

Level 10
1 Stratford Place
Montfichet Road
London
E20 1EJ



17 May 2021

INTERNAL REVIEW - REFERENCE 21-001

Dear 

We refer to your email of 15 March 2021 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 internal review has been completed and the findings and recommendations of the internal review are as follows:

1. Background

- 1.1. The original request (Ref 21-001) was received on 29 January 2021 and requested that the Legacy Corporation provide information under the Freedom of Information Act 2000 in response to a series of questions as set out below:

"I would like to request copies of the Here East Annual Monitoring Reports for 2019 and 2020 (if available).

If the reports are not held please provide any information on the reason for this.

The reports are required to be produced each year under the terms of the lease but only the 2018 version appears to have been published by the LLDC."

- 1.2. A response was sent on 26 February 2021. The original response has been attached in **Annex A** for reference.
- 1.3. Your subsequent email request for an internal review was received on 15 March 2021 setting out the grounds for appeal as follows:

“Thank you for the response, unfortunately I am not entirely satisfied and I would like to request a review.

I note that the first part of the response refers to the Here East Employment and Skills Strategy and Impact Report which was not the information I requested.

My request was for the Annual Monitoring Reports for 2019 and 2020. The response states that a 2020 report was not produced due to reduced occupancy resulting from the pandemic. However, the 2019 report is not mentioned so please provide it if held, or provide information on why Here East did not make it available to the LLDC as they are required to.”

2. Review findings:

- 2.1. The internal review has now been concluded and the findings and recommendations of the review are set out below.
- 2.2. As requested, the internal review panel (“the Panel”) reviewed the Legacy Corporation’s original response and discussed the request and response with the relevant areas.
- 2.3. The lease requires Here East to provide the monitoring information annually to the Legacy Corporation. The Legacy Corporation received a planning application ref: 20/00125/106 which relates to the submission of details pursuant to Schedule 8 (Employment and Skills) of the Section 106 Agreement for planning permission 13/00534/FUM and 13/00536/COU dated 1 April 2014. In addition, the s106 agreement in relation to the planning permission ref: 13/00534/FUM and 13/00536/COU dated 1 April 2014 also requires Here East to provide the monitoring information in addition to further information not required by the lease.
- 2.4. The Panel confirmed that Planning Policy and Decisions Team (PPDT) of the Legacy Corporation received the monitoring information from Here East for 2019, however, it was provided for the planning application and not as a formal report.
- 2.5. Given the situation from the beginning of 2020, the Legacy Corporation did not pursue the tenant for a formal report for the 2019 information under the lease as it was included within the planning information. The Legacy Corporation are liaising with Here East to ensure that we obtain the information in the format required by the head lease.
- 2.6. As mentioned in the original response, due to the pandemic, occupation on the site was much reduced, and it was agreed with the Legacy Corporation that the survey for the Monitoring Report for 2020 would be delayed until occupation returns and meaningful data will be received so there is not currently a Monitoring Report for 2020.

1. Panel Recommendations:

- 1.1. The Panel identify that, in order to fully answer the request, the original response should have included a full explanation of the situation in relation to the Here East reports for both 2019 and 2020.

- 1.2. The Panel recommend that the website is updated to explain the situation with the 2019 and 2020 reports. The 2019 report should be published as soon as possible after it has been received.
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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