

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 11 December 2024

Public Authority: Tees Valley Combined Authority

Address: Teesside Airport Business Suite
Teesside International Airport
Darlington
DL2 1NJ

Request:

The complainant submitted a follow-up request to Tees Valley Combined Authority (TVCA) on 26 September 2024 seeking information about specific questions raised at a governance meeting.

"STDC Board, Thursday 26 September 2024 (deadline for replies Thursday 24 October 2024)

Question 2

"Overheads compromise staffing, insurance, and legal costs. Overheads are forecast to be lower in Q2-Q4. This is due to initial legal costs in Q1 associated with JV Power, as the exchange on the sale of the Private Wire Network has occurred in Q1, subject to conditions precedent."

How much did these legal costs amount to?

Question 3

"Expenditure to date on the park and ride has resulted in the completion of the advance earthworks and detailed design works. Expenditure has been incurred on design works to link the South Bank Road to the Quay."

What is the expenditure total on both the park and ride and the design works to link the South Bank Road to the Quay?

TVCA Cabinet, Friday 27 September 2024 (deadline for replies Friday 25 October 2024)

Question 10 Endeavour note that: The contractual documents have been signed by the relevant parties and on the face of them will be legally binding on the parties to them subject to the signatory in each case having capacity and authority to sign on behalf of the relevant company.

Please give the name and title of the signatories. Please outline and provide evidence that the signatory had capacity and authorisation to sign on behalf of STDC. Title alone does not confer authority. Please include ALL communication which would evidence authority including WhatsApp/text and description of verbal discussions.”

Commissioner’s Decision:

A public authority will breach section 10 of FOIA if it fails to respond to a request within 20 working days. On 22 October 2024, the complainant wrote to the public authority, reminding it of its responsibilities and asking it to provide a response to their request. The public authority sent a partial response on the following day and apologised for the delay. The public authority request clarification for question 10 on 7 November 2024.

The complainant clarified their request on 7 November 2024 and questioned why the clarification was sent over 20 working days after the initial request.

The commissioner wrote to the public authority on 21 November 2024 to remind it of its obligations, the public authority responded on 5 and 11 November 2024, however, it stated on 26 November 2024 “With regard to request 121-2024 - this request is complex, and the Authority is working at speed to deliver a response to the requester.”

The public authority has failed to respond appropriately despite advice and assistance from the Commissioner. Based on the evidence available to the Commissioner, by the date of this notice the public authority has failed to issue a substantive response to this request. Therefore, the Commissioner finds a breach of section 10.

Steps:

The public authority must provide a substantive response to the request in accordance with its obligations under FOIA.

The public authority must take this step within 30 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of FOIA and may be dealt with as a contempt of court.

Right of Appeal:

Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**