

Decisions of Social Security and Child Support Commissioners on Housing Benefit and Council Tax Benefit

HB/CTB Decisions published on Commissioners' website in 2008

File number	Date of decision	Council	Benefit	Legislation in issue	Keywords
CH/3691/2007	15/07/08	Leicester	HB CTB	Reg 3 HB Regs 2006	Non-dependants – supersession and overpayment – issues on the appeal – burden of proof
CH/3590/2007	09/07/08	Swansea	HB	Reg 14 HB Regs 2006	Duty to apply to rent officer – contractual rent increase shortly after rent officer determination
CH/361/2006	09/07/08	Stockport	HB	Regs 91 and 99 HB Regs 1987	Payments made pending application to rent officer – whether housing benefit' or ' payment on account' – delay in applying to a rent officer can be official error
CH/2583/2007	01/07/08	Wandsworth	HB	Reg 100 HB Regs 2006 S12(8)(a) Social Security Act 1998	Recovery of overpayment – lack of evidence as to date eligibility ceased
CH/4213/2007	30/06/08	Nottingham	HB	Regs 100 and 101 HB Regs 2006	From whom overpayment recoverable

CH/2321/2007	23/06/08	Camden	HB	Reg 10 HB Regs 2006	National of state that has ratified ECSMA department – whether "right to reside" test confined to EU Citizens.
CH/3584/2007	13/06/08	Hackney	CTB	Reg 14 HB & CTB (D and A) Regs 2001	Whether benefit entitlement ceased where the local authority framed its information requirement by reference to a document which did not exist
CH/38/2008	12/06/08	Liverpool	HB CTB	Regs 100 and 31(2) HB Regs 2006 Regs 83 and 21(2) CTB Regs 2006	Supersession to reflect success in IB appeal did not create an overpayment caused by official error.
CH/4014/2007	23/05/08	Hillingdon	HB CTB	S130(1)(c)(i) SSCBA 1992 Sch 4, para 12, Sch 5, para 4, and Sch 6, para 5 HB Regs 2006 and counterparts in CTB Regs 2006	Effect of R(H) 9/04 and <i>ex parte Hamilton</i> ; local authority's power to decide whether claimant and "partner" living together
CH/3935/2007	07/04/08	Bexley	HB CTB	Para 6(9) of Sch 7 to the CSPSSA 2000	Relevant date of circumstances obtaining when revision is treated as supersession.
CH/1672/2007	01/04/08	Westminster	HB	Regs 30, 33, 35, 41 & 42 HB (SPC) Regs 2006	Whether income of a pensioner for HB purposes was the whole of a retirement pension or the net

					sum after paying some of that pension to the pensioner's wife under a High Court order
CH/2567/2007	27/03/08	Wandsworth	HB CTB	Regs 81, 69(1) and 2(1) HB (SPC) Regs 2006	Recovery of overpayments – notification to housing department – failure of housing department to pass on to designated office
CH/3586/2007	27/03/08	Camden	HB CTB	Reg 75 HB Regs 1987 and reg 65 CT) Regs 1992 as modified by The HB and CTB (State Pension Credit) Regs 2003	Recovery of overpayments – obligation to report changes of circumstances – meaning of 'relevant authority' in the context of official error
CH/4250/2006	20/03/08	Vale Royal	HB	Reg 10(1)(f) and 2(4)(c) HB Regs 1987	Eligible payments – mooring charges – meaning of houseboat for HB purposes
CH/2491/2007 (24 appeals)	03/03/08	Birmingham	HB	Reg 9(1)(a) and (l) HB Regs 2006	Church-based housing charity aimed at rehabilitation – house-rules incorporated in contract whether on commercial basis
CH/411/2007 CIS/34/2006 CIS/735/2007	25/02/08	Leicester	HB CTB	Reg 7A(5)(d) HB (General) Regs 1987 and its counterpart in the CTB (General) Regulations 1992 Reg 3(5) Decisions and Appeals Regulations 1999	Whether 'in receipt of' income support following revision of award of income support

CH/2943/2007	22/02/08	Birmingham	HB CTB	Reg 100 HB Regs 2006 Reg 83 CTB Regs 2008	Recovery of overpayment – official error – what may reasonably be expected of a claimant
CH/2555/2007	05/02/08	Wolverhampton	CTB	Reg 72 CTB Regs 2006	Whether local authority entitled to supersede award of CTB because beneficiary refuses a home visit – reasonableness of authority's actions on particular case to be considered by tribunal – CH/4390/2003 considered – CH/2995/2006 and CH/3076/2006 applied
CH/3528/2006	05/02/08	Sandwell	HB	Reg 12 HB Regs 2006	Whether payments called service charges are actually rent. – suitable alternative accommodation.
CH/1353/2007	23/01/08	Birmingham	HB	Reg 9(1)(h) HB regs 2006	Former owner – whether occupation must be continuous
CH/2411/2006	17/01/08	Windsor and Maidenhead	HB	Reg 101 HB Regs 1987	Whether landlord could take advantage of Reg 101 (1)(B) Housing Benefit (General) Regulations 1987.
CH/1849/2007	17/01/08	Westminster	HB	Reg 7(1)(a) HB Regs 1987	Non-commercial tenancy – no rent paid for 8 years
CH/2298/2007	08/01/08	Bradford	HB	Reg 101 HB Regs 1987	Recovery of overpayment – concurrent liability of landlord and claimant.

HB/CTB decisions selected for reporting in 2008

Reported as	File number	Council	Benefit	Legislation in issue	Keywords
<u>R(H) 1/08</u>	CH/1821/2006	Manchester	HB CTB	Reg 95 HB/CTB Regs 2006	Payment to landlord – scope of appeal by landlord Payment to landlord – whether local authority has power to suspend payment pending decision whether to pay to landlord
<u>R(H) 2/08</u>	CH/3629/2006	Wirral	HB	Regs 94 – 96 HB/CTB Regs 2006	Payment to landlord – benefit paid to tenant where duty to pay to landlord – whether possible to pay to landlord for same period – effect of offsetting provisions
<u>R(H) 3/08</u>	CH/3933/2006	Hackney	CTB	S 131 SSCBA 1992	Dwelling – sole or main residence
<u>R(H) 4/08</u>	CH/402/2007	Cardiff	CTB	Reg 14 HB & CTB (D and A) Regs 2001	Tribunal jurisdiction – council tax benefit – termination following suspension of award – whether decision appealable

R(H) 5/08	CH/1099/2007	Bassetlaw	CTB	S136 SSCBA Reg 22 CTB Regs 1987	Calculation of income – self-employed earner – whether losses in claimant's business can be offset against partner's employed earnings
R(H) 6/08	CH/1246/2007	Oxford	HB	'Old' reg 11 HB Regs 1987	Rent restrictions – exemption where housing-related support provided by person 'acting on behalf of landlord' – support provided to the tenant by a third party who acts on behalf of the landlord in some respect other than providing support
R(H) 7/08	CH/3700/2006	Wigan	HB CTB	Sch 6, Para 12.HB Regs 2006	Whether a caravan is capital and, if so, whether to be disregarded as a personal possession

Note: non-HB/CTB search categories that may include cases of relevance or interest include Capital; Earnings and other income; Income support and state pension credit; Recovery of overpayments; Marriage and living together; Residence and presence conditions; Revisions, supersessions and reviews. If you are interested in a specific issue that is not covered by the search categories try searching the Notes field on the [Search for Decisions](#) page by key word. See [Help with searching](#).