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Text 07950 080202
www.epsom-ewell.gov.uk
DX 30713 Epsom

Date 8th December 2022

Your Ref

Our Ref **FOI 441.22 - Complete Non-Residential, Business Property Rates Data**

Dear Sir or Madam

Thank you for your email to Epsom and Ewell Borough Council dated 11th November 2022, requesting information under The Freedom of Information Act 2000. The Council aims to respond to requests for information promptly and has done so within the statutory timeframe of twenty working days.

Your request is in bold below followed by the Council's response.

We hold the information requested

You have requested

In terms of the Freedom of Information Act of 2000, and subject to section 40(2) on personal data, could you please provide me with your local authority's complete and most-recently updated list of all business (non-residential) property rates data, including the following fields:-

- **Billing Authority Property Reference Code (linking the property to the public VOA database reference)-**
- **Firm's Trading Name (i.e. property occupant or ratepayer)-**
- **Full Property Address (Number, Street, Postal Code, Town)-**
- **Occupation / Vacancy status- *please see below**
- **Date of Occupation / Vacancy- Actual annual rates charged (in Pounds) and/or categories of reliefs/exemptions granted**

If you are unable to provide an absolute "Occupation / Vacancy" status, please provide the Exemptions and / or Reliefs that a particular property may be receiving.

NOTE: While FOIs are meant to be requestor blind, these data are actively used by national government and UK universities to inform the economic response to COVID-19.

Most recently, these data were used by MHCLG for the assessment of support to local authorities via the LEVELLING UP FUND.

Please publish quickly so that organisations trying to support your local authority can do so, and, if you have any difficulties, please contact me so that I may help.

Please provide these data as machine-readable as either a CSV or Microsoft Excel file, capable of re-use, and under terms of the Open Government Licence (reuse for any and all purposes, including commercial).

Our response is as follows:

Information relating to Business Rates accounts is published on the Council's website and can be accessed and downloaded using the following link:

<https://www.epsom-ewell.gov.uk/business/business-rates/what-are-business-rates>

*We are unable to provide the information on occupation/vacancy status you have requested under Section 31(1)(a) of the Freedom of Information Act 2000.

Section 31 covers Law Enforcement and is a qualified exemption, which requires a public interest test to be conducted. Section 31 allows the protection of information, which could be used for crime and it is considered that disclosure of the information requested would directly provide an opportunity for fraudulent Business Rates activity.

Whilst considering this request a public interest test was undertaken, which is required when using a Section 31 exemption. In doing this the following four elements have been considered:

- if there is a legitimate public interest in disclosure
- the disclosure must be necessary to meet the public interest
- would releasing the information further the debate
- assist individuals in challenging decisions and allowing for transparency

The Council considers that the possible benefits of disclosure are outweighed by the real risk of the information being used for criminal purposes as outlined above and your request is therefore refused under Section 31(1)(a) of the Freedom of Information Act 2000.

Appeals Procedure

The Council strives to be an open, transparent authority, but in some circumstances we cannot release requested information, and we ask for your understanding in this regard.

If you are not satisfied with this response, please note that the Council operates a review procedure, details of which can be found on the Council's website at:

<https://www.epsom-ewell.gov.uk/council/about-council/freedom-information>

You have the right to a review. In the first instance you will be able to seek an internal review by other Council Officers of that decision. This will be undertaken by an officer who was not involved with the original decision.

If you are unhappy with the way the Council has dealt with your request, please set out in writing your grounds of appeal within 40 working days of this response and send it to:

FOIDPA@epsom-ewell.gov.uk

Please also note that if you have exhausted all internal Council review procedures and you are still not satisfied, you have the right to appeal to the Information Commissioner's Office to independently review the matter. Details of this procedure can be found on the ICO website: <https://ico.org.uk/>

The Information Commissioner can also be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or by calling 0303 123 1113 (local rate) Monday to Friday 9am – 5pm.

Yours faithfully

Judith Doney

Head of Digital & Service Transformation

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