

PART 2 – CONFIDENTIAL FACTS AND ADVICE

DD2425

Title: Expenditure resulting from the closure of the Lodge at Crystal Palace National Sport Centre (CPNSC)

Information may have to be disclosed in the event of a request under the Freedom of Information Act 2000. In the event of a request for confidential facts and advice, please consult the Information Governance team for advice.

This information is not suitable for publication until the stated date because:

Of the sensitive nature regarding the reimbursement to Greenwich Leisure Limited who have suffered consequential loss resulting from the closure of the Lodge at CP NSC.

Date at which Part 2 will cease to be sensitive or when this information should be reviewed with a view to publication: 20/08/2021

Legal adviser recommendation on the grounds for not publishing information at this time:

In the event of any request for access to the information contained in this document under section 1 of the Freedom of Information Act 2000 (“the Act”), it is considered that access may be denied on the basis that the disclosure of such information would prejudice the commercial interests of the Contractors and the GLA, as its release would impede the securing of the best possible outcome for the GLA’s expenditure. Therefore, the exemption from release of the information set out in part 2 of this report is covered by section 43 of the Act.

Section 1 of the Act creates the general right of access, which provides that any person making a request for information to a public authority is entitled:

- to be informed in writing by the public authority whether it holds information of the description specified in the request; and
- If that is the case, to have that information communicated to him/her.

Part II of the Act contains a number of exemptions from disclosure for certain classes of information. In particular, section 43 of the Act provides that information is exempt information, if its disclosure under the Act would, or would be likely to; prejudice the commercial interests of any person (including the public authority holding it). The paragraph above states that the information could be considered commercially sensitive, as its release could affect the interests of the Contractors and the GLA’s ability to secure the best possible outcome, and therefore, is covered by the exemption under section 43 of the Act. The Section 43 exemption is a qualified exemption and, accordingly, its valid use is subject to a public interest assessment.

Public Interest Assessment

On balance it is considered that the public interest is best served if the information is not disclosed at this point. As noted above, disclosure by the GLA could, as explained above:

- have a detrimental effect on the commercial interests of the Contractors and the GLA; and
- affect the GLA’s and Contractors’ ability to stimulate genuine competition for supplies, services and/or works required for efficient delivery of the contracts.

As a result, the effective delivery of the current and future programmes might be prejudiced and thus might exacerbate the outcomes that they aim to address, which might precipitate an increase in the burden on what are already limited public resources.

For these reasons, it is considered that the information below is exempt from publication in reliance upon the exclusions contained in section 43(2) (commercial interests) of the Freedom of Information Act and because the public interest in withholding the information outweighs the public interest in releasing it.

Legal Adviser - I make the above recommendations that this information is not suitable for publication at this time.

Name: Crystal Yuen TfL Legal

Date: 28.02.2020

Once this form is fully authorised, it should be circulated with Part 1.

Decision and/or advice:

The GLA's decision to close The Lodge has a number of financial impacts on Greenwich Leisure Limited (GLL) as described in Part 1, notably a loss of revenue and the commitment of additional expenditure. Although GLL agreed that The Lodge should be closed they are unable to absorb the costs involved.

The GLA are not legally responsible for the costs but a commercial decision has been taken to reimburse GLL for the expenses involved.

The total cost of closure has now been calculated and these are itemised below:

Employment and Compensation costs	
Staff redundancy costs	£89,225
Compensation for booking cancellations	£23,100
Estimated Facility Management mothball costs p.a	
Decommissioning works	£585
Security and facilities management	£2,800
Total estimated costs for 2019-2020	£115,710