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**Director Regeneration
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Ms K Conway

Email: request-470476-be8b4dec@whatdotheyknow.com

27th April 2018

Dear Ms Conway

Internal Review: FOI IR 12600

Thank you for your request for an Internal Review regarding our response to your Freedom of Information request.

FOI Request

On 13th March you wrote to ask:

Following recent correspondence from the council advising that my residential property (which is own by a public body and part of a multi-storey complex) has not passed a recent LFB fire safety assessment, I am requesting the following:

- 1) A copy of the report on the inspection of Greenwich Square (also known as Lambarde Square) which was carried out on the 6th of March and furnished to the Council thereafter.**
- 2) All communications and documentation passed between staff/members of the Royal Borough of Greenwich Council and Mace / Hadley Mace regarding the fire safety of the complex since the 14th of June 2017.**
- 3) All communications and documentation passed between staff/members of Royal Borough of Greenwich Council and L&Q regarding the fire safety of the complex since the 14th June 2017.**

Our response was as follows:

The Council exempted this information under Section 36 – Prejudice to the effective conduct of public affairs and clarified this with a fully balanced public interest test in the response.

Internal Review

On 13th April 2018, you asked for an Internal Review to be carried out and stated your reasons as:

I note that the decision by John Scarborough, Head of Legal Services, is that disclosing these documents would cause prejudice to the effective conduct of public affairs. It is confirmed that Mr Scarborough has "had access to all relevant material, including the withheld information". Can you please confirm that in reaching his decision, Mr Scarborough has not only had access to all relevant material but has actually reviewed said material.

Secondly, request reference 12600 contains three separate line item requests, as set out above. The decision to refuse to disclose all information is made on the grounds that this "is likely" not that "it would" inhibit expression of views and deliberation of issues, impairing the quality of decision making. Furthermore, it is erroneous not to separate the three requests as it is simply not the case that the disclosure of an official report from LFB can be categorised in the same way as expression of personal opinion or ideas through correspondence or discussion as might be the case in 2 or 3.

As a consequence, I am asking you to reconsider your decision not to disclose the LFB report.

Please clarify how the release of the LFB report would inhibit the ability of the council to engage in full and frank discussions with council officers and others. Such discussions have already taken place and have led to the implementation of safety measures to protect the welfare of residents and the public at Greenwich Square.

It is not clear and it is not specified in Mr Scarborough's decision how the disclosure of the London Fire Brigade report would have a detrimental effect on the council's ability to conduct its statutory functions. Please clarify which specific statutory functions Mr Scarborough considers to be impacted by the disclosure of such information.

Please clarify how the disclosure of the LFB report to residents of the affected development would compromise good decision making on the part of the

council and remove the space within which council officers and others are able to discuss options and deliver freely and frankly. Please explain why LFB would be less likely to cooperate with the council "going forward".

It is not clear why Mr Scarborough's conclusion that there was a "possible implication" that the publication of this information may lead to a misunderstanding by those affected and the wider public led to a decision to withhold the LFB report. He does not suggest that misunderstanding is certain, or even likely. Furthermore, he has not specifically balanced the public interest of those affected being provided with accurate information against the risk of serious harm and by withholding such information he has denied those affected the opportunity to make informed decisions about their personal safety.

Response

The Council's response is set out below:

The Council upholds its original response.

If you have any queries, please contact me, quoting the reference number.

If you are not content with the outcome of the Internal Review, you can apply directly to the Information Commissioner (ICO) for a decision. Generally, the ICO cannot make a decision unless you have exhausted the Internal Review procedure provided by the Council. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely,



Pippa Hack
Director
Regeneration, Enterprise and Skills

