



## Wandsworth Council

Administration Department  
The Town Hall Wandsworth High Street  
London SW18 2PU

Please ask for/reply to: Paul Martin  
Telephone: 020 8871 6001  
Fax: 020 8871 7321  
Email: [pmartin@wandsworth.gov.uk](mailto:pmartin@wandsworth.gov.uk)

Mr Gavin Chait  
request-322197-  
[d100697c@whatdotheyknow.com](mailto:d100697c@whatdotheyknow.com)

Our ref: ADM/FOI/CIMT/2016/12706  
Your ref: -  
Date: 7th July 2016

Dear Mr Chait,

### **Request for Information - Internal review - 2016/12706 - Business Rates**

Please accept my apologies for the delay in responding to your email received on 21<sup>st</sup> March 2016 in which you expressed dissatisfaction with the Council's response to your request for information on unoccupied business properties. This has been treated as a request for an internal review.

For ease of reference, a schedule of the correspondence is attached (Appendix (i)).

I have considered your request and the Council's response and I am satisfied that the exemption provided by the section 31 (Law enforcement) exemption does apply.

Please see below my findings regarding the application of that exemption:

#### Section 31 (1) (a) – Law Enforcement

This exemption applies because the release of these details may lead to cases of burglary, squatting, fraud or other associated activities and would prejudice the prevention and detection of crime.

When considering this exemption I have taken into account the fact that disclosure under FOIA is akin to publication. Therefore, if the requested information on empty properties was disclosed, it would be available to the public at large. I believe that disclosure of a list of this nature would be an invitation to the dishonest and would create a real and significant risk of enhancing the ease of potential crimes being committed. This effect is contrary to the prevention and detection of crime.

In the past the Head of Community Safety at Wandsworth Council has been notified that rave parties are being planned and/or held, on business premises in parts of Wandsworth. The Police wish to prevent this sort of event spreading further. The Police and the Council take these events very seriously but their powers are limited once they start, which is why prevention is so important. The danger of large numbers of young

[www.wandsworth.gov.uk](http://www.wandsworth.gov.uk)

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Chief Executive and Director of Administration: Paul Martin

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people gathering together, in unlicensed and unsuitable premises, was very sadly illustrated in a nearby borough (<http://www.bbc.co.uk/news/uk-england-london-27884915>) in 2014. Following on from that particular unlicensed party, social media picked up on reports that a similar party was to be held in Wandsworth. An enormous amount of work went in to disrupting these plans and preventing the party taking place. Disclosure of a list of empty properties would make it considerably easier for organisers of these events to identify new locations to hold them. These events cause a great deal of disruption and result in damage being caused to the properties where they are held, this is in addition to the dangers to those attending the events.

Releasing the information would make it likely that crimes would be committed as entry would need to be forced to gain access to any empty property. Residents in close proximity would also be under threat due to the fact that a crime or/and anti social behaviour was taking place so close to them and they rightly should have an expectation to feel secure in the environment they live in. Once an area is subject to crime it has an impact on the surrounding neighbourhood, reducing the value of neighbouring properties and the quality of life of the residents. Crime associated with empty properties can have a substantial detrimental impact upon those individual residents who live in neighbouring properties or the wider community.

In reaching the decision on the Section 31 (law enforcement) exemption, the Council sought the professional opinion of the Metropolitan Police Commander for the Borough of Wandsworth. He was in no doubt that the release of this information on empty properties would not be in the best interests of law enforcement for the reasons already given. I would find it extremely difficult to ignore the advice from a highly experienced law enforcement officer.

The Section 31 exemption is also subject to the public interest test. I have considered this and accept that disclosing the information would assist the general public interest in openness and transparency of public authorities. An important aspect of which includes increasing public debate concerning the number of empty properties, both domestic and commercial.

There is, however, an inherently strong public interest in avoiding likely prejudice to the prevention and detection of crime. This could include a diverse range of activities including anti social behaviour, criminal damage, arson and illicit events. Tackling issues like these would involve significant public expense that could be avoided. It is in the public interest to ensure that public resources are used efficiently and to avoid putting property in Wandsworth at risk of damage.

I am of the view that the public interest in withholding the information out-weighs the public interest in disclosing it.

I note that you have not raised any concerns with the applications of section 40 so I have not considered this exemption any further.

