

[REDACTED]

17 June 2013

Dear [REDACTED]

Freedom of Information Act 2000 (the Act) – Review of Request – Ref: 13-008

Thank you for your original Freedom of Information request of 14 April 2013 received by London Legacy Development Corporation (LLDC) on 15 April 2013. LLDC responded on 15 May 2013.

We received your request on 17 May 2013 asking for a review of the LLDC response to your Freedom of Information Request ref: 13-008 dated 15 May 2013.

Original request:

What are the estimates of projected annual profits for the first three years of the stadium's operation after tax and other overheads have been deducted?

LLDC's response:

LLDC is withholding this information under Section 43(2) (Commercial Interests) of the Freedom of Information Act as its disclosure would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

Comment from [REDACTED]:

As both the LLDC and the LBN are public bodies and the stadium is wholly owned by the public, I do not see how estimates for projected profits can prejudice any commercial interest. These figures must have been discussed in the negotiations that have taken place between the LLDC and the LBN prior to the authority agreeing to enter into a multimillion pound partnership with the LLDC. Furthermore, many commercial organisations publish projected profit expectations (of a general nature) without concern to the disclosure of such estimations having any bearing on their, or any other individual's/organisation's, commercial interests.

Internal review findings:

The review team upheld the decision to withhold annual projections but agreed that further information about this matter should be disclosed.

"The budget and business plan relating to the Stadium are evolving as a result of the ongoing procurement of building works and as further information comes to light relating to likely revenue including sponsorship and naming rights income. These documents are

commercially sensitive because they reflect our projections as to the expected price of goods, works and services and anticipated income levels including those from sponsorship and naming rights agreements. Disclosure of those figures would prejudice LLDC and E20 Stadium LLP achieving best value in relation to these procurements and other future procurements. It is for that reason that the information that you requested was not disclosed to you originally.

However, in reply to your question LLDC can confirm that, at present, in the first three years of operation it is not expected that the Stadium will generate an overall profit, after financing costs, in common with most Stadia of this nature. This position is subject to change and re-evaluation as a number of key commercial deals are finalised and other business planning items are resolved. Any operating surpluses that the Stadium may generate will be used by the members of E20 Stadium LLP (i.e. LLDC and Newham Investments Limited (a company wholly owned by the London Borough of Newham)) to repay loans taken out to fund the development of the Stadium and to create a sinking fund for future periodic maintenance of the Stadium.

Please note that, as a limited liability partnership, E20 Stadium will have to deliver to Companies House a copy of its annual accounts and auditors' report within nine months of each financial year end. Those documents will then be public documents that anybody can view and download. As a result the information that you are seeking will therefore be publicly available to you in due course."

Original request:

How many millions of tickets to WHU games will be available to the people of Newham?

LLDC response:

Up to 100,000 tickets per year for professional sport or music events taking place at the Stadium will be made available for distribution to Newham residents.

Comment from [REDACTED]:

My question related to a claim made by both the mayors of London and Newham that the football club West Ham United would provide millions of tickets, I am asking for estimates as to the number of tickets that will be available for that club's home games at the stadium.

Internal review findings:

The review team agreed that LLDC's original response had dealt with the query, but also agreed that further information should be given to [REDACTED] following the comment he made in response to this.

"Up to 100,000 tickets per year for professional sport (including to West Ham home games) or music events taking place at the Stadium will be made available for distribution to Newham residents, free of charge, subject to availability and demand. Since West Ham United FC will be granted a 99 year lease of the Stadium, the total number of tickets released will amass over this period of time and this explains the numbers quoted by the Mayor in his press release."

Review recommendations:

LLDC should give more detailed reasons for withholding information for future FOI requests when appropriate and ensure that any responses are as complete as possible.

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

A handwritten signature in black ink, appearing to read 'Jonathan Dutton', written in a cursive style.

Jonathan Dutton
Executive Director of Finance and Corporate Services
London Legacy Development Corporation

