

04 March 2013

Freedom of Information Request

Thank you for your email of 25 February 2013, in which you have requested information relating to empty properties. Your request has been considered under the provisions of the Freedom of Information Act 2000 and for ease of reference I will respond to each question in turn.

As a director of Estate Property Development I am writing to request the following information under the Freedom Of Information Act 2000:

(a) the addresses of any empty buildings within your area (whether belonging to yourselves or others) that have been empty for 6 months or more;

(b) the addresses of any buildings which belong to yourselves and that are scheduled to become vacant in the next 12 months for whatever reason;

(c) where possible, the type of use (eg storage, office, warehouse, training, accommodation etc) of those buildings referred to in (a) and (b);

(d) where possible, the approximate date (month and year) from which those properties referred to in (a) became vacant;

The Council is of the view that this information under section 31 (1) (a) (Law Enforcement) of the Freedom of information Act is exempt from disclosure.

As a result of the case EA/2011/007 hearing at the General Regulatory Chamber dated 22 January 2013, the First –tier tribunal decided that the addresses of empty residential properties were exempt from disclosure pursuant to Section 31 of the Freedom of Information Act.

Section 31 states:

(1) 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—
(a) the prevention or detection of crime,

The Tribunal found that Section 31 (1) (a) (Law Enforcement) exemption was engaged and that the public interest in withholding the information outweighed the public interest in providing the information.

The factors in favour of maintaining the exemption were:

a. The inherent public interest in the prevention of all crimes (even those where the damage caused may be limited or the chances .of securing a conviction problematic)

- b. The cost of securing properties vulnerable to squatting and repairing damage resulting from it, whether that cost falls on the private or public purse.
- c. The cost of evicting squatters.
- d. The potential detrimental impact on those directly affected by criminal damage.
- e. The impact on the community in the vicinity of a squatted property.
- f. The problems faced by Council staff having to deal with squatting and its consequences.
- g. The impact on police resources.
- h. The direct financial cost caused by property stripping.

The full decision can be found on attached pdf.

If you are dissatisfied with the way the council has handled your request under the Freedom of Information Act you may ask for an internal review. This should be submitted to us within 40 working days of this response. You can do this by outlining the details of your complaint by:

Email: information@croydon.gov.uk

Writing: Complaint Resolution Team
London Borough of Croydon
Taberner House
Park Lane
Croydon, CR9 3JS

Any requests received after the 40 working day time limit will be considered only at the discretion of the council.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

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

Yours sincerely

Information Co-ordinator