

MR ROBERT JOHN  
CUSTOMER SERVICES TEAM LEADER  
BATH & NE SOMERSET COUNCIL  
RESOURCES DIRECTORATE  
GUILDHALL, HIGH STREET  
BATH  
BA1 5AW

Date: 6 March 2017

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Dear Mr John,

**Housing Benefit  
2015/16 Qualified Final Subsidy Claim**

I am writing to inform you of the Secretary of State's decision in relation to the recovery of overpaid subsidy from your claim for 2015/16.

The Secretary of State in making this decision was mindful that local authorities are required by law to administer Housing Benefit in accordance with the relevant legislation and case law. He is entitled to expect that an authority will act with reasonable diligence to properly discharge its functions in accordance with the law when administering Housing Benefit.

The following decisions were made after considering all the available information in relation to the criteria specified in Circular S1/2002 and the additional information you have presented. The decisions have been made under section 140(C) of the Social Security Administration Act 1992.

2015/16 Qualified Final Subsidy Claim

Reason for qualification – amount – recovery

1. Rent Allowance Cases Excluded From Requirement to Refer To The Rent Officer  
- £16,894 – Full recovery
2. Rent Allowance Total Expenditure - £45,940 – Full recovery

The Secretary of State has decided to recover £62,834 of overpaid Housing Benefit subsidy from your 2015/16 subsidy claim.

The Secretary of State in making this decision has noted, with regard to S1/2002, that the incorrect assessment of benefit has resulted in subsidy being claimed in excess of entitlement, at a cost to the public purse. Consequently the Secretary of State considers that this shows a failing on the part of your Authority to exercise due care in discharging your functions in relation to the administration of Housing Benefit. Accordingly, the Secretary of State considers it appropriate, in all the relevant circumstances of your claim, to recover the total recoverable overpaid subsidy of £62,834.

The Secretary of State, however, recognises that as a consequence of the reclassification of LA Error overpayments your subsidy claim is understated by £64,512. The Secretary of State will amend your claim accordingly.

### **Method of repayment**

The Secretary of State proposes to offset the overpaid subsidy of £62,834, against the under-claimed subsidy of £64,512 and to include a payment of £1,678 in your interim subsidy for March 2017.

Please note that the final settlement will also take into account any adjustments to your certified final claim, that you have agreed with your auditor and which sit outside the recovery decisions.

Your claim will now be settled on the above basis. This does not, however, prevent your claim from being re-opened should the Secretary of State become aware of new information relating to your claim. The Secretary of State will also consider re-opening your claim if you present further information that, in the Secretary of State's view, shows that the overpaid subsidy is less than the amount on which the Secretary of State based his recovery decision.

You should be aware that there is no right of appeal against a decision of the Secretary of State to recover overpaid subsidy under S140C(3) of the 1992 Act. The decision can only be challenged by judicial review.

Please do not hesitate to contact me should you have any queries on this matter.

Yours sincerely,

*John Darrell*

John Darrell  
Housing Benefit Unit