



Votes in Parliament on the under-occupation deduction from Housing Benefit

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This note provides information on when divisions (votes) concerning this controversial measure have taken place in Parliament and on the outcome of those divisions. Details are provided on how the different Parties voted. The policy has been labelled the “bedroom tax” and is also referred to as the “spare room subsidy”.

The Government has used powers contained in the *Welfare Reform Act 2012* to provide that, since 1 April 2013, working-age social tenants in receipt of Housing Benefit will experience a reduction in their benefit entitlement if they live in housing that is deemed to be too large for their needs. Restrictions on entitlement to Housing Benefit based on the size of the accommodation occupied have applied to claimants living in privately rented housing since 1989 (Schedule 3 to the *Rent Officers (Additional Function) Order 1989*).

Detailed information on the application of the under-occupation deduction, e.g. what constitutes a bedroom and who is affected, can be found in Library note SN06272, *Under-occupation of social housing: Housing Benefit entitlement*. A separate note, *Housing Benefit: Discretionary Housing Payments (DHPs)*, provides information on the payments available to mitigate the impact of reduced Housing Benefit eligibility for some claimants. Another note [SN/SP/6896](#) considers evidence (to date) on the impact of the under-occupation deduction.

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1 Welfare Reform Bill

1.1 Debate on Second Reading

Measures to enable a reduction in Housing Benefit entitlement for working-age claimants living in social housing were included in the *Welfare Reform Bill 2011-12*. The debate on Second Reading took place on 9 March 2011. Liam Byrne, for Labour, tabled an Opposition amendment to the main motion:

this House, whilst affirming its belief in the principle of simplifying the benefits system and good work incentives, declines to give a Second Reading to the Welfare Reform Bill because the proposal of the Universal Credit as it stands creates uncertainty for thousands of people in the United Kingdom; because the Bill fails to clarify what level of childcare support will be available for parents following the abolition of the tax credit system; because the Bill penalises savers who will be barred from the Universal Credit; because the Bill disadvantages people suffering from cancer or mental illness due to the withdrawal of contributory Employment Support Allowance; because the Bill contains no safeguards to mothers in receipt of childcare support; because it proposes to withdraw the mobility component of Disability Living Allowance from people in residential care and fails to provide sufficient safeguards for future and necessary reform; because it provides no safeguards for those losing Housing Benefit or appropriate checks on the Secretary of State’s powers; because it fails to clarify how Council Tax Benefit will be incorporated in the Universal Credit system; because it fails to determine how recipients of free school meals and beneficiaries of Social Fund loans will be treated; and because the proposals act as a disincentive for the self-employed who wish to start up a business; and is strongly of the opinion that the publication of such a Bill should have been preceded by both fuller consultation and pre-legislative scrutiny of a draft Bill ¹.

¹ [HC Deb 9 March 2011 c934](#)

The House divided on the motion – it was rejected by 312 votes to 242.² The table below sets out how the Parties voted:

Party	Aye	Aye Teller	Did not vote	No	No Teller
Alliance	1				
Conservatives			38	265	1
Democratic Unionist	1		7		
Green	1				
Independent			2		
Labour	231	2	20		
Liberal Democrat			9	47	1
Plaid Cymru	3				
Respect					
Scottish National	4		2		
Social Democratic & Labour Party	1		2		
Grand Total	244	2	80	317	2

The House divided on the main motion and the Bill received its Second Reading by 305 votes to 18:³

Party	Aye	Aye Teller	Did not vote	No	No Teller
Alliance				1	
Conservatives	260	2	42		
Democratic Unionist			8		
Green				1	
Independent			2		
Labour	1		240	11	1
Liberal Democrat	46		11		
Plaid Cymru				2	1
Sinn Fein			4		
Scottish National			2	4	
Social Democratic & Labour Party			2	1	
Grand Total	307	2	311	20	2

1.2 Public Bill Committee

The under-occupation deduction from Housing Benefit was considered in Public Bill Committee on 3 May 2011. At that time clause 68 was the relevant clause in the Bill.

² [HC Deb 9 March 2011 c1022](#)

³ [HC Deb 9 March 2011 c1026](#)

Karen Buck, for Labour, moved an amendment to clause 68 to exempt under-occupying social tenants who do not receive “a reasonable alternative offer” of accommodation.⁴ She pressed the amendment to a vote – it was defeated by 15 votes to 9:

Party	Aye	No
Conservatives		13
Labour	9	
Liberal Democrat		2
Grand Total	9	15

1.3 Report Stage

There were no divisions on the under-occupation measure at Report stage.

