

# GREATER LONDON AUTHORITY

[REDACTED]  
[REDACTED]

**Our Ref: MGLA041116-1791**

14 August 2017

Dear [REDACTED],

I write to provide you with our response to request for information that the GLA received on the 2<sup>nd</sup> November 2016 in which you requested the release of the following information:

*Could you please provide me with a breakdown of the full cost figures for the Olympic Stadium conversion (£323m) referred to [here](#).*

*Please also provide copies of any meeting minutes and correspondence (internal and external) which involve any of the people listed at the following link (<https://www.london.gov.uk/people/mayoral>) in which the London Stadium is referred to in any way since 1 August 2016 to date.*

Your request has been handled under the Freedom of Information Act (the Act) and I can today confirm the GLA holds information in-scope of your request.

In relation to your first question, please can I direct you to the Mayoral Decision MD1656 "Stadium conversion contract – full and final settlement" on the GLA website (<https://www.london.gov.uk/decisions/md1656-stadium-conversion-contract-full-and-final-settlement>)

I can also release the following information prepared in relation to the Mayor's investigation:

***Why have Stadium costs risen by £51m when the previous mayor announced £272m last year?***

*The increase in costs above the contract sum of £272m falls into two categories. First, additional transformation costs were incurred as a result of the unforeseen collapse of the main seating contractor, Alto Seating, in summer 2015 ahead of the Rugby World Cup. Significant additional costs were incurred to manage the impact of delays caused to the seating installation.*

*Secondly E20 Stadium LLP has commissioned further enhancements to the stadium to enhance the offer to prospective hirers eg super-wide gangways for concerts.*

***Where has the additional £51m funding come from?***

*The additional funding came from £14.3m for additional work to maximise income potential from the Stadium provided by E20 LLP with the remaining £36.7m sourced through the GLA on the basis of future revenues from Park developments.*

***How does the £51m break down?***

	£m	£m	
<b>Value of contracts let</b>	<b>272</b>	214	Roof, strengthening, lights. Access, halo (F&B, toilets, turnstiles), pitch and community track
		36	BB settlement
		22	Scoreboards, scope of fit out, goal line technology, broadcast requirements
<b>Spend above contract values</b>	<b>51</b>	12	Contingency
		4	Additional spend on seating solution
		12.25	Balfour settlement for delay/disruption
		14.3	Discretionary enhancements by E20 Stadium LLP
		5	Summer seat moves
		4.1	Insurance and other management costs
<b>Total</b>		<b>323.65</b>	

***Where did the original funding come from?***

*£148.8m: 2010 CSR settlement plus income generated on the Park through land sales and profits from venues.*

*£15m: West Ham United FC*

*£38.7m: Games Public Sector Funding Package*

*£1m: UK Athletics*

*£3.5m: London Marathon Charitable Trust*

*£40m: LB Newham*

*£25m: Government*

***What was included in the additional work commissioned by E20?***

*The additional works include:*

- The installation of Europe's largest outdoor digital screen onto the East Stand (by October 2016).*
- Fabric wrap (£0.8m)*
- Creating super gangways for concerts*
- Additional investment in concessions to enable them to maximise hospitality*
- Enhanced lighting to suit a broader range of sports*
- Upgraded pitch protection*

The attachment accompanying this letter contains the information held by the GLA in relation to the second part of your request.

The GLA has made redactions to withhold legal advice under the provisions of section 42(1) of the Act;

*'Information in respect of which a claim to legal professional privilege or, in Scotland, to confidentiality of communications could be maintained in legal proceedings is exempt information.'*

The information is 'advice privilege' and was sought to make clear the contractual implications of different options for the east stand seating configuration. The annex accompanying this letter provides a more detailed explanation on how this provision has been engaged.

We have also made redactions to withhold certain information under the provisions of section 43(2) of the Act which provides that information can be withheld 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)'.*

A commercial interest relates to a person's ability to participate competitively in a commercial activity and their ability to trade, i.e. the purchase and sale of goods or services.

