Homeownership Service
Right to Buy Policy
2026-2029

Service Area:
Homeownership Service

Policy Owner:
Homeownership Services Manager

Policy Category:
Statutory – Required to demonstrate compliance with landlord statutory duties, Regulator of Social Housing standards, Department for Levelling Up and Housing Ombudsman requirements.

Version controls:

Version	Category	Trigger	Review Cycle	Author	Date
1.0.	Statutory	Review	3 years	Homeownership Services Manager	01 May 2026

If you require this policy in another format or language, please contact the Housing Service by email **policy@winchester.gov.uk** calling **01962 848 400**.

Purpose

The Right to Buy (RTB) scheme, established under the **Housing Act 1985 (Part V – Right to Buy)**, as amended by subsequent legislation including the **Housing Act 1996**, gives eligible secure tenants the opportunity to purchase their Council home at a discount. Eligibility criteria and discount limits are reviewed annually in line with government guidance.

A tenant-friendly summary of this Right to Buy Policy is available on Winchester City Council's website.

As of April 2025, the maximum Right to Buy discount is set nationally by the Secretary of State and is subject to periodic review. The applicable discount cap will be the one in force at the date the RTB1 application is received.

Winchester City Council is legally required to administer the statutory Right to Buy scheme where eligibility criteria are met. This Right to Buy Policy sets out Winchester City Council's approach to managing RTB applications in accordance with the Housing Act 1985 (as amended), statutory guidance, and relevant financial regulations.

It ensures that secure tenants who meet the statutory criteria can exercise their Right to Buy fairly, consistently, and transparently. The Policy also sets out how the Council manages disputes, appeals, and situations where an application cannot proceed.

Its aims are to:

- Ensure the Council meets all legislative and regulatory obligations, Including the **Housing Act 1985 (Part V – Right to Buy)**, as amended by subsequent legislation including the **Housing Act 1996** and associated secondary legislation governing the Right to Buy.
- Provide eligible secure tenants with a fair, transparent, and accessible route to purchase their home
- Apply consistent checks to confirm tenant, property, and residency eligibility
- Maintain robust financial verification, fraud prevention controls, and valuation processes
- Ensure accurate and timely handling of applications, notices, and statutory timescales
- Enable clear communication with tenants, ensuring they understand their rights, responsibilities, and the implications of home ownership

Scope

This Right to Buy Policy applies to all Winchester City Council secure tenants who occupy a qualifying Council-owned property and meet the statutory minimum tenancy period (3 years).

The Policy covers:

- Secure tenants living in eligible Council housing
- Joint tenants where all parties meet statutory criteria
- Third parties providing gifted deposits or financial support, subject to verification
- Eligible family members applying for RTB
- All Council staff, contractors, valuers, and legal representatives involved in administering the RTB process

Activities covered by this Policy include, but are not limited to:

- Receipt and verification of RTB applications (RTB1)
- Statutory eligibility checks, residency checks, fraud prevention checks and review of tenancy status
- Financial assessment, including proof of funds and affordability verification
- Property valuation, preparation of the **Section 125 Offer Notice**, and explanation of the valuation and discount
- Management of appeals, disputes, and responses to tenant queries
- Legal conveyancing, completion of sale, and post-sale requirements
- Updates to Orchard, SharePoint, and statutory monitoring records
- Management of leasehold responsibilities for flats sold under RTB

Policy Statement

Winchester City Council is committed to delivering a fair, transparent, and accessible Right to Buy (RTB) service. The Council supports eligible secure tenants to exercise their statutory rights while ensuring that all legal, financial, and regulatory obligations are met.

The Right to Buy scheme is a significant statutory function and must be administered consistently, lawfully, and with high standards of communication and service delivery.

Service Standards and Communication

The Council will provide clear, timely, and accessible communication throughout the application and purchase process. Tenants will receive accurate information to support informed decision-making about home ownership, including eligibility criteria, financial implications, and statutory responsibilities.

Eligibility checks, property valuations, and discount calculations will be applied consistently, objectively, and transparently in accordance with legislation and internal governance arrangements.

Where tenants require additional advice, support, or reasonable adjustments, these will be considered in line with the Council's equality and accessibility commitments. Delivery of the RTB service relies on close collaboration between Housing, Legal, Finance, Valuation, and Fraud Prevention teams to ensure a coordinated and compliant approach.

Compliance and Financial Controls

The Council will comply with all statutory timescales, financial controls, and documentation standards set out in the **Housing Act 1985** and associated legislation. Robust verification processes will be applied to protect public funds and ensure the integrity of the scheme.

Managing Risk, Fraud and Irregularities

Where concerns, risks, or irregularities arise, fraud prevention and financial checks will be prioritised and escalated in accordance with corporate procedures. Applications may be paused or refused where statutory criteria are not met or where false or misleading information is identified.

