



Bob Gunton <request-627716-4c6f43e4@whatdotheyknow.com>

8 January 2020

Our reference: FOI 19/27

Dear Mr Gunton,

Thank you for your email of 15 December 2019 in which you asked:

*Can you please tell me the income the park received from hosting the winter wonderland in 2018 How much it cost to reinstate the park to its pre event condition after the 2018 event*

We can confirm that we hold the information you request and are dealing with the request in two parts.

First, we can confirm that the cost of reinstating the park to its pre-event condition after Hyde Park Winter Wonderland (HPWW) in 2018 was £595,086, funded by event organisers. The costs and requirements of reinstatement vary each year, predominantly driven by the weather.

Second, in relation to the income from HPWW in 2018, we consider that this information is exempt under section 43(2) of the FOIA (Commercial Interests) as disclosure of the requested information would prejudice the commercial interests of both The Royal Parks (TRP) and the organisers of HPWW, PWR Events Ltd (PWR).

As a charity, we need to self- generate the majority of our income. Events make a strong contribution to that income. TRP has to engage in commercial activity so that we can continue to maintain public open spaces and deliver our charitable objects.

We have a long and historic tradition of hosting events. Please see our Hosting Major Events in the Royal Parks Strategy for further information about why we host events, the guiding principles by which we prioritise events, and our approach to hosting events. This notes that reinstatement is funded by event organisers.

[https://www.royalparks.org.uk/\\_data/assets/pdf\\_file/0010/41779/Hosting-Major-Events-in-the-Royal-Parks.pdf](https://www.royalparks.org.uk/_data/assets/pdf_file/0010/41779/Hosting-Major-Events-in-the-Royal-Parks.pdf)

We must strive to protect the future and sustainability of our events. Without this income we would not be able to improve and maintain the parks to the high standards expected and enjoyed by our 77 million visitors each year. We have continued to increase the



income we receive from major events, not by hosting more events, but by getting better value for money from them, including through tendering for our largest events such as HPWW.

The Information Commissioners' Office (ICO) considers that participating in a tendering process is a commercial activity, because the procurement is a competitive process by which service suppliers are selected to deliver a service. The FOIA does not define commercial interests, but we have adopted a Tribunal decision which states that "commercial interest relates to a person's ability to participate competitively in a commercial activity, i.e. the purchase and sale of goods or services."

Section 43(2) is a qualified exemption and we have therefore considered, whether in all the circumstances of the case, the public interest in maintaining that exemption outweighs the public interest in disclosing it. We have concluded that it does. Disclosing the information you have requested would prejudice the commercial interests of TRP and PWR.

In reaching this conclusion, the considerations in favour of releasing the information include the general public interest in transparency and accountability and the legitimate public interest in information about activities that take place in the Royal Parks. We also considered that as a charitable public organisation receiving monies from government, that there is a public interest in scrutinising whether public funds are being used in an efficient and effective way.

Against release of the information are a number of key considerations, including the strong public interest in protecting TRP and PWR from commercial prejudice. As TRP is now required to self-generate around 75% of its income, and this increases each year as our government fee for services reduces, any reduction in our income will have a direct impact on the parks, and would undermine our ability to deliver our charitable objects for the benefit of the public.

The major events market is a highly competitive landscape and there is an important public interest in ensuring that potential bidders are not discouraged from tendering for public contracts by a justified fear that their commercially confidential information, bearing on their market positions and commercial standing, will be released publicly, and to their competitors. Over time, this would diminish the supplier base willing to participate in a competitive tendering process, thereby reducing the quality and price that TRP is able to contract for. This applies not only to major events, but also to our wider contracted, and potential, supplier base.

Disclosure of the information would allow TRP's competitors to see what fees we charge event organisers and to undercut them, putting TRP at a disadvantage in what is a



competitive venue market. This is particularly relevant as TRP competes with a range of other private, commercial venue operators who are not subject to FOIA (for example Olympia, O2).

This would cause real harm to TRP's commercial interests; most of our services and activities are out-sourced, and we therefore tender for a large number of contracts each year. The financial arrangements of the contract, including the "price" that the bidder offers, is a key evaluation criteria, and an important means by which we are able to distinguish and evaluate the merit of the tender in order to arrive at the most advantageous bid. Therefore, if we were to disclose this, the competitiveness of the selection process and our ability to achieve best value would be hindered, thus harming our commercial interests in the future.

In accordance with ICO Code of Practice section 45 we have consulted with PWR about the disclosure. The financial arrangements between PWR as promoter and TRP are commercially sensitive. Any disclosure of financial information could prejudice or adversely affect PWR's ability against rival promoters to bid for future work successfully, both within the Royal Parks, but also when tendering for other major events with competitor venues, as other event organisers could use this information for their own commercial benefit. It also could have a materially adverse effect on PWR's negotiating power in terms of its financial arrangements with its commercial partners and suppliers for the event.

I hope that this information satisfies your request.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original email, quoting the reference at the top of the page and should be addressed to:

FOI Officer  
The Royal Parks  
The Old Police House  
Hyde Park  
London  
W2 2UH

Email [records@royalparks.org.uk](mailto:records@royalparks.org.uk)

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision, quoting the reference at the top of the page. The Information Commissioner can be contacted at:



Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Yours sincerely,

**Gavin Gribbon | Records Manager | 0300 061 2002 | [ggribbon@royalparks.org.uk](mailto:ggribbon@royalparks.org.uk)**  
[www.royalparks.org.uk](http://www.royalparks.org.uk) | The Old Police House | Hyde Park | London | W2 2UH

The Royal Parks are: Bushy Park | The Green Park | Greenwich Park | Hyde Park | Kensington Gardens | The Regent's Park & Primrose Hill | Richmond Park | St James's Park

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