

# EMPTY PROPERTIES FREEDOM OF INFORMATION REQUESTS

Mae'r ddogfen hon ar gael yn Gymraeg hefryd

We are frequently asked for lists of empty properties in Conwy. We do not hold a list of all empty properties.

## Information we hold that is publicly available:

We have information about properties that we have been informed are empty for Business Rates (NNDR) purposes. You can obtain a list of empty commercial premises on our website here:

<https://www.conwy.gov.uk/en/Business/Business-Rates/Lists-of-local-Business-Rates-payers.aspx>

## Information we hold that is not publicly available:

We hold a list of empty domestic properties in our Council Tax records. We do not release this because we consider this is exempt from disclosure under section 31(1)(a) of the Freedom of Information Act 2000.

### Section 31(1)(a) – Law Enforcement

We do not release the names or businesses or addresses of empty residential properties as we consider disclosing this information would make them a target of crime. Therefore, this information is exempt from disclosure under section 31(1)(a) of the Freedom of Information Act 2000.

Section 31(1)(a) says that we do not need to provide information that would be likely to prejudice the functions of law enforcement- the prevention and detection of crime.

Conwy believes that releasing this information would increase the likelihood of:

- Empty properties being lived in by squatters. Squatting in a residential property is now a criminal offence.
- Empty properties being targeted by vandals or graffiti artists and stripped of materials such as roofing, cables or piping, or otherwise vandalised or damaged.
- Empty properties being targeted by criminals or terrorists for example allowing them to hide or store the proceeds of crime, or criminal or terrorist materials

Please see the following cases which support this approach:

- In 2013 the First Tier Tribunal (EA/2001/0007 23 January 2013) upheld London Borough of Camden's decision to apply s31 (1)(a) to the information.
- In 2019 the First Tier Tribunal (EA/2018/0055) upheld Sheffield City Council's decision to apply s31(1)(a) to the information.
- In 2029 the ICO Decision Notice FS50786336 upheld London Borough of Hackney's decision to apply s31(1)(a) to the information
- In 2022/3 the First Tier Tribunal upheld the ICO's decision to uphold London Borough of Hounslow's decision to withhold the information under s31(1)(a)
- In 2024 the ICO Decision Notice IC-274382-J3Y0 upheld Newark and Sherwood District Council's decision to withhold the information under s31(1)(a).

The law is settled on this point.

## **Public Interest Test:**

As Section 31 is a qualified exemption we need to consider the public interest test.

### Factors in favour of disclosure

- There are general arguments in promoting transparency and accountability of public authorities.
- Raising the profile of vacant properties would help encourage public engagement and debate.

### Factors in favour of withholding

- There is an inherent public interest in crime prevention. This was considered in the Voyias case by the Tribunal.
- There is public interest in avoiding the costs associated with squatting, for example repair, security and eviction costs.
- The negative impact of squatting affects the surrounding community and public authorities involved, not just the individual property

We believe that the balance of public interest lies in upholding the exemption and not releasing the information. This decision has been consistently upheld by the ICO and the First Tier Tribunal.

## **Advice and Assistance**

We know that some requesters will have genuine reasons for asking for this information. However, releasing information under the Freedom of Information Act is providing it to the whole world not just the individual requester and we cannot take an individual requester's reasons for asking into account.

You might find that the council's Empty Homes page is useful:

<https://www.conwy.gov.uk/en/Resident/HousingServices/Empty-homes/Home.aspx>

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## **Your Rights**

If you have made a FOI request and you are not happy with how your response was handled, you can request an Internal Review – please see here: <https://www.conwy.gov.uk/en/Council/Access-to-Information/Freedom-of-Information.aspx>