



6 September 2021

INFORMATION REQUEST REFERENCE 21-019

Dear Sir,

Thank you for your information request, received on 9 July 2021. You asked the London Legacy Development Corporation (Legacy Corporation) to provide the following information under the Freedom of Information Act 2000 (FOIA):

"I would like to know LLDC's involvement in Hackney Bridge (owned and managed by Makeshift), namely:

- *whether the land they occupy is commercially leased or conversely subsidised or gifted by LLDC*
- *the terms of any such agreement*
- *any stipulations in the agreement regarding community support and engagement*
- *the length of the lease/arrangement"*

I can confirm that the Legacy Corporation holds information which falls within the scope of your request. The information relevant to your request is below. Our response follows your order:

Whether the land they occupy is commercially leased or conversely subsidised or gifted by LLDC

There is a lease between the East Wick and Sweetwater Projects Ltd as landlord to Clarnico Quay Limited and Makeshift Community Limited. East Wick and Sweetwater Projects Ltd have a development agreement with the Legacy Corporation.

Any stipulations in the agreement regarding community support and engagement

The project is set up to provide affordable workspace for local independent businesses with a mix of business event and community space with an objective to drive job creation in the local area. The brief and design were designed with community groups and stakeholders.

The terms and the length of the lease/arrangement

The terms and the length of the lease is being withheld under FOIA section 43 – commercial interests.

Section 43(2) - Commercial interests.

(2) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

Section 43(2) is a qualified exemption and subject to the prejudice test and the public interest test. Under the prejudice test we have to consider if disclosure of this information would, or would be likely to, prejudice our commercial interests or the commercial interests of a third party.

Consideration is also given to the harm disclosing this information would be likely to cause, combined with other information already in the public domain (mosaic effect) or possibly released at a future date (precedent effect). The public interest test considers and balances the public interest in disclosing this information against the public interest in not disclosing this information and uses this assessment to decide whether there is sufficient justification in withholding this information under this exemption.

Information disclosed under the FOIA is considered to be public information, and while there is a presumption towards disclosure, consideration needs to be given as to who will have access to this information beyond the requestor and the purposes for which they could use the information.

In accordance with the statutory Code of Practice issued by the Information Commissioner's Office, as part of the public interest assessment, the Legacy Corporation contacts third parties referenced in the information, to give them the opportunity to provide examples of any harm from their perspective that there may be from releasing the information. Under FOIA, the Legacy Corporation cannot assume what information might be exempt, and therefore any third party that may be affected by disclosure is asked to provide details of the harm that releasing the information would have on its commercial interests. The Legacy Corporation take the views of affected third parties into consideration when undertaking the public interest assessment. In line with this process the JV, East Wick and Sweetwater Projects Ltd, were contacted for their views.

Prejudice to commercial interests

The Legacy Corporation have assessed the impact of releasing the information withheld under the exemption s.43 – commercial interests, in order to decide whether disclosure would, or would be likely to, prejudice their commercial interests or those of any third party(ies). Based on the information received from the JV, the Legacy Corporation have concluded that prejudice to commercial interests of the third party would be caused by disclosure so the exemption is engaged.

Public Interest Test

There is, of course, a public interest in promoting transparency of public authorities' decisions and accountability, however, the disclosure of the information withheld as commercially sensitive would be likely to prejudice commercial interests of the third party because, if this information was in the public domain, it will reveal details which would be likely impact on future and current negotiations.

It is the view of the Legacy Corporation that, at this time, the public interest in withholding the information outweighs the public interest in disclosing it.

If you are unhappy with our response to your request and wish to make a complaint or request an internal review of our decision, you should write to:

Deputy Chief Executive
London Legacy Development Corporation
Level 10, 1 Stratford Place
Montfichet Road
London, E20 1EJ

Email: FOI@londonlegacy.co.uk

Please note: complaints and requests for internal review received more than forty working days after the initial response will not be handled.

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

FOI / EIR Co-ordinator
London Legacy Development Corporation