

**2026 -
2029**

Right to Buy Policy

Assistant Director – Assets
and Compliance
Nuneaton and Bedworth
Borough Council
2026 - 2029

Right to Buy Policy

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1.0 Introduction

- 1.1 This Policy sets out Nuneaton and Bedworth Borough Council's (the Council's) approach to administering the statutory Right to Buy scheme for secure tenants.
- 1.2 It ensures that all applications are processed in accordance with relevant legislation and government regulations, while maintaining fairness, accuracy, and transparency throughout the process. The policy aims to provide clear guidance to tenants, safeguard vulnerable applicants, and promote responsible home ownership.
- 1.3 By adhering to published timeframes and eligibility criteria, the Council seeks to deliver an efficient and customer-focused service that supports tenants in making informed decisions about purchasing their homes

2.0 Purpose

2.1 The purpose of this Policy is to:

- Set out the Council's procedures for processing Right to Buy applications.
- Ensure all applications are handled accurately, fairly, and in compliance with relevant legislation and regulations, including adherence to government response timeframes and eligibility criteria.
- provide a structured approach so that tenants receive clear communication and support throughout the process, while safeguarding vulnerable tenants from making hasty decisions.
- promote responsible home ownership ensuring transparency and consistency in the administration of the Right to Buy scheme.

3.0 Scope

3.1 This Policy applies to all secure tenants of the Council who are eligible to exercise their statutory Right to Buy under the Housing Act 1985 and subsequent amendments.

4.0 Operational Principles

4.1 To assist the effective delivery of the scheme, the Council will:

- provide essential financial information to tenants who intend to purchase a leasehold property, ensuring they fully understand the financial implication and the changes from a tenancy agreement to that of a lease agreement. These include for example, service charge implications for annual service charge and Section 20 major works.
- safeguard the interests of potentially vulnerable tenants by assisting in reducing the incidents of tenants making hasty decisions to buy their property.
- provide tenants with clear and easily understood communications regarding progression of their application.
- provide an efficient and effective service in processing Right to Buy applications, adhering to the relevant response timeframes.

- seek to provide such information and assistance as necessary, to ensure tenants and/or family members fully understand the process of the scheme.
- inform applicants of the progress of their application at all times to meet with the Government published key response timeframes.
- maintain full and accurate records of the processing of all Right to Buy applications in order that compliance with the relevant legislation can be clearly demonstrated.

4.2 This Policy sets out the Council's approach to its discretion to allow persons who meet the requirements or a relevant family member, but who are not resident at the property for the full 12 months prior to applying, to join in a Right to Buy application.

5.0 Council Responsibilities

5.1 The Council's legal services will act on behalf of the Council in the processing of Right to Buy sales once the tenant accepts their Section 125 offer.

5.2 The Council will appoint and pay for a Royal Institute of Chartered Surveyors (RICS) accredited surveyor to undertake the initial right to buy property valuation.

5.3 The Council will provide a limited repair service when a tenant submits a right to buy application. The Council will ensure it maintains the heating, water and sanitation services at the property, along with keeping the main dwelling watertight whilst the tenant has made their application to purchase.

5.4 The Council will obtain a signed authority to disclose form from the applicants and will progress with enquiries to seek confirmation of any previous tenancy history with a view to include any eligible years within the overall discount entitlement. Ultimately it is the tenant's responsibility to provide such evidence in relation to all historic tenancies held, in the event the Council's enquiries do not provide a conclusive outcome. The Council will then review any supporting evidence on a case by case basis.

5.5 The Council will issue the right to buy offer notice based on the confirmed total number of eligible years discount, applying the principle that only complete years of tenancy can be used. However, partial years will be added together from different tenancies to make up a complete year where applicable.

6.0 Tenant Responsibilities

6.1 Tenants must appoint and pay for their own Solicitor or a Licensed Conveyancer to undertake their legal conveyancing necessary to assist with their purchase

6.2 It is the tenant's responsibility to seek and pay for any specialist advice including arranging independent surveys which may be required to assist in the purchase of their home.

6.3 Tenants will be required to provide evidence/proof of previous tenancies held, which the Council can consider in their overall discount entitlement.