1.4 Debate on Third Reading

The Bill received a Third Reading by 288 votes to 238 and proceeded to the House of Lords.⁵ The table below sets out how the Parties voted:

Party	Aye	Aye Teller	No	No Teller
Alliance			1	
Conservatives	252	1		
Democratic Unionist			3	
Green			1	
Independent			1	
Labour			223	2
Liberal Democrat	36	1	1	
Plaid Cymru			2	
Respect				
Scottish National			5	
Social Democratic & Labour Party			1	
Grand Total	288	2	238	2

1.5 Lords Report Stage, Third Reading and ‘ping pong’

There were no divisions on the under-occupation measure in Grand Committee in the House of Lords.

At Report Stage in the House of Lords a composite amendment was agreed (by 258 votes to 190) to provide that no under-occupation restriction would be applied where a tenant had not been offered suitable alternative accommodation. In addition, under-occupation would be

⁴ [PBC Deb 3 May 2011 cc690-704](#)

⁵ [HC Deb 15 June 2011 cc888-89](#)

defined by the DCLG's [bedroom standard](#), a more generous standard than the DWP's size criteria as it allows for the existence of one spare bedroom.⁶

A breakdown of how the Parties voted on the amendment is provided in the table below:

Party	Content	Not content
Bishops	3	
Conservatives	1	143
Crossbench	72	
Democratic Unionist	4	
Independent Labour	1	
Independent Liberal Democrat	1	
Independent Ulster Unionist	1	
Labour	152	
Liberal Democrat	13	44
Non-affiliated	8	3
Plaid Cymru	1	
Ulster Unionist Party	1	1
Grand Total	258	190

The Bill received its Third Reading in the House of Lords on 31 January 2012 and was sent back to the Commons. The Lords' amendments to the Bill were considered by the Commons on 1 February 2012. Financial privilege was invoked for all amendments agreed by the Lords following Government defeats.

On 14 February 2012, during consideration of Commons amendments, Lord Best sought to achieve a compromise on under-occupation. He moved an amendment, which would have exempted certain social housing tenants, i.e. those not required to seek work, carers, people with disabilities, war widows and foster carers, from a reduction in Housing Benefit due to under-occupation where they had no more than one spare bedroom and where no alternative suitable accommodation was available.⁷ He argued that the cost of this amendment would be around half of the amendment previously agreed at Lords Report Stage on 14 December 2011.

The amendment was agreed by 236 to 226 votes:

⁶ [HL Deb 14 December 2011 cc1285-1310](#)

⁷ [HL Deb 14 February 2012 cc707-726](#)

Party	Content	Not content
Bishops	2	
Conservatives		163
Crossbench	58	
Democratic Unionist		
Independent Labour	1	
Independent Liberal Democrat	1	
Independent Ulster Unionist	1	
Labour	160	
Liberal Democrat	5	59
Non-affiliated	6	3
Plaid Cymru	1	
Ulster Unionist Party		1
UKIP	1	
Grand Total	236	226

This amendment was subsequently rejected by the Commons on 21 February 2012 by 316 to 263 votes:⁸

Party	Aye	Aye Teller	Did not vote	No	No Teller
Alliance				1	
Conservatives	280	1	24	2	
Democratic Unionist			4	4	
Green				1	
Independent				3	
Labour			23	234	2
Liberal Democrat	36	1	12	8	
Plaid Cymru				3	
Scottish National			2	4	
Social Democratic & Labour Party				3	
Grand Total	316	2	65	263	2

The Lords considered the Bill again on 29 February 2012. Lord Best moved a further amendment:

The amendment places an obligation on the government to review the impact of the under-occupation penalty on the families concerned and on levels of poverty and homelessness; to calculate the cost to local authorities and housing associations; to

⁸ [HC Deb 21 February 2012 cc750-767](#)

look at whether levels of under-occupancy actually fall; and to consider other foreseeable and unforeseeable consequences. The exercise would begin six months after implementation of the provisions in the bill.⁹

2 The Housing Benefit (Amendment) Regulations 2012

The *Welfare Reform Act 2012* gave the Secretary of State regulation making powers in relation to the under-occupation measure. The draft [Housing Benefit \(Amendment\) Regulations 2012](#) were laid on 28 June 2012. They were subject to the “affirmative” procedure so had to be approved by both Houses of Parliament before they could come into force. The regulations were considered in Grand Committee in the House of Lords on 15 October 2012 and approved by the House of Lords on 6 November. The First Delegated Legislation Committee considered the regulations on 16 October 2012. A deferred division on the regulations took place in the Commons on 24 October 2012 where they were approved by 260 votes to 206:¹⁰

