

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: **1 August 2024**

Public Authority: **Wirral Metropolitan Borough Council**

Address: **Town Hall
Brighton Street
Wallasey
Wirral
Merseyside
CH44 8ED**

Request:

The complainant requested the following information relating to the sale of Egerton House from Wirral Metropolitan Borough Council on 15 April 2024:

"Please provide copies of –

- 1) All restricted minutes, reports and webcasts for the two meetings and any other meetings where the sale has been discussed.
- 2) Information relating to the connection of the Labour MP for Birkenhead to Egerton House.
- 3) All valuations of Egerton House.
- 4) Confirmation of the start and end dates for Wirral Chamber of Commerce and Industry having a lease for Egerton House and how much the council has charged and received from them in rent for that.
- 5) All information relating to any consideration of the sale price including consideration of the £1,485,000.00 town deal funding the Council has paid to Wirral Chamber of Commerce and Industry and the (once confirmed) below market rate rent, including if as currently appears peppercorn or free

for the full period, and including consideration of any other beneficial treatment provided to Wirral Chamber of Commerce and Industry over time and across all dealings, including any considerations of state aid and subsidy.

6) Any information and correspondence indicating any detail regarding the lease assignment, peppercorn rent and plans for and actual now sale of Egerton House to Wirral Chamber of Commerce and Industry that has been passed to anyone outside the Council who are in any way involved with or interested in the Town Deal funding and also the original transfer of Egerton House to the Council, including specifically any interaction on such matters with the HM Government Department for Levelling Up, Housing & Communities and also HM Government Department for Education.

7) All information regarding how the Council has ensured the purpose of the funding will survive the sale of this enhanced public asset to this private limited company.

8) Correspondence and any other information regarding any consideration of and discussions with Wirral Chamber of Commerce and Industry or anyone else ahead of the Council providing the license to assign the lease or for the sale of Egerton House relating to the apparent debt according to Companies House records owed by Wirral Chamber of Commerce and Industry to Egerton House (Wirral) Community Interest Company of £345,963 as at 31/03/2022 up from £310,816 the previous year.

9) Any consideration included with any of the above dealings or review of them relating to the Directors of Egerton House (Wirral) Community Interest Company being a current Labour Councillor, and Wirral Chamber of Commerce and Industry also being a Director. And Wirral Chamber of Commerce and Industry also being a person with significant control of Egerton House (Wirral) Community Interest Company due to the Chamber having the right to appoint and remove directors at that CIC. And also for Wirral Chamber Of Commerce and Industry itself for its Directors to include a former Labour Councillor and also a current Labour Councillor (being that same Labour Councillor who is also a Director of Egerton House (Wirral) Community Interest 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.

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