

# Housing Benefit and Council Tax Benefit

## Urgent Bulletin

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**HB/CTB U1/2008**

**31 July 2008**

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<b>Who should read</b>	All Housing Benefit (HB) and Council Tax Benefit (CTB) staff
<b>Action</b>	For information House of Lords' Heffernan Judgment

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## House of Lords' Heffernan Judgement

- 1 The House of Lords gave its judgment in the case of *R (on the application of Heffernan) v The Rent Service* on 30 July 2008.
- 2 The House of Lords allowed the appeal by a majority of three to two. However, there is no reason to believe that the decision will have a substantial impact at an operational level. In broad terms, the House of Lords has provided concise guidance in relation to the number of neighbourhoods that may properly be included in a locality for the purposes of paragraph 4(6)(a) to (c) of the Rent Officers (Housing Benefit Functions) Order 1997, as amended ("the Order"). A copy of the judgment is available at <http://www.publications.parliament.uk/pa/ld200708/ldjudgmt/jd080730/heffer-1.htm>
- 3 DWP and The Rent Service recognise that the judgment provides clear and practical guidance in relation to the interpretation of some of the more complex issues contained in the Order. Both DWP and The Rent Service are considering the full implications of the judgment and will issue further communications in due course.

### Practical implications

- 4 As a result of the judgment, The Rent Service will take this opportunity to review the guidance that it gives its rent officers in the setting of localities and BRMAs. The Rent Registration Service in Scotland and Rent Officer Wales will be fully consulted as a part of this process in an effort to ensure consistency across the three services. All existing locality and BRMA boundaries will remain as they are while the guidance review takes place. In order to give the House of Lords judgment the fullest consideration, the guidance review process is expected to take several weeks.
- 5 **There is no need for LAs to take any action following this judgment.** It will not immediately affect any locality boundaries in any local authority area, nor does it affect the benefit rates that have been derived from local reference rents within those localities.
- 6 In England, **the current programme of locality reviews will come to an end with immediate effect.** Where a review has commenced The Rent Service will be making direct contact with the local authorities involved. As set out above, The Rent Service is now reviewing its guidance relating to this process. As soon as new guidance that fully reflects the decision of the House of Lords has been completed, an entirely new scheme of reviews will commence. Where any locality/BRMA changes are proposed, any LA concerned will be consulted. The Rent Registration Service in Scotland and Rent Officers Wales and will be contact separately about any reviews outside of England.
- 7 We will keep you informed of developments as soon as possible. If you have any concerns about this issue, please contact either  
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