



My Ref: FOI6377  
Enquiries to: Information Requests  
E-Mail: [informationrequests@barnsley.gov.uk](mailto:informationrequests@barnsley.gov.uk)

Dear Requester,

**Re: Request for Information – Freedom of Information Act 2000**

I wish to confirm that the council has completed its search for the information which you requested.

The information requested and our findings are as follows: -

**Please provide the following information in respect of non-domestic properties (business rates hereditaments) in your billing authority area that are currently in receipt of Empty Property Rate Relief or are otherwise recorded as unoccupied on your business rates register:**

- 1. Billing authority property reference**
- 2. Property address and postcode**
- 3. Rateable value**
- 4. Date on which the property was first recorded as vacant / unoccupied**
- 5. Type of empty rate relief applied (full, partial, discretionary, or none)**

We are unable to provide names of businesses or addresses of empty commercial and 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 of the Freedom of Information Act 2000.

Pursuant to section 31(1)(a) of the Freedom of Information Act 2000 (FOI Act), public authorities are not obliged to release information that would be likely to prejudice the functions of law enforcement- namely the prevention and detection of crime.

We have previously made enquiries to the Metropolitan Police which indicate the release of this type of information where buildings are situated, would increase the potential for:

- Buildings to be targeted by squatters
- Buildings to be targeted by criminals or terrorists intent on hiding or depositing proceeds of crime or terrorist materials
- Premises to be identified as short-term hiding places by criminals or terrorists
- Premises to be targeted by vandals or street artists

We have also taken into account the [Information Tribunal Case No. EA/2011/0007](#) ('the Camden case'), in which the Tribunal was satisfied that the evidence suggests that disclosing this information would have the effect of assisting at least some of those wishing to engage in squatting, leading to an increase in the instances of such activity.

Squatting in residential property has itself become a criminal offence which demonstrates the destructive nature of squatting and the associated crimes.

Information on empty commercial properties could also lead to crime associated with squatting such as vandalism and the theft of fixtures and fittings. The Tribunal concluded that an increase in squatting would also lead to various categories of associated criminal activity. As a result the Tribunal found that section 31(1) (a) was engaged in that it was likely that disclosure of the disputed information would have a negative impact on the prevention of crime.

The Information Commissioner's Office has also re-confirmed section 31 is applicable for information about empty properties in a recent decision involving the [Royal Borough of Kensington and Chelsea](#).

Section 31 is a qualified exemption and we are obliged to consider the public interest test.

Factors in favour of disclosure

There are general arguments in favour of disclosure, in relation to promoting transparency and accountability of public authorities, which we have noted in relation to this information.

There are also benefits in disclosure to the wider public, in relation to raising the profile of unused or vacant properties in order to encourage public debate.

Factors in favour of maintaining the s 31(1)(a) exemption

It is our view that there are strong arguments that weigh in favour of maintaining this exemption.

In the Camden case the Tribunal noted that there is an inherent public interest in crime prevention. It was also found that there were many costs associated with squatting, such as repair, security and eviction costs. The negative impact of squatting was not only directed towards the property owners affected but also the surrounding community and public authorities involved. Ultimately the Tribunal found that the combined factors in favour of maintaining the exemption contributed very considerable weight to the public interest in withholding the information. This decision is consistent with the advice received from the previous Borough Commander.

Taking into account the above issues, we consider there to be no over-riding public interest in releasing this information. Any public interest would be best served by upholding the exemption under Section 31 of the FOI Act as disclosure of the information would be likely to prejudice the prevention of crime by enabling or encouraging the commission of offences.

Applicants should be aware that the decision to withhold this information and our reliance on exemption section 31 of the FOI Act has been upheld by an Internal Review.

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If you have any queries about this letter, please contact Information Requests Via email.

Please remember to quote the reference number above in any future communications.

If you are unhappy with the way the Directorate has handled your request, you may ask for an internal review. Please clearly mark your correspondence 'Complaint' and address it to:

Barnsley MBC  
Information Requests Team  
PO Box 634  
Barnsley  
S70 9GG  
email: [informationrequests@barnsley.gov.uk](mailto:informationrequests@barnsley.gov.uk)

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. The Information Commissioner can be contacted at: -

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

Email: <http://www.ico.org.uk/foicomplaints>

Kind regards,

Information Requests Team, Barnsley MBC

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**PO Box 634, Barnsley, South Yorkshire S70 9GG**