

Reference: FOI-865

**Request:**

In spreadsheet format, could you please list all of the commercial properties currently owned by the council including:

- a. The address of the property
- b. The date the purchase was made
- c. The amount paid for the property
- d. The current planning use class of the building (for example, **Class E - Commercial, Business and Service**)
- e. Whether the property is currently being rented or leased (Yes/No) (as of 18 April, 2023)

**For clarity, a commercial property is any property that is rented out or leased by the council for the purposes of returning an income to the council.**

**Response:**

a. Please see attached spreadsheet which provides the address of each commercial property currently owned by North Tyneside Council.

b - d are not recorded centrally within the Authority. To gather this information would require a manual search of the records for each of the 408 commercial properties owned by the Authority. Therefore, this part of the request is refused under section 12 (1) Freedom of Information Act 2000, since the cost of complying would exceed the appropriate limit set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.

In assessing the cost of complying, the costs attributable to officer time involved in complying have been considered. Such costs are limited to £450.00 under the Regulations, which equates to eighteen hours of officer time.

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You may wish to refine your request by narrowing its scope by being more specific about what information you particularly wish to obtain, including any dates or period relevant to the information required.

e. This information is exempt from disclosure under section 31(1)(a) of the Freedom of Information Act 2000. The reason for this is that making this information public may expose those properties to crime such as vandalism and/or squatting.

A First-tier tribunal (case ref EA/2011/0007) found that providing the addresses of empty properties could lead to vandalism, squatting and criminal actions in respect of these properties.

Additionally, Information Commissioner Decision Notice FS50786336 found that 31(1)(a) FOIA – Law enforcement was appropriately applied in a similar request for information from the London Borough of Hackney.

The exemption under Section 31 (1)(a) relates to Law enforcement and is engaged when disclosure of the information under this Act would, or would be likely to, prejudice the prevention or detection of crime.

As Section 31(1) is a qualified exemption, we are also required to decide on a case-by-case basis, whether the public interest in maintaining this exemption outweighs the public interest in its disclosure. Under freedom of information, the Authority is not just providing information to one individual, it is publishing the response to the world. There are vacant properties within the Council portfolio, and advertising these properties could leave them susceptible to vandalism and/or squatting. On balance of the public interest test, we believe that public interest lies in upholding the exemption and not releasing the information.

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