

Date: 22nd June 2022

Mr Matthew Settle
[request-858921-2bbc0057@whatdotheyknow.com](#)

Our Ref: 220485/F21
Direct Line: 01253 478980
Email: foi@blackpool.gov.uk

Dear Mr Settle

FREEDOM OF INFORMATION ACT 2000 – INFORMATION REQUEST

In accordance with s.50 of the Act, I have considered your request for internal review and your complaint against the response issued to you in relation to your information request.

My decision is that your complaint is not successful and the complaint is not upheld. I have explained my reasons for this decision next.

In your internal review request email dated 11th May 2022, you stated:

I note you have refused my request under Section 31(1)(a) of the Act as the council believes if the information requested was released into the public domain it could be used to commit crime and anti-social behaviour.

Please can you confirm on what basis the council believes that my request differs from my request of 21st February 2022 in relation to empty commercial property information? You will note that the council provided the addresses of these properties.

If the council's argument is that Section 31(1)(a) applies to residential empty properties please can it confirm on what basis it believes it doesn't apply to commercial empty properties?

In considering this internal review, I have taken into account your comments above, however, my opinion is that the application of s31(1)(a) was applied correctly to the withholding of the empty residential properties addresses. I have outlined further below, my reasons for this.

With regards to the difference between empty commercial properties and empty residential properties, the occupancy of commercial properties is more visible in business properties than residential properties. In the case of *London Borough of Ealing v IC (Appeal No: EA/2016/0013)*, at paragraph 13 the First-tier Tribunal considered whether details of occupancy of commercial premises could be considered confidential. It found that it could not be confidential as generally this would be evident.

Furthermore, a list of vacant commercial premises within an area will be of use to companies looking to develop their businesses within that area. Higher rates of occupation by businesses in an area aid in the



Information Governance Team
PO Box 4
Blackpool, FY1 1NA

Contact
T: (01253) 477 477

www.blackpool.gov.uk

areas economic development (and redevelopment). It will be beneficial to the economic health of that, and surrounding areas.

Empty residential properties are not as evident as empty commercial properties and therefore the exemption s31(1)(a) was applied. The exemption advises:

Section 31(1)(a) relates to the prevention or detection of crime. It is the Council's view that the empty property address information requested, if disclosed to the public domain, could lead to crime and potential anti-social behaviour. This would then cause strain on Blackpool Council, local policing, or cause distress within the local community.

Section 31 is a qualified exemption and therefore a public interest test is required. The information requested has not been provided because the public and local communities surrounding any such empty residential properties would expect the Council to prevent possible anti-social behaviour/crime on these empty properties. Blackpool Council does not publish a list of empty residential properties for this reason. It is therefore the Council's opinion that the public interest in maintaining the exemption outweighs the public interest in disclosure.

Not all residential properties are obviously empty. Blackpool Council has a known level of anti-social behaviour and therefore to actively identify empty residential properties in the public domain, could attract more instances of this. This, as advised in the exemption above, would then cause strain on the Council, local Police and the immediate community surrounding the empty property if this was then to become the target for anti-social behaviour by being targeted by youths.

Whilst there is possibly some benefit of empty residential properties being brought back into use for housing issues, this is outweighed by the need to prevent crime/anti-social behaviour taking place. This is highlighted in the case of *Voyias v Information Commissioner and London Borough of Camden Council (EA/2011/0007)* where the First Tier Tribunal upheld the decision to not disclose a list of empty residential properties.

If you are not happy with the outcome of the review, you have the right to apply directly to the Information Commissioner's Office for a decision. You can contact the Information Commissioner at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, (www.ico.org.uk).

If you have any queries about this letter you can contact me, or write to: FOI, PO Box 4, Blackpool, FY1 1NA, or email us at FOI@blackpool.gov.uk. Please remember to quote your reference number when you contact us.

Yours sincerely

Mrs L Whitehead
Information Governance Rights Team Leader
Information Governance Team

