EXECUTIVE SUMMARY

1.0

The purpose of this report is to seek Members views on participation in a pilot scheme for the removal of Housing Benefit Support for tenants who continue to participate in anti-social behaviour.

1.2 The report is submitted as an item of urgent business to meet Government legislative and organisational dead-lines.

BACKGROUND

2.1 Two key policy initiatives of the Government: The Respect Agenda (tackling low-level comprehensive approach to anti-social behaviour) and Welfare Reform; have been brought together to produce a potential further tool to respond to protracted instances of anti-social behaviour in local communities.

2.2 Over the last few years the Police, Housing Authorities and Registered Social Landlords have generally grasped the increased legislative powers made available to them to tackle and respond to Anti-Social Behaviour. Wirral has, nationally, been at the forefront of the use of these initiatives and has used all of the new powers to respond to the various types of behaviour that have a deleterious impact on neighbourhoods.

2.3 The proactive use of these powers has sent out a powerful message to perpetrators and those they may have otherwise emulated them, across Wirral. Whilst anti-social behaviour continues to affect many communities it is clear that the level of incidents is not as high as other, comparable local authorities.

2.4 The use of enforcement powers has been coupled with diversionary and remedial measures to ensure that a policy of prevention, is wherever possible the preferred action, overall the level of reported incidents of anti-social behaviour has reduced over the last two years across Wirral.

2.5 Previously, in a submission in response to a Government Consultation Exercise on Housing Benefit Reform; Wirral responded saying that, in the worst cases, the sanction of removing Housing Benefit support for those tenants who repeatedly indulge in anti-social behaviour would be a useful tool. That proposal is now nearing reality through the Government’s Welfare Reform proposals; and Government is looking for approximately 10 local authorities to trial schemes for the implementation of this new sanction, for a period of two years.
3.0 HOUSING BENEFIT SANCTIONS FOR ANTI-SOCIAL BEHAVIOUR

3.1 The legislation is currently passing through the Parliamentary process and could be subject to further amendment. However, at present the sanction (in England and Wales) would only be applied in the following conditions:

i) There must be a relevant order for the possession of the claimant’s home made by a court on the grounds of anti-social or criminal behaviour

ii) The claimant has left that house

iii) The claimant has failed to comply, without good cause with a warning notice served by a local authority with a view to improving the claimant’s behaviour

3.2 It is intended that once a claimant has satisfied the first two conditions, the relevant local authority will attempt to engage with him (if it has not already) with the aim of ending or preventing repetition of his anti-social behaviour through the provision of rehabilitation. Where the person refuses to co-operate, the local authority will have the option of using this sanction to encourage him to co-operate with rehabilitation.

3.3 The sanction would allow for the reduction of Housing Benefit by 10% for the first four weeks, followed by 20% for a further four weeks and then 100% until either the local authority considers the sanction should no longer apply or a period of five years from the beginning of the Possession Order. Protection for those in hardship, eg. those households where someone is seriously ill or pregnant and for households with children or those with caring responsibilities could see a lower rate of reduction.

3.4 Additional provisions relate to occupiers who were a couple to which a relevant order for possession relates and leave a dwelling as a result, the sanction could be applied if either member of that couple subsequently fail to comply with a warning notice.

3.5 Supplementary provisions will allow for the sharing of information and notification of where this sanction is applied.

4.0 FINANCIAL & STAFFING IMPLICATIONS

4.1 It is clear that, given the framing of the legislation currently, it is intended this sanction will only be applied in the most severe and protracted cases of anti-social behaviour. Coupled with the requirement for the provision of rehabilitation services, staffing implications arising from the proposal are difficult to predict at present.

4.2 Financial implications could be of a greater impact if, by applying this sanction, families with children or vulnerable members were made homeless; and presented themselves as being in need of social services or education authority support or care. Again, whilst the application of this sanction is expected to be small in number, the financial impact to the ‘State Purse’ could be significant.
5.0 **EQUAL OPPORTUNITIES IMPLICATIONS**

5.1 Issues for vulnerable groups affected by this proposed sanction are addressed elsewhere on this report. Equally, the protection of vulnerable residents may be secured by the judicious application of this sanction.

6.0 **LOCAL AGENDA 21 IMPLICATIONS**

6.1 Sanctions imposed through this legislation could improve the quality of life for local neighbourhoods.

7.0 **LOCAL MEMBER SUPPORT IMPLICATIONS**

7.1 The contents of this report could apply to all wards.

8.0 **HUMAN RIGHTS IMPLICATIONS**

8.1 The application of this sanction would have to respect the Human Rights of the claimant but could also secure the right to quiet enjoyment of their home for residents who are affected by anti-social behaviour.

9.0 **COMMUNITY SAFETY IMPLICATIONS**

9.1 Application of these sanctions could improve the community safety of a local neighbourhood.

10.0 **PLANNING IMPLICATIONS**

10.1 None.

11.0 **BACKGROUND PAPERS**

11.1 None.

12.0 **RECOMMENDATION**

12.1 Members views are requested on whether Wirral should express a wish to be considered as a pilot authority for the application of sanctions leading to the reduction or with-holding of Housing Benefit payments in those cases of the most extreme and protracted anti-social behaviour.

12.2 Should Members agree to seek participate in this trial scheme for a period of two years; that further details are brought back to the most appropriate decision making forum to allow further consideration of the potential implications and the scale of application.

Alan Stennard
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