

**Enquiries to:** Information Team  
**Our Ref:** FOI639337



**Liverpool  
City Council**

[request-525243-6e3e0d88@whatdotheyknow.com](mailto:request-525243-6e3e0d88@whatdotheyknow.com)

Dear Mr Pritchard

### **Freedom of Information Request 639337**

Thank you for your recent request of 11 October 2018. Your request was actioned under the Freedom of Information Act 2000 in which you requested the following information –

*How much was the company Royal de Lux paid in 2012, 2014 and 2018 for the visit of The Giants?*

*For each of those years, how much did the council receive in sponsorship of the events from external agencies?*

### **Response:**

With regard to the first element of your request, the City Council has considered whether this information you have requested may be exempt from disclosure under section 43(2) of the Freedom of Information Act 2000.

The reason we have considered this Exemption is on the basis that the requested information is commercially sensitive and relates to the financial and business affairs of the City Council and third parties in respect of commercial transactions – previous, current and anticipated.

The use of Section 43 (2) of the FOIA requires the application of a public interest test. The City Council has considered the following public interest arguments in respect of releasing the information:

If details of funding for this significant public art event were disclosed, then this combined with information from other sources would potentially identify detailed commercial information including expenditure profiles and charging strategies from third parties. This in turn would substantially impair and prejudice the ability of the City Council to conduct negotiations with third parties for similar cultural and large scale event opportunities and would therefore place the City Council at a substantial disadvantage when negotiating or entering into other similar commercial arrangements. The basis is that this information when combined with information from other sources would identify the pricing methodology of the City Council and third party providers and result in substantial commercial prejudice for future similar commercial and cultural events.

The effect of such disclosure would be potentially damaging to the City Council as the third party organisation(s) affected may well look to the City Council for compensation as a result of disclosure which could place the City Council under the threat of legal action.

As a counterpoint argument to these factors are that it is in the interest of the public to be clear what projects or initiatives the City Council seeking expressions of interest for and what these may entail in terms of their impact on the public purse. That this is of interest to the public is a matter of record, however the extent to which the level of detail request is of

**Liverpool City Council Information Team**  
Cunard Building, Water Street, Liverpool, L3 1DS  
E: [informationrequests@liverpool.gov.uk](mailto:informationrequests@liverpool.gov.uk)

itself of public interest must then be weighed against the prejudice disclosure would have on current or future projects.

With these considerations in mind it is considered that the public interest in the disclosure of the information you have requested is outweighed by the non-release of the information as the effect of substantially prejudicing the City Council's ability to develop, negotiate and enter into arrangements for similar commercial and public sector opportunities and that disclosure would raise a significant risk of potential legal action for breach of confidence.

Accordingly the City Council believes the public interest arguments in favour of withholding the information outweigh those in favour of releasing it and therefore withholds information relating to this element of your request.

With regard to the remaining elements of your request, we received the following in sponsorship and income from external companies –

£1,027,218 in 2012,  
£1,567,500 in 2014 and  
£1,900,050 in 2018

This concludes our response.

In accordance with the application of Section 43 (2) of the Freedom of Information Act 2000 we have not provided all of the information requested. As such we are required to serve you with the following Section 17 Notice –

The City Council will consider appeals, referrals or complaints in respect of your Freedom of Information Act 2000 and you must submit these in writing to [Informationrequests@liverpool.gov.uk](mailto:Informationrequests@liverpool.gov.uk) within 28 days of receiving your response.

The matter will be dealt with by an officer who was not previously involved with the response and we will look to provide a response within 40 days.

If you remain dissatisfied you may also apply to the Information Commissioner for a decision about whether the request for information has been dealt with in accordance with the Freedom of Information Act 2000.

The Information Commissioner's website is [www.ico.gov.uk](http://www.ico.gov.uk) and the postal address and telephone numbers are:- Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK95AF. Telephone 0303 123 1113. Email – [mail@ico.gsi.gov.uk](mailto:mail@ico.gsi.gov.uk) (they advise that their email is not secure)

I trust this information satisfies your enquiry.

Yours sincerely

*A Lewis*

**Angela Lewis**  
**Information Team**

**Liverpool City Council Information Team**  
Cunard Building, Water Street, Liverpool, L3 1DS  
E: [informationrequests@liverpool.gov.uk](mailto:informationrequests@liverpool.gov.uk)