

E-mail:

25 January 2017
Your reference:
Our reference: FOI 2017-0025

Dear

FREEDOM OF INFORMATION ACT 2000 - DISCLOSURE

The council has completed its search relating to your request for information about empty buildings, which was received on 10 January 2017.

The council does hold information within the definition of your request.

Request

Please advise the total maintenance costs for empty buildings owned by your local authority for 2015/16 and a list of the buildings that you own that are currently empty.

If possible please also specify your costs for empty buildings for 2015/16 with regard to:

1. Insurance.
2. Security.
3. Building maintenance.

Response

The list of Cumbria County Council owned empty buildings is withheld under Section 31(1)(a). This exemption is applicable where disclosure of the requested information would, or would be likely to, prejudice the prevention or detection of crime.

The maintenance costs for empty properties for 2015/2016 are as follows:

1. Insurance - (unable to provide a figure as Cumbria County Council pay one annual amount to cover insurance for all properties)
2. Security - £9,294
3. Building Maintenance - £77,992 (please note this also includes servicing costs)

Explanation of exemption

In relation to your request for a list of the buildings that the Council own that are currently empty, this information is exempt from disclosure under Section 31(1)(a). If the list of the empty properties were to be disclosed then these properties would become more vulnerable to potential squatters and associated crime. Section 31(1)(a) applies where the information would make anyone, including the public authority itself, more vulnerable to crime. The Council considers that disclosure of the information would allow these buildings to be targeted by crime.

If the list of empty properties were to be disclosed then these properties would become more vulnerable to potential squatters and associated crime. Disclosure of the information would be;

- of use to squatters,
- likely to lead to significant harm in the form of criminal activity,
- likely to have a significant negative impact on the prevention of crime.

Empty properties can be associated with criminal activity such as:

- The “stripping” of empty properties. This was the removal of all things of value (such as pipes and floor boards) leaving an empty and uninhabitable shell property
- Fires
- Criminal damage
- Anti-social behaviour

As the prevention of crime would be prejudiced by disclosure the information meets with the exemption under section 31(1)(a) of the FOIA. The council believes that there is a “real and significant risk” of prejudice. As this is a qualified exemption, the council has gone on to consider the public interest test.

Public interest arguments in favour of disclosing the requested information:

- Releasing the information would assist the general public interest in openness, an important aspect of which includes increasing public debate concerning the number of empty or void properties within Cumbria.
- There is a public interest in public authorities being accountable and transparent. Particularly in reference to accountability concerning how the Council is using its resources and decisions affecting people’s lives such as the Council’s action or inaction regarding individual properties.
- There is a significant public interest in bringing empty properties back into use.

Public interest arguments in favour of maintaining the exemption:

- Releasing this information would make it possible for crimes to be committed, as entry would need to be forced to gain access to the property.
- The residents that are in the properties in close proximity would also be under threat due to the fact that a crime is being committed so close to them and they have an expectation to feel secure in the environment that they live in.
- There is an inherently strong public interest in avoiding likely prejudice to the prevention of crime. The crime in this case would be likely to include a diverse range from anti-social behaviour, criminal damage, arson and organised groups stripping empty properties. Tackling issues like these would involve significant public expense. It is in the public interest to protect property and to ensure that public resources are used efficiently.
- There is a compelling public interest in avoiding personal distress to the direct victims of the crime and to those in the wider neighbourhood who may be affected. Once an area is subject to crime, it has an impact on the surrounding neighbourhood, reducing the value of neighbouring properties and the quality of life of the residents.

Balance of the public interest arguments

The Council recognises that there is always some public interest in the disclosure of information. Disclosure of information serves the general public interest in promotion of better government through transparency, accountability, public debate, better public understanding of decisions, and informed and meaningful participation of the public democratic process. However in this case due to the risk of prejudicing the prevention of crime that would be caused by disclosure, the public interest in upholding the exemption outweighs the public interest in disclosure.

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If you are dissatisfied with the way the council has responded to your request you can request an Internal Review. If you would like to request a Review please contact the Information Governance Team using the details at the top of this letter.

Further information can be found on the council's website: <http://www.cumbria.gov.uk/council-democracy/accesstoinformation/internalreviewscomplaints.asp>

Yours sincerely,

Duncan McQueen
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