



FOI Request

Double-Decker Hydrogen Buses

Reference	RSN20199
Request Stage	Request
Date Received	21/01/2020
Date Responded	23/01/2020
Disclosure	Part
Exemptions / Exceptions	S.43 – Commercial Interests
Supporting Documents	N/A

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Request

Can you provide the delivery date of the upcoming double-deck hydrogen buses built by Alexander Dennis?

Will the council directly own and lease the double-deck hydrogen buses for bus operators to use for their services?

Can you release all the available documents (including contacts) of the hydrogen double-deck buses for bus services in Liverpool?

Response

Thank you for your recent request made to the Liverpool City Region Combined Authority and Merseytravel. For the avoidance of doubt, the response below constitutes the response from both organisations.

- a. Can you provide the delivery date of the upcoming double-deck hydrogen buses built by Alexander Dennis?

As the project is in its early stages, a preferred supplier and the exact delivery date has not been decided yet.

- b. Will the council directly own and lease the double-deck hydrogen buses for bus operators to use for their services?

The Liverpool City Region Combined Authority will determine the most appropriate approach to vehicle ownership as part of the development of the project.

- c. Can you release all the available documents (including contacts) of the hydrogen double-deck buses for bus services in Liverpool?

We view the documents currently held for the procurement of hydrogen buses as potentially prejudicial to the commercial interests, either belonging to us or a third party, and must give consideration to Section 43 of the Act. Section 43 is a qualified, prejudice-based exemption, and is therefore subject to a public interest test. The Information Commissioner's Office has issued guidance on Section 43, which can be viewed on their website.

The public interest argument for disclosure is that it allows a greater degree of scrutiny over how public money is spent in the delivery of Merseytravel's work, while contributing to transparency over how decisions have been reached. It is important that public authorities allow their decisions to be scrutinised by the public to ensure that funds are managed appropriately.

The public interest factors to withhold the information relate to the prejudicial impact that the disclosure would have on the commercial interests of any person (including the public authority itself). It would not, for example, be in the public interest to disclose information about a particular commercial body if that information was not

common knowledge and would be likely to be used by competitors in a particular market to gain a competitive advantage. Disclosure under the Act is viewed as to the world at large, not simply to the individual requester, and consideration must therefore be given to how it may be used by any party.

In this particular case, work is ongoing to finalise the nature of the project. Once this has been determined an open procurement exercise will be conducted, setting out the project and inviting applications from potential suppliers. These documents, once finalised, will be published on The Chest (<https://www.the-chest.org.uk>). Releasing any documents now in their current form could be misleading to potential suppliers, leading to unnecessary preparatory work, and would be likely to increase the number of enquiries fielded by the project team, distracting them from their work finalising the parameters of the project. In our view, the public interest lies in withholding the documents currently held.

d. What is the purpose of the project?

The hydrogen bus project is part of the Combined Authority's work to be a zero-carbon city region by 2040. More information is available on our website at the following link: <https://www.liverpoolcityregion-ca.gov.uk/what-we-do/energy-environment/>

I trust that this information is of interest to you.

If you are dissatisfied with the handling of your request to the Combined Authority, you have the right to ask for an internal review, which should be addressed to:

Jill Coule

Chief Legal Officer / Monitoring Officer
Liverpool City Region Combined Authority
jill.coule@liverpoolcityregion-ca.gov.uk

If you are dissatisfied with the handling of your request to Merseytravel, you have the right to ask for an internal review, which should be addressed to:

Mrs Julie Watling
Legal, Democratic Services & Procurement Manager
Merseytravel
PO Box 1976
Liverpool
L69 3HN
julie.watling@merseytravel.gov.uk

If you are not content with the result of your internal review, you also have the right to complain to the Information Commissioner, whose address is

The Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire SK9 5AF
www.ico.gov.uk