

**AGENDA ITEM: 7**

Page nos. 14 - 16

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Meeting	Cabinet Resources Committee
Date	28 April 2005
<b>Subject</b>	<b>Right to Buy</b>
Report of	Cabinet Member for Housing Neighbourhoods and Community Safety
Summary	The report proposes selling a property under the Right-to-Buy (RTB) at a discount

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Officer Contributors	John Gargan, Home Ownership Services Manager Barnet Homes
Status (public or exempt)	Public (with a separate exempt section)
Wards affected	Finchley Ward
Enclosures	None
For decision by	Cabinet Resources Committee
Function of	Executive
Reason for urgency / exemption from call-in (if appropriate)	None

Contact for further information: Nigel Hamilton, Head of Housing, 8359 6063

## **1. RECOMMENDATIONS**

- 1.1 That the Committee agree to an application to the Secretary of State for consent to grant Mr & Mrs K discount of £38,000, and that subject to consent being granted a voluntary sale of the property identified in the exempt report be completed on that basis, subject to the deduction of the cost of the application from the discount.**

## **2. RELEVANT PREVIOUS DECISIONS**

- 2.1 None.

## **3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS**

- 3.1 This report proposes a method for ensuring that a Council tenant is not disadvantaged as a result of acting as a witness in a serious case of anti-social behaviour. Tackling crime is identified in the Corporate Plan as one of the Council's priorities. An active community is one of the Council's values in the Plan. The proposal in this report is consistent with encouraging individuals to act in support of wider community objectives. The Council is also a partner in the Safer Communities partnership whose crime reduction strategy includes tackling anti-social behaviour as a priority.

## **4. RISK MANAGEMENT ISSUES**

- 4.1 This report relates to an individual case and there are no significant risk management issues associated with it.

## **5. FINANCIAL, STAFFING, ICT AND PROPERTY IMPLICATIONS**

- 5.1 The report proposes selling a property under the Right-to-Buy (RTB) at a discount of £38,000, rather than £16,000, resulting in a cost to the Housing Capital Programme of £22,000.

## **6. LEGAL ISSUES**

- 6.1 A voluntary sale on the terms described in this report can be made under S32 of the Housing Act 1985, subject to the consent of the Secretary of State.

## **7. CONSTITUTIONAL POWERS**

- 7.1 Constitution, Part 3 - Responsibility for Functions, Section 3 - Powers of the Executive, paragraph 3.6 – terms of reference of the Cabinet Resources Committee.

## **8 BACKGROUND INFORMATION**

- 8.1 Mr & Mrs K had previously applied for the Right to Buy their former property in N10 but had to be re-housed in N3, in view of their assistance to the Council by way of evidence in relation to an Anti Social Behaviour Order. The Borough Solicitor has confirmed that it would have been extremely unlikely that the Council could have obtained the possession order and ASBO without Mr K giving evidence.

He was a crucial witness. Before moving and applying to exercise the Right to Buy to purchase their new property the maximum discount was reduced from £38,000 to its current level of £16,000.

- 8.2 Under the RTB legislation, within the Housing Act 1985, the Council does not have any discretion to increase an applicant's discount above the statutory entitlement. However, the Council can sell housing properties voluntarily under Section 32 of the Housing Act 1985 subject to the Secretary of State's consent.
- 8.3 There is a general consent but it does not expressly provide for the situation. Indeed voluntary sales under the general consent are subject to discount at the statutory level. The only possibility that remains is therefore a voluntary sale under Section 32, subject to a special consent of the Secretary of State. Section 34 enables a special consent to be subject to conditions, amongst other things, as to the amount of discount and take account of relevant matters.

## **9. LIST OF BACKGROUND PAPERS**

- 9.1 None.

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