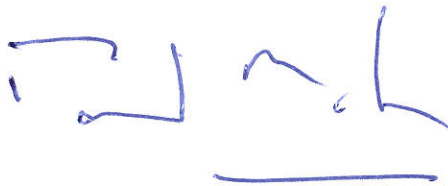
In your request for an internal review have provided further reasoning as to why you want the information and that you are of the opinion that the public interest in your case *'far outweighs any concern that the release of data which can identify empty business properties may cause crime'*. However, I would refer you to an earlier paragraph that any disclosure under FOI is deemed to be akin to publication, so would be available to the public at large. If the information were to be disclosed the Council would have no control as to who had access to it.

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

If you require any further information please do not hesitate to contact the Corporate Support and Information Team on 020 8871 7202 or via email at [foi@wandsworth.gov.uk](mailto:foi@wandsworth.gov.uk).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Paul Martin', with a horizontal line underneath.

Paul Martin  
Chief Executive and Director of Administration



1.	14/03/16	<p>Request for the following:-</p> <p>In terms of the Freedom of Information Act of 2000, could you please provide me with a complete and up-to-date list of all business (non-residential) property rates data for your local authority, and including the following fields:</p> <ul style="list-style-type: none"> <li>- Billing Authority Code</li> <li>- Firm's Trading Name (i.e. property occupant)</li> <li>- Full Property Address (Number, Street, Postal Code, Town)</li> <li>- Occupied / Vacant</li> <li>- Date of Occupation / Vacancy</li> <li>- Actual annual rates charged (in Pounds)</li> </ul> <p>While such data series are often published by local authorities, I have undertaken a thorough search of your website and have not found these. If they are available, as requested, then please - in terms of Section 21 of the act - could you provide a link to the page where the data are published, as well as guidance on the update frequency.</p> <p>I appreciate that properties owned / rented by individuals are personal information and such personal data (i.e. the Firm's Trading Name) would be excluded from my request in terms of Section 40(2) of the Freedom of Information Act 2000. In such cases, please provide the remaining information with the Firm's Trading Name either blank or listed as 'individual'.</p> <p>Please provide this as machine-readable as either a CSV or Microsoft Excel file, capable of re-use, and under terms of the Open Government Licence.</p> <p>I am compiling a comprehensive time-series database of business activity across the UK and will require the dataset updated on a quarterly basis. Some 20% of local authorities already provide this dataset (and a total of 30% of local authorities provide a subset of these data) on a monthly to quarterly basis on a dedicated page on their websites or on an open data service. I would appreciate it if you could do the same.</p>
2.	14/03/16	<p>Acknowledgement:</p> <p><b>Request for Information - 2016/12706 - Business Rates</b></p> <p>Thank you for your request for information received on 14/03/2016.</p> <p>This will be processed in accordance with the appropriate access to information regime.</p>
3.	21/03/16	<p>FOI response (with attachment): -</p> <p><b>Request for Information - 2016/12706 - Business Rates</b></p> <p>I refer to your request for information received on 14/03/2016. Please see the information below in response to your request: -</p> <p>In terms of the Freedom of Information Act of 2000, could you please provide me with a complete and up-to-date list of all business (non-residential) property rates data for your local authority, and including the following fields:</p>



- Billing Authority Code
- Firm's Trading Name (i.e. property occupant)
- Full Property Address (Number, Street, Postal Code, Town)
- Occupied / Vacant
- Date of Occupation / Vacancy
- Actual annual rates charged (in Pounds)

I appreciate that properties owned / rented by individuals are personal information and such personal data (i.e. the Firm's trading Name) would be excluded from my request in terms of Section 40(2) of the Freedom of Information Act 2000. In such cases, please provide the remaining information with the Firm's Trading Name either blank or listed as 'individual'. Please provide the information in an excel spreadsheet or CSV document.

Please refer to the attached Excel document relating to account information held by the Council for Limited companies. Sole trader information is exempt under sections 40 and 41 of the Freedom of Information Act 2000.

#### Section 40 – Personal Information

The Council feels that the disclosure of a sole traders business rates details, including their name and address - which could also be their home address - is considered to be personal information. Please note that this personal information is exempt from disclosure under Section 40 (2) of the Freedom of Information Act 2000 as disclosure would result in a breach of the first data protection principle.