6.4 It is the responsibility of the tenant to appreciate the different types of property tenures - freehold and leasehold - and fully consider the effects of the lease or deed covenants.

- 6.5 If the property is sold as Leasehold, then service charges will apply. It is the responsibility of the tenant to enquire and understand the future cost implications of annual and major works service charges.
- 6.6 Where a property is deemed as non-traditional construction type, it is the tenant's responsibility before the sale takes place, to consider the purchase regarding mortgage availability and the future resale conditions of the property.

7.0 Performance Standards

7.1 The performance standards that the Council aims to achieve in relation to processing Right to Buy applications are outlined below. The following letters are issued by the Housing Team as part of the initial application processes:

- Issue the RTB2 form (notifying tenants whether their application has been accepted, denied or partly denied) within 4 weeks of receiving the RTB1 form, 8 weeks if the three-year qualifying period needs to be confirmed by another Public Sector Landlord.
- Issue offer notices within 8 weeks of issuing form RTB2 for a house, 12 weeks for a flat or maisonette.
- Submit a counter notice within 4 weeks of receipt of form RTB6 (from tenant giving initial notice of delay) explaining the reasons for the delay.
- If no reply has been received to the Section 125 offer letter after 12 weeks following issue, then a reminder will be sent to the tenant(s) by Nuneaton and Bedworth Borough Council giving a final 28 days to respond.
- If there is no response upon expiry of the 28 day notice letter period the application will be cancelled and a final letter sent to the tenant(s) confirming that their right to buy application has been withdrawn.

7.2 When the tenant has accepted their Section 125 notice and the Council's Legal Services team have been instructed to conduct the conveyancing process the following letters/notices may be issued by the Council's Legal Services team if no contact has been received from the tenant or their appointed legal representative:

- Where 3 months' have elapsed from the date of Section 125 notice, a first notice to complete will be issued to the applicant(s) in accordance with s140 of the Housing Act 1985, providing a period of 56 days for them to complete the Right to Buy purchase.
- If there is no reply received from the first notice to complete, then a final notice will be sent in accordance with s141 Housing Act 1985 giving a further (and final) 56 days to complete the transaction. If no contact is made, then the Right-to-Buy will automatically be deemed withdrawn and the file will be closed. The applicant will then need to submit a new application, if they still wish to exercise their right-to-buy.

8.0 Regeneration

- 8.1 The Council reserves the right to serve Demolition Notices under the Housing Act 2004, upon properties in specified neighbourhoods as part of any regeneration programme. Once an initial Demolition Notice has been served, the Council (as the Landlord) has the power to suspend any Right to Buy application before the sale is completed for a period of up to 5 years.
- 8.2 If a final Demolition Notice is served during the 5-year period, the right to buy is no longer available to any tenant of that property and any suspended Right to Buy applications in respect of that property will not be completed. The individual retains the right to apply to buy any other property belonging to Nuneaton and Bedworth Borough Council that they may subsequently occupy, so long as all other legislative criteria are met.

9.0 Repurchase of Properties

- 9.1 Leases and Deeds consider a buy back first refusal offer covenants, in accordance with Section 188 of the Housing Act 2004. If an individual has purchased their property under the Right-to-Buy scheme and wishes to sell it within 10 years from the date of purchase, they are first required to contact the Council of their intention to do so and offer the Council first-refusal to purchase it back. This must be done before the property is advertised for sale on the open-market and could affect the subsequent sale, if this condition is not complied with. It is the owners responsibility to ensure that they comply with the covenants in their deeds and to ensure that the Council is offered first refusal before the property is marketed for sale on the open market. Any individual's request to buy-back a property previously sold under Right to Buy will be dealt with and considered on a case-by-case basis. In accordance with Right-to-Buy provisions, any sale/transfer of the property (which is not exempted by statute) will trigger a repayment of the discount that was applied at the time of purchase.

10.0 Discount Waiver

- 10.1 In some scenarios, property sales may be exempt from the repayment of the discount, depending upon the circumstances surrounding the sale. An individual's request to waive the discount will be reviewed and considered on a case-by-case basis at the discretion of the appropriate officer on behalf of the Council.

