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5 Endeavour Square
Stratford
London
E20 1JN

15 July 2024

INTERNAL REVIEW - REFERENCE 24-010

We refer to your email of 6 April 2024 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 (24-010) was received on 5 March 2024 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 request release of all internal and external communications regarding potential planning enforcement action at Central House, E15 from the 14th July 2023 to the present day. The communication should include any legal advice sought and received.”

- 1.2. A response was sent on 4 April 2024.
- 1.3. Your subsequent email request for an internal review was received on 6 April 2024 setting out the grounds for appeal as follows:

“1) I was told the enforcement case this relates to was closed. And

2) If the enforcement case is not closed, it is likely to be kept open indefinitely in which case the LLDC will never release the information requested.

Finally, I believe the case is now immune from enforcement action anyway given the passage of time. Therefore there is no enforcement case that the LLDC can pursue.

Therefore I request the release of the information requested.”

1.4. On 18 April 2024 the Internal Review Panel wrote to you to clarify your request:

- “1. You state in your email dated 6 April 2024 that you were told that the enforcement case was closed. Can you please let me know where you got this information from, from whom and when?
2. You also suggest that if not closed, the enforcement action is likely to be kept open indefinitely. Can you please tell me what leads you to that conclusion and whether you have any evidence to support this?”

1.5. On 18 April 2024 you responded to the request, with the main points below. This is what the Internal Review Panel has considered for this review:

“This enforcement case is now closed, because the LLDC is out of time to pursue any enforcement action. You will note I am also running a formal complaint in parallel to this request under the EIR Act. There is effectively no further action the LLDC can take because you did not act within in time. The original breach is no longer unlawful.

In addition, (and as you will discover when you ask the relevant officers involved), whether an enforcement case is "officially" closed or not is entirely at the behest of the Authority itself. For instance, whilst they are unable to take action, they can still keep the case officially open.

The fact they can do this, means that they can continue to without the information I have asked for under the EIR request. Thereby, entirely abusing the legislation.”

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. It is clear that there are complexities relating to the planning enforcement case which the panel has sought to clarify:
 - 2.2.1. There are two related aspects of the enforcement case which are at different stages.
 - 2.2.2. The conversion of the ground floor for residential use is now closed following consideration of the merits of that case, including the legal advice received by the Corporation’s planning officers and the public interest in taking enforcement action.
 - 2.2.3. The enforcement case relating to the action to secure replacement cycle parking remains open.
- 2.3. The Panel recommends that as the status of the case relating to the conversion of the ground floor is now closed, information the Legacy Corporation holds about this should now be released within 20 working days from the date of this letter.
- 2.4. The Panel has looked into what the current status is of the other enforcement case and have been assured that provision of replacement/additional cycle parking is still being pursued with the developer/landowner. A planning application was expected to be submitted in May 2024. This application was not made and as a result the developer/landowner was given 7 days from 25 June to make the

submission. The application has not been made and LLDC is now consulting legal advisors with a view to issuing a breach of condition notice to the developer/landowner

- 2.5. Given that the enforcement case relating to the secure replacement cycle parking remains open the Panel recommends that this information is not released at this time. Once the enforcement case has been closed, if the information is still required a new information request can be made.
- 2.6. The Panel can see no evidence that there have been any attempts by Legacy Corporation officers to deliberately withhold information and to abuse the legislation. The Panel is satisfied that appropriate action has been taken by the Legacy Corporation officers to progress the open enforcement case.

3. Panel Recommendations:

3.1. The Panel recommends that:

3.2.1 In line with the original request, the Legacy Corporation should undertake an assessment of the public interest for all the internal and external communications regarding potential planning enforcement action at Central House, E15 from 14 July 2023 to 5 March 2024, in relation to the conversion of the ground floor and including any related legal advice. Once the information has been assessed and any justified FOIA exemptions applied, the information should be released within 20 working days from the date of this letter.

3.2.2 Information the Legacy Corporation holds about the secure replacement of cycle parking will be withheld until this enforcement case is closed.

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