

Freedom of Information Act 2000 (FOIA) Decision notice

Date: 30 July 2024

Public Authority: Metropolitan Borough of Wirral

Address: Town Hall, Brighton Street,
Wallasey, Wirral
CH44 8ED

Request:

The complainant requested the following information from Metropolitan Borough of Wirral on 2 April 2024:

"Regarding Egerton House (Wirral) Community Interest Company (formerly 'Egerton House (Wirral) Limited') and the council's role as owner and landlord of the Egerton House building in Birkenhead and the history of CEWTEC's legacy interests and asset transfer there and the protections put in place and the council's role in those regarding this community interest company and this building–

1) Please provide all recorded information held relating to the council ceasing to have any presence on the board of this community interest company ever since 24/07/2014 when the then Strategic Director of Regeneration and Environment at the Council and the then Leader of the Council both apparently resigned as Directors of this community interest company as detailed in the Companies House records

Also please provide all recorded information relating to any correspondence with, notice to, approval of, lack of objection from, the Secretary of State for Education, or their Department or anyone else on their behalf or representing the interests of the former CEWTEC and its public funds and earlier asset transfer relating to the Egerton House

building in Birkenhead, regarding the following as it appears from Companies House records –

- 2) the council ceasing to have any presence on the board of this community interest company as detailed in 1 above
- 3) non-council members subsequently being registered as being persons with significant control of this community interest company
- 4) the Articles of Association of this community interest company subsequently being changed, allowing for Wirral Chamber of Commerce and Industry to remove and appoint Directors
- 5) the council permitting, allowing or suffering the Egerton House building in Birkenhead to be continued to be used by this community interest company, or Wirral Chamber of Commerce and Industry or anyone else, after the 20 year term of the lease to this community interest company expired without creating a new lease or otherwise protecting the Council's interests and CEWTEC's legacy interests here
- 6) the council permitting this community interest company to assign that expired lease to Wirral Chamber of Commerce and Industry, and for the rent to remain at a peppercorn per year (if demanded)
- 7) the council permitting, allowing or suffering an alcohol licensed party venue for hire to operate at the Egerton House building in Birkenhead despite the purpose and operating times included within the terms of the lease
- 8) the council deciding to sell the Egerton House building in Birkenhead to Wirral Chamber of Commerce and Industry at some point
- 9) the council permitting, allowing or suffering Wirral Chamber of Commerce and Industry to register a charge against the Egerton House building in Birkenhead

In relation to how it may relate to any of the above issues, also the c£1.5m town deal funding obtained for even further renovations to the Egerton House building, the peppercorn rent, the proposed sale and its price, and anyway generally, please provide all recorded information regarding –

- 10) the council's consideration of the apparent debt according to Companies House records owed by Wirral Chamber of Commerce and Industry to this community interest company of £345,963 as at

31/03/2022 up from £310,816 the previous year, and also the composition of the boards of each company”

Commissioner’s Decision:

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.

Reference: IC-316455-K6V9



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