



Response to Request for Information

Reference FOI 003382
Date 21 March 2019

Empty Properties

Request:

Could you please supply me with the details of all empty properties you hold on your register and details of the property owners wherever possible I request the details for domestic and retail and commercial properties within your area.

In response to your request, we can confirm that the department holds information that you have asked for in relation to the above. However, the information is exempt under section 21 of the FOI Act because it is reasonably accessible to you, and I am pleased to inform you that you can access it on our website via the following link:

<http://data.wolverhampton.gov.uk/View/business>

Details of empty commercial properties are within our published datasets. You can identify those properties with an empty relief or an empty exemption.

Section 21(1) of the Freedom of Information Act exempts disclosure of information that is reasonably accessible by other means, and the terms of the exemption mean that we do not have to consider whether or not it would be in the public interest for you to have the information.

You can find out more about Section 21 by reading the extract from the Act, available at: <http://www.legislation.gov.uk/ukpga/2000/36/section/21>

Your request for information for details on empty domestic properties has now been considered and the City of Wolverhampton Council is not obliged to supply the information you requested for the reasons set out below.

Section 17 of the Freedom of Information Act 2000 requires City of Wolverhampton Council, when refusing to provide such information (because the information is exempt) to provide you, the applicant with a notice which:

- (a) states the fact,
- (b) specifies the exemption in question and
- (c) states (if that would not otherwise be apparent) why the exemption applies:

In relation to your particular request, the following exemption applies:

Section 31 – Law Enforcement

We can confirm that the Council holds information falling within the description specified in your request. However, Section 31 of the Freedom of Information Act 2000 allows a public authority to refuse a request if disclosure of this information would prejudice law enforcement as defined under Freedom of Information Act, Section 31(1)(a) – Law Enforcement.

In this case, we believe that releasing detailed information such as empty residential properties creates a security risk and is likely to prejudice the prevention or detection of crime.

In line with the terms of this exemption in the Freedom of Information Act, we have also considered whether it would be in the public interest for us to provide you with the information, despite the exemption being applicable. In this case, we have concluded that the public interest favours withholding the information.

You can find out more about Section 31 by reading the extract from the Act and some guidance points we consider when applying this exemption, attached at the end of this letter.

You can also find more information by reading the full text of the Act, <http://www.legislation.gov.uk/ukpga/2000/36/section/31> and further guidance

When assessing whether or not it was in the public interest to disclose the information to you, we took into account the following factors:

Public interest considerations favouring disclosure

- There is public interest in transparency and accountability of the department,
- Disclosure may promote public understanding
- There is public interest in good decision-making by public bodies
- Consideration of recent decisions by the Information Commissioner's Office related to the disclosure of information in respect of empty properties.

Public interest considerations favouring withholding the information

- Disclosing empty residential properties creates a security risk and therefore the Council recognises that there is a public interest in reducing potential criminal activity at these properties especially owned by private individuals.

Having considered the key factors, the decision is to release the information in a redacted form.

To advise and assist you under Section 16 of the Freedom of Information Act, we have provided you with partial information, 4-digit post code, in order to reduce the element of the risk of criminal activity. See attached.