

27 April 2021
Our ref: 7171600

Thank you for your request received on 29 March 2021, for the following information:

I am looking for a list of long term empty property lists within your borough.

Please supply me with these under the Freedom of Information Act.

A spreadsheet will suffice, I require no personal information. Simply the property address.

We have processed this request under the Environmental Information Regulations 2004.

Response

I can confirm that London Borough of Barnet holds the information you requested. However, we are withholding the information regarding **residential properties** since we consider that the following exemption applies to it:

Section 31(1) (Law enforcement) subsection 1 applies to the information

Information is exempt if its disclosure would prejudice the prevention and detection of crime. A Freedom of Information Request response is a response available to the whole world. It is therefore not just given to the requester but is available to any other person who may request it. Whilst a requester may have bona fides in requesting information, there are likely to be others who have nefarious intent. Publishing a list of empty properties would be likely to prejudice anti-crime work and lead to an increase in crime. Squatting is a criminal offence and to publish a list of empty properties would be likely to lead to squatting. Additionally, squatting is often associated with other crimes such as criminal damage, or gangs that strip buildings of materials.

In the London Borough of Camden v The Information Commissioner & Yiannis Voyias [2012] UKUT 190 (ACC) the Upper Tribunal considered the appeal of a decision by the First Tier Tribunal (FTT) which ordered the Council to disclose a list of unoccupied dwellings that were not owned by individuals.

The Upper Tribunal set aside this decision. It found that the FTT had taken too narrow a view of the criminal activity that would be a consequence of illegal occupation, eg there was the risk of the theft of electricity. It was also appropriate to take account of the cost of removing those illegally occupying properties. As well as

the financial costs of crime there are social costs. In this case criminal damage reduces the quality of life in the area and neighbours would live in fear of further crime being committed. The Upper Tribunal also considered that the disclosure of the list could change the behaviour of other criminals to encourage them to steal fixtures and fittings from empty residential properties. The Upper Tribunal recognised that there was a limit to the consequences anyone could claim would result from breaking into empty properties which "...should take account of any consequences that can readily be anticipated as realistic possibilities."

In applying this exemption, we have had to balance the public interest in withholding the information against the interest in favour of disclosure.

Factors in favour of disclosure:

- The council's commitment to openness and transparency

Factors in favour of withholding:

- There is a strong likelihood of release causing crime.
- It is not in the public interest to increase the risks of crime.
- A recent case held against disclosure and it is not in the public interest to act against a decided case

In all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

We publish a list of **empty commercial properties**

R6(1)(b) – Material already published

Under Regulation 6(1)(b) of EIR, we are not required to provide information in response to a request if it is already reasonably accessible to you by other means.

- The information relevant to your request is published online at the following link:

<https://open.barnet.gov.uk/dataset/2zlqv/empty-commercial-properties>

Further information

If you are interested in the data that the council holds you may wish to visit Open Barnet, the council's data portal. This brings together all our published datasets and other information of interest on one searchable database for anyone, anywhere to access. <http://open.barnet.gov.uk/>

Advice and Assistance : Direct Marketing

If you are a company that intends to use the names and contact details of council officers (or other officers) provided in this response for direct marketing, you need to be registered with the Information Commissioner to process personal data for this purpose. You must also check that the individual (whom you wish to contact for direct marketing purposes) is not registered with one of the Preference Services to prevent Direct Marketing. If they are you must adhere to this preference.

You must also ensure you comply with the Privacy Electronic and Communications

Regulations (PECR). For more information follow this Link www.ico.org.uk

For the avoidance of doubt the provision of council (and other) officer names and contact details under FOI does not give consent to receive direct marketing via any media and expressly does not constitute a 'soft opt-in' under PECR.

Your rights

If you are unhappy with the way your request for information has been handled, you can request a review within the next 40 working days by writing to the Information Management Team at: foi@barnet.gov.uk. Or by post to Information Management Team (FOI) London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW

If, having exhausted our review procedure, you remain dissatisfied with the handling of your request or complaint, you will have a right to appeal to the Information Commissioner at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF (telephone: 0303 123 1113; website www.ico.org.uk). There is no charge for making an appeal.