

**POLICY CO-ORDINATION
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**CENTRAL POLICY GROUP
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HOUSING BENEFIT SANCTIONS AND ANTI SOCIAL BEHAVIOUR

Report of the Director of Finance

The Government has released this consultation paper and are seeking views from stakeholders by 12 August 2003 (copy attached).

The tone of the covering letter signed by the minister (Andrew Smith) strongly suggests the government are prepared to move on this and give local authorities powers to apply a housing benefit sanction in cases where the recipient, or their families, are causing persistent disruption through anti social behaviour to neighbours and communities.

GOVERNMENT OBJECTIVES

- For housing benefit sanctions to provide a workable measure that could be applied swiftly and fairly in response to anti social behaviour.
- For the sanction to act primarily as a deterrent
- A means of imposing a penalty on those who are not deterred
- For authorities who are charged with tackling anti-social behaviour to have the widest range of useful tools at their disposal to deal with it
- To reduce, not increase social exclusion. The government's view is that victims of anti-social behaviour can also be at risk of exclusion if it is not dealt with
- For the sanction to be compatible with the European Convention on Human Rights

PROPOSALS

Option 1

For housing benefit sanctions to be applied after a Criminal Court convicts a person for an anti-social behaviour offence.

Option 2

For the local authority to determine cases of anti-social behaviour and then notify the housing benefit service to apply the sanction.

COMMENTS

- Members will need to take a view whether additional powers given to local authorities to address this increasingly serious problem should be welcomed.

- Why only tenants? Why not include owner occupiers? The sanction could include council tax rebate against owner occupiers.
- If put into practice, there would be some concerns of the impact on housing benefit front line staff who will be the first port of call when the benefit sanctions are put in place.
- If the power to impose were to be given to local authorities, option 2 would be more practical and therefore effective, rather than having to go through the court process. Those affected could be given due protection through a robust appeals process. The appeal should be against the decision to impose a sanction and not against the reduction in housing benefit itself.
- Local authorities should be able to keep the housing benefit subsidy to pay the costs for their anti social behaviour teams.
- Reducing sanctions because of hardship e.g. pregnancy. The government would need to be very careful if this were to be included. Defining hardship is difficult to capture all circumstances - the very fact that the people are on benefit by definition means they are encountering hardship. Giving local authorities the discretion to impose a sanction of say between 25% and 75% would be better by leaving it to the judgment of the Anti Social Behaviour Officer on an 'each case on its merits' basis.
- Private landlords would probably object to the government's proposals because in practice these tenants will very probably be in arrears and the landlords will be receiving direct payments. Reducing their direct payments or creating a non payment position will not go down well where landlords are probably already going through the expense of eviction proceedings. It will be very important to give private landlords early notice of intention on this basis to give them time to do something about the problem themselves.

CONCERNS

- Housing benefit sanctions may be seen as the primary remedy for dealing with anti-social behaviour as the easy option to prosecution.
- Before imposing a sanction the legislation should give the person an opportunity for his/her behaviour to improve.
- People who commit anti social behaviour are often from the most vulnerable area of society, and leaving them with rent arrears and possible eviction could have the effect of excluding them from society even more, and push the problem to another part of society.
- If introduced the sanction should run in parallel to other levels of support for the offender and exploring other ways of reducing anti-social behaviour should continue such as mediation, and encouraging better parenting.
- Reduction of housing benefit should be invoked only after other measures have been unsuccessful. It should not be seen as the first option just because it is the easy option.

OBSERVATION

An interesting observation that should be included in our response to the consultation is the DWP's acceptance that "virtually all social landlords, and the majority of private landlords, have their tenants' housing benefit paid direct to them".

This contradicts the government's view that over 40% of tenants are being paid their housing benefit entitlement direct to themselves rather than to landlords. This is a key administrative change in the 10 pathfinder authority areas where **ALL** tenants are to be paid their housing benefit entitlement direct. The government did not see this as being a big issue - perhaps they now realise that this might be a bigger change than they first thought?