

How do you persuade thousands of property owners to take responsibility for their neglected buildings? It's a problem faced by every local authority with an interest in reducing empty homes. Strangely, most seem resistant to using one of the most proven methods of persuasion: publicity.

For many years, heritage organisations have been faced with similar problems. Most historic buildings are privately owned and organisations responsible for saving them have sought to persuade owners either to invest in preservation or restoration or sell to somebody who is better placed to save them.

One of the most successful tools in persuading owners to do this is the buildings at risk register. Details of properties that are deteriorating and in danger are made public. This alerts potential purchasers and encourages or perhaps even shames owners into action. Pioneered by English Heritage, there are now several national registers

and probably hundreds of local ones. The success rate is impressive: 27.5 per cent of the properties featured on English Heritage's register since 1999 have subsequently been removed from it because their future has been secured.

Given that it is a similar problem that demands similar outcomes, it is surprising that the same approach has not been used to persuade owners of empty homes into action. After all, like buildings at risk, most empty homes are privately owned and most require the owner to either invest in renovating the property or sell it to somebody else. Nottingham Council briefly flirted with publishing a list of empty homes on its website last year, but the list has since been removed.

Most local authorities are a long way behind Nottingham. They publish no lists of addresses of empty homes and will actively oppose anybody trying to find them out (*Inside Housing*, 15 September).

For many years developers have

requested lists of addresses of empty homes from local authorities in the hope of finding potential development opportunities. Until last year councils were able to turn them down as they pleased, but since 1 January 2005 the argument hasn't been so straightforward. Powers in the Freedom of Information Act, give the public the right to request all sorts of information. The circumstances in which a local authority can turn down a request are now limited to a series of specific exemptions. Some exemptions are absolute and others are qualified. This means that in some cases the local authority must take a view not just on whether the exemption applies but whether disclosing the information is in the public's best interests.

Vinjay Parihar is a developer. His business is buying run down property, renovating it and helping owners with restoration and interior design. He says he would like to find more customers for his business and sees owners of empty homes as a prime market. He has had discussions with several councils and would like to buy empty homes to let out through council or housing association private sector leasing schemes.

'I'd like to work with local authorities,' Parihar says. 'When it comes down to it I'm trying to achieve the same thing as them.'

He has a point. What he and other

developers are trying to do helps local authorities meet several of their objectives: local investment, regeneration and affordable housing provision. You would have thought that local authorities would welcome him with open arms. But no; Parihar has written to 15 London boroughs explaining what he wants to do and asking for addresses of empty homes. All have said no. Just one, Kensington & Chelsea, changed its mind on appeal.

### Rejection rationale

Most local authorities have had requests for addresses of empty homes. If the experience of Parihar and a number of other developers is anything to go by, most appear to have a policy of refusing. The reasons given for refusal are diverse. They range from commonly held beliefs about squatting and vandalism through to obscure concerns over health and safety, as the following extracts from refusal notices received by developers over the last year show.

'The information is exempt because releasing it would prejudice the prevention or detection of crime. Namely, that releasing information about empty properties into the public domain would increase the risk of vandalism, burglary and arson.'

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Many councils have been shy of disclosing lists of their empty homes, but freedom of information powers are slowly changing things. **David Ireland** reports

# Public interest



disclosing it may encourage people to enter empty properties. Some of them are derelict buildings which may be in a state of disrepair endangering the physical health of the individuals concerned.'

'The information is exempt because the information is already reasonably accessible by other means. For example, information on council voids has been reported in the local newspaper.'

'If this information was released into the public domain, we feel that the ability of the council to negotiate favourable prices with property owners would be affected. The council would have to compete with property developers whose primary motivation is to make profit.'

Parihar says the most common reason he has been given was about prevention of crime. It was the reason given earlier this year by Bexley Council in turning down a request for information from a developer. The developer appealed and in July the case was heard by the information commissioner. The commissioner found in the appellant's favour and ordered the council to release the information.

The decision notice said: 'The

commissioner accepts that empty properties may be the target of crime. He does not accept, though, that disclosure of a list of empty properties would lead to more crime being committed or to more of it going undetected. In fact one could just as easily conclude that because empty properties may attract crime, the availability of a list of such properties that could be used for the purposes of local regeneration and to facilitate the reoccupation of empty properties could, in fact, help reduce local crime levels.'

The commissioner's decision notice is interesting because it challenges local authorities' position in several ways. First, he rejects the notion that disclosure of information would be likely to lead to more crime, but perhaps more significantly he accepts that releasing information may be beneficial to the wider community. This means that the implications of the decision affect not just those cases where the local authority uses the prevention of crime exemption, but all qualified reasons where the local authority has to take a view on what is in the best interests of the public. Kensington & Chelsea Council says

the information commissioner's decision changes everything. It still has concerns that data on empty homes could be used for criminal purposes, but as a result of the decision it has changed its policy. Now it is minded to release the information. Nottingham Council takes a warmer view. While its website list has been removed for fear of creating a squatters' charter, it still provides a researched list of empty homes on request.

'We're all working to the same end,' says empty property officer Andrew Vickers. 'If it helps [developers], it helps get empty homes back into use.'

Unfortunately both local authorities remain in the minority and most miss out on the opportunity to create the benefits of publicity enjoyed by heritage organisations. Perhaps as knowledge of the information commissioner's decision becomes more widely known, more will start to see that publicising information about empty homes can be a useful way of persuading owners to take responsibility for their neglected properties.

● David Ireland is policy advisor at the Empty Homes Agency

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