



**Information Governance Team**

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01 December 2023

Dear Sir/Madam

**Freedom of Information Act 2000 (FOIA)**

**Request ID: FOI547794393**

Thank you for your request for information relating to The Wave visitors and income.

You have requested the following information:

**1. Please provide an annual breakdown of total visitor numbers to The Wave waterpark for the following years.**

**Since opening in October 2019 - Dec 31, 2019.**

**Jan 1 – Dec 31, 2020**

**Jan 1 – Dec 31, 2021**

**Jan 1 – Dec 31, 2022**

**Jan 1 – present day, 2023**

**2. Please also provide the breakdown of total annual income from ticket sales for the same periods.**

**3. Please also provide the breakdown of annual profit / loss for The Wave for the same periods.**

**If for ease of supply, it makes it easier to use different 12-month annual periods (for example annual financial year instead of calendar) then I would accept the same information in that format instead – as long as all the information provided is for the same respective periods. (i.e the 12 month period for ticket sales, income and profit is the same 12-month period for each chunk of data).**

**Our response is as follows:**

**1. Please provide an annual breakdown of total visitor numbers to The Wave waterpark for the following years:**

- **Since opening in October 2019 - Dec 31, 2019.**
- **Jan 1 – Dec 31, 2020**
- **Jan 1 – Dec 31, 2021**
- **Jan 1 – Dec 31, 2022**
- **Jan 1 – present day, 2023**

Please see below annual breakdown of total visitor numbers to the Wave waterpark for the following years

<b>Category</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
Fitness (Gym) activities	52,993	48,973	28,609	72,974	133,024
Group Workout	8,755	6,903	11,949	16,914	21,045
Swimming - lessons	0	218	580	876	3,291
Swimming activities	39,069	79,896	26,873	59,462	47,655
Sports Hall activities	N/A	N/A	N/A	N/A	N/A
Outdoor activities	N/A	N/A	N/A	N/A	N/A
Other	0	0	380	735	2,377
Waterpark	187,899	843,370	142,478	151,271	169,746
<b>TOTAL:</b>	<b>288,716</b>	<b>979,360</b>	<b>210,869</b>	<b>302,232</b>	<b>377,138</b>

**2. Please also provide the breakdown of total annual income from ticket sales for the same periods.**

In regard to the breakdown of total annual income from ticket sales for the same periods, it is confirmed that the Council does hold information pursuant to your request. However, it is our view that the information is exempt from disclosure under Section 43(2) – Commercially Sensitive Information and it is therefore withheld. Section 43(2) exempts information from disclosure where disclosure of that information would, or would be likely to, prejudice the commercial interests of any person (an individual, a company, the public authority itself or any other legal entity).

In this case, we consider that the third-party operator and its own commercial interests would be prejudiced and/or would be likely to be prejudiced by the disclosure of the requested information.

Once the information is disclosed this means that it will be in the public domain and it could not only be used by the requester but also any other providers in a similar market.

Section 43(2) is a qualified exemption and we are required to consider the public interest and the need for transparency. However, this must be balanced against the public interest in allowing the organisation to protect its commercial information and not place itself at a disadvantage in the competitive market in which it operates.

Arguments in favour of disclosure.

- Promote accountability and transparency for the Council's decisions and in its spending of public money.
- Assist the public to understand and challenge our decisions.
- Inform the public of the activities carried out on their behalf, allowing for more user involvement and collaborative decision making.
- Enable the public to better scrutinise the public monies spent

Arguments against disclosure.

- There is a public interest in allowing public authorities to withhold information which if disclosed, would reduce providers' ability to compete in a commercial environment.
- The successful providers operate in a competitive market. If prejudicing the commercial interests of the successful providers in the market would distort competition in that market, this would not be in the public interest.
- Disclosure of information may cause unwarranted reputational damage or loss of confidence in the Council.
- Revealing information such as total annual income from ticket sales can be detrimental to the provider's commercial interest. If an organisation has knowledge of the provider's business model, it can exploit this for its own commercial interest. This would also have a detrimental impact on the Council on other contracts and procurements by distorting the market, for the reasons stated above.

Having considered the arguments for and against disclosure, the Council has decided that the public interest in this case is best served by maintaining the exemption under section 43(2) FOIA and by not disclosing the information requested.

The decision to withhold the information requested is therefore upheld on the basis that Section 43(2) in relation to commercially sensitive information has been applied correctly.

### **3. Please also provide the breakdown of annual profit/loss for The Wave for the same periods.**

In regard to the breakdown of annual profit/loss for The Wave for the same periods, it is confirmed that the Council does hold information pursuant to your request. However, it is our view that the information is exempt from disclosure under Section 43(2) – Commercially Sensitive Information and it is therefore withheld. Section 43(2) exempts information from disclosure where disclosure of that information would, or would be likely to, prejudice the commercial interests of any person (an individual, a company, the public authority itself or any other legal entity).

In this case, we consider that the third-party operator and its own commercial interests would be prejudiced and/or would be likely to be prejudiced by the disclosure of the requested information.

Once the information is disclosed this means that it will be in the public domain and it could not only be used by the requester but also any other providers in a similar market.

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## Arguments in favour of disclosure.

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## Arguments against disclosure.

- There is a public interest in allowing public authorities to withhold information which if disclosed, would reduce providers' ability to compete in a commercial environment.
- The successful providers operate in a competitive market. If prejudicing the commercial interests of the successful providers in the market would distort competition in that market, this would not be in the public interest.
- Disclosure of information may cause unwarranted reputational damage or loss of confidence in the Council.
- Revealing information such as annual profit/loss for The Wave can be detrimental to the provider's commercial interest. If an organisation has knowledge of the provider's business model, it can exploit this for its own commercial interest. This would also have a detrimental impact on the Council on other contracts and procurements by distorting the market, for the reasons stated above.

Having considered the arguments for and against disclosure, the Council has decided that the public interest in this case is best served by maintaining the exemption under section 43(2) FOIA and by not disclosing the information requested.

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The supply of information in response to a FOI/EIR request does not confer an automatic right to re-use the information. You can use any information supplied for the purposes of private study and non-commercial research without requiring further permission. Similarly, information supplied can also be re-used for the purposes of news reporting. An exception to this is photographs. Please contact us if you wish to use the information for any other purpose.

For information, we publish a variety of information such as: [FOI/EIR Disclosure Log](#), [Publication Scheme](#), [Facts about Coventry](#) and [Open Data](#) that you may find of useful if you are looking for information in the future.

If you are unhappy with the handling of your request, you can ask us to review our response. Requests for reviews should be submitted within 40 days of the date of receipt of our response to your original request – email: [infogov@coventry.gov.uk](mailto:infogov@coventry.gov.uk)

If you are unhappy with the outcome of our review, you can write to the Information Commissioner, who can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or email [icocasework@ico.org.uk](mailto:icocasework@ico.org.uk).

Please remember to quote the reference number above in your response.

Yours faithfully

**Information Governance**