

## Notice of Non-key Executive Decision

<b>Subject Heading:</b>	Allocations Scheme 2024 – legislative revision
<b>Decision Maker:</b>	Patrick Odling-Smee – Director, Living Well
<b>Cabinet Member:</b>	Cllr Natasha Summers, Lead Cabinet Member for Climate Change and Housing Need
<b>SLT Lead:</b>	Barbara Nicholls, Strategic Director, People
<b>Report Author and contact details:</b>	Kwabena Obiri, Housing Choice & Applications Manager, 01708 433 158
<b>Policy context:</b>	Allocations Scheme – This is a minor revision of the Council’s Housing Allocation Scheme (2024) to ensure that all available Council housing is allocated consistent, fair and in compliance with all current legislation and regulatory requirements.
<b>Financial summary:</b>	Financial risks include fines and costly legal challenges if not implements
<b>Relevant Overview &amp; Scrutiny Sub Committee:</b>	People OSSC
<b>Is this decision exempt from being called-in?</b>	<i><b>The decision will be exempt from call in as it is a Non key Decision</b></i>

**Non-key Executive Decision**

**The subject matter of this report deals with the following Council Objectives**

People - Things that matter for residents      x

Place - A great place to live, work and enjoy

Resources - A well run Council that delivers for People and Place.

## **Part A – Report seeking decision**

### **DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION**

We would like a decision to approve revisions to the Council's Allocations Scheme following Cabinet approval of the Scheme on 15th May 2024. The revisions account for legislative changes that are required to be implemented by law as well small changes that enable sufficient operational management of the scheme and related policies. It is recommended that these revisions are approved to enable the Council to operate a lawful scheme and protect from legal challenges.

### **AUTHORITY UNDER WHICH DECISION IS MADE**

#### **Part 3.3.4**

##### **2. Living Well**

2.1 To exercise the powers / functions and to carry out the duties of the Council under all relevant housing legislation including (but not limited to) the Housing Act 1996 and any other applicable legislation as introduced by central government from time to time.

2.2 The delegation above shall apply to all housing requirements, including but not limited to, homelessness, adaptations, relocations, temporary accommodation, right to buy, housing allocation and housing strategy. The delegation shall also include the right to grant, accept, extend, surrender or otherwise deal with any leasehold interests.

### **STATEMENT OF THE REASONS FOR THE DECISION**

Following a review of the Council's housing allocation scheme approved in May 2004 a series of legislative changes under [The Allocation of Housing \(Qualification Criteria for Victims of Domestic Abuse and Care Leavers\) \(England\) Regulations 2025 - Explanatory Memorandum](#) have now come into effect. These changes require Councils to make exception on residency tests for victims of domestic abuse and care leavers within the allocation schemes. In response, the Council proposes to amend its scheme to reflect this change in legislation. These changes are noted in sections 2.3 (iii) and 9.4.1.

### **OTHER OPTIONS CONSIDERED AND REJECTED**

As a legislative requirement these revisions are required to ensure that the Allocations Scheme is lawful and protects the Council from legal challenge and reputational damage.

Other considerations taken were an amendment of the Council's existing allocation scheme. It was decided that with the implementation of the new scheme imminent such changes should be done in line with the new scheme.

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**PRE-DECISION CONSULTATION**

No formal consultation with the public is required however a statutory consultation was carried out prior to the new Allocation Scheme being approved.

**NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER**

Name: Kwabena Obiri

Designation: Housing Choice & Applications Manager

Signature:   
23/09/2025

Date:

## **Part B - Assessment of implications and risks**

### **LEGAL IMPLICATIONS AND RISKS**

The Allocation of Housing (Qualification Criteria for Victims of Domestic Abuse and Care Leavers) (England) Regulations 2025 (at regulation 2) prescribes a new criterion which local housing authorities in England may not use when deciding what classes of persons do not qualify for an allocation of housing. Regulation 2(3)(a) provides that a local housing authority may not apply a local connection test to a person who is or has been a victim of domestic abuse and who needs to move for reasons connected with that abuse (including from accommodation initially occupied on a temporary basis). Regulation 2(3)(b) provides that a local housing authority may not apply a local connection test to either an eligible child, a relevant child or a former relevant child aged under 25 (these are care leavers aged 16 to 24 who have spent a period of, or periods amounting to, at least 13 weeks in care in England or Wales since their 14th birthday, of which at least one day was since reaching the age of 16)

### **FINANCIAL IMPLICATIONS AND RISKS**

This decision paper seeks approval for revisions to the Council's Housing Allocations Scheme, following Cabinet approval of the original scheme on 15 May 2024. The proposed changes are necessary to ensure compliance with recent legislative amendments.

Whilst there are no direct financial implications associated with implementing these revisions, the changes may lead to an increase in the number of eligible applicants. This, in turn, could place additional pressure on temporary accommodation budgets and result in longer waiting times for applicants on the housing register.

### **HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)**

There are no human resources implications or risks from this decision.

### **EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISK**

See enclosed EQIA assessment.

### **ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS**

No risks identified.

**Non-key Executive Decision**

<b>BACKGROUND PAPERS</b>
<b>None</b>

<b>APPENDICES</b>
<b>Appendix A – <i>EQIA – Housing Allocation Scheme 2024</i></b>
<b>Appendix B - – Housing Allocation Scheme 2024 v8</b>

**Non-key Executive Decision**

**Part C – Record of decision**

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

**Decision**

Proposal agreed

**Details of decision maker**

Signed



Name: Patrick Odling-Smee

Cabinet Portfolio held:

CMT Member title:

Head of Service title

Other manager title:

Date: 25/09/2025

**Lodging this notice**

The signed decision notice must be delivered to Committee Services, in the Town Hall.

**For use by Committee Administration**

This notice was lodged with me on \_\_\_\_\_

Signed \_\_\_\_\_