

Response to Request for Information

Reference FOI 001872
Date 15 January 2018

Unoccupied Council Buildings

Request:

Please provide an itemised list of non-residential buildings owned by the council that were unoccupied for one month or longer between 1 Jan 2016 and 31 December 2017. Please also include the following information:

- The address of the building
- The dates during which the building was unoccupied
- The cost of insuring the building and its contents during the period it was unoccupied. If this is not possible, please provide an annual amount.
- The cost of providing security for the building during the period it was unoccupied. If this is not possible, please provide an annual amount.

In response to your above questions, your request for this information 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 request, the following exemption applies:

We are not obliged to provide information if its release 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 unoccupied 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

Public interest considerations favouring withholding the information

Disclosing the unoccupied 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.

In reaching this decision we have referred to the ICO Decision Notices as listed below:

https://ico.org.uk/media/action-weve-taken/decision-notices/2014/1042144/fs_50538789.pdf

<https://ico.org.uk/media/action-weve-taken/decision-notices/2017/2013677/fs50623497.pdf>

- Any other maintenance costs during the period it was unoccupied. If this is not possible, please provide an annual amount.
Between 1 January 2016 and 31 December 2017 = £206,510
- The cost of any renovation works undertaken
Nil
- The dates any such renovation work was undertaken
None