

Our Ref: FOI 40709
Your Ref:
Please Contact: LYDIA KITCHEN
Telephone:
Email: Lydia.Kitchen@Calderdale.Gov.UK
Date: 9 July 2021



Anna Nichols
request-764233-
b4cb2ae5@whatdotheyknow.com

Legal and Democratic Services

Information Governance Team
Town Hall
Crossley Street
HALIFAX
HX1 1UJ

Dear Ms Anna Nichols

Freedom of Information Act 2000 Request for information

Thank you for your request for information under the Freedom of Information Act 2000.

Request

could you please provide me with your local authority's complete and most-recently updated list of all properties (domestic and non domestic), in your area that have been vacant for the past 24 months or more, including the following fields:

- Council Tax Band
- Firm's Trading Name (i.e. property occupant or ratepayer)
- Full Property Address (Number, Street, Postal Code, Town)
- Date of Vacancy
- Actual annual rates charged (in Pounds) and/or categories of reliefs/exemptions granted

If you are unable to provide an absolute 'Vacancy' status, please provide the Exemptions and / or Reliefs that a particular property may be receiving.

Please provide this data in Microsoft Excel file, capable of re-use, and under terms of the Open Government Licence (reuse for any and all purposes, including commercial).



Response

I am unable to give you information regarding domestic and non-domestic private properties under Section 31 (1) (a) of the Freedom of Information Act 2000. Please see the attached Section 17 notice for further details. However, if you are requiring this information because you are interested in purchasing a specific vacant property, you can contact our Private Sector Development Officer, Eileen Johnson, email Eileen.Johnson@calderdale.gov.uk and she will pass on your details to the owner/agent if known.

I am able to provide the number of properties that are vacant there are 1,401 non domestic properties vacant and 1948 domestic property's vacant.

I hope this is helpful to you and any feedback from you would be welcomed.

If for any reason you are unhappy with our response, you are entitled to approach Tracie Robinson, Corporate Information Manager, Calderdale MBC, Town Hall, Crossley Street, Halifax HX1 1UJ to request an internal review. Please note your request must be made in writing and submitted within two months of the date of this letter.

If you remain dissatisfied with our decision, under Section 50 of the Freedom of Information Act you are entitled to contact the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, SK9 5AF.

Yours sincerely

LYDIA KITCHEN

LYDIA KITCHEN
Information Governance Officer



Notice under s17 of the Freedom of Information Act 2000

Calderdale Council I hereby gives notice to Anna Nichols under section 17 of the Freedom of Information Act 2000 that the information requested on 10-Jun-2021 for *your local authority's complete and most-recently updated list of all properties (domestic and non domestic), in your area that have been vacant for the past 24 months or more, including the following fields:*

- *Council Tax Band*
- *Firm's Trading Name (i.e. property occupant or ratepayer)*
- *Full Property Address (Number, Street, Postal Code, Town)*
- *Date of Vacancy*
- *Actual annual rates charged (in Pounds) and/or categories of reliefs/exemptions granted is exempt information under the Freedom of Information Act.*

The Exemption which applies in the case of the names and contact details of respective ratepayers is specified in section 40(2) of the Freedom of Information Act in that the information requested is personal information about a third party and disclosure would breach the Data Protection Act:

In this instance, disclosure of the information would be in breach of Principle 2 of the Data Protection Act in that personal data shall be obtained only for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose or those purposes. In respect of the information requested, it is held for Council Tax purposes only.

Section 40(2) of the Act constitutes an absolute exemption under the Act.

The Exemption which applies in the case of the addresses of empty residential properties is specified in Section **31 (1) (a)** of the Freedom of Information Act 2000.

Basis for decision:

This law allows us to refuse to disclose information, through the Freedom of Information Act process, which refers to "law enforcement". This is called an "exemption".

Why does the exemption apply in this case?

31 Law enforcement



(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.

Revealing details of the unoccupied residential properties could provide opportunities for criminal acts to be committed, eg theft, vandalism. Similarly if an address is unoccupied due to the owner being in a nursing home, or if the property is held in the estate of a deceased person, they may still contain personal papers and effects.

Public Interest Test:

This exemption is qualified and on that basis I have considered whether or not in this case the public interest in maintaining the exemption outweighs the public interest in disclosing the information. In coming to a decision to maintain the exemption I have considered the following public interest factors in favour of disclosing the information:

1. The public interest in promoting accountability and transparency in the exercise by a public authority of its actions and decisions in these matters.
2. The accountability and transparency in the exercise of its duties as regards people residing in nursing homes or deceased people within its area.

Against that I have balanced the following public interest factors in favour of maintaining the exemption:

1. Contributing to the sum of criminal knowledge
2. Prevention of criminal activity in relation to these addresses

On balance I do not consider that the public interest outweighs the need to protect against the risk of criminal acts being committed if the Council released this information at this time.

If you are unhappy with my response, you should, in the first instance, write to the Head of Democratic and Partnership Services, Northgate House, Northgate, HX1 1UN. If you remain dissatisfied with our decision, then you may appeal against that to the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, SK9 5AF.

Signed *Lydia Kitchen*
[Information Governance Officer]

Dated09-JUL-2021

