



**Information Governance Team**

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Dear Sir/Madam

**Freedom of Information Act 2000 (FOIA)**

**Request ID: FOI520875737**

Thank you for your request for information relating to Council Tax accounts with a credit balance.

You have requested the following information:

**I am aware that all Billing Authorities hold on accounts sums of money that are due to be returned to ratepayers and for a variety of reasons have not been repaid.**

**I therefore request a breakdown of credit balances accrued since your earliest records, for the amounts owing to all incorporated companies within the authorities billing area, including the following information:**

- A. The name of each business in respect of which Council Tax credit balances remain payable. I understand you will not provide individuals names. Please note I am not asking for Business Rates but that of council tax accounts held by housing associations, property developers etc**
- B. The value of overpayment in each case which remains unclaimed**
- C. The years(s) in which overpayment is for**
- D. The property address the credit relates to**
- E. A write to address and write to company name if available**
- F. Please state whether the account is a live/open account or a closed account; if closed the date it closed**
- G. Please provide the most up to date and accurate information that you can, please confirm the date that the data was pulled from your system.**

This request is being handled under the Freedom of Information Act 2000. We can confirm that Coventry City Council holds the information you requested. However, we are withholding that information since we consider that the following exemptions apply to it.

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 entities which were entitled to claim credits on their accounts. Once such an entity had been identified, there would be a number of avenues open to the fraudsters to seek to obtain funds.

We advise that information regarding credits will only be provided to the liable council tax payer who is owed the money. When we are notified that a property changes over to another rate payer, then we will inform the previous rate payer of any credits owed when closing the account.

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 council tax. 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 council tax 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 did 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 FOIA.

Having considered the public interest, we have decided not to release the information.

We would also highlight the recent decision notices by the Information Commissioner's Office (ICO) upholding the use of Section 31(1)(a) in response to requests of this nature:

<https://ico.org.uk/media/action-weve-taken/decision-notices/2017/2172507/fs50643256.pdf>

<https://ico.org.uk/media/action-weve-taken/decision-notices/2018/2173119/fs50671834.pdf>

For information, we publish a variety of information such as: [FOI/EIR Disclosure Log](#), [Publication Scheme](#), [Facts about Coventry](#) and [Open Data](#) that you may find of useful if you are looking for information in the future.

If you are unhappy with the handling of your request, you can ask us to review our response. Requests for reviews should be submitted within 40 days of the date of receipt of our response to your original request – email: [infogov@coventry.gov.uk](mailto:infogov@coventry.gov.uk)

If you are unhappy with the outcome of our review, you can write to the Information Commissioner, who can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or email [icocasework@ico.org.uk](mailto:icocasework@ico.org.uk).

Please remember to quote the reference number above in your response.

Yours faithfully

**Information Governance**