

GREATER LONDON AUTHORITY

[REDACTED]
(By email)

Our Ref: MGLA170818-0628

5 November 2018

Dear [REDACTED],

Thank you for your request for information which the GLA received on 17 August 2018. Please accept my apologies for the delay in responding.

Your request has been dealt with under the Freedom of Information Act 2000 and the Environmental Information Regulations (EIR) 2004. My apologies for the delay in responding to your request.

Our response to your request is as follows:

1. *All internal policy documents and analysis relating to the purchase and sale of the former Webbs Industrial Site, Blackhorse Lane, Walthamstow*

Please see the following Mayoral Decisions (MDs):

- [MD2150](#), which relates to the appointment of developer for the Former Webbs Industrial site
- [MD1627](#), for acquisition of the site
- [MD2160](#), for acquisition and demolition works.

Please note that part 2 reports are exempt under Regulation 12 (5)(e) (confidentiality of commercial or industrial information) of the EIR.

2. *The Invitation to Tender / Invitation to Bid, along with all supporting documents (or direct to where it is available online)*

Please find attached the Invitation to Tender for the Former Webbs Industrial site.

3. *The computer-generated video/images of the potential redevelopment previously published by the Mayor/City Hall (seems to no longer be online)*

Please find attached the computer-generated video/images for the Former Webbs Industrial site.

4. *Analysis and any papers produced supporting the decision to sell to Catalyst Housing Limited*

Please see MD2150, as referenced in our response to part 1 of your request.

5. *Analysis and scoring of bids*

Please find attached the Contract Award Recommendation report for the Former Webbs Industrial site, 17 August 2017.

The Contract Award Recommendation Report lists the thirteen London Development Panel (LDP) members who expressed an interest in receiving the Sifting Brief.

The list of the LDP members who submitted a tender return are listed in the Contract Award Recommendation Report.

Five of the bidders who were shortlisted at Sifting Brief stage and taken through to ITT stage are listed in the Contract Award Recommendation Report.

6. *The contract of sale between City Hall and Catalyst Housing Limited and all supporting documents*

The Development Agreement between the GLA Land & Property Limited and Catalyst Housing Limited – dated 3 November 2017 – is attached.

Some of the content within the Contract Award Recommendation report and the Development Agreement (relating to part five and six of your request), in addition to Part Two of the Mayoral Decision links supplied in relation to part one of your request, fall under the exception to disclose as defined in *Regulation 12 (5)(e) (confidentiality of commercial or industrial information)* of the EIR. Parts of these documents have therefore been redacted.

We have identified which parts of the Contract Award Recommendation and the Development Agreement falls under the exception to disclose by applying the four-stage test from *Bristol City Council v Information Commissioner and Portland and Brunswick Squares Association (EA/2010/0012, 24 May 2010)*:

1. The information is commercial or industrial in nature.

The redacted information in the Development Agreement includes commercial terms relating to items such land payments, timings and financial obligations and can be considered as commercial or industrial in nature. Disclosure of this information may impact on the GLA's ability to negotiate effectively in the future.

2. Confidentiality is provided by law.

Some of the information in the Development Agreement and the Contract Award Recommendation was exchanged in circumstances imparting an obligation of confidentiality upon the GLA, and the commercial terms are not widely known, nor in the public domain, nor are they trivial in nature. Commercial information of this nature is established through a process with third parties with the legitimate expectation that information exchanged will be held in confidence.

3. The confidentiality is protecting a legitimate economic interest.

We are of the view that disclosure of the some of the information in the Development Agreement would cause harm to the commercial interests of Catalyst Housing Ltd and can be considered as legitimate economic interests.

4. The confidentiality would be adversely affected by disclosure.

Disclosure of the information would inevitably harm the confidential nature of it.

In considering whether withholding information is in the public interest, the GLA is mindful of regulation 12(2) of the EIR instructing authorities to apply a presumption in favour of disclosure. There is a general public interest in fostering accountability and transparency in respect of land development matters. There is also public interest in informing the public understanding of how the competitive tender process in relation to the purchase and sale of land operates in this case and the basis upon which decisions are made.

However, the GLA has taken into consideration the Information Tribunal decision *Southwark v Information Commissioner and Lend Lease and Glasspool* (EA/2013/0162). In this decision, the courts recognised the enduring strength of the public interest in maintaining the confidentiality of negotiations that take place in relation to public/private sector partnerships:

Once you use private sector profit making organisations in order to help fund regeneration and to deliver infrastructure, social housing and other public goods, then inevitably considerations of commercial confidentiality and the need to avoid harm to commercial interests must be given full weight when assessing the public interests for and against disclosure.

In this case, the Tribunal balanced the public interest with particular consideration to the public interest in ensuring projects are not allowed to fail or be put into jeopardy; in public participation in decision making; and in avoidance of harm to commercial interests.

There is a strong reliance on public/sector partnerships to deliver affordable housing, and there is therefore a strong public interest in these developments succeeding. The best interests of the public are served by ensuring that public authorities can deliberate robustly and comprehensively, consider all options and potential impacts, to reach the best possible decision. It is in the public interest that the space to assess proposals fully is protected.

As set out above, the GLA believes that publishing some of the requested information will harm both the commercial interests of others, and the future ability of the GLA to negotiate effectively in the future. Furthermore, publishing sensitive information shared under an expectation of confidentiality would deter partners from sharing similar information in the future. This would ultimately lessen the information available to the GLA, thereby impacting upon effective scrutiny and the ability for the GLA to meet its stated objective to facilitate more affordable housing delivery.

Based on this, the GLA believes that on the balance of public interest, our consideration falls in favour of towards non-disclosure of the withheld information at this time.

If you have any further questions relating to this matter, please contact me, quoting the reference MGLA170818-0628.

Yours sincerely

Paul Robinson
Information Governance 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:

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