

11 May 2016

INFORMATION REQUEST REFERENCE 16033

Dear [REDACTED],

Thank you for your information request, received on 12 April 2016. You asked the London Legacy Development Corporation (Legacy Corporation) to provide the following information under the Freedom of Information Act 2000 (FOIA):

“Please provide details of any assessment by the LLDC or your professional advisors of the costs associated with their use of the stadium under the concessionaire agreement.

In particular please provide details of the anticipated costs to the LLDC, E20 or stadium management company (either per game or annually) of:

- *policing*
- *installation, maintenance and marking of desso playing surface*
- *cleaning within and around the stadium*
- *clearing stadium of ice*
- *provision and maintenance of equipment (including goal posts, flags)”*

I can confirm that the Legacy Corporation holds the information you have requested in relation to an assessment by the LLDC’s professional advisors in 2014 of the costs associated with West Ham’s use of the stadium under the concessionaire agreement. This advice supported the procurement of a stadium management company (operator).

The advice included the estimated event costs based on 25 games per season for: Policing / Ambulance / other Security cost of £655,000 per season.

Professional advice on the estimated of one off capital costs of the flags and goal posts was £11,000.

In addition, the Legacy Corporation can confirm that it holds information about the installation of the desso playing surface is £910,570. This one off capital cost of installation was part of the stadium transformation works to enable the Stadium to be a multi-use venue.

The Legacy Corporation is withholding information in relation to the other costs specified in the request above related to the professional advice received, under section 43(2) of the FOIA.

The stadium operator, LS185, have undertaken their own assessment of match day costs which the Legacy Corporation also holds and these are withheld under section 43(2) of the FOIA.

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).

The section 43(2) exemption is a qualified exemption and subject to the prejudice test and the public interest test. Under the prejudice test we have to consider whether disclosure of this information would, or would be likely to, prejudice our commercial interests or the commercial interests of any third party. Consideration is also given to the harm disclosure of 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 to withhold this information under this exemption.

Information disclosed under the FOIA is considered to be public information, and as part of the public interest balancing test 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.

We consider that the section 43(2) exemption is engaged in both cases because the disclosure of the information would be likely to prejudice the commercial interests of E20 LLP and/or Stadium operator, LS185, in that it would impact on current and future procurements for the services related to operating the Stadium including those listed above. The information, if disclosed, could be used by bidders in any procurement to the detriment of LS185 to procure services on the best possible terms

The information if released could prejudice negotiations with users of the Stadium and the operator's ability to attract events to the Stadium. In addition, other venues could use the information to undercut the stadium with a direct impact on E20 LLP and/or Stadium operator, LS185's profitability.

We can confirm that we have given careful consideration to the public interest factors for and against disclosure of the information contained in your request and we consider that the balance of the public interest in non-disclosure 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 a review of our decision, you should write to:

Executive Director of Finance and Corporate Services
London Legacy Development Corporation
Level 10
1 Stratford Place
Montfichet Road
London
E20 1EJ

Please note: complaints and requests for internal review received more than two months 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