11.0 Legislation and Family Members

- 11.1 The Right to Buy is protected by the Housing Act 1985. The legislation provides landlords with the discretion to allow persons who meet the requirements, or a relevant family member but who are not resident at the property for the full 12 months prior to applying, to join in a Right to Buy application.
- 11.2 Section 123 of the Act allows a tenant to include not more than three family members who are not joint tenants but who occupy the dwelling house as their only or principal home to share the Right to Buy.
- 11.3 Where the member of the tenant's family shares the Right to Buy with the tenant, the right belongs to the tenant and those members jointly and, they shall be treated as joint tenants in the conveyance. This means all the names will appear on all of the conveyancing documents.

- 11.4 In order for a family member to exercise their right to join in the Right to Buy, they must satisfy all three of the following requirements:
- 11.4.1 They must be a family member as defined by the Act in section 113 1) (a) who are specified as:
- The spouse or civil partner of the tenant; or the tenant and that person live together as if they were husband and wife or civil partners, or The tenant's parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece. The Act also specifies further at section 113 1) (b) how step relationships and relationships of half-blood or marriage are to be treated.
- 11.4.2 All family members should live at the property as their only or principal home.
- 11.4.3 All family members need to have been living at the property for 12 months immediately preceding the application.
- 11.5 All the above will require documentation and supporting evidence before an application can be processed and proceed. Failure to provide documentation will result in the family member denied to be part of the application
- 11.6 The Council could at its discretion allow persons who meet the requirement of a relevant family member, but who are not resident at the property for the full 12 months prior to application, to join in the right to buy application. Such requests would be reviewed by the appropriate Officer.
- 11.7 The Right to Buy cannot be exercised by the tenant or family members if they are subject to a pending bankruptcy petition, they have been made a bankrupt, they have a composition or arrangement with creditors outstanding, or they are subject to a debt relief order.
- 11.8 To promote responsible home ownership, the Council's policy is that it will not normally exercise its discretion to allow persons who have been resident at the tenant's property for less than 12 months to share the tenant's Right to Buy. Consent to applications to share the Right to Buy will not be granted unless this condition is met. Evidence must be produced to clarify residency.

12.0 Eligible Discount

- 12.1 The Council will also consider previously held tenancies that have been confirmed and evidenced, relating to other Local Authorities, Armed Forces Accommodation and eligible Housing Associations, when calculating a tenant's overall eligible discount entitlement.
- 12.2 The discount applicable is determined by Government Legislation and may change from time to time. Currently, a tenant exercising their Right to Buy will require a minimum of three years tenancy. The discount available for 3, 4 and 5 years tenancy is 35% for a house or bungalow or 50% for a flat or maisonette.
- 12.3 House sale tenants will be eligible for an additional 1% discount for each extra year they have lived in the property. This will be up to a maximum of 70%. The Council will also apply the relevant capped cash sum maximum as per regulations.

12.4 If the property is a flat, the tenant will be eligible for an additional 2% discount for each extra year they have lived in the property. This will be up to a maximum of 70%. The Council will also apply the relevant capped cash sum maximum as per regulations.

12.5 If a property is sold within five years of the date of purchase, some or the entire discount must be repaid back to the Council, as per legislation. The calculation for the repayment takes into account any change in the valuation of the property since it was purchased, together with the length of time since the property was purchased. The actual amount to be repaid will reduce by one-fifth for each of the five years remaining are required by current legislation as follows:

- In the first year: the entire discount – 100%
- In the second year: four-fifths - 80%
- In the third year: three-fifths - 60%
- In the fourth year: two-fifths - 40%
- In the fifth year: one-fifth -20%

13.0 Alterations to the Property before Purchase

13.1 Where alterations to the Property have been carried out without Council permission (refer to the Tenant Alteration Policy and Tenancy Agreement), the Council will aim to provide any necessary retrospective permissions to comply with the covenants noted with the deed/lease documents

14.0 Escalation to the Valuation Agency Office

14.1 Should a tenant wish to escalate a dispute or challenge following receipt of their Section 125 offer, they will need to place this request in writing. The Council will then escalate this request to the Valuation Agency Office who will progress with their dispute.

