

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 14 May 2024

**Public Authority:** Wirral Council  
**Address:** Wallasey Town Hall  
Brighton Street  
Wallasey  
Wirral  
CH44 8ED

#### **Decision (including any steps ordered)**

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1. The complainant requested information from Wirral Council (the public authority). By the date of this notice the public authority had not issued a substantive response to this request.
2. The Commissioner's decision is that the public authority has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory timeframe of 20 working days.
3. The Commissioner requires the public authority to take the following step to ensure compliance with the legislation.
  - The public authority must provide a substantive response to the request in accordance with its obligations under FOIA.
4. 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.

#### **Request and response**

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5. On 17 January 2024, the complainant wrote to the public authority and requested information in the following terms:

"Your website has details of a decision on 05/06/2017 to provide Financial Assistance through Business Growth Grant Funding and Wirral Waters Enterprise Zone Investment Fund

[Issue details - Request for Financial Assistance through Business Growth Grant Funding and Wirral Waters Enterprise Zone Investment Fund | Wirral Council](#)

please provide -

- 1) any application/s or similar and the report/s or relied on in making the decision
- 2) any resulting loan agreement/s
- 3) any other related agreement/s and any variation/s
- 4) name of company/s receiving the grant/s under this decision
- 5) total amounts granted to the company/s (apportioned amounts detailed if more than one company) and date/s payments made
- 6) total amounts repayed back to the council or the fund or transferred elsewhere, by who and when
- 7) any detail and ongoing related issues on money yet to be repaid or that there is to be no more to be repaid
- 8) information on what was achieved with the money, including KPIs
- 9) Details of any other grants or loans made to the same company/ies (amounts, dates, purposes)" (sic)

## Reasons for decision

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6. Section 1(1) of FOIA states that:

"Any person making a request for information to a public authority is entitled -

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him."

7. Section 10(1) of FOIA states that a public authority must respond to a request promptly and "not later than the twentieth working day following the date of receipt".

8. On 26 April 2024 the Commissioner wrote to the public authority, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.

9. Despite this intervention the public authority has failed to respond to the complainant.
10. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the request for information in accordance with FOIA. The Commissioner finds that the public authority has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with FOIA.

## Right of appeal

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11. 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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

12. 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.
13. 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 .....**

**Roger Cawthorne**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**