

Freedom of Information Act 2000 (FOIA)
Decision notice

Date: 29 July 2024

Public Authority: Wirral Metropolitan Borough Council

Address: Town Hall
Brighton Street
Wallasey
Merseyside
CH44 8ED

Request:

On 8 January 2024 the complainant requested that Wirral Metropolitan Borough Council carry out an internal review of its response to an earlier request for information. Parts of the internal review request constituted new requests for information:

"[...] Please provide all recorded information relating to the council having noted, corresponded, considered, decided and communicated whether and how a function suite with such licences complies or does not comply with the lease the council granted, including the Permitted Uses stated in that lease which the council granted.

The council had notice of these potential lease breaches when considering the licence but anyway I gave you notice of their potential breach with question 3 in my request on 11/12/2023, and in the same request in questions 4 and 5 gave you notice of potential breaches of the lease relating to flood lights and a sign. Please provide all recorded information regarding what action has been taken since 11/12/2023 to assess the potential breaches of the lease raised in questions 3, 4 and 5.

In your response to question 6 you say the chamber is receiving grant funding from the town deal. Please confirm how much the chamber has and is due to receive from the town deal for Egerton house and for anything else, as well as any other grant funding or similar the chamber has received and is due to receive in relation to Egerton house.

Please also provide all recorded information relating to any consideration of ensuring that grant funding obtained under the town deal or anything else for Egerton house is full recouped upon its sale to the chamber or anyone else. [...]"

Commissioner's Decision:

The Council should treat the above quoted sections of the internal review request as a new request for information.

A public authority will breach section 10 of FOIA if it fails to respond to a request within 20 working days. Based on evidence available to the Commissioner, by the date of this notice the public authority has not issued 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**