



CH/1766/2010

Case law

Case law date	30/03/2011
Commission/Judge	Judge Turnbull

The requirement to show valid grounds when revising or superseding a HB award

When HB was first awarded in 2002, the landlord, Golden Lane Housing Ltd (“GLH”) was including charges in the rent for “counselling and support”. This was allowed under the “transitional housing benefit” scheme in force at the time. That scheme expired in April 2003 but the local authority continued to pay HB on the full rent until 2009, at which point it issued a decision to pay HB at a reduced rate. A tribunal dismissed the claimant’s appeal but it did not expressly consider whether the local authority had established grounds to alter the HB award given that there had been no change of circumstance since the last operative decision to award HB on the full rent.

Judge Turnbull held that in cases where the local authority decides to restrict the amount of HB on a subsisting HB claim, a tribunal on appeal, is under a duty to consider the revision/supersession issue. In the instant case, the tribunal should have investigated whether there were any valid grounds on which the local authority, having continued since 2003 to award HB based on the full contractual rent, was entitled in 2009 to restrict the amount (by applying the “old” reg. 11) by way of revision or a supersession.