legal advice). If the property is not disposed of within 12 months of the date of the rejection notice the owner is required to offer the property back to the Council in accordance with the regulations.

8. Can I appeal?

The Council is **not** required to purchase back any property that is offered back therefore if the decision is not to purchase the property there is no right to appeal. However, if you feel that we have not applied the policy correctly or followed the correct procedure you may write to us within 28 days of receiving the decision notice and your enquiry will be dealt with under the Council's complaint procedure.

9. All this seems very complicated and to take a long time. Is there no easier way?

I'm afraid not. The Housing Act 2004 and Right to Buy legislation regulate how the Council responds to offers to buy back properties. We will endeavour to make decisions as quickly as possible within the timescales set out in the legislation.

Useful Contacts:

Customer Service Centre
Tel: 01206 282222
Email: customerservicecentre@colchester.gov.uk

Professional Services
Corporate Professional Support Unit
Colchester Borough Council
33 Sheepen Road
Colchester
CO3 3WG

Tel: 01206 282391
Email: Performanceandimprovement@colchester.gov.uk

Legal Services
Colchester Borough Council
33 Sheepen Road
Colchester
CO3 3WG