



**DARLINGTON**  
Borough Council

**OPERATIONS GROUP**  
Law & Governance Division  
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Ms Victoria McDermott

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2<sup>nd</sup> August 2021

Our ref: DBC-0869-21

Your ref:

Please ask for: Rachel Seddon

Document Name:

Dear Ms McDermott

## Freedom of Information Act 2000 - Information Request

Your request for information, received on 21<sup>st</sup> June 2021, has now been considered. Please accept my apologies for the delay in response to your request.

You requested:

*I am interested in understanding more about how your local authority manages its provision of "Exempt Accommodation".*

*Exempt Accommodation in these questions is defined in legislation, namely accommodation which provides Housing Benefit claimants with exemption from the main HB rent restriction schemes that have been introduced from January 1996 ie:*

- *the local reference rent rules; and*
- *the local housing allowance rules.*

*1) Please complete the following questions below about the cost of exempt provision in your local authority in 2018/19, 2019/20 and 2020/21.*

*A) How much did you spend on the provision of "exempt accommodation"?*

*B) How many HB claims did you receive under the exempt rules?*



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2) Please complete the following questions below about the providers of exempt accommodation in your local authority for each of the following years: 2018/19, 2019/20 and 2020/21.

a) Total number of providers who received exempt HB funding

Of which were:

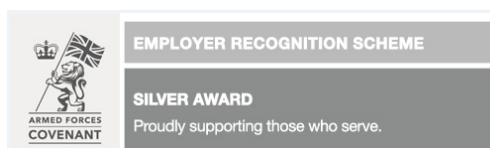
- Registered Providers (registered with the Regulator of Social Housing).
- Registered Charities (Organisations registered with Charity Commission but not with Regulator for Social Housing)
- Community Interest Companies (registered as a CIC on the Companies House register, but not registered with the Regulator of Social Housing or the Charity Commission).
- Local Authority (including those where the Authority is also registered with the Regulator of Social Housing).
- Other

a) Total number of units provided that received exempt HB funding for each of the following years: 2018/19, 2019/20 and 2020/21, of which were provided by:

- Registered Providers (registered with the Regulator of Social Housing).
- Registered Charities (Organisations registered with Charity Commission but not with Regulator for Social Housing)
- Community Interest Companies (registered as a CIC on the Companies House register, but not registered with the Regulator of Social Housing or the Charity Commission).
- Local Authority (including those where the Authority is also registered with the Regulator of Social Housing).
- Other

3) Please can you provide links to or copies of any policy/procedure or guide for the following:

- Strategic document setting out the Authority's position on exempt HB housing
- Registration of provider/property for exempt HB claims
- Periodic revalidation of provider/property for exempt HB claims



- *initial assessment of claims made by claimants for HB under the exempt rules.*
- *Validation of exempt HB claims in payment*
- *Ending an exempt HB claims by the Authority due to a concern.*

*If you have exempt HB accommodation but are unable to provide specific formal documentation please could you set out briefly how you administer each of these scenarios.*

4) *Please provide information as to the cost to the Authority for each of the following years: 2018/19, 2019/20 and 2020/21.*

- o *Overall spend on Administration of Exempt HB*
- o *Of which was administering exempt HB Claims*
- o *Of which was administering provider or property*
- o *Of which was enforcement activity associated with exempt HB*

5) *Thinking about complaints or action taken on complaints:*

- *How many complaints did you receive regarding properties registered for exempt provision in each of the following years: 2018/19, 2019/20 and 2020/21?*
- *How many properties have you removed from your register in each of the following years: 2018/19, 2019/20 and 2020/21?*

6) *What was the housing solution for Homeless people who presented to the Authority (or its referral agencies) in each of the following years: 2018/19, 2019/20 and 2020/21?*

- *Number housed in exempt accommodation*
- *Number housed in Temporary Social Housing*
- *Number Housed in specialist commissioned services*
- *Number housed in social housing*
- *Number housed in PRS*
- *Number housed in other*

7) *What is the primary need for Homeless People housed in exempt Accommodation in each of the following years: 2018/19, 2019/20 and 2020/21?*



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- *Ex-offender*
- *Substance misuse*
- *Care Leaver*
- *Young Person*
- *Mental Health*
- *Domestic Violence*

This information is not held in the format requested. We believe that the cost of collating the information in order to respond to your request would exceed the threshold of £450 as defined by the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. As a result, we are refusing your request under section 12 of the Freedom of Information Act 2000. A full refusal notice is appended to this letter.

I apologise that we are unable to assist you in this instance. Whilst there is no requirement on the public authority to search for or provide information up to the cost limit, we do have a duty to provide advice and assistance under s16 of the Freedom of Information Act 2000. If you would like to discuss other ways of reformulating your request to bring it within the cost threshold, please do not hesitate to contact me.

If you are dissatisfied with the handling of your request or would like to request an internal review of our response, please write to:

Complaints and Information Governance Manager  
Darlington Borough Council  
Town Hall  
Darlington  
DL1 5QT  
E-mail: [xxxxxxxxxxxxxxxxxxxx@xxxxxxxxx.xxx.xx](mailto:xxxxxxxxxxxxxxxxxxxx@xxxxxxxxx.xxx.xx)

You can also obtain further information from the Information Commissioner at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Tel: 0303 123 1113  
Website: [www.ico.org.uk](http://www.ico.org.uk)



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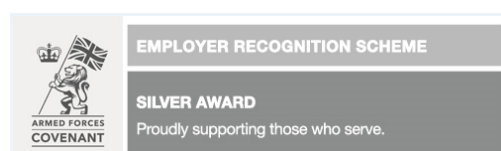
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Yours sincerely



Rachel Seddon  
Complaints & Information Governance Assistant



## Refusal Notice – Section 12 Freedom of Information Act 2000

Section 12 of the Freedom of Information Act 2000 allows a public authority to refuse a request if the cost of providing the information to the applicant would exceed the 'appropriate limit' as defined by the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004:

*"12 Exemption where cost of compliance exceeds appropriate limit*

*(1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit".*

The Regulations provide that the appropriate limit to be applied to requests received by local authorities is £450 (equivalent to 2.5 days of work). In estimating the cost of complying with a request for information, an authority can only take into account any reasonable costs incurred in:

*"(a) determining whether it holds the information,*

*(b) locating the information, or a document which may contain the information,*

*(c) retrieving the information, or a document which may contain the information, and*

*(d) extracting the information from a document containing it".*

For the purposes of the estimate the costs of performing these activities should be estimated at a rate of £25 per hour.

In order to compile the information requested an officer would be required to manually check through 5,016 records, taking around 3 minutes each.

5,016 records x 3 minutes = 250 hours

250 hours x £25 = £6,250

As a result, we are refusing your request under section 12 of the Freedom of Information Act 2000.

If you would like to discuss ways of narrowing your request to bring it within the cost threshold, please do not hesitate to contact me.

You have the right to request an internal review of our decision to apply this exemption; details of how to do this are provided in the letter that accompanies this refusal notice.

