

Public Interest Test Decision Notice



FOI Reference:	FOI-1718-0778-021106
Subject of Request:	FOI Request - Empty homes
Exemption(s) applied:	<input checked="" type="checkbox"/> Section 31 – Law Enforcement
	<input type="checkbox"/> Section 42 – Legal Professional Privilege
	<input type="checkbox"/> Section 43 – Commercial Interests
	<input type="checkbox"/> Other:

Reason exemption 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).

The Council is satisfied that 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. The Council is also satisfied that publishing such a list would be likely to facilitate the asset stripping of these properties.

In Southampton, there is active squatting within 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. Empty properties also contain materials of value, in particular the copper used for heating, which is prevalent in larger properties.

The exemption is qualified, which means that even though an exemption applies to the information requested we are obliged to consider whether its release would nevertheless be in the public interest.

The public interest test has been applied, as follows:

Factors considered in favour of disclosure:**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.

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.

Impact on Council staff

Dealing with the consequences of squatting and/or other criminal activities disproportionately consumes Council resources, which has a detrimental effect on the funding of other necessary activities.

Impact on police

Withholding this information will reduce the likelihood of criminal activities occurring, therefore releasing public resources (such as the police) that would otherwise be dedicated to the detection and prevention of such activities.

Public Interest Test Decision

<input type="checkbox"/>	To disclose the requested information	<input checked="" type="checkbox"/>	Not to disclose the requested information
Date:	14/11/2017		
Signed:	Nathan Matterson		
Title:	Junior Legal Assistant		