

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 2 May 2019

**Public Authority:** Hull City Council  
**Address:** The Guildhall  
Alfred Gelder Street  
Hull  
HU1 2AA

#### Decision (including any steps ordered)

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1. The complainant has requested information with regards to supported housing. The council provided the information it held but the complainant considered the figures were inaccurate.
2. The Commissioner's decision is that the council has provided the information it held relevant to the request.
3. The Commissioner does not require the council to take any steps.

#### Request and response

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4. On 6 August 2018 the complainant requested the following information from the council:
  - 1) *"Please would you supply me with a copy of Hull City Council's procedure for handling comments and feedback.*
  - 2) *I sent [name redacted] a question relating to my recent request for information about supported housing. I have not had a reply. I will repeat the question again...(Information Request - 001216/18). Please supply me with a list of all known properties that are sublet to companies who provide 'supported housing' in the following streets:*

*Brooklyn Street  
Vermont Street  
Washington Street  
May Street  
Suffolk Street  
Ryde Street  
Worthing Street  
400-508 Beverley Road  
Lambert Street  
Grafton Street  
De Grey Street*

*Such companies would include Humbercare Ltd, Target, Door Step, Stepping Stones CIC and the Vineyard Project. Are you able to supply the list with a break down of how many houses are down each street?*

*For example: Street <name>  
Company <name> - 2 houses  
Company <name> - 1 house  
Company <name> - 3 houses"*

5. The council responded on the 4 September 2018. For the first part of the request the council provided the information redacting the names and contact numbers of its junior staff under section 40(2) of the FOIA as it considered it to be third party personal data.
6. For the second part of the request, the council provided the breakdown of 'supported houses' in the format requested.
7. The complainant requested an internal review on the 6 September 2018 with regards to the response to the second part of her request as she did not consider that the figures provided were correct.
8. The complainant then contacted the Commissioner on the 26 October 2018 as she had not received a response to her internal review request.
9. The council provided its internal review response on the 28 November 2018. It upheld its initial response stating that the information provided was what the council had recorded at the time the request was made.

## **Scope of the case**

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10. The complainant contacted the Commissioner further as she did not consider the information provided by the council was accurate and she wants the council to provide the correct information.
11. The Commissioner considers the scope of the case is to determine whether the council has provided the complainant the information it holds relevant to part 2 of the request.

## **Reasons for decision**

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### **Section 1 of the FOIA – Information held/ not held**

12. Section 1 of the FOIA states that any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds information within the scope of the request, and if so, to have that information communicated to him.
13. Where there is some dispute between the amount of information identified by a public authority and the amount of information that a complainant believes may be held, the Commissioner, following the lead of a number of First-tier Tribunal decisions must decide whether, on the civil standard of the balance of probabilities, the public authority holds any information which falls within the scope of the request (or was held at the time of the request).
14. In this case the Commissioner notes that the complainant considers the information provided by the council is not accurate and that it needs to provide her with the correct figures.
15. The Commissioner must point out that it is not in her remit to determine whether information that is held by a public authority is accurate or not. She can only determine whether a public authority holds information relevant to the scope of the request, and if so, whether it has been provided or not.
16. On this basis, the Commissioner has asked the council to explain the searches it has carried out to determine that the information provided is what it held at the time of the request and whether there was any other information held that may have return different figures to that provided to the complainant.
17. The council has responded to the Commissioner's enquiries to advise that it obtained the figures from Civica's Revenues and Benefits' Team who operate on behalf of the council.

18. The council has told the Commissioner that it does not collect these requested figures anywhere else. It has explained that live data was taken at the time of the request from Civica's Revenues & Benefits system. The council only knows that a dwelling is in use for 'supported accommodation' when housing benefit is in payment to a current resident and the landlord claims the specified support element of the housing benefit.
19. This additional payment that is being claimed is the only data that the council holds which allows it to determine that a property is currently in use as 'supported accommodation'.
20. The council has also explained to the Commissioner that it regularly needs to run reports relating to this type of accommodation and although there is no standard report built into the system, a repository of bespoke reports have been created over the years that can identify Supported Exempt Accommodation (SEA) cases and these are considered to be very accurate.
21. The council says that the information is extracted using a Crystal report which connects to the back end of the Civica software and the report connects to the live data which can be refreshed at any point.
22. The council states that it was able to identify the relevant cases for this request using the street references for the area requested in order to narrow down the existing reports.
23. The council has confirmed to the Commissioner that no information relevant to the scope of the request has been deleted or destroyed.
24. The council has also told the Commissioner that individual housing benefit cases change in real time as each claimant's personal circumstances change. Records held within the system need to be accurate due to associated subsidies claimed from central government by the council.
25. Therefore as customers move or have relevant changes in income/ household composition then the awards of benefit will change to reflect their current circumstances. The relationship between a supported housing provider and their tenant(s) is only visible to the council when enhanced housing benefit is in payment.
26. The council has told the Commissioner that should the complainant like an updated list of supported accommodation properties on the relevant streets, the council is willing to provide this to her on request.
27. However the council stresses that this list can never be guaranteed to be comprehensive as it can only provide a list of supported

accommodation properties known to the council by searching the enhanced housing benefit amounts in payment to landlords at that point in time.

28. The complainant has obtained information from a third party company which contradicts the figures provided by the council. The council has responded to this explaining that the company that provided her with different figures may well own or lease other properties on the streets in question, but if they are not used for supported housing they would not be within the scope of the request.
29. The council concludes that it considers that it provided the relevant information held at the time of the request taken from its live reporting system.
30. The council has provided the Commissioner with a comprehensive explanation as to how it has to obtain the figures requested. The fact that the figures are taken as a live snap shot, means that the figures may differ each time a request is made for them due to changing circumstances of the tenants of the landlords who are receiving the enhanced housing benefit payment.
31. Other companies may hold different figures to the council, but as previously stated, the Commissioner cannot determine who's figures are 'accurate', she can only determine whether the council has provided the information it holds.
32. On the explanations provided by the council, the Commissioner is satisfied that on the balance of probabilities, the council has provided the complainant with the information it held, at the time, relevant to the scope of the request.

## Right of appeal

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33. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0300 1234504

Fax: 0870 739 5836

Email: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

34. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
35. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Signed .....**

**Andrew White**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**