

# Public Interest Test Decision Notice



FOI Reference:	FOI-2122-0102-041972
Subject of Request:	FOI Request - Empty properties for potential refurbishment
Exemption(s) applied:	S31 (Law Enforcement)

## Section 1 - Reason exemption(s) applies:

Section 31 of the Freedom of Information Act 2000 creates an exemption from the right to know, if releasing the information would or would be likely to prejudice;

### (a) The prevention or detection of crime

The Council believes that the requested information (addresses of empty properties) could be used to facilitate the commission of crime, hence disclosure would or would be likely to prejudice the prevention or detection of crime thereby engaging the exemption under Section 31(1)(a).

Publishing a list identifying unoccupied residential properties would increase the risk of squatters targeting such properties, which in turn would lead to an increase in criminal and anti-social activities. In Southampton, the Council have recent evidence that squatters continue to have a presence in the city, and disclosing the list of empty properties under the FOI regime will assist some wishing to engage in squatting and/or other criminal activities. Criminal damage occurs when gaining access to and securing potential squats, and some squatters are drug-dependent and therefore likely to engage in illegal drug dealing on the premises. The Council is also satisfied that publishing such a list would be likely to facilitate the asset stripping of these properties. Empty properties also contain materials of value, in particular the copper used for heating, which is prevalent in larger properties.

## Section 2 – Public Interest Factors considered in favour of disclosure:

### Bringing to light information affecting public safety

The information requested will identify the location of buildings which may or may not be in a state of disrepair, and which could pose a threat to the safety of any individuals who may try to enter these properties.

### The need for the Council to bring back empty properties into use

There is a level of transparency and accountability that the public may reasonably expect in respect of the Council's management of property stock within its boundaries, such as encouraging the reuse of empty dwellings.

### Responsible squatting

There may be circumstances where a squatting community co-operates with a local authority in order to preserve deteriorating properties or areas.

### Section 3 - Public Interest Factors considered in favour of withholding the information:

#### **Inherent public interest in crime prevention**

The Council is satisfied, for the reasons stated above, that prejudice to the prevention of crime resulting from disclosure is sufficient for the exemption to be engaged, and the public interest in avoiding that prejudice is substantial

#### **Cost of repair and security**

With squatting being a realistic possibility on disclosure of this information, the costs of repairing damage caused in gaining access to and securing empty properties may readily be anticipated as a significant burden on the property owners.

#### **Eviction Costs**

Property owners need to bring court proceedings in order to recover property that has been squatted, or come to some other arrangement, such as paying squatters to leave in order to avoid such litigation.

#### **Impact on those directly affected**

There will be occasions where individuals will suffer serious and direct loss and distress as a result of squatting and/or other criminal activity taking place in their properties.

#### **Impact on the surrounding community**

There is a realistic contemplation that the standard of property and quality of the environment will deteriorate as a result of squatting and/or other criminal activity taking place in their properties. This includes the rise (or even the removal) of insurance premiums, and the fall of house prices in the close proximity to empty properties.

### Public Interest Test Decision

<input type="checkbox"/>	To disclose the requested information	<input checked="" type="checkbox"/>	Not to disclose the requested information
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### Reason

The Council appreciates that there is a public interest in disclosure of these records, on the basis that it may encourage these properties being put back into use.

However, it is clear that disclosure of these records could have a serious detrimental effect on members of the public in close proximity to the properties, as well as the property owners, which include Southampton City Council.

On that basis, I am satisfied that the public interest remains in favor of these records being withheld.

**Date:** 20/05/2021