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15 March 2016

INTERNAL REVIEW - REFERENCE 15-037

Dear 

We refer to your email of 31 July 2015 where you requested an internal review under the Freedom of Information Act 2000 (FOIA) with regard to the response you received from the London Legacy Development Corporation (Legacy Corporation) in relation to your information request reference as above.

The original request asked the questions:

“In your letter of 18 December 2014 you confirmed that LLDC had concluded that no aid was present in the transaction. Subsequently you confirmed that this decision was taken by the LLDC Board on 19 February 2013.

Can you confirm that you mean that there was no aid in the lease transaction between LLDC and E20 Stadium LLP and also no aid in any subsidiary licence agreements such as those between E20 Stadium LLP and UK Athletics, E20 Stadium LLP and West Ham and E20 Stadium LLP and as yet unknown concessionary licensees?”

The response from the Legacy Corporation was:

The Legacy Corporation does not hold information which would respond to the specifics of your request above.

The review request was:

“Can you please review this response? It is logically impossible to hold that there is 'no aid' overall without being able to confirm that there is 'no aid' in the individual

agreements. Are you therefore conceding that there is aid? Or does the LLDC decision that there is 'no aid' relate to a specific transaction? if so which one?"

The Internal Review has been completed and the findings and recommendations of the internal review are as follows:

1. Internal Review Findings

The Internal Review Panel has concluded that the response given to FOI-037 was correct, in that the specific information requested was not held. However, a more detailed explanation could have been provided. The minutes from the Board meeting on 19 February 2013 state that LLDC "was confident that there were no State Aid issues" and the Board paper which was being considered during that item at the Board meeting referred to both the "Concession Agreement with WHU" and "LLDC, as freeholder of the Stadium Island Site, has negotiated the following three documents with E20 Stadium LLP... An Agreement for Lease for the Stadium island site and community track; a Lease for the Stadium Island site excluding the community track; and a Lease for the community track." The Internal Review Panel therefore suggests that it is reasonable to conclude that the advice on state aid information in the minutes was with reference to these individual agreements.

The internal review panel has concluded that from the information it has seen that the Legacy Corporation does not hold information relating to E20 Stadium LLP and UK Athletics.

2. Recommendations:

The Internal Review Panel therefore recommends that the original response should have noted that:

- LLDC holds information that there was no state aid present in the transaction between LLDC and E20 Stadium LLP
- LLDC holds information that there was no state aid present in the concession agreement with West Ham United.
- LLDC does not hold information about whether there was state aid present in agreements between E20 Stadium LLP and UK Athletics.
- It is not possible for LLDC to hold information about agreement with "as yet unknown concessionary licensees".

The Internal Review Panel does not consider the information above to be exempt under the FOIA.

The internal review panel recommends that in future responses should be reviewed by an independent reviewer within LLDC to ensure that all aspects of FOI requests are answered fully.

The panel recommends that LLDC draw up clear guidelines on dealing with any future requests where information may be held by E20 Stadium LLP.

If you are not content with the outcome of the internal review, you may appeal directly to the Information Commissioner at the address given below. You should do this within two months of our final decision. There is no charge for making an appeal.

Further information on the Freedom of Information Act 2000 is available from the Information Commissioner's Office:

Wycliffe House
Water Lane
Wilmslow
SK9 5AF

Telephone 08456 30 60 60 or 01625 54 57 45

Website www.ico.gov.uk

Yours sincerely



Executive Director of Finance & Corporate Services
London Legacy Development Corporation