



City of Westminster

Arabella

Finance & Operations - Corporate Finance
Westminster City Council
5 Strand
London
WC2N 5HR
Telephone 0207 641 3921

Our ref: 3621734

Your ref:

Date: 31 May 2017

Dear Sir/Madam

Freedom of Information Act 2000

Request

I am looking for a list of vacant retail property and or recently closed businesses in the Westminster area for a report I am trying to compile, I was wondering if you had access to this information?

The ideal date range would be from the start of 2017 to the present.

Response

This request is being handled under the Freedom of Information Act 2000.

This response therefore acts as a refusal notice under section 17 of the FOIA.

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.

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.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to:

Information Management Team
5 Strand
London
WC2N 5HR
xxxx@xxxxxxxxxxx.xxx.xx

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. Further information is also available from the Information Commissioner at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113 or 01625 54 57 45
Fax: 01625 524510
Web: www.ico.org.uk

I will now close your request as of this date.

Yours faithfully

Parmeen Sarda