

Housing & Communities Overview & Scrutiny Panel – 18 March 2026

Right to Buy Policy

Purpose	For Review
Classification	Public
Executive Summary	<p>This report seeks approval from the Housing & Communities Overview & Scrutiny Panel for the new Right to Buy Policy to progress to the Housing and Homelessness Portfolio Holder for decision.</p> <p>The Right to Buy is governed by legislation, primarily the Housing Act 1985 (as amended) which sets out the statutory rights and eligibility criteria for tenants. As a result, the council has limited discretion in how applications are processed.</p> <p>Introducing a formal Right to Buy Policy will strengthen the council's position by supporting robust, transparent, and consistent decision making. It will also help to reduce the risk of legal challenge and ensuring ongoing compliance with legislative requirements.</p>
Recommendation(s)	The Housing & Communities Overview & Scrutiny Panel to review the new Right to Buy Policy and to support its approval by the Housing and Homelessness Portfolio Holder.
Reasons for recommendation(s)	<p>The new policy ensures that NFDC is meeting their statutory duties under the Housing Act 1985 when administering Right to Buy applications.</p> <p>While core Right to Buy framework is set out in legislation, there are some areas where the council remains limited in discretion. The policy provides a consistent and fair approach to these areas, ensuring decisions are applied uniformly, backed by clear rationale, and aligned with the</p>

	<p>council's responsibility to protect its housing portfolio.</p> <p>In addition, the policy enables the council to address operational requirements not detailed in the Housing Act, such as undertaking Anti-Money Laundering and Fraud checks. In line with the Fraud Act 2006.</p> <p>Embedding these controls strengthens governance and ensures due diligence and further protects the councils financial and housing assets by reducing the risk of fraud and improper transactions.</p>
Ward(s)	All
Portfolio Holder(s)	Councillor Steve Davies - Housing and Homelessness
Strategic Director(s)	Peter Matthew – Strategic Director Housing and Communities (Interim).
Officer Contact	<p>Kirsty Farmer Service Manager – Housing Resident Services 02380 28 5151 Kirstym.farmer@nfdc.gov.uk</p> <p>Emily Berry Housing Business Development Team Leader 02380 28 5942 Emily.berry@nfdc.gov.uk</p>

Introduction and background

1. NFDC currently has no Right to Buy Policy, this report proposes the adoption of a new policy. This policy outlines the statutory processes set out by the Housing Act 1985 (as amended) and sets out NFDC's discretionary decisions, which are not defined within the Act. This policy ensures tenants have a clear and transparent understanding of both the legal framework and NFDC's local approach.
2. The policy sets out NFDC's approach to the Right to Buy, enabling eligible tenants to purchase their homes at a discount. The purchase of properties under the Right to Buy continues to have a direct

impact on housing stock levels, financial planning, and long-term asset management.

3. Tenants with a secure or flexible fixed term tenancy have a legal right to buy their property subject to meeting the qualifying criteria. These include having held an eligible tenancy for a minimum of three years, meeting the continuous occupation requirements, and not falling within any of the statutory exemptions. There are limited legal grounds for refusal.
4. The process is tenant led, with statutory timescales set out in The Housing Act 1985 (as amended). S.124 stipulates, once a RTB1 is submitted. NFDC have 4 weeks to issue a RTB2 in response, either accepting or denying the Right to Buy. Where one or more of the tenant's qualifying years were held with a different landlord, this response period increases to 8 weeks.
5. Grounds for refusal are set out in S.121 of the Housing Act and include if a tenant or family member wishing to join to Right to Buy has:
 - Made a bankruptcy application that has not been determined or has a bankruptcy petition pending against him.
 - Is an undischarged bankrupt.
 - Has made a composition or arrangement with his creditors the terms of which remain to be fulfilled.
 - Is a person in relation to whom a moratorium period under a debt relief order applies.
6. There are also exceptions to the Right to Buy which are set out in Schedule 5 of the Act. The most common exception that arises for NFDC is that the property is particularly suitable, having regard to its location, size, design, heating system and other features, for occupation by elderly persons.
7. If a Right to Buy is admitted, under S.125 of the Housing Act NFDC then have 8 weeks for freehold and 12 weeks for leasehold properties to provide the offer of sale. This notice provides key information, such as the purchase price, any eligible discount and estimated service charge and major works costs for the next 5 years for leaseholders.
8. Anti Money Laundering considerations are not included within the Housing Act 1985 for the processing of a Right to Buy applications. These concerns will be dealt with in line with NFDC own Fraud and Anti – Money laundering strategy and this Right to Buy Policy.

