

Mr Robert Ferris

Via e-mail :
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79eaa1ef@whatdotheyknow.com](mailto:request-311516-79eaa1ef@whatdotheyknow.com)

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Ref: FOI16-0121-08367

Date: 11 February 2016


Dear Mr Ferris,

I am writing in response to your Freedom of Information Request, received 19 January 2016, in which you ask for a list of all organisations who have applied for and been awarded discretionary business rates relief in the area of Southwark, (which has been taken as being intended to read Hackney). You specifically require the names of the organisations; the percentile of discretionary relief awarded, and; the monetary value of that relief.

The Council has now considered your request and has concluded that the information requested is exempt under Sections 31 and 43 of the Freedom of Information Act.

The Council holds that matters concerning Business Rates accounts are between the account holder and the Council. Disclosure of this information into the public domain is prohibited by Section 31(1)(a) and (d) of the Freedom of Information Act 2000 as disclosure could prejudice the prevention and detection of crime and the assessment or collection of any tax or duty or any imposition of a similar nature.

Whilst your own motives for requesting the information are not in question, the Council cannot be involved, however unwittingly, in any practice that could potentially result in fraudulent claims being made for Business Rate refunds or reliefs, and it asserts that the release of the requested information into the public domain could make it much easier for the accurate issuance of refunds or the claiming of reliefs to become targeted for that purpose.

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The application of this exemption is subject to a public interest test. The public interest is best served by not encouraging potential acts of fraud and crime.

It is also considered that the information you have requested is exempt from disclosure under Section 43, as certain details in relation to a Business Rates account are potentially commercially sensitive and would not ordinarily be disclosed to a third party without an "Authority to Act" letter from the company or organisation concerned.

In addition to such a letter of authorisation, the applicant would be expected to be in a position to provide details of the account that they are seeking to enquire about in the form of an account number or copy of a document. This is no different to the way the Council would usually handle its day to day business. Where the letter of authorisation has not given specific authority for details of the company or organisation's financial transactions with the Council to be provided, it is not considered to be in the public interest to disclose such information to third parties.

The Council is of the view that releasing the information without the appropriate "Authority to Act" could damage the commercial interests of the businesses concerned and so it has been deemed that the public interest in the non-disclosure of this information outweighs the public interest in its release.

Please also be advised that the Council will not in any circumstances provide information that either identifies currently unoccupied properties or could give an indication of properties that are potentially likely to become unoccupied. This information is considered to be exempt under section 31(1) 'Law enforcement', of the Freedom of Information Act 2000, which states:

"Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to; prejudice the prevention or detection of crime."

Section 31 (1) (a) has therefore been applied to any part of your request that relates to reliefs in respect of empty properties because of the risk of increased crime that would likely occur if information relating to empty properties was released to the wider public under a Freedom of Information request. It is considered that the public disclosure of the requested information would be likely to increase the risk of illegal entry and of illegal use if/when entered. If you require further explanation in regard to this aspect of your enquiry, please write to the Information Management Team at the address supplied below and this will be sent to you.

As part of the Council's duty to advise and assist under Section 16 of the Act, it has an obligation, where a request has been turned down on the basis of an exemption, to assist the applicant in re-formulating a request that would be less likely to attract an exemption. To this end, you may wish to consider narrowing or amending the scope of the information you seek as it may then be possible to comply with the request although I cannot guarantee that this will be so.

If, ultimately, information is supplied to you, you are free to use that which is disclosed for your own personal purposes or for non-commercial research, private study or news reporting. However, please note that you do not have the right to re-use the information in a way which infringes copyright, for example, by distributing, making copies of or publishing the information, without the express permission of the copyright holder, which in most cases will be the London Borough of Hackney.

The provision of information by the London Borough of Hackney does not imply rights to reproduce or commercially exploit such information without the Council's express prior written permission. Reproduction or commercial exploitation of materials supplied under this scheme without the express permission of the Council may be an infringement of copyright and the Re-Use of Public Sector Information Regulations. Permission to reproduce or re-use such material must be obtained from the copyright holders.

If you are dissatisfied with this response and wish to appeal, please write to the Information Governance Team, Appeals, 3rd Floor, Maurice Bishop House, 17 Reading Lane, Hackney, London E8 1HH and your complaint will be dealt with through our Internal Review procedure.

If you are still not satisfied following the Internal Review, you have a right to appeal to the Information Commissioner. He can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 01625 545 700
www.informationcommissioner.gov.uk

I hope that I have now fully explained the Council's position in regard to your Freedom of Information request and I am sorry that I have been unable to assist you on this occasion.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Kay Brown', with a long horizontal stroke extending to the right.

Kay Brown
Assistant Director of Revenues and Benefits
Finance and Resources Directorate