



8 October 2018

INFORMATION REQUEST REFERENCE 18-064

Dear 

Thank you for your information request, received on 17 September 2018. You asked the London Legacy Development Corporation (Legacy Corporation) to provide the following information under the Freedom of Information Act 2000 (FOIA):

“To receive the forecast figure for removal and return for each year up to the financial year 2024/25. Also confirmation of the 2017/18 figure; we have understood it to be £11.8m, based on the Moore Stephens report.

Provide information on what is involved in retracting the seats and how cost reductions have been achieved.

Thirdly, to confirm whether or not LLDC or E20 Stadium LLP still expects to meet West Ham in court later this autumn regarding the activation of currently unused seats in the Stadium?”

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

Q1. The forecast figure for removal and return for each year up to the financial year 2024/25. Also, confirmation of the 2017/18 figure; we have understood it to be £11.8m, based on the Moore Stephens report

I can confirm that the Legacy Corporation holds information which falls within the scope of your request.

In order to ensure that the Legacy Corporation and E20 Stadium LLP (E20) achieve the best deal possible for the public purse, the forecast figures for removal and return of the seating for each year up to the financial year 2024/25 is being withheld under FOIA section 43(2) 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.

Prejudice to commercial interests

The Legacy Corporation has 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). Although the current contract between E20 and PHD, dated 1st February 2017, is a five-year contract, it can be terminated by E20 under the provisions of clause 34 in the contract and therefore could be re-tendered at two weeks' notice, so the release of the financial information would be likely to impact on E20's ability to achieve best value in retendering the contract. The Legacy Corporation and E20 have concluded that prejudice to commercial interests would be likely to be caused by disclosure so that 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 Legacy Corporation and E20 consider that the disclosure of the forecast figures for removal and return of the seating for each year up to the financial year 2024/25 would prejudice the commercial interests of E20 and the Legacy Corporation as, as detailed above, it would reveal financial details which would be likely to harm future procurements and contractual negotiations and this would impact on E20 and the Legacy Corporation's ability to achieve best value for the public purse.

It is the view of the Legacy Corporation and E20 that, at this time, the public interest in withholding the information outweighs the public interest in disclosing it.

The Legacy Corporation can confirm that the 2017/18 figure for removal and return of the seats is £11.3m.

Q2. Provide information on what is involved in retracting the seats and how cost reductions have been achieved.

Moving the seating system is complex. The main drivers of cost are related to the plant and labour needed to crane or skate the stands, and, in addition:

- Whether stands are moved or left in place for the summer events, depending on the event mix
- The elliptical configuration of the lower bowl means that the structure of each of the four stands does not consist of a series of identical bays, as is the case with a rectangular stand. In the London Stadium, each structural block in each of the stands is therefore moved in a manner that is, to some extent, unique.
- Improvements to the contractor's operating methodology. These arise from repeating the process year after year.
- Minor capital improvements that reduce the scope of seat transition costs

In 2017, all four stands in the stadium were retracted for the World Athletics Championships and then reinstalled for the 2017/18 Premier League football season. This costs £11.3m to retract and then install back into football mode.

In 2018, we adopted a revised seating configuration that allowed athletics and concerts to be staged. This primarily involved:

- Not moving the East Stand, but instead just removing the front 7 rows of the stand to reveal the athletics track
- Moving only part of the West Stand to reveal the athletics track (the flank blocks and front 7 rows)
- Removing the north and south stands

We were also able to make a number of improvements to seat transition operating methodology that improved efficiency.

The 2018 revised configuration reduced the seat transition costs to £4.1m.

We continue to seek ways to improve the seat transition costs in future years. The seat configuration is not yet set for 2019, but we do anticipate moving seats to accommodate a full summer programme of events. The hosting of baseball in the Stadium as currently planned will require a full move of the West Stand.

Q3. Thirdly, to confirm whether or not LLDC or E20 Stadium LLP still expects to meet West Ham in court later this autumn regarding the activation of currently unused seats in the Stadium?"

There is an ongoing case relating to payment for any seats above those E20 is obliged to provide WHU in the stadium. The trial is currently listed for November 2018.

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 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