9. The number of RTBs that have completed in the last 12 months is 42. However, we anticipate that these numbers will reduce significantly moving forwards. This increase was due to an influx of applications prior to the secondary legislation being enacted from the 21 November 2024, reducing the maximum capped discounts available.

Corporate plan priorities

10. This Right to Buy Policy best supports the Corporate Plan's People Priority 3: Meeting housing needs, by ensuring the council provides a compliant, transparent, and high-quality housing service for tenants, while enabling effective management of the housing stock in line with statutory responsibilities.

Options appraisal

11. No alternative options have been considered, as the Right to Buy process is set out in the Housing Act 1985 (as amended). This policy is intended to support the council in administering and processing Right to Buy applications in accordance with the statutory requirements.

Consultation undertaken

12. No formal consultation has been carried out. However, informal consultation has been conducted with our internal Legal Team and our Corporate Fraud and Compliance Officer to strengthen the policy to support aspects like Fraud and Money Laundering, which are not included in the Housing Act.
13. Following EMT further informal consultation is also taking place with our internal Information Governance Team, to ensure GDPR is adequately covered within this new RTB policy. The policy will be updated accordingly.
14. The draft policy has been sent remotely to the Tenant Involvement Group and the Tenant Advisory Panel, following approval from EMT, with any relevant feedback being amended within the policy before it is presented to Housing and Homelessness Portfolio Holder. Feedback can be provided to the Housing & Communities Overview & Scrutiny Panel on the 18 March.

Financial and resource implications

15. This Right to Buy Policy will strengthen the council's position when processing Right to Buy applications by providing a clear, consistent framework to support robust and defensible decision making.

16. The policy will help ensure that officers apply the legislative requirements accurately and consistently, reducing the risk of error, challenge, or avoidable financial loss.
17. There are no additional financial, HR, or procurement implications, as the operational resources required to administer the Right to Buy process are already in place within the Housing Service. The policy provides strengthened guidance and governance for existing staff rather than creating any new staffing or procurement need.

Legal implications

18. This Right to Buy Policy strengthens the council's position by reducing the risk of legal challenge, supporting transparent and defensible decision making, and ensuring compliance with legislative time frames and procedural requirements. The policy does not introduce any new legal obligations but consolidates and clarifies the council's approach to fulfilling existing statutory duties.

Risk assessment

19. There are no new or escalated risks arising from the adoption of this policy, as the procedures will be delivered by existing trained officers who are already responsible for administering the Right to Buy process. The policy therefore enhances governance and reduces exposure to challenge, rather than creating additional operational risk.

Environmental / Climate and nature implications

20. The introduction of a Right to Buy Policy is not expected to generate any direct environmental, climate, or nature-related impacts.

Equalities implications

21. The equality impacts arising from this policy are assessed as low. The Right to Buy scheme is governed by legislation, primarily the Housing Act 1985, which sets out the statutory rights and eligibility criteria for applicants. As a result, the council has limited discretion in how applications are processed.
22. The policy therefore helps to ensure that all eligible tenant, regardless of protected characteristic, can access a clear and transparent process, with appropriate support in place.

Crime and disorder implications

23. The Right to Buy scheme is governed by legislation, and the policy ensures consistent and compliant decision making. It does not affect

crime related risk factors or operational work linked to the prevention of crime or disorder.

Data protection / Information governance / ICT implications

24. Personal information relating to applicants is stored securely on the council's corporate systems in accordance with established data management principles and UK data protection legislation. This includes any additional financial evidence that may be requested by the council to complete anti money laundering checks, carried out in line with the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (MLRs) and the Fraud Act 2006.
25. No further data protection, information governance, or ICT implications arise from this report.

Conclusion

26. This Right to Buy Policy provides a clear and consistent framework for administering applications in line with legislation. It strengthens governance, supports robust and defensible decision-making, and helps protect the council's housing assets. With trained officers already in place, the policy enhances compliance and reduces risk without creating additional resource requirements

Appendices:

Appendix 1 – Right to Buy Policy

Background Papers:

None.