Party	Aye	Did Not vote	No
Alliance			1
Conservatives	230	74	
Democratic Unionist	3	2	3
Green			1
Independent	1		
Labour		70	187
Liberal Democrat	26	23	7
Plaid Cymru		2	1
Scottish National		3	3
Social Democratic & Labour Party		0	3
Grand Total	260	174	206

3 Other debates/divisions

The under-occupation deduction has been the subject of several Westminster Hall debates one Adjournment Debate and one debate in the House of Lords:

[HC Deb 22 January 2013 c65WH](#) (Under-occupancy Penalty (Wales))
[HC Deb 23 January 2013 c105WH](#) (Housing Benefit entitlement)
[HC Deb 23 January 2013 c96WH](#) (Housing Benefit and disabled people)
[HC Deb 18 March 2013 c765](#) (Under-occupancy Penalty (Nottingham))
[HC Deb 26 March 2013 c468WH](#) (Under-Occupancy Penalty (Birkenhead))
[HC Deb 23 April 2013 c258WH](#) (Under-Occupancy Penalty (Wigan))
[HC Deb 5 November 2013 c34WH](#) (Under-Occupancy Penalty)
[HC Deb 25 March 2014 C31WH](#) (Under-Occupancy Penalty (North-West))

None of the debates listed above involved a division.

⁹ [HL Deb 29 February 2012 c1373](#)

¹⁰ [HC Deb 24 October 2012 cc1047-1048](#)

The Scottish National Party (SNP) secured an [Opposition Day debate on the under-occupation deduction](#) on 27 February 2013.¹¹ The SNP's motion calling on the Government to abandon the policy was defeated by 265 votes to 224:

Party	Aye	Aye Teller	Did not vote	No	No Teller
Alliance					
Conservatives			60	244	1
Democratic Unionist	2		6		
Green					
Independent	1				
Labour	213		44		
Liberal Democrat			35	21	1
Plaid Cymru	2	1	1		
Scottish National	5	1	1		
Social Democratic & Labour Party	1		2		
Grand Total	224	2	149	265	2

Labour secured an Opposition Day debate on the under-occupation deduction from Housing Benefit on 12 November 2013.¹² Labour's main motion was defeated:

Party	Aye	Aye Teller	Did not vote	No	No Teller
Alliance			1		
Conservatives	1		82	221	1
Democratic Unionist	2		6		
Green	1				
Independent			2		
Labour	209	2	44		
Liberal Democrat	2		23	31	1
Plaid Cymru	3				
Respect Party	1				
Scottish National	6				
Social Democratic & Labour Party	1				
Grand Total	226	2	158	252	2

¹¹ [HC Deb 27 February 2013 cc319-425](#)

¹² [HC Deb 12 November 2013 cc823-916](#)

The Government's amendment was agreed:

Party	Aye	Aye Teller	Did not vote	No	No Teller
Alliance			1		
Conservatives	221	1	83		
Democratic Unionist			6	2	
Green				1	
Independent					
Labour			47	206	2
Liberal Democrat	32	1	22	2	
Plaid Cymru				3	
Respect				1	
Scottish National				6	
Social Democratic & Labour Party			2	1	
Grand Total	253	2	161	222	2

A debate took place in the House of Lords on 31 October 2013 (Housing: Affordability and the Under occupancy Charge).¹³ The Motion to take note was agreed without a division.

Labour secured a further Opposition Day debate, Housing Benefit (Abolition of Social Sector Size Criteria), on 17 December 2014.¹⁴ Labour's main motion was defeated:

Party	Aye	Aye Teller	Did not vote	Aye & No	No	No Teller
Alliance			1			
Conservatives	1		36	1	260	2
Democratic Unionist	3		5			
Green	1					
Independent	1		1			
Labour	247	2	5			
Liberal Democrat			21		36	
Plaid Cymru	3					
Respect Party	1					
Scottish National	6					
Social Democratic & Labour Party	1		2			
UK Independence Party				1		
Grand Total	264	2	71	2	296	2

¹³ [HL Deb 31 October 2013 cc1684-1725](#)

¹⁴ [HC Deb 17 December 2014 cc1427-79](#)

The Government's amendment was agreed:

