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16 May 2022

INFORMATION REQUEST REFERENCE 22-004

Dear Myung,

Thank you for your information request, received on 4 March 2022. You asked the London Legacy Development Corporation (Legacy Corporation) to provide the following information under the Freedom of Information Act 2000 (FOIA):

“Public Sport Facilities are valuable for many people as they offer affordable, universal, and targeted services, and activities. The option of outsourcing or creating a new public organisation has become more prevalent in the leisure industry. It is used, among other reasons, as an answer to increase efficiency, reduce costs and increase commercial focus and expertise of sport facilities.

We are conducting research (as part of an undergraduate student dissertation project supported by Loughborough University), looking into how public organisations have contemplated the values of efficiency, community togetherness, healthier lifestyles, and social value when managing the London Olympic Games sport facilities.

To do this, we want to analyse the documents that public organisations published (or sent to contractors/trusts) with the requirements of service established when starting the process of tendering or contracting out the management of the sport facility, and the annual reports on the performance of the contract.

So, we are writing to ask you if you can send us by email a copy of:

- 1. tendering documents used to advert or negotiate the management of the Copper Box Arena, London Aquatics Centre, Lee Valley Hockey and Tennis Centre, and Lee Valley Velopark. Usually, these documents include the basis regarding which the contractor (commercial, trust, or non-profit organisation) will offer their management conditions (prices, services, quality standards, duration,...), and draw the outcomes that will be pursued when the contract is granted.*
- 2. a copy of the contract signed, if possible (without revealing any private information)*
- 3. public annual reports related to the management performance of the partnership/contract with this external organization, for the last 5 years.*

You can remove all personal or organisational information if you wish. If not, data will be anonymised for analysis when received, removing any personal or organisational reference from the documents.

I can confirm that the Legacy Corporation holds information which falls within the scope of your request. The information relevant to your request is below and our response follows your order:

Q1. tendering documents used to advert or negotiate the management of the Copper Box Arena, London Aquatics Centre, Lee Valley Hockey and Tennis Centre, and Lee Valley Velopark. Usually, these documents include the basis regarding which the contractor (commercial, trust, or non-profit organisation) will offer their management conditions (prices, services, quality standards, duration,...), and draw the outcomes that will be pursued when the contract is granted.

Please note: the Lee Valley Hockey and Tennis Centre and the Lee Valley Velopark are owned by Lee Valley Regional Park Authority (LVRPA). The Legacy Corporation does not hold information in relation to LVRPA's tender documents in relation to these venues.

The Copper Box and the London Aquatic Centre are both run by GLL on behalf of the Legacy Corporation, however, the operations contract for these venues is at the early stages of the re-tendering process. Therefore, the Legacy Corporation is withholding this information under section 43(2) – commercial information.

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.

In accordance with the statutory Code of Practice issued by the Information Commissioner's Office, as part of the public interest assessment, the Legacy Corporation contacts third parties referenced in the information, to give them the opportunity to provide examples of any harm from their perspective that there may be from releasing the information. Under FOIA, the Legacy Corporation cannot assume what information might be exempt, and therefore any third party that may be affected by disclosure is asked to provide details of the harm that releasing the information would have on its commercial interests. The Legacy Corporation takes the views of affected third parties into consideration when undertaking the public interest assessment. In line with this process the current operators, Greenwich Leisure Ltd (GLL), were contacted for their views.

Prejudice to commercial interests

The Legacy Corporation has assessed the impact of releasing the information redacted under the exemption section 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). As noted above, the Legacy Corporation is currently undertaking a procurement process for the operations contract for the Copper Box Arena and London Aquatics Centre venues. It has concluded that prejudice to the commercial interests would be caused by disclosure so that the exemption is engaged as releasing the information requested at this time would be likely to prejudice the procurement exercise and impact on the impartiality and effectiveness of this exercise.

Public Interest Test

There is, of course, a public interest in promoting transparency of public authorities' decisions and accountability, however, the disclosure of information would likely impact on the ability for the Legacy Corporation to get best value for the public purse when procuring the venue operations contract. It is the view of the Legacy Corporation that, at this time, the public interest in withholding the information outweighs the public interest in disclosing it.

Q2. a copy of the contract signed, if possible (without revealing any private information)

The information is being withheld under section 43(2) – commercial interests as set out in the reasons above.

Q3. public annual reports related to the management performance of the partnership/contract with this external organization, for the last 5 years.

The Legacy Corporation publishes a Trading Operations note in its Annual Report and Accounts, these can be found on the website here:

<https://www.queenelizabetholympicpark.co.uk/our-story/how-we-work/good-governance/accounts>. For example, please refer to pages 97 and 98 of the 2020/21 accounts for this information.

The Legacy Corporation also publishes a quarterly performance report that includes a Trading summary in the Financial Performance Summary section, these can be found on the website here: <https://www.queenelizabetholympicpark.co.uk/our-story/who-we-are/business-plan>.

If you are unhappy with our response to your request and wish to make a request for an internal review of our response, you should write to:

Deputy Chief Executive
London Legacy Development Corporation
Floor 9
5 Endeavour Square
Stratford
E20 1JN

Email: FOI@londonlegacy.co.uk

Please note: requests for internal reviews received more than forty working days 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