

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 25 July 2022

Public Authority: Department for Business, Energy and Industrial Strategy

Address: 1 Victoria Street
London
SW1H 0ET

Decision (including any steps ordered)

1. The complainant requested information from the Department for Business, Energy and Industrial Strategy ("BEIS") for information relating to assessments and correspondence related to South Tees Development Corporation, South Tees Site Company Ltd, Tees Valley Combined Authority. By the date of this notice BEIS had not issued a substantive response to this request.
2. The Commissioner's decision is that BEIS has failed to respond to the request within 20 working days and has therefore breached regulation 5(2) of the EIR.
3. The Commissioner requires the BEIS to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response to the request in accordance with its obligations under the EIR.
4. BEIS must take these steps within 35 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 the Freedom of Information Act and may be dealt with as a contempt of court.

Request and response

5. On 12 April 2022, the complainant made the following request for information to BEIS:

“Please let me have the following information –

- business case assessments for the funding for South Tees Development Corporation for demolition and remediation works at the SSI site (as announced here

<https://www.gov.uk/government/news/teesside-transformation-backed-by-71m-government-funding>)

- assessments made leading to the agreement to sell South Tees Site Company Ltd to South Tees Development Corporation (STDC) in 2020

- assessments made by BEIS in relation to Teesworks Ltd (formerly South Tees Enterprise Ltd), the joint venture between STDC and companies controlled by private companies, including in relation to the initial acquisition of shares in the company by STDC in 2020 and then the reduction in its shareholding to 10 percent in 2021. (In respect of this joint venture, Tees Valley Mayor ben Houchen told the Northern Echo in February 2022 that BEIS and the Treasury “crawled all over the deal”).

- correspondence including emails and notes of meeting concerning the above with HM Treasury and/or TVCA”

6. BEIS acknowledged the request on 13 April 2022. To date, a substantive response to the request has not been issued.

Scope of the case

7. The complainant contacted the Commissioner on 1 July 2022 to complain about BEIS’s failure to respond to this request.
8. The Commissioner contacted BEIS on 6 July 2022 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
9. Despite this intervention BEIS has failed to respond to the complainant.
10. The scope of this notice and the following analysis is to consider whether BEIS has complied with regulation 5(2) of the EIR.

Reasons for decision

11. Regulation 5(1) of the EIR states that:

"a public authority that holds environmental information shall make it available on request."

12. Regulation 5(2) of the EIR states that:

"Information shall be made available under paragraph (1) as soon as possible and no later than 20 working days after the date of receipt of the request."

13. From the evidence provided to the Commissioner in this case, it is clear that BEIS did not deal with the request for information in accordance with the EIR. The Commissioner's decision is that BEIS has breached regulation 5(2) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the EIR.

Right of appeal

14. 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

15. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
16. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Michael Lea
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Water Lane
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Cheshire
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