

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 16 April 2015

Public Authority: Darlington Borough Council

Address: Town Hall
Feethams
Darlington
County Durham
DL1 5QT

Decision (including any steps ordered)

1. The complainant has made a request to Darlington Borough Council ("the council") for information relating to housing classification. The council responded outside the time for compliance provided by section 10(1) of the Freedom of Information Act ("the FOIA").
2. The Commissioner's decision is that the council has breached the requirement of section 10(1).
3. The Commissioner does not require any steps to be taken.

Request and response

4. On 17 June 2014, the complainant wrote to the council and requested the following:

A, As I know DBC knows my address (if not ask [Redacted Name] in Complaints who does have it) please can you tell me the term DBC uses to classify this type of property that I live in with orange strings for disabled people?

B, Of this type of housing how many alike properties does DBC have on its social housing books?

C,

1, Could I have the answer to question "B" broken down firstly by

numbers in each ward? (full list)

2, Could I then have that same question broken down by bedroom numbers? (equally on a ward basis)

D, Since the introduction of the vile "bedroom tax" how many people living in a property of this type have downgrade from a 2 to 1 bedroom home?

E, Could I have a copy/s of any policy documents which deals with disabled people who cannot downgrade due to lack of suitable property and as such having to pay "bedroom tax" within DBC?

F, How many people applied in 2013 for DHP? and how many were granted their application?

G, How many people applied in 2014 for DHP? and how many were granted their application?

H, How many have appealed against their "bedroom Tax" from April 1st 2014, the start of the second financial year of DBC implementing this "Tax"?

5. The council provided a substantive response on 18 July 2014.

Scope of the case

6. The complainant contacted the Commissioner on 28 November 2014 to complain about the way his request for information had been handled.
7. The Commissioner considers the scope of this case is the determination of whether the council has complied with section 10(1).

Reasons for decision

Section 10(1) – Time for compliance

8. Section 10(1) requires that a public authority must issue substantive response within the time for compliance, which is 20 working days following the date on which the request is received.
9. In this case the Commissioner has identified that the council issued its response outside 20 working days, and therefore breached the requirement of section 10(1).

Right of appeal

10. 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

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

11. 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.
12. 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
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Cheshire
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