Where all reasonable checks, engagement efforts, and due-diligence steps indicate fraud, non-eligibility, or misuse of the RTB process, the Council will take formal and proportionate action. This may include issuing refusal notices, recovering costs, or pursuing legal proceedings to protect public assets and uphold the law.

Overarching Policy Principles

Legislative Compliance

Winchester City Council will administer all Right to Buy (RTB) applications in full accordance with the **Housing Act 1985 (Part V)**, subsequent amendments, statutory instruments, Fraud and Anti Money Laundering legislation and current government guidance.

The Council will ensure that statutory timescales, decision-making requirements, and notice formats are consistently met across all RTB cases.

Consistency, Fairness and Transparency

The Council will ensure all applications are handled impartially, consistently, and in a transparent manner.

All eligibility checks, valuations, discount calculations, and decisions will be applied in line with legislation and internal governance arrangements.

Information, Advice and Informed Decision-Making

The Council will maintain clear, accessible information for tenants outlining eligibility criteria, application steps, statutory timelines, delay procedure, financial implications, and the responsibilities associated with home ownership.

Tenants may seek independent advice from organisations such as Citizens Advice, mortgage advisers regulated by the Financial Conduct Authority, or independent solicitors.

Financial Verification and Due Diligence

Applicants must provide evidence of mortgage agreement in principle (where applicable), independent funding, gifted/inherited funds, or cash purchase arrangements.

The Council will undertake proportionate fraud-prevention checks, including verification of identity, residence, and financial circumstances.

Valuation and Offer Notice

An independent, RICS professionally qualified valuer will complete market valuations for all RTB properties.

The Section 125 Offer Notice will set out the purchase price, discount applied, structural and service charge information (for flats), and all other statutory terms of sale.

Repairs, Improvements and Property Condition during the RTB Process

Once the Section 125 Notice has been issued, only emergency or legally required repairs will be carried out to the property. This does not create any obligation on the Council to improve or enhance the property prior to sale. This does not affect the Council's duty to comply with statutory health and safety obligations, including gas, electrical, fire and building safety requirements.

Planned improvements, non-essential works, and capital investment schemes will usually be paused until the application concludes.

Delay procedure

If the Council misses key statutory deadlines in issuing the RTB2 or Section 125 Notice, tenants may serve a Notice of Delay in accordance with legislation. If delays continue, rent paid during the delay period may be deducted from the purchase price. The delay procedure does not apply where delays are caused by tenant inaction or failure to provide required information.

Appeals and Dispute Resolution

Applicants dissatisfied with the valuation may request a District Valuer determination in line with statutory guidance.

The District Valuer's decision is final and binding on both parties.

All other disputes will be managed through clear internal review routes, statutory notices, and formal appeals processes.

Withdrawal and Re-Application

Applicants may withdraw their application at any time by providing written confirmation.

Re-applications require submission of a new RTB1 form, and a new valuation will be undertaken.

Eligibility for the Right to Buy

To qualify for the RTB, applicants must:

- Hold a current secure tenancy with Winchester City Council
- Have a minimum of three years' qualifying public sector tenancy
- Occupy the property as their only or principal home
- Occupy a property that is not subject to a statutory Right to Buy exemption under the Housing Act 1985

- Live in a self-contained dwelling

Certain court orders, bankruptcy restrictions, possession proceedings, or statutory suspension notices may affect eligibility in accordance with the Housing Act 1985.

Joint Tenancies and Family Members

All joint tenants must agree to participate and must sign the RTB1 form.

Family members may join the application where they have lived at the property as their main home for at least 12 months prior to receipt of the application and can evidence residency and identity.

Court-ordered restrictions (e.g., family law provisions) will be taken into account when determining eligibility.

Property Exemptions

Certain property types are exempt from the RTB, including but not limited to:

- Designated elderly persons' accommodation (over 55)
- Sheltered or Extra Care properties
- Properties designed or adapted for disabled residents
- Supported housing, mental health accommodation or group dwellings
- Homes subject to approved demolition plans

These exemptions will be applied strictly in accordance with legislation.

Leasehold Sales and Flats

Where the RTB results in a leasehold disposal, the Council will issue a standard 125-year lease, or such other term as may be required by legislation or mortgage lender requirements at the time of sale.

The Section 125 Notice will include:

- The market value based on the date the RTB1 was received by the landlord
- Any improvements disregarded (Section 127 of the Act)

- The discount amount to which the tenant is entitled.
- Estimated annual service charges
- 5-year forecast of maintenance and major repair work to the block
- 5-year forecast of improvements to the block
- Service charge liability arrangements
- The notice of intention (HA2 form, Section 125D of the Act)

Valuations will be undertaken by an independent valuer appointed through the Council's Homeownership team.

Applicants may request a District Valuer redetermination within the statutory timeframe.

