



# City of Westminster

Contract Performance Team  
Westminster City Council  
Westminster City Hall  
64 Victoria Street  
London SW1E 6QP

07<sup>th</sup> August 2013

Dear Daniel Hudson

**FREEDOM OF INFORMATION ACT 2000 - INFORMATION REQUEST**  
**FOI 11068**

Your request for information has now been considered and will not be met on this occasion.

In accordance with the Freedom of Information Act 2000 this letter acts as a Refusal Notice for the information that has not been provided as the Authority has determined that you should not be provided with all of the information that you have requested.

It is this Authority's view that Section 31 of the Freedom of Information Act applies to your request for details of vacant properties. This section provides that information is exempt from disclosure if such disclosure would prejudice the "prevention or detection of crime". Putting the addresses of empty properties (commercial or otherwise) within the Borough into the public domain would in the Authority's view compromise the security of the buildings concerned and would prejudice the objectives of preventing criminal behaviour. We consider there is significant risk that releasing details of empty properties might lead to burglary, arson, vandalism and other criminal activity. In relation to domestic and commercial empty properties, there is also known use of such empty properties to commit benefit fraud, identity fraud and money laundering.

We have consulted with the Metropolitan Police and they have confirmed that release of this type of information, would in the police's view increase the potential for the properties to be targeted by squatters, by criminals or terrorists intent on hiding or depositing proceeds of crime or terrorist materials. There is also the potential for premises to be identified as short-term hiding places by criminals or terrorists.

These incidents would support the concerns that the Authority has as to the prejudice to the prevention of crime in the borough if the information were disclosed. The Act does not allow the Council to enquire as to motives, nor do we have any control over distribution of the information once it is "released" into the public domain.



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Section 31 is a qualified exemption to which the public interest test must be applied. There do not appear to be any obvious public interest considerations that would weigh in favour of disclosure. There is however clear public interest considerations that weigh in favour of not disclosing the information as to do so would prejudice the objective of prevention of crime which is of course in everyone's interests.

You have quoted from a previous case that involved Bexley Council however the Council is not bound by any previous decisions made by the Information Tribunal. You should also be aware that there have been subsequent cases relating to Empty Property that have been considered by the Tribunal and which have reached a different conclusion. I have attached the most recent of these cases for your information.

I apologise that your request will not be met but if you have any further information needs in the future then please contact me.

You have the right of appeal against the decision. If you wish to appeal please set out in writing your grounds of appeal and send to:

Knowledge and Information Management Team  
Westminster City Council  
10<sup>th</sup> Floor Westminster City Hall  
64 Victoria Street  
LONDON  
SW1E 6QP

Should you still be dissatisfied with the outcome of any such complaint you have the right to make a complaint to the Information Commissioner, pursuant to section 50 of the FOIA. The contact details are:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Telephone: 01625-545-700  
[www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

Yours sincerely

Contract Performance Team