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REQUEST

Please can you provide me with the following information under the Freedom of Information Act 2000:

- 1) Addresses and rateable values of all empty commercial properties that are within Tendring Council area.
- 2) Names and addresses of the owners/occupiers of the properties, with the date the properties were vacated.
- 3) Account number or VOA Property Reference if available.

If possible I would like this information provided electronically in the form of a Microsoft Excel spreadsheet.

RESPONSE

Thank you for your further FOI request dated 3 January 2013, unfortunately we are not able to provide a reply as:

The Council is required to disclose details of those properties **not owned** by individuals. However, we do not hold owner details for the purposes of Council Tax & NNDR Business Rates. If we do, this is not a specific requirement for CTAX and NNDR administration and the information could be out of date. Even freehold properties can be let to a third party so there is no guarantee that the primary liable party is the owner.

(In order to comply with Section 40 (2) (Personal Information) of the Freedom of Information Act 2000 we are not able to provide details of any properties owned by individuals. The Council's records are not required to distinguish the ownership of a property between those owned/not owned by individuals and so to release any information would constitute a potential breach of the Act. In this situation the Council has a responsibility to its residents not to put itself in a position where it could be liable to action by persons affected.)

We also take into account: [London Borough of Bexley v Information Commissioner](#) (10 May 2007)

Empty Properties: In July 2006, the Commissioner ruled that Bexley Council had to disclose the details of all empty properties in its area, together with the reasons why the properties are empty, and who owns them. The Council had relied on the exemption in section 31 of the Act; that its release would prejudice the prevention of crime. It argued that release of the information would attract those wishing to commit acts of burglary, squatting and vandalism. The Commissioner was not convinced that this would be a direct consequence of disclosure and, in any event, the public interest lay in disclosure. This decision caused great concern amongst local authorities who believed that their empty properties would be at risk and the details would end up on websites which encouraged squatting.

On the 10th May, the Information Tribunal heard Bexley Council's appeal from this decision :

The Tribunal ruled that those properties owned by anyone other than individuals should be disclosed together with details of ownership. Whilst it accepted, contrary to the Commissioner's view, that section 31 was engaged it ruled that the public interest in

disclosure was greater. However details of properties owned by individuals should not be disclosed as it was personal data and so exempt under section 40. Disclosure of this information would be unfair to the individuals as their properties may be targeted by criminals and squatters.

I am sorry we have not been able to assist on this occasion. If you feel that the Council has failed to deal with your request for information correctly, you can request that the matter is reviewed in accordance with the Authority's Complaints Procedure. Details of this procedure can be obtained from all Council offices or our website (www.tendringdc.gov.uk).