

## The SLCNG response to the consultation paper *Housing Benefit Sanctions and anti-social behaviour.*

The Social Landlords Crime and Nuisance Group (SLCNG) is the leading *housing* based group focussing on nuisance and anti-social behaviour. We have some 225 members, 100 local authorities and the remainder registered social landlords, representing some 3 million tenancies.

**The SLCNG welcomes the government's aim to reinforce responsibilities and tackle ASB and agree that what counts is what works. We remain to be convinced that tackling ASB through the benefit system will work rather than achieve the perverse outcomes of further social exclusion for the individual and increased arrears for social landlords.**

Members of the SLCNG may have responded to the consultation paper individually, many of them have copied their response to us.

Page	Section	The SLCNG view
1	Introduction	The SLCNG welcome the important recognition of the impact anti-social behaviour (ASB) has on individuals and communities. We do not accept that Housing Benefit sanctions are an appropriate tool to tackle ASB.
2-4	Tackling ASB the wider context.	The SLCNG have worked long and hard to raise the profile of tackling ASB, and have welcomed many recent government initiatives. We generally accept the points made from 5-14.
4	Our objectives	Appear laudable but in our view are undeliverable through the Housing Benefit System.
4-5	The key principles for success.	What counts is what works is a mantra of the SLCNG and fundamental to our organisation. We challenge that HB sanctions will work for the following reasons: <ul style="list-style-type: none"> <li>✓ It would NOT be capable of being applied quickly and decisively.</li> <li>✓ It would NOT act as a deterrent – seriously anti-social tenants are unlikely to be concerned about prompt payment of rent.</li> <li>✓ It is most unlikely to be fair and be seen to be fair.</li> <li>✓ It would be neither practical nor usable - indeed the idea of imposing further burden on the over stressed HB system is the most often quoted objection of our members.</li> <li>✓ It would NOT reduce social exclusion as claimed our view is that it would certainly increase social exclusion.</li> <li>✓ To achieve compatibility with the European Convention on Human Rights would seem to require the proper appeals procedure mentioned at 18. To achieve this without creating a need for excessive extra bureaucracy and reduce the capacity of the measure to be either quick or decisive.</li> </ul>
5	Essential components.	Early intervention and good lettings procedures – including detailed explanation of the <i>Conditions of Tenancy</i> - are essential to good housing management practice. Many tools to tackle ASB are now available to social landlords and we welcome the ASB Bill and other Government initiatives. Key is to ensure that <i>all</i> rather than some social landlords are using them. Further the experience of Registered Social Landlords who own and manage properties in more than one local authority and or Constabulary area report the hugely varied implementation of the Crime and Disorder Act Section 17. This strongly influences their ability to tackle ASB.
5-8	Proposals.	The SLCNG finds the principle of tackling ASB through the Housing Benefit system to be fatally flawed. We are not prepared to consider alternative methods of implementing a bad proposal.

**The SLCNG response to the consultation paper  
*Housing Benefit Sanctions and anti-social behaviour.***

**Many social landlords have grave concerns about the  
proposal(s) and would wish to see the proposal(s)  
aborted. The reasons for this considered view are:**

- ✓ The proposal is organisationally complex, administratively onerous and will not deliver the relief which it intends. For example, the Housing Benefit system nationally is under severe strain and is ill equipped to cope with the additional pressures which the proposal would demand of it.
- ✓ If enacted, it is anticipated that the proposal will result in increased indebtedness for tenants and irrecoverable debts to the landlords.
- ✓ The proposal will impact negatively on landlord's performance (e.g. as measured by the Housing Corporation and Audit Commission).
- ✓ In some cases - possibly more so in the private rented sector - the proposal is likely to increase homelessness in addition to overburdening the Courts system and increasing the legal costs of landlords.
- ✓ The proposal(s) is also considered to be inequitable in that it targets only those who are in receipt of Housing Benefit. Why, if the principle is correct, should not alternative or additional benefits be targetted, such as Council Tax Benefit, Family Tax Credit etc?
- ✓ It is anticipated that the proposal(s) would be expensive to resource and it is questionable if the relevant authorities have sufficient capacity to cope in this regard. Additionally, the likelihood of having to maintain a Human Rights Act compliant appeals system and the threat of Judicial Review and like legal challenges are indicative of the impracticality of the proposal(s).
- ✓ The proposal(s) is unlikely to impact on the more serious cases of anti social behaviour reported by landlords. Of the civil actions taken by social landlords (Whitefriars) to abate anti social behaviour, a Housing Benefit sanction could have been applied in a minority of cases only. This is because either the tenants were not in receipt of Housing Benefit or the behaviour was perpetrated by a non tenant (or member of the tenant's household, including visitors).
- ✓ Social landlords would wish also to guard against the possibility that a Housing Benefit sanction might be applied as an alternative or interim remedy or response to anti social behaviour to that sought by the landlord or local authority. Similarly, might the Courts be required to take account of the application or non application of the proposed sanction as part of its test of reasonableness in relation to possession proceedings?

In summary terms, the view is that the proposal(s) is unwieldy, unworkable, unnecessary and, most importantly, will not be deliver relief to those suffering directly the effects of anti social behaviour.

**Tim Winter**  
**National Organiser**  
**Social Landlords Crime and Nuisance Group**  
**10<sup>th</sup> July 2003.**