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Our ref: FOI/ E28386

Ask for: Information Governance

Date: 04/04/2017

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Dear Mr Turner,

Freedom of Information Act 2000

Request for Information: Information Provided

Subject: Safety Advisory Group (SAG) Meeting Minutes - London Stadium

We write with regard to your recent enquiry for information held by the Council under the provisions of the Freedom of Information Act 2000. We trust that the information provided is satisfactory.

For future reference we publish information on our website, including the Freedom of Information Publication Scheme and summary of Freedom of Information requests and responses that may be of help to you in searching for information. Our website is mentioned above.

It is important to note that under the Privacy and Electronic Communications (EC Directive) Regulations 2003 the Council asks not to receive unsolicited marketing communication.

Request

Please can you provide me with the safety advisory group meeting minutes for the London Stadium for the meeting held Thursday 8th December 2016 through to the date of this FOI request (7th February 2016). This covers December 2016, January 2017 and any meeting held in February up to 7th February 2017 for the avoidance of doubt.

Response

Please see attached Safety Advisory Group meeting minutes as requested.

Please note, we have redacted the names of the minute taker for each meeting as they are a junior officer and not attending as a representative of a public body.

We have also made some redactions in line with the Freedom of Information Act. Under the Freedom of Information Act we have the right to refuse a request, or in this case some

extracts of information, if an exemption applies. We believe such an exemption applies and have decided to redact accordingly.

There are redactions made throughout the minutes which relate to the security and safety processes within the Stadium and if released in the public domain could compromise security arrangements within the Stadium. This includes coverage of CCTV around the Stadium and its locations, security and stewarding plans and in relation to the Airwave functionality. We consider that if this information was in the public domain it could be exploited in order to identify weaknesses in the Stadium's security systems. This would prejudice the effectiveness of the current operational security of the Stadium. We therefore believe that this information should be withheld under section 31 (1)(a) the prevention of crime:

S.31 Law enforcement

(1) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice—
(a) the prevention or detection of crime

With regards to section 31 above (qualified exemption), a 'public interest test' is required to determine if the exemption is applicable. In applying this test we have considered the following factors:

Factors in favour of disclosure: the general public interest in the promotion of transparency, public understanding, involvement and openness in how resources are used at the Stadium.

Factors against disclosure: Disclosing this information could prejudice law enforcement by deterring legitimate activities to prevent crime and disorder at the Stadium, deter efforts made to secure the safety of visitors and staff at the Stadium and nearby vicinity

Whilst there are arguments on each side, we consider that, in the circumstances of the case, the public interest favours withholding this information.

The London Borough of Newham will also not disclose information which would prejudice the commercial interests of the Council or other parties concerned. There are specific references to the profile of some events and issues to be addressed and these are tied to security and event planning. Therefore, we have made further redactions on the minutes under Section 43(2) Commercial Interests for:

08/12/2016 – page 4, item 7

09/01/2017 – page 3, item 6

S.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 is a qualified exemption therefore a 'public interest test' is required to determine if the exemption is applicable. In applying this test we have considered the following factors:

Factors in favour of disclosure: the general public interest in the promotion of transparency,

In considering the public interest test, we considered the benefits of maintaining a healthy position during commercial process, the public interest is served by promoting transparency in the accountability of funds involving the Stadium and potential revenue from events and ensuring that public money is being used effectively.

On the other hand, we recognise and consider that there is a greater public interest in maintaining confidentiality and protecting commercially sensitive information, the release of which could damage commercial status in future negotiations and events at the Stadium. As such, we consider that maintaining the exemption outweighs the public interest in disclosure. The events at the London Stadium are planned in advance and this information in the public domain would be likely to impact on the commercial interests of the London Stadium in relation to potential revenue and events.

Whilst there are arguments on each side, we consider that, in the circumstances of the case, the public interest favours withholding this information.

Furthermore, under the Freedom of Information Act we have the right to refuse or withhold a request for information held if an exemption applies. We believe in this case such an exemption applies and maintain the redactions made in the Assessment.

Section 41 of the Freedom of Information Act 2000 states:

S.41(1) - Information is exempt information if –

- (a) it was obtained by the public authority from any other person (including another public authority), and
- (b) the disclosure of the information to the public (otherwise than under this Act) would constitute a breach of confidence actionable by that or any other person.

(2) The duty to confirm or deny does not arise if, or to the extent that, the confirmation or denial that would have to be given to comply with section 1(1) (a) would (apart from this Act) constitute an actionable breach of confidence.”

In order for this exemption to apply, the information must have been obtained from another person or public authority and disclosure of it would mean that London Borough of Newham would be open to legal action for a breach of confidence if it released the information that has been redacted.

If you require any further information or are not happy with our response please do not hesitate to contact a member of our team on (020) 8430 2000 or email us at information.governance@newham.gov.uk.

Yours sincerely,

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