

Repayment of Right to Buy Discount

Frequently Asked Questions

How much Right to Buy discount do I have to repay?

Our Legal Services Team can help you; they will calculate how much you need to repay to the Council in accordance with the Right to Buy Legislation.

You can contact Legal Services on (01206) 282216 or their address details are at the end of this sheet.

What happens if I cannot afford to repay the Right to Buy discount owed?

The Council will only consider waiving repayment of discount in full or in part in accordance with the Council's policy and the guidance issued by the ODPM. There are only certain circumstances where the Council might be justified not to require the repayment of the Right to Buy discount either in full or in part. The policy sets out things the Council has to consider before making a decision, this includes establishing and evidencing the facts that justify the move and that the move could not take place unless part or all of the repayable discount were waived. In addition the Council will take into consideration whether requiring the owner to repay the discount would lead to demonstrable financial hardship. The final decision about whether to waive in full or in part the repayment of discount is made by the Housing Asset Manager.

What do I need to do if I cannot afford to repay the Right to Buy discount owed?

Step 1

Please read the relevant Policy and this frequently asked questions fact sheet.

Step 2

You should then complete the online enquiry form.

Step 3

Once we receive your initial enquiry we will contact you by phone to discuss your application.

Step 4

If you then wish to proceed we will require a non-refundable payment of £240 including VAT, for the administration of your request. Some additional information will also be required in order for us to proceed.

Step 5

Additional information required:

- Why you need to sell your property
- Why you cannot afford to repay some or all of the discount owed
- Provide evidence to support your case, this could be
 - From the police
 - A doctor or psychiatrist
 - Or an employer
- Provide financial evidence, this could include
 - Gross income
 - Mortgage application
 - Mortgage offer
 - Estate agent fees
 - Solicitor fees
 - Stamp duty
 - Savings and investments
 - Other regular outgoings

What happens once I have sent my request, sent all the relevant documentation and paid my fee?

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.

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 Housing Asset Manager will decide whether to waive the discount in full or in part or to turn down your request. We aim to have a decision within 8 weeks of receipt of your enquiry.

What happens once a decision is made?

If the decision is to waive the repayment of discount in full or in part we will write and tell you. Our Legal Service will then contact you to finalise the arrangements.

If the decision is not to waive the repayment we will write to let you know. Our Legal Service will then contact you to make arrangements for the repayment of discount should you wish to continue with the sale of your property.

Can I appeal?

Yes, you must make your appeal in writing within 28 days of the date of the decision letter giving specific grounds for your appeal and whether it is regarding the policy or the procedure. You should supply additional information/evidence to support your appeal, we are unable to accept an appeal without this.

We aim to acknowledge your appeal within 5 working days of receipt and to provide an appeal decision within 8 weeks of receipt of your appeal.

Where the appeal is in respect of how the policy and procedure have been applied a Senior Officer will investigate the case and respond. Appeals against decisions will be considered by the Head of Commercial Services. If you are not satisfied with the reply given by the Head of Commercial Services, the appeal will be referred to the Councils Executive Management Team who will review the handling of the case and respond in writing within 4 weeks with a final decision. There is no further internal appeal and the next stage would be the Local Government Ombudsman.

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

I'm afraid not. The Council has legal obligations in the recovery of Right to Buy discount.