

EPSOM AND EWELL BOROUGH COUNCIL

DECISIONS/ACTIONS TAKEN IN CONSULTATION WITH COMMITTEE CHAIR

Officer requesting authorisation: Arjan de Jong

Date of request: 15/04/26

Committee concerned: Community & Wellbeing

Subject: Homelessness and Housing Reviews

Reason why this decision/action cannot wait until the next scheduled committee: Following the end of the previous contract for this statutory review service in December 2025, an Urgent Decision is required to appoint Turning Point as our review service provider to avoid the risk of the Council being exposed to incurring unnecessary housing costs, and scarce resources being allocated in an unsound way. It would be reasonable to expect the number of requests for a statutory review during 2026/27 to be between four to ten during the year.

When the decision/action is needed by: 17/04/26

Proposed action/decision:

Decision -

- (1) Approve the award of a contract for the conduct of reviews of allocation and homelessness decisions to Turning Point Limited for a period of 1 year with an option to extend for a further period of 1 year;
- (2) Nominate and authorise to Turning Point Limited the Council's statutory functions pursuant to the provisions of s166A(9) and s202 of the Housing Act 1996 to perform reviews of decisions made either regarding the suitability of accommodation offered s166A(9) or as the result of a decision upon a request for assistance as homeless s202, and
- (3) To nominate and authorise the Head of Housing and Communities, in consultation with the Head of Legal, to finalise the terms of the proposed Service Level Agreement and authority to enter into it on behalf of the Council.

Rationale -

As part of the Housing and Homelessness service, any applicant for housing has a statutory right to have certain negative housing decisions reviewed independently of those who made the original decision. This can occur when the officer's decision is that no main housing duty is owed to an applicant.

Some larger councils perform these reviews internally, but this option is not available to EEBC as the team is too small and there isn't the necessary separation from those making the original decision. Instead, we have in the past used an external provider to carry out our reviews. The most recent provider ceased doing so in December 2025. In preparation for this, from the Autumn 2025, officers have been exploring other options, including using other local councils, or securing another provider, but without success. The work involved in reviewing decisions is of low value (<£5k a year) and not that attractive to providers and, in addition, there are very few providers of this service.

Recent negotiations with a potential provider were protracted as the Service Level Agreement (SLA) offered to the council was not considered to be fit for purpose and our lawyers had to draft our own SLA, the terms of which could not be agreed, and we needed to start again. Officers have now found another provider, TurningPoint, who as recently as 9th March 2026 have agreed to the terms, meaning, subject to a decision being made, we are now in a position to agree the SLA and start using their services to review Housing Officers decisions.

There is some jeopardy in not having a review process in place, as it exposes the council to the risk of having to accept a long-term housing duty to households who would not otherwise qualify and where we would normally make a negative decision which would be upheld on review. This would result in them not being able to access accommodation - and save the council money. In practice reviews of the original decisions often confirm the original decision as being sound. Without a review service in place, the risk is that the council cannot make negative decision and as a result the applicant will gain access to scarce social housing, in perpetuity, denying a qualifying local household access to the accommodation. The financial cost of not being able to review negative decisions, even for a few months, could be substantial and ongoing as the applicant would be able to continue to live in the accommodation given. We are aware of two applicants approaching the stage where a review may be requested plus a further applicant who officers consider will be likely to seek a review. So, there is a degree of imminent risk with a high risk of an appeal being lodged with a deadline for determination before early June 2026.

The search for a replacement service provider has taken much longer than anticipated. Officers have been trying to avoid the need for the UD process and were anticipating being able to ask for a decision at Community and Wellbeing Committee either in November 2025 or early in 2026. However, without a provider in place until now this has not been possible. The next scheduled C&W Committee is not until 7th July 2026 and the earliest an extra-ordinary C&W could occur would be early June 2026 Either of these options would expose the council to significant risk.

Up until April 2026 the Housing Service has not received any formal requests for a statutory housing review which is unusual and not expected to continue. On that basis I believe an Urgent Decision to appoint Turning Point as our review service provider is justified and avoids the risk of the council being exposed to incurring unnecessary housing costs, and scarce resources being allocated in an unsound way.

Finance consulted: Yes

Finance comments: The cost of this service can be met from existing budgets and will mitigate the risk of significantly higher and ongoing housing and temporary accommodation costs.

Legal consulted: Yes

Legal comments: The Council has statutory functions under Parts VI and VII the Housing Act 1996 in relation to allocation of social housing and assistance of the homeless: they include the function of carrying out reviews of decisions under the Homelessness Reduction Act 2017. Failure to discharge our statutory duties could expose the Council to legal challenge and pose a significant financial and reputational risk to the Council.

By the Local Authorities (Contracting Out of Allocation of Housing and Homelessness Functions) Order 1996 ("the Order") the Council is permitted to contract out those functions (including the review function) to a third party provided that any such contract is (i) for no more than 10 years and (ii) subject to revocation by the Council forthwith.

Considered the following (Para 3.2 Appendix 2 of the Council's Constitution).

Consultation views: Chair of C&WB supports actions (email 01/04/26)

Range of options considered: Considered operating without a statutory review service in place. This was discounted as the risks associated with not being able to perform a statutory housing review within statutory timescales were considered unacceptable including reputationally and financially. The option to perform the reviews using existing staff resources. This was discounted as there is no suitably experienced and impartial senior member of staff able to perform the statutory review of an original housing decision.

Staffing, financial, and legal implications: No staffing implications. Financial implications significant and detailed above. Legal implications require an appropriate review service within statutory timescales.

Policy framework, equalities, climate change or wellbeing implications: None

Risks: Financial risks as described above.

Other guidance: None

Constitution, contract and financial procedures and regulations: Appendix 2 and 5, and Annex 4-1 of the Council's Constitution,

The need to secure Best Value: Not applicable to this decision

Chair and/or Vice Chair consulted: Yes

Date: 1st April 2026

Views of the Chair and/or Vice Chair:

Please ensure a detailed explanation is set out on the UD form.
Happy to proceed with this for the reasons set out

Name: Clive Woodbridge

Date: 1st April 2026

Decision/action authorised by:

Signature:



Date: 17/04/26