

# GREATER LONDON AUTHORITY

[REDACTED]  
[REDACTED]  
[REDACTED]

Our Ref: MGLA280318-7731

9 May 2018

Dear [REDACTED]

Thank you for your request for information which the GLA received on 27 March 2018. Your request has been dealt with under the Environment Informal Regulations (2004).

With regards to New Bermondsey (an underused 30-acre industrial site in the London Borough of Lewisham), you asked for;

*I note in Mayor Sadiq Khan's letter attached he states at the paragraph at the bottom page one that satisfactory due diligence was undertaken by the GLA - may I see this? This seems to contradict the assertion that no due diligence was completed at this this stage.*

*As you know blanket refusal was not accepted by the Information Commissioner in relation to Lewisham Council's due diligence reports and I would be grateful if you could accept this as a formal request - over and above the Overview & Scrutiny Committee requirements - for Freedom of Information disclosure.*

As you are aware, we originally thought there was no due diligence on the proposal we were working on with Lewisham officers to increase the level of affordable housing, which was referenced in the report you forwarded. However, on further examination of our files we found a report which had been written but not actioned further. We have therefore identified two reports within scope of your request:

- Cushman & Wakefield (C&W) "Scheme Acceleration Commentary"
- Lambert Smith Hampton (LSH) HOUSING ZONES DUE DILIGENCE LB LEWISHAM Transaction 1 & 2 New Bermondsey

Please find attached the information we have identified as being within the scope of your request. Please note that some of the content is being withheld, as it falls under the EIR exceptions at:

- Regulation 12 (4)(d) Material in the course of completion, unfinished documents and incomplete data

- Regulation 12 (5)(e) Confidentiality of commercial or industrial information

**Regulation 12 (4)(d);** The C&W Scheme Acceleration report has only been used to inform an informal internal meeting, and has not yet been used to inform any formal decision. We consider the report as draft and may be reverted to in the future because it remains a possibility that some form of grant funding could be made available to LB Lewisham to deliver public transport infrastructure at the scheme, on the basis that Renewal agree to deliver additional affordable housing. Due to the passage of time, any future Grant Funding Transaction will require the C&W Report, at the very least, to be updated, and it remains a possibility that the report will be superseded by an alternative report.

**Regulation 12 (5)(e);** With reference to the four-stage test, which was adopted by the Information Rights Tribunal in *Bristol City Council v Information Commissioner and Portland and Brunswick Squares Association (EA/2010/0012, 24 May 2010)*; All four elements are satisfied in this instance for the exception to be engaged in respect of the redacted content within the two reports:

- Commercial or industrial in nature; The information is commercial in nature because it relates to the commercial terms of a Loan Funding Transaction, and falls into categories including loan security, repayment terms, interest rates and an assessment or analysis of commercially confidential information provided by Renewal.
- Confidentiality is provided by law; The information 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 terms of this nature are established with the legitimate expectation that they will be held in confidence.
- Protecting a legitimate economic interest; Disclosure of redacted information would harm the commercial interests of Renewal.
- Confidentiality would be adversely affected by disclosure; The GLA considers that at the present time disclosure would be likely to cause harm to the economic interests of Renewal whilst they are still proposing to deliver the New Bermondsey Scheme.

In applying these exceptions, we have had to balance the public interest in withholding the information against the public interest in disclosing the information:

We acknowledge that there is a general public interest in transparency in relation to the manner in which the GLA and local authorities award, allocate and spend funds in relation to the programme. Disclosure of this information would help enable members of the public to understand more fully the decision making and application processes.

The disclosure of this information would also inform discussion regarding the programme and its effectiveness within the London Borough of Lewisham. Providing detailed information held by public authorities is in keeping with the Government's transparency agenda and promotes accountability and greater public participation. Furthermore, the public interest is served by the GLA being transparent and open to scrutiny to increase diligence and working to protect the public purse.

However, on balance, we consider that it is not in the public interest for the GLA to release information that would prejudice the commercial interests of a third-party. This is particularly important where that third-party is required to achieve value-for-money on behalf of London communities in relation to the expenditure of funds from the public purse.

We consider that the best interests of the people and communities of London – are best served by ensuring that Renewal is able to achieve value-for-money. 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 by Renewal, potentially prejudicing their future negotiating capabilities.

If you have any further questions relating to this matter, please contact me, quoting the reference MGLA280318-7731.

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>