The District Valuer's determination is final and binding.

Right to Buy Discounts

Statutory discounts will be applied in line with legislation:

- Houses/Bungalows: 35% after 3 years, increasing by 1% per additional year up to 70%
- Flats: 50% after 3 years, increasing by 2% per additional year up to 70%
- Maximum monetary discount: As set annually by the Secretary of State (current cap at time of publication: £38,000).
- Cost Floor rules may reduce or eliminate discount where investment in the property exceeds market value

Previous discounts may affect the sale price where one or more of the applicants has previously benefitted from a discounted sale on another property either with WCC or with another public sector landlord.

Example:

A tenant living in a house for 5 years with a market value of £200,000:
35% after 3 years + 2% for 2 additional years = 37%
£200,000 × 37% = £74,000 discount
Purchase price = £126,000
(Subject to maximum discount cap and cost floor rules)

Additional Provisions

Demolition: Initial and Final Demolition Notices will suspend or end RTB eligibility in line with statutory provisions.

Completion requirements: Legal completion will only occur once all outstanding fraud checks, debts or obligations have been satisfied.

Resale restrictions:

- Discount repayment required if sold within 5 years
- Property must be offered back to the Council for first refusal within 10 years

Legal Enforcement

Winchester City Council may take legal or administrative action at any stage of the Right to Buy (RTB) process to ensure compliance with statutory requirements, protect public funds, and safeguard the Housing Revenue Account (HRA). Enforcement action will always follow due process, be proportionate to the circumstances, and comply with relevant legislation, regulatory standards, and Council policies.

Withdrawal or Refusal of Applications

The Council may refuse or withdraw an RTB application where statutory conditions are not met or where the integrity of the application is in doubt.

Where an application is refused or withdrawn, the Council will issue a formal written notice in accordance with statutory timescales, clearly setting out the reasons and next steps.

Anti-Fraud and Financial Verification

The Council has a legal duty to prevent fraud, money laundering, and misuse of public funds. The Council will:

- Investigate all applications where fraud is suspected.
- Request additional documentation
- Undertake checks with external bodies

- Suspend or cancel applications where evidence indicates false statements, illegal subletting, non-occupation, or financial irregularities.
- Pursue criminal or civil action where there is sufficient evidence of fraud.

This process will be carried out in conjunction with the Prevention and Investigation of Fraud Procedure. Where evidence indicates fraud, non-eligibility, or misuse of the Right to Buy process, the Council may take formal action

Recovery of Discount

The Council is entitled to recover the discount where a property is sold or otherwise disposed of within the statutory repayment period in accordance with the Housing Act 1985. Recovery may be enforced through:

- A legal charge registered against the property title at HM Land Registry.
- Legal proceedings to recover outstanding sums where repayment is not made voluntarily.
- Enforcement of statutory repayment provisions on resale or disposal.
- Withholding consent to a disposal where statutory requirements apply.

Enforcement of Leaseholder Obligations

Where a property is sold as a leasehold under the RTB, the purchaser becomes a leaseholder subject to the terms of the Council's standard lease.

Compliance With the Building Safety Act 2022

For leasehold properties within higher-risk or high-rise buildings:

- Leaseholders may be required to contribute to building safety costs as permitted under the Building Safety Act 2022 and associated regulations.
- If you buy a flat, you become a leaseholder. This means you may need to contribute to the cost of maintaining the building, including major repairs and safety works. These costs can sometimes be significant.
- The Council may recover building safety charges or pursue enforcement where leaseholders fail to comply with safety-related obligations.

- Exemptions and statutory caps will be applied in accordance with the legislation.

Recording and Monitoring

The Council will monitor RTB activity, including applications, completions, refusals, withdrawn cases, timescales, and compliance with statutory duties. All RTB records will be held securely and maintained in accordance with the Council's Data Protection Policy and corporate retention schedules.

Decision-making, notices, valuations, and legal documents will be recorded to support audit, transparency, and statutory reporting.

Compliance performance will be monitored through:

- Monthly/Quarterly Service Area performance reviews
- Housing Leadership Board (HLB) reporting
- Resident Scrutiny reviews
- Learning from complaints and resident feedback

Resident Involvement

This policy has been reviewed by and will continue to be reviewed in consultation with Residents, in line with Winchester City Council's Tenant Participation and Influence Plan.

Feedback gathered through surveys contributed to this final version. A summary of consultation feedback and responses is available on request

For further information on how to be involved please visit our webpage.

Winchester City Council Complaints Policy

Complaints will be handled in line with Winchester City Council's Housing Complaints Policy and the Housing Ombudsman Complaint Handling Code, which set out a clear, fair, and accessible process for resolving complaints.

