

INDEPENDENT REVIEWER OF TERRORISM LEGISLATION

RESPONSE TO CONSULTATION ON REFORMS TO SOCIAL HOUSING RELATING TO TERRORIST OFFENDERS¹

Executive Summary

1. Sofa-surfing terrorists are harder to manage.
2. The government's proposals to bar convicted terrorists from being allocated social housing, or evict them if already housed, are counter-productive.
3. The proposed 'public safety' exception is unworkable.

Response

4. It would be costly and unjust to keep all terrorists in prison for ever, so a certain number of convicted terrorists will always be living in the community.
5. I have written two independent reports on managing Terrorist Risk Offenders, one about released terrorists (2020)² and one about terrorism in prison (2022)³. In each report I referred to the fact that most imprisoned terrorists will eventually be released, and to the importance of managing them in a way that secures public safety after release.
6. There are also, increasingly, convicted terrorists who are not sent to prison⁴ – they are often young people who commit terrorism offences online by possessing instructional material or disseminating terrorist publications.
7. Of these convicted terrorists who are not in prison, some are currently allocated social housing by local housing authorities. The number of convicted prisoners who might be allocated social housing is very small.

Terrorist Disqualification

8. To be allocated social housing a person must 'qualify' (as well as being 'eligible' and presenting with sufficient 'priority'). Now, according to the Consultation, the government is considering a 'terrorism test' (Part 9) by which those with unspent terrorism convictions should be disqualified from ever receiving social housing, "unless doing so would increase public safety risks".

¹ Consultation by Department for Levelling Up, Housing and Communities, dated 30 January 2024.

² 'Terrorist Risk Offenders: Independent Review of Statutory Multi-Agency Public Protection Arrangements' (May 2020).

³ 'Terrorism in Prisons' (April 2022).

⁴ Home Office, Statistics on the operation of police powers under the Terrorism Act 2000 and subsequent legislation, annual data tables to September 2023 (table C.04) show that 15/48 terrorism-related offences resulted in non-custodial sentences.

9. In my May 2020 report, I found that:

“Ensuring that a Terrorist Risk Offender is housed in stable accommodation in the right area (for example, not near terrorist associates) is a key tool to mitigating risk. Conversely, uncertainty about where an individual will be living means more contingency planning by the authorities, and a more difficult return to living in the community for the offender.”⁵

10. Existing statutory mechanisms for managing terrorists reflect this. For example, terrorists sentenced to more than 12 months’ imprisonment are under a statutory obligation to notify the police of their home address. Special powers are available to police to search the home addresses of these registered terrorist offenders, for example for bomb-making materials⁶.

11. So as a general proposition, anything that prevents terrorist offenders from securing stable housing reduces the ability of the authorities to mitigate terrorist risk.

12. The answer to this is not a case-by-case ‘public safety’ exception.

- This would put a burden on Counter Terrorism Police to assess every terrorist convict who might apply for social housing.
- The purpose would be to identify terrorist convicts where a lack of social housing would increase public safety risks.
- Either police would assess that public safety risks arose in every single case, or they would have to find a way of distinguishing between acceptable and unacceptable public safety risks.
- But if police did identify an unacceptable public safety risk in the case of a particular offender, they would have to find a way of communicating this to the local housing association and persuading them of it.
- This might not be possible given the sensitivity of information involved.
- The uncertainty about whether a terrorist convict would ultimately be excluded from social housing would add to the complexity of management plans, even if the housing association could ultimately be persuaded that the exception should apply.

Terrorist Eviction

13. It is also proposed that social landlords should be given a new statutory power to evict convicted terrorists (Part 10) “unless removing the accommodation would increase public safety risks”.

14. The same points apply.

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FEBRUARY 2024

⁵ Para 3.34.

⁶ Part 4 Counter-Terrorism Act 2008.