

**Revenues & Benefits**

Mr Richard Roberts  
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theyknow.com

Harlow Council  
Civic Centre

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Harlow  
Essex CM20 1WG  
[www.harlow.gov.uk](http://www.harlow.gov.uk)

Our Ref:  
Your Ref:  
Date: 10/05/2021

**Re: Request for Information - Reference Number RFI334852481 - Please quote this reference number if contacting the Council in relation to this matter.**

Dear Mr Roberts

Thank you for your request for information, which was received on the 14/05/2021. Your request has been considered under the Freedom of Information Act 2000.

**Request**

Please provide a copy of the information that the council was required to submit under the Non-Domestic Rating (Compilation and Alteration of Lists) (England) Regulations 2020 by 15<sup>th</sup> January 2021.

**Response**

Your request has been given careful consideration. However, Harlow District Council is not able to give you the information because it is exempt from disclosure. I have set out the reasons for this decision below.

This information is exempt from disclosure under Section 31(1)(a) - Law enforcement. Disclosure of this information would be likely to prejudice the prevention or detection of crime.

Section 31(1)(a) is a qualified exemption, and therefore is subject to the Public Interest Test. Section 31(1)(a) provides an exemption where prejudice could be caused to allow potential fraudsters to use the information to identify business entities which were entitled to claim credits on their accounts. Once such a business had been identified, there would be a number of avenues open to the fraudsters to seek to obtain funds.

To use this exemption we are required to undertake a public interest test. The matters which were considered in applying the public interest test are as follows:

### **Factors in favour of disclosure**

Withholding the information could be perceived as the council attempting to retain monies that belong to the public.

It is in the public interest to be open and transparent about our use of public funds.

It is also in the public interest to provide some transparency regarding the records we hold in respect of the administration of business rates. This could be of interest to the minority of people who are due a refund, but have somehow failed to receive the notifications that money is due to them.

### **Factors in favour of withholding**

There is a public interest in ensuring that monies from the public purse, such as rebates on business accounts, are not fraudulently claimed and also a public interest in not making it easier for fraud to be committed.

Our current verification procedure for refund claims is simple and cost effective. Disclosure of the requested information would result in additional verification processes needing to be implemented, at additional cost to the public which appeared disproportionate to the benefits that would accrue from disclosure. The additional verification procedures would also be likely to slow the verification process, resulting in detriment to the genuine ratepayer which would be contrary to the public interest.

In relation to any new verification processes that might be needed, these would be likely to require the production of additional documents by those claiming a rebate which would place a new administrative burden on the majority of those legitimate claimants that does not currently exist. This would be compounded by the fact that the level of scrutiny of those documents would be higher than at present, given the increased suspicion that some of the claims (and associated documents) might well be fraudulent. The result would be that a new verification process would be likely to slow the rate at which credit balance claims could be considered and refunded, causing delay in all refunds and the likelihood of complaints, which would further burden our limited resources.

Disclosure of the requested information would result in the need to implement disproportionate steps and additional expense to the public purse to counter an increased fraud risk that does not exist at present.

The cost consequences of a successful fraudulent claim would:

- have incurred the cost of paying out to the fraudster;
- remain liable to the legitimate rate payer for an equivalent amount, raising the prospect of paying out twice; and
- be faced with the cost (legal and incurrence of internal management time) of seeking to recover the funds wrongly paid to the fraudster.

It would not be in the public interest to expose it to such potential costs and expenses, given that they would be funded from the public purse.

It is considered that the greater public interest, therefore, lies in not providing the information at this time. In coming to that conclusion, the public interest in providing the information has been carefully weighed against any prejudice to the public interest that might arise from withholding the information; in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. This response, therefore, acts as a refusal notice under section 17 of the Freedom of Information Act

If you are dissatisfied with the response you have received and wish to request a review of our decision or make a complaint about how your request has been handled you should write to Contact Harlow at the above address or complete the on-line complaint form that can be found at [www.harlow.gov.uk](http://www.harlow.gov.uk). Your request for an internal review should be submitted to us within 40 working days of receipt by you of this response. Any such request received after this time will only be considered at the discretion of Harlow Council.

If having exhausted the review process you are not content that your request or review has been dealt with correctly, you have a further right of appeal to the Information Commissioner for a decision by writing to the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely,

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