Party	Aye	Aye Teller	Did not vote	Aye & No	No	No Teller
Alliance			1			
Conservatives	259	2	41	1		
Democratic Unionist			5		3	
Green					1	
Independent			1		1	
Labour			8		244	2
Liberal Democrat	39		18			
Plaid Cymru					3	
Respect Party					1	
Scottish National					6	
Social Democratic & Labour Party			2		1	
UK Independence Party			1			
Grand Total	298	2	77	1	260	2

4 Housing Benefit (Transitional Provisions) (Amendment) Regulations 2014

On 9 January 2014 the DWP issued Housing Benefit Circular U1/2014 in which it confirmed that social tenants (both council and housing association) who have been continuously entitled (with some breaks allowed) to Housing Benefit at the same address since at least 1 January 1996 were excluded from the under-occupation deduction.

The DWP said it would amend the regulations to remove the exclusion. *The Housing Benefit (Transitional Provisions) (Amendment) Regulations 2014* (SI 2014/212) closed the 'loophole' with effect from 3 March 2014. On 26 February 2014 Labour secured an Opposition Day Debate praying against the Statutory Instrument.¹⁵ The House divided and Labour's motion was rejected by 304 votes to 253.

The table below sets out how the Parties voted.

¹⁵ [HC Deb 26 Feb 2014 cc286-313](#)

Party	Aye	Aye Teller	Did not vote	No	No Teller
Alliance			1		
Conservatives			36	267	2
Democratic Unionist	7		1		
Green	1				
Independent	1		1		
Labour	232	2	21		
Liberal Democrat			20	36	
Plaid Cymru	3				
Respect			1		
Scottish National	6				
Social Democratic & Labour Party	3				
Grand Total	253	2	81	303	2

The House of Lords also voted on the Regulations.¹⁶ The Motion of Regret was disagreed to by 188 to 173 votes:

Party	Content	Not content
Conservatives		125
Crossbench	19	15
Independent Liberal Democrat	1	
Labour	147	
Liberal Democrat	2	47
Non-affiliated	3	
Plaid Cymru	1	
UKIP		1
Grand Total	173	188

¹⁶ [HL Deb 3 April 2014 cc1061-1077](#)

5 The Affordable Homes Bill 2014-15

This Private Member's Bill was introduced by Andrew George. Clauses 1 and 2 of the Bill would amend the under-occupation deduction from Housing Benefit. The Bill received its Second Reading in the Commons on 5 September 2014 by [306 votes to 231](#)¹⁷ and was been committed to Public Bill Committee.

<u>Party</u>	<u>Aye</u>	<u>Aye Teller</u>	<u>No</u>	<u>No Teller</u>
Alliance				
Conservatives	1		231	2
Democratic Unionist				
Green	1			
Independent	2			
Labour	243	1		
Liberal Democrat	52	1		
Plaid Cymru	1			
Respect	1			
Scottish National	2			
Social Democratic & Labour Party	3			
<hr/> Grand Total	<hr/> 306	<hr/> 2	<hr/> 231	<hr/> 2

The Committee sat twice (on 29 October 2014). The Bill needs a money resolution to be passed in order for it progress. In the absence of such a resolution further sittings have been adjourned.

6 Carers Bedroom Entitlement (Social Housing Sector) Bill 2014-15

This Private Member's Bill was introduced by Barbara Keeley - its aim is to provide that people in receipt of Universal Credit or Housing Benefit, and who are accommodated in the social housing sector, be entitled to an additional bedroom relating to caring responsibilities or overnight care; and for connected purposes.¹⁸

The Bill was presented on 14 October 2014; the motion for leave to bring in the Bill was approved by 204 votes to 8. The breakdown of votes by Party is shown in the table that follows:¹⁹

¹⁷ [HC Deb 5 September 2014 c550](#)

¹⁸ [HC Deb 14 Oct 2014 cc162-166](#)

¹⁹ There are occasional discrepancies in the number of votes counted by the tellers and the number of names recorded, as in this case.

Party	Aye	Aye Teller	Did not vote	No	No Teller
Alliance			1		
Conservatives	5		289	8	
Democratic Unionist	4		4		
Green	1				
Independent	1		1		
Labour	176	2	74		2
Liberal Democrat	14		43		
Plaid Cymru	3				
Respect	0		1		
Scottish National	6				
Social Democratic & Labour Party	2		1		
UK Independence Party			1		
Grand Total	210	2	415	8	2

The Bill is scheduled to receive its Second Reading on 6 March 2015.