Please also be advised that for any businesses which qualify for empty property relief, we can confirm that Wandsworth Council holds the requested information but considers that the information relating to empty properties is exempt from disclosure under the Act on the following basis:-

#### Section 31(1)(a) – Law Enforcement – Prevention and detection of crime

Information is exempt from disclosure where this would be likely to prejudice the prevention and detection of crime. It is the Council's opinion that disclosure of this information would be likely to prejudice the prevention and detection of crime by revealing the locations of empty properties. In coming to this conclusion, the Council is reminded that disclosure of information under the Freedom of Information Act is akin to publication and the Council has a duty to consider the effects of releasing the information into the public domain when there is no control over how it is distributed or used.

The Council has additionally sought the opinion of the Borough Commander, who was of the opinion that the disclosure of this information would be likely to prejudice the prevention and detection of crime. The Council finds it difficult to ignore the opinion of an experienced Officer; as a consequence, this information is considered to be exempt.

This exemption requires the Council to consider the public interest test when considering whether to disclose the requested information. Whilst

		<p>the Council recognises there is a public interest in enabling properties to be brought back into use and a general interest in transparency, we are also bound to consider the strong public interest in reducing the potential for criminal activity.</p>
4	21/03/16	<p>Request for internal review:</p> <p>Please pass this on to the person who conducts Freedom of Information reviews.</p> <p>I am writing to request an internal review of Wandsworth Borough Council's handling of my FOI request 'Complete Non-Residential / Business Property Rates Data'.</p> <p>On 14 March 2016, I sent an FOI request for a complete and up-to-date list of all business (non-residential) property rates data, and including the following fields:</p> <ul style="list-style-type: none"> <li>- Billing Authority Code</li> <li>- Firm's Trading Name (i.e. property occupant)</li> <li>- Full Property Address (Number, Street, Postal Code, Town)</li> <li>- Occupied / Vacant</li> <li>- Date of Occupation / Vacancy</li> <li>- Actual annual rates charged (in Pounds)</li> </ul> <p>My request has been refused in terms of Section 31(a). According to the Information Commissioners Office, "Section 31 is a prejudice based exemption and is subject to the public interest test. This means that not only does the information have to prejudice one of the purposes listed, but, before the information can be withheld, the public interest in preventing that prejudice must outweigh the public interest in disclosure."</p> <p>Section 31(a) deals specifically with "the prevention or detection of crime".</p> <p>The purpose of our use of the data requested is in informing entrepreneurs and business seekers about opportunities in empty premises when they are advertised for new tenants. We combine local authority premises occupation data with other data (from the Valuations Office and ONS) to develop forward guidance on business potential in each empty business property. Further details on our activities are available at <a href="http://pikhaya.com">http://pikhaya.com</a>, but our activity is supported by the Open Data Institute and we have received funding from the EU Open Data Incubator to develop this service.</p> <p>Our combined data are made available via online commercial property leasing intermediaries as a free service to business seekers. These leasing intermediaries combine our data with properties being offered for rent.</p> <p>In other words, these are properties being clearly advertised as empty whether the local authority data are publicly available or not.</p> <p>I should also note that, of the 350 local authorities in England and Wales, over 150 of these either already make these data available, or have done so in response to FOI requests from ourselves.</p> <p>We are mindful, though, that not all authorities wish to release direct information on empty premises. In that case, could we suggest that you provide only a list of occupied properties which we would then reconcile against the master list of properties from the Valuations Office Agency (VOA). VOA data are available via their website, and the complete database by subscription. Empty premises will be known to residents of the community in which they are based. That means that anyone not resident in your community and wanting to find the list of empty properties would have to undertake the costs and technicalities of a similar data reconciliation.</p>

		<p>I would ask that you consider that the public interest in economic development and improving opportunities for independent businesses and entrepreneurs far outweighs any concern that the release of data which can identify empty business properties may cause crime.</p> <p>Unemployment and economic deprivation are often key to reducing the potential for crime. Our intention is to support local economic development initiatives through the use of these data.</p> <p>I ask that you reconsider your decision and make this data available to us under terms which permit our use thereof.</p> <p>A full history of my FOI request and all correspondence is available on the Internet at this address:  <a href="https://www.whatdotheyknow.com/request/complete_non_residential_busines_203">https://www.whatdotheyknow.com/request/complete_non_residential_busines_203</a></p>
7.	21/03/16	<p>Internal review acknowledgement:</p> <p>We confirm receipt of your email and that this will be treated as an internal review.</p>