

# GREATER LONDON AUTHORITY



**Our ref:** MGLA311214-5682

**Date:** 29 January 2015

Dear 

Thank you for your email of the 31<sup>st</sup> December 2014 in which you asked for information in relation to the New Year's Eve fireworks. Your letter asked the following questions:

*Please could you tell me where the funding for the NYE fireworks comes from?*

*Please could you tell me what the cost of policing and securing the ticketed event is too?*

We have treated your first question as a request for information under the Freedom of Information Act (2000) because it relates to the release of recorded information held by the Greater London Authority.

Although I can confirm that this information is held by the GLA, we are not able to release details relating to the cost and funding arrangements of the fireworks display at this time. We have decided that this information is exempt from release into the public domain by virtue of the exemptions provisions under section 22(1) and 43(2) of the Freedom of Information Act, which relate to information intended for future publication, and commercial interests. I have explained our decision to withhold this information in detail in the Annex to this letter

The GLA has however already published parts of the Mayoral Decisions that relate to the New Year's Eve celebrations on our website to ensure that its decision making in this matter is transparent. These decisions can be found on our website via the links below:

- [MD1277 - Approval of a 3 year plan and budget allocation for New Year's Eve.](#)
- [MD1387 - Decision to introduce paid-for ticketing for New Year's Eve](#)

In relation to your second question, the GLA budget for NYE event covers stewarding, fencing, barriers and site equipment, health and safety, and traffic management as well as the creative programme, lighting, sound and the fireworks themselves.

The policing of the event is handled by the Metropolitan Police Service (MPS) as part of their usual NYE operation; the event does not pay for policing separately.

We would also stress that the revenue from ticket sales (after VAT and handling fees) covered the costs associated with the ticketing operation and the additional infrastructure required to support it – e.g. ticket printing and distribution, ticket scanning, additional signage, barriers, stewards, toilets.

If you have any further questions relating to this matter, please contact me, quoting the reference at the top of this letter.

Yours sincerely



**Senior Events Officer**

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:

<http://www.london.gov.uk/mayor-assembly/gla/governing-organisation/freedom-information>.

## Annex A – Exemption provisions

### Exemption provisions

#### **Section 22: Information intended for future publication**

(1) Information is exempt information if –

- (a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),
- (b) the information was already held with a view to such publication at the time when the request for information was made, and
- (c) it is reasonable in all circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a)

#### **Section 43: 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).

### How these exemptions apply to this information

The information requested forms part of Mayoral Decision (MD1387) drafted in July 2014. This paper provides all of the briefing information, options and opinions in relation to request the Mayor to reach a decision to approve the introduction of paid-for ticketing for New Year's Eve Fireworks.

The Mayoral Decision consists of two parts. Part 1 of the MD contains non-confidential fact and advice to the Mayor and is usually published by the GLA shortly after that decision has been agreed, unless a deferred publication date has been agreed. Part 2 contains confidential facts and advice – such as legal advice or sensitive commercial information – that is not published until a later date.

#### **Section 22(1)**

Section 22 of the Act can be engaged where a public authority has already made a decision to publish information covered by a Freedom of Information Act request and where that decision had been made before the request for that information had been received.

Section 22 acknowledges that public authorities must have freedom to be able to determine their own publication timetables. This allows them to deal with the necessary preparation, administration and context of publication.

Part 1 of this Mayoral Decision was published on the 9th January 2015 and the information in Part 2 of the MD will be reviewed with a view to publication in January 2017. This section of the MD contains the financial information requested.

#### **Section 43(2)**

Section 43(2) provides that information can be withheld from release if its release under this Act would, or would be likely to, prejudice the commercial interests of any person including the public authority that holds that information it.

Part 2 of the MD contains detailed information about GLA contractual obligations and agreements, such as infrastructure costs and requirements, sponsorship arrangements and contractual arrangements.

The disclosure of this information at the present time would be likely to prejudice the

commercial interests of the GLA, particularly in relation to the details of the procurement for services and sponsorship in connection with the NYE's events 2014, 2015 and 2016.

Publication of this information prior to the contracts for services being let and sponsorship being secured may prevent the GLA from achieving the best value by the tender process.

The release of this information would also prejudice the commercial interests of Jack Morton Worldwide Limited, the event production company contracted to provide the display. This financial information could be used by their competitors to gain an advantage in future negotiations or bids in which they might be competing.

### Public interest test

It is necessary to consider whether the public interest in maintaining the exemption and withholding the information until the publication date, is greater than the public interest in releasing the information before this date.

In this instance, it is felt that, on balance, there is a greater public interest for the GLA to keep to its original timetable for disclosure.

The GLA recognises the legitimate public interest in the release of information relating to the financial arrangements relating to the New Year's Eve celebrations and the firework display; the public interest being met by the GLA demonstrating that it made decision in the best interests of London and achieved value-for-money doing so.

The decision to publish this information in the future acknowledges this public interest and demonstrates the GLA's commitments to openness, accountability and transparency. However this decision to withhold this information at this time also acknowledges the sensitivity of this information at this time.

To meet this public interest, the GLA has published parts of the Mayoral Decisions that relate to the New Year's Eve celebrations on our website to ensure that its decision making in this matter is transparent.

- [MD1277 - Approval of a 3 year plan and budget allocation for New Year's Eve.](#)
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The GLA believes it is sensible, in line with accepted practice, and fair to all concerned to withhold the information at this time. It is appropriate to manage the availability and publication of information by planning and controlling its publication as time is required to audit the data prior to public release.

The announcement by the GLA about the introduction of paid-for ticketing for New Year's Eve Fireworks has generated a lot public interest, particularly in regards to the rationale and decision making behind that decision, and how the fireworks, ticketing and security were to be funded.

However, under FoIA the 'public interest' is not the same as what might be of interest to the public. In balancing the public interest in disclosure, we consider the greater good or benefit to the community as a whole if the information is released or not. The 'right to know' must be balanced against the need to enable effective government and to serve the best interests of the public.

In this case, it is felt that the public interest – the best interests of the people and communities of London – is best served by ensuring that the GLA is achieve value-for-money in securing contracts and sponsorship for the New Year's Eve celebrations.

The public interest would not be met if the GLA released information that could result in the expenditure of further public money - disclosure by the GLA would be likely to have a detrimental effect on the procurement of services provided by third party contractors and on the potential sponsorship secured for the New Year's Eve events.

Similarly, it would not be in the public interest to release information that would affect the free and fair competition of competing private commercial businesses in an open marketplace.

A deferred publication date was agreed to protect these commercial interests and prevent compromising this process.

It is important to stress however that the information requested will be released by the GLA and we do not seek to prevent its eventual release into the public domain. These provisions are engaged to ensure that this publication can be carried out in accordance with decisions that had been made before the request had been received.