

30<sup>th</sup> October 2017

**Our ref: IR215461**

Ms Sabine Mairey  
Via email to: [request-435805-f26a0696@whatdotheyknow.com](mailto:request-435805-f26a0696@whatdotheyknow.com)

Dear Ms Mairey,

Thank you for your request for information received on 3<sup>rd</sup> October 2017.

We have considered this request under the Freedom of Information Act 2000.

### **Your request**

*Please state the number of tenants on Housing Benefits who were evicted due to rent arrears which was caused by their benefits not being paid either fully or in part, even though they were fully entitled to these benefits at the time of eviction, albeit granted at the time, or retrospectively. They may have been entitled to full or part payment of their Housing Benefit, but this lack of payment led to their eviction in the financial years 2017 - Oct. 2018, 2016 - 2017, 2015 - 2016, 2014 - 2015, 2013 - 2014.*

### **Our Response**

I can confirm that we have reviewed your request but consider that to comply with the request would exceed the cost/time limit specified by s12 FOIA.

### **Section 12 (cost of compliance exceeds the appropriate limit)**

*12. — (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.*

In this instance, we have decided that the process of determining whether the information is held will exceed the Appropriate Limit as provided by The Freedom of Information (Appropriate Limit and Fees) Regulations 2004.

The Appropriate Limit applies to costs/time the Council reasonably expects to use in carrying out the following activities to comply with your request:

- Determine whether the information is held
- Locating the information or documents containing the information
- Retrieving such information or documents
- Extracting the information from the document

The Appropriate Limit is currently set at £450 which is the equivalent to 18 hours of work at £25 per hour.

Lambeth Council does not hold the information you have requested in an easily retrievable form. Our Revenues and Benefits service, which administers housing benefit, does not have access to claimants' rent account details and therefore does not hold records of whether non-payment of housing benefit, for any reason, impacts on a claimant's rent arrears. Our Rent Collection service, which administers the rental accounts of council tenants, is informed when a tenant's housing benefit has been cancelled or suspended, and if it subsequently reinstated, but does not hold records of the reason for the cancellation or suspension.

Between 1<sup>st</sup> March 2013 and 27<sup>th</sup> October 2017, there were 364 evictions for rent arrears from properties owned and managed by Lambeth Council or a Tenant Management Organisation (TMO). In order to retrieve the information you have requested, for council and TMO tenants only, we would need to manually review each of those 364 records in order to ascertain whether their rent arrears had been caused by non-payment of benefits to which they were entitled.

Furthermore, the council does not hold records of whether non-payment of housing benefit has led to rent arrears for tenants of housing associations or private landlords.

We estimate that to retrieve the information for this request, for council tenants and TMO tenants only, would take at least 10 minutes per record to collate and there are 364 records to review. This task would therefore take approximately 60 hours to complete, which would exceed the Appropriate Limit.

It should be noted, however, that part of the council's pre-eviction process involves liaising with the Housing Benefit service to identify whether there are any outstanding issues with a tenant's benefit entitlement and, if there are, we would always look to have these resolved before proceeding any further.

In accordance with Section 17 FOIA this letter represents a Refusal Notice for this request.

Should you wish to redefine or shorten your request then please resubmit another request to us and we will consider if we can respond.

### **Right to Review**

If you are dissatisfied with the way in which your request has been dealt with you can request an internal review. Tell us why you are unhappy with our response within 40 working days, and we will consider if the request was responded to correctly. We will aim to provide you with our review response within 20 working days. Please email [foi@lambeth.gov.uk](mailto:foi@lambeth.gov.uk)

If you are unhappy with the review you have a further right to appeal to the Information Commissioner's Office, which regulates the implementation of the Freedom of Information Act. The Commissioner can be contacted at the following address:

<https://ico.org.uk/global/contact-us/>

Yours sincerely,

**Ben Hendry**  
**Complaints and Information Officer**  
**Corporate Complaints Unit**  
London Borough of Lambeth

Team Tel: 020 7926 0547  
Website: [www.lambeth.gov.uk](http://www.lambeth.gov.uk)

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