



Level 10
1 Stratford Place
Montfichet Road
London
E20 1EJ



26 October 2017

INTERNAL REVIEW - REFERENCE 17-021 & 17-026

Dear 

We refer to your email of 16 May 2017 requesting an internal review under the Freedom of Information Act 2000 (FOIA) with regard to the responses you received from the London Legacy Development Corporation (Legacy Corporation) in relation to your information requests as referenced above.

1. Background

The original request (Ref 17-021) was received on 20 March 2017 and requested that E20 Stadium LLP (E20) and London Legacy Development Corporation (Legacy Corporation) provide information under the Freedom of Information Act 2000 (FOIA) to respond to the below:

"...under the terms of rental agreement for West Ham for the London Olympic Stadium, please confirm whether the annual rent is inclusive or exclusive of non-domestic rates."

Our response was sent on 12 April 2017 confirming that, while business rates for the Stadium are paid by E20, the payment responsibility for those areas included in Underleases between the Club and E20 rests with West Ham.

Your subsequent email (Ref 17-026), received on 12 April 2017, requested detail of the apportionment of responsibility for payment between E20 and West Ham on the basis:

"It would seem from your reply that, in essence, business rates for the stadium are apportioned between E20 and West Ham despite there being only one rating assessment covering the entire stadium on the Valuation Office Agency Rating List. Is that correct?"

We confirmed in our response on 15 May 2017 one business rates bill for the Stadium overall, with apportionment of that bill subject to ongoing consideration between the parties.

You replied to us on that same date commenting that responses to both your requests appeared "vague" and that we confirm:

“... how much West Ham have paid towards the business rates bill for this season so far? If discussions are ongoing as to the apportionment, please confirm that is nothing to date.”

That email was followed by another on 16 May 2017 in which you requested that the matter be put forward for internal review.

2. Review findings:

The internal review – in which the panel reassessed both responses to your request – has now been completed and the findings and recommendations of the review are as follows:

The panel considered both responses accurate in that E20 – recipient of the overall business rates bill – is directly responsible for payment in full, but with West Ham liable for payment to E20 for those areas of the Stadium leased by the Club. As the response to your information request (Ref 17-026) stated that the exact apportionment was subject to ongoing consideration by E20 and West Ham it had not been possible to provide a definitive breakdown of the overall bill agreed between the parties. That position remains the case at this point in time.

While the panel recognised that the last sentence in the response of 12 April (Ref 17-021) *“E20 pays the business rates for the remainder of the Stadium”* was not information required by the original request and was ambiguous as to the process of West Ham payments for rates, it is content that the response dated 15 May 2017 (Ref 17-026) addressed that potential sufficiently and that, combined, the responses answered the requests that were received.

3. Panel Recommendations:

After a full consideration of the responses, the internal review panel consider that both were accurate and correct in the information provided at the time of writing.

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

Deputy Chief Executive
London Legacy Development Corporation