The GLA has assessed the impact of releasing the information redacted under this exemption. There is, of course, a public interest in promoting transparency of the decisions and accountability in regards to the agreements that are entered into by public sector bodies. Transparency in the decision making process and access to the information upon which decisions have been made can enhance accountability. The disclosure of information also helps facilitate and informed public debate.

However, the disclosure of the information within the information held currently would be likely to prejudice commercial interests of the either WHU or E20, by potentially causing a competitive disadvantage, or impacting on negotiations, which in turn would harm E20's ability to achieve best value for the public purse.

On that basis we conclude that the public interest in maintaining the exemption outweighs the public interest in disclosure at this time.

Finally, we have made some minor redactions to remove limited personal data from the email correspondence we are releasing which have been made pursuant with section 40(2) of the Act.

More information about these exemption provisions can be found on the website of the Information Commissioner.<sup>1</sup>

If you have any further questions relating to this matter, please contact me, quoting the reference at the top of this letter. In closing, I would again like to apologise for the delay in providing you with our response to your request and to thank you for your patience. I hope this has not inconvenienced you unduly.

Yours sincerely



**Ian Lister**  
**Information Governance Manager**

If you are unhappy with the way the GLA has handled your request, you may complain using the GLA's FOI complaints and internal review procedure, available at:

<https://www.london.gov.uk/about-us/governance-and-spending/sharing-our-information/freedom-information>

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<sup>1</sup> [https://ico.org.uk/media/for-organisations/documents/1208/legal\\_professional\\_privilege\\_exemption\\_s42.pdf](https://ico.org.uk/media/for-organisations/documents/1208/legal_professional_privilege_exemption_s42.pdf)

## **Annex A – Section 42(1) – Legal Professional Privilege**

Section 42(1) of the Act states:

*Information in respect of which a claim to legal professional privilege or, in Scotland, to confidentiality of communications could be maintained in legal proceedings is exempt information.'*

There is a public interest in public authorities being accountable for the quality of their decision making. Ensuring that decisions have been made on the basis of good quality legal advice is part of that accountability, especially in relation to the legacy of the Olympic park.

Transparency in the decision making process and access to the information upon which decisions have been made can enhance accountability. The disclosure of information also helps facilitate and informed public debate.

It is in the public interest that the decisions taken by the GLA are taken in a fully informed legal context where relevant. The GLA therefore needs high quality comprehensive legal advice for the effective conduct of their business. That advice needs to be given in context, and with a full appreciation of the facts. It needs to be sought and given in a timely fashion to ensure that policy develops in a fully informed way.

The Information Commissioner has repeatedly stated that the public interest in maintaining the convention of Legal Professional Privilege will only be overridden in the most exceptional of circumstances. Indeed, in the case of *'Bellamy v The Information Commissioner and the DTI'* the Information Tribunal has noted:

*'there is a strong element of public interest inbuilt into the privilege itself. At least equally strong counter-vailing considerations would need to be adduced to override that inbuilt public interest...it is important that public authorities be allowed to conduct a free exchange of views as to their legal rights and obligations with those advising them without fear of intrusion, save in the most clear cut case...'*

The GLA requires legal advice for the effective performance of its operations and that advice must be given by lawyers who are fully apprised of the factual background, and disclosure of that advice could materially prejudice the GLA's ability to protect and defend its legal interests.

Disclosure of legal advice has a high potential to prejudice the GLA's ability to defend its legal interests – both directly, by unfairly exposing its legal position to challenge, and indirectly, by diminishing the reliance it can place on the advice having been fully considered and presented without fear or favour. Neither of these is in the public interest. The former could result in serious consequential loss, or at least in a waste of resources in defending unnecessary challenges; the latter could easily result in poorer decision-making.

Again, there is significant importance in maintaining the principle behind LPP in safeguarding the openness of communications between a client and his or her lawyer to ensure access to full and frank legal advice.