14.2 The Council will ensure they supply all requested documents to the Valuation Agency Office to assist them with the redetermination of the property valuation.

14.3 Following receipt of the outcome decision from the Valuation Agency Office, the Council will then reissue the tenants S125 Notice in accordance to the valuation figure supplied. The tenant will then have a further 12 weeks from the date of their reissued offer to decide if they wish to purchase.

15.0 Legislation and Policies

15.1 The Council operates the Right to Buy scheme for its secure tenants in accordance with regulations and time limits set out in the relevant Government legislation and regulations:

- Ministry of Housing, Communities and Local Government – Right to Buy a guide for local authorities.
- Housing Act 1980 (Amended 1985).
- Housing Act (1988, 1996, 2004).
- Housing (Right to Acquire) Regulations 1997.

- The Housing (Right to Buy) (Cost Floor) (England) Determination (1998).
- The Housing (Preservation of the Right to Buy) Amendment) Regulations (1999).
- Housing and Regeneration Act 2008.
- The Government Housing Strategy for England (Laying the foundations 2011).
- Housing (Right to Buy) (Limit on Discount) (England) Order 2012.
- The Equality Act 2010

15.2 A copy of all Council policies can be found at www.nuneatonandbedworth.gov.uk

16.0 Complaints Procedure

16.1 If there is dissatisfaction with any part of the process or the Council's actions, a formal complaint may be raised in any of the following ways.

- Via the Councils website www.nuneatonandbedworth.gov.uk
- By emailing Customer Services at customer.services@nuneatonandbedworth.gov.uk
- By letter to:

Customer Services
Nuneaton and Bedworth Borough Council
Town Hall
Coton Road
Nuneaton
CV11 5AA

- In person at the Town Hall.

16.2 Complaints should be resolved as soon as possible and within 10 days of the acknowledgement; for complex cases this may be extended for a further 10 working days. If matters cannot be resolved within the maximum timescale of 20 working days, we will contact the complainant to let them know of the delay and advise when we will be able to respond by.

16.3 The Housing Ombudsman can also be contacted any at point to offer free, impartial advice to tenants and leaseholders. Their contact details are as follows:

www.housing-ombudsman.org.uk

Telephone: 0300 111 3000

The Housing Ombudsman Service

PO Box 1484
Unit D
Preston
PR2 0ET

17.0 Equality and Diversity

17.1 The Council is committed to promoting equality of opportunity and to eliminating unlawful discrimination on the grounds of any of the Protected Characteristics listed within the Equality Act 2010 and any other difference that can lead to discrimination or unfair treatment fully considering the principles of legislation. The Council will also be fully compliant with the Public Sector Equality Duty and take this into consideration within any decision-making process.

18.0 Legislation and Related Policies

18.1 The following legislation is relevant to this procedure:

- Ministry of Housing, Communities and Local Government – Right to Buy a guide for local authorities.
- Housing Act 1980 (Amended 1985).
- Housing Act (1988, 1996, 2004).
- Housing (Right to Acquire) Regulations 1997.
- The Housing (Right to Buy) (Cost Floor) (England) Determination (1998).
- The Housing (Preservation of the Right to Buy) Amendment) Regulations (1999).
- Housing and Regeneration Act 2008.
- The Government Housing Strategy for England (Laying the foundations 2011).
- Housing (Right to Buy) (Limit on Discount) (England) Order 2012.
- The Equality Act 2010

18.2 Copies of Council Policies can be found at www.nuneatonandbedworth.gov.uk

19.0 Training and Awareness

19.1 Training and awareness of this Policy will be raised with relevant staff and published on our intranet system.

19.2 We will make people aware of this Policy through our website, social media, newsletters and information leaflets.

20.0 Monitoring and Review

20.1 This Policy has been written in line with current relevant Legislation and in consideration to other Council policies. This Policy will be reviewed and revised to reflect any legislation requirements and/or other guidance of good practice.

20.2 This Policy will be reviewed every 3 years or when a change in legislation is received.