FREEDOM OF INFORMATION ACT 2000

Your request for information has now been considered and the Council's response to your questions is shown below.

You asked:

I am requesting the following information under the Freedom of Information Act (please note questions 1-3 only apply to councils that still have their own council housing stock):

1. The proportion of all council housing tenants who fell into rent arrears during the most recent financial year for which full-year data is available (please state which financial year this is).

The proportion of Council tenants who were in arrears can only be given as a 'snapshot' at a given point in time. It also depends on the definition of 'rent arrears,' which can vary considerably. At the end of March 2012, i.e. at the end of the 2011/12 financial year, there were 16.0% of Council tenants owing two weeks net rent or more, and 5.2% owing 7 weeks net rent or more. Note that agreed monthly payers – Direct Debits, Standing Orders, Wage Stops etc. have been excluded from these figures.

2. Any forecast/estimate of the proportion (or failing that, number) of council housing tenants in the council area who are affected by the bedroom tax who will fall into rent arrears in 2013/14. To be clear, this is seeking the proportion of council housing tenants affected by the bedroom tax who will fall into arrears. It is not asking what proportion of all council housing tenants will be affected by the bedroom tax.

There is no valid method of forecasting how many of those affected by the 'bedroom tax' will fall into arrears as this situation has never arisen before, and there are many other variables – e.g. reduction in Council Tax benefits – which will impact on people's ability to pay. However, taking the proportion of those who currently have some or full rent to pay and assuming this will apply equally to those affected, then:

Tenants on full Housing Benefit = 38%
Tenants with some rent to pay = 62%
Tenants with two weeks or more net rent owing (as at week 52 2011/12) = 3501

(N.b. monthly payers are again excluded, as above.)

Total tenants = 21,688

Ratio = 3501 ÷ (0.62 X 21688) X 100 = 26%

3. Any over-arching definition or methodology the council has used in determining the number of bedrooms in council housing properties, for the purposes of assessing under-occupation of council housing properties with regards to the bedroom tax

No methodology was used to calculate the number of bedrooms in our properties. This is basic property information that has always been held. To calculate the number of **excess** bedrooms a household has, data from live Housing Benefits claims giving the number, age and gender of occupants was used. The bedroom rules in the Welfare Reform Act were applied to determine how many bedrooms the household needs. Subtracting this from the number of bedrooms the property is known to have given the excess.

4. Any over-arching definition or methodology the council has asked registered social landlords to use in determining the number of bedrooms in social/affordable housing properties, for the purposes of assessing under-occupation of social/affordable housing with regards to the bedroom tax

The authority followed the Department for Works and Pension Circular A4/2012 guidance to authorities administering housing benefit. This was the methodology used to determine where under occupation applies. The circular was shared with the Social Landlords and they were requested to provide details of their properties with number of bedrooms in each property. The housing provider therefore determines the number of bedrooms.

To calculate the number of excess bedrooms a household has, bedroom data from the housing provider was matched against the current Housing Benefit caseload matching the number, age and gender of occupants to determine if the household was under occupied.

The bedroom rules in circular A4/2012 were applied to determine how many bedrooms the household needs. Subtracting this from the number of bedrooms the property determines the number of room by which the householder is under occupying.

5. Any over-arching definition or methodology that registered social landlords have used in determining the number of bedrooms in social/affordable housing properties, for the purposes of assessing under-occupation of social/affordable housing with regards to the bedroom tax.

6. Any forecast/estimate of the proportion (or failing that, number) of registered social landlord tenants in the council area who are affected by the bedroom tax who will fall into rent arrears in 2013/14. To be clear, this is seeking the proportion of RSL tenants affected by the bedroom tax who will fall into arrears. It is not asking what proportion of all RSL tenants will be affected by the bedroom tax. The information may be provided individually for different RSLs, or combined for a number of RSLs, or combined for all RSLs (the preference would be for separate data for different RSLs, but this is not cast in stone).

This information requested in questions 5 and 6 may have been provided by RSLs to the council's housing benefit officers or legal teams – if not, please pass on this request to RSLs under the duty to assist and forward any responses (that are sent within the 20 day time limit) as part of the overall FOI response.

If any part of this request would exceed the section 12 cost/time limit due to the information not being stored in one place or being hard to collate or retrieve, please mark that part of the request as 'information not held' and fulfil the remainder of this request.

In this request, 'council housing tenants' refers to households, rather than individual people (so, a family of three living in one council house would count as one tenant, rather than three tenants).

In this request, 'affected by the bedroom tax' means deemed to be under-occupying their property under the terms of the bedroom tax, and not a member of an exempt group (e.g. pensioners).

Information is not held by the authority for Questions 5 and 6. Therefore this part of the letter acts as a refusal notice under section 17.1 of the Freedom of Information Act 2000 because, in accordance with section 1.1 of the Act, this information is not held by Leicester City Council.

If you are dissatisfied with the handling of your request please write to:

Information Governance Manager
Information and Support
Leicester City Council
FREEPOST (LE985/33)
New Walk Centre
LEICESTER LE1 6ZG
e-mail: info.requests@leicester.gov.uk

Your request for internal review should be submitted to the above address within 40 (forty) working days of receipt by you of this response. Any such request received after this time will only be considered at the Council's absolute discretion.

You can also complain to the Information Commissioner at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow SK9 5AF
Telephone: 01625 545 700
www.informationcommissioner.gov.uk

Please be aware that the Information Commissioner does not normally consider appeals or complaints until the internal appeals and complaints processes of the public authority which is answering the request have been exhausted. You are therefore advised to complain or appeal to the Information Governance Manager before contacting the Commissioner.