You can make a complaint in any of the following ways:

- By completing the online complaints form
- By email to: customerservice@winchester.gov.uk
- By telephone: 01962 848 400
- In writing to: Winchester City Council, Colebrook Street, Winchester, SO23 9LJ
- By speaking directly to any council officer

If you remain dissatisfied after our response, you can escalate your complaint to the **Housing Ombudsman**, an independent service that reviews housing complaints across England. We aim to make the complaints process straightforward, fair, and transparent.

Information Management and Data Protection

When you report a problem, we record it on our secure housing case system. We only collect and share information that is relevant, necessary, and proportionate. We follow the Data Protection Act 2018, UK GDPR, and the Council's Data Protection and Privacy Policy.

Sometimes we work with other agencies (for example, our contractors). We will only share your information with them if it is safe, legal and will help protect people or resolve the issue.

Equality, Diversity and Inclusion

Everyone has the right to be treated fairly and feel safe in their home. The Council will consider individual circumstances and provide additional support where vulnerabilities or accessibility needs are identified.

An Equality Impact Assessment (EIA) has been completed for this policy.

Relevant Legislation

This policy is underpinned by the following key legislation:

- Housing Act 1985 (Part V Right to Buy), as amended by subsequent legislation including the Housing Act 1996.
- Housing (Right to Buy) (Cost Floor) Order 1999
- Housing (Right to Buy) (Information to Secure Tenants) Regulations 1980

- The Housing (Right to Buy) (Prescribed Forms) Regulations
- The Housing (Right to Buy) (Service Charges)
- Leasehold Reform, Housing and Urban Development Act 1993
- Commonhold and Leasehold Reform Act 2002
- Building Safety Act 2022
- Equality Act 2010
- Data Protection Act 2018
- Local Government Act 1972 / 2000

Regulatory Framework

The following regulatory standards inform the delivery of this policy:

Regulator of Social Housing – Consumer Standards (April 2024):

- Tenancy Standard
- Transparency, Influence and Accountability Standard
- Neighbourhood and Community Standard
- Home Standard / Safety and Quality Standard

Related Documents

This policy should be read alongside the following:

- Tenancy Agreement (Secure Tenancy Rights and Obligations)
- Corporate Asset Management Strategy
- Disposals Policy / Housing Revenue Account (HRA) Business Plan
- Leasehold Management Policy
- Service Charge Policy
- Data Protection Policy / Privacy Notices
- Complaints Policy
- Housing Services Tenancy Fraud Policy
- Equality, Diversity and Inclusion Policy

Policy Review Date

We review this policy and our approach every three years, or sooner if the law or best practice changes. The Service Manager for Income Services has strategic oversight. Monitoring is supported by the Homeownership Services Manager. It is monitored through quarterly service performance reviews, including case audits, learning from complaints, and resident feedback.

All housing staff are trained on safeguarding, equality and legal powers, and they regularly update their training to keep residents safe.

Glossary of Terms

Right to Buy (RTB)

A statutory scheme under Part V of the Housing Act 1985 which allows eligible secure tenants to purchase their council home at a discount, subject to qualifying conditions and statutory limits.

Secure Tenant

A tenant holding a secure tenancy under the Housing Act 1985, which is a key eligibility requirement for the Right to Buy.

Qualifying Period

The minimum period of public sector tenancy required to be eligible for the Right to Buy, currently three years, which may include qualifying tenancies with other public sector landlords.

RTB1 (Right to Buy Application Form)

The prescribed form used by a tenant to formally apply to purchase their home under the Right to Buy.

RTB2 (Notice of Landlord's Decision)

The statutory notice issued by the Council confirming whether the tenant has the Right to Buy and whether the property is eligible.

Section 125 Notice (Offer Notice)

The formal legal offer issued by the Council setting out the purchase price, discount applied, property details, and estimated service charges.

Right to Buy Discount

The statutory reduction applied to the market value of a property when purchased under the Right to Buy, subject to qualifying period, property type, cost floor calculation and the maximum discount cap set by the Secretary of State.

Discount Cap

The maximum financial value of the Right to Buy discount, set nationally by the Secretary of State and subject to periodic review.

Statutory Exemption

A property or tenancy type that is excluded from the Right to Buy under the Housing Act 1985, such as certain sheltered housing, dwellings for persons of pensionable age, adapted properties, or homes held for specific housing purposes including dwellings for disabled persons.

Market Value

The open market value of the property, assessed by the District Valuer, assuming vacant possession and disregarding the tenant's occupation.

District Valuer

An independent valuer appointed by the Valuation Office Agency to determine the market value of a property where the tenant disputes the Council's valuation.

Notice of Delay

A statutory notice that may be served by a tenant where the Council has failed to meet key Right to Buy timescales, which may affect the level of discount applied.

Notice to Complete

A formal legal notice requiring the completion of the purchase within a specified period, which may ultimately lead to the application being cancelled if completion does not take place.