

Application for Permission to Appeal and Notice of Appeal

from an Information Rights decision of the First-tier Tribunal (General Regulatory Chamber)

Upper Tribunal
Administrative Appeals Chamber

For any other kind of case decided by the General Regulatory Chamber of the First-tier Tribunal use Form UT11

Office stamp (date received)

You **must** apply to the First-tier Tribunal for permission to appeal before you fill in this form.

Use this form *either* (1) **to apply to the Upper Tribunal for permission** to appeal if the First-tier Tribunal refused you permission to appeal or your application was not admitted because you were late
or (2) **to appeal to the Upper Tribunal** if the First-tier Tribunal has granted you permission to appeal.

Please use black ink and complete the form in **CAPITALS** or in typewriting. Use another sheet of paper if there is not enough space for you to say everything. Please put your name at the top of any additional sheets.

A About the Appellant

Title

Mr Mrs Miss Ms Other

Surname, or name of company, firm or organisation

Potto Parish Council

Other names

Address

34 Cooper Lane
Potto
Northallerton

Postcode

D L 6 3 H A

Telephone number

01642 700077

Email address

pottopc@btinternet.com

Do you have a solicitor or other representative?

Yes No

If yes, please give your representative's details below:

Name of representative

Status (solicitor, agent, friend etc.)

Organisation (if any)	<input type="text" value="3"/>
Address	<input type="text"/>
Postcode	<input type="text"/> <input type="text"/>
Telephone number	<input type="text"/>
Email address	<input type="text"/>
Reference number (if any)	<input type="text"/>

B About the respondent(s)

Please give details of the respondent(s) below (these will be the person or persons and/or organisations who were the other party (or parties) in the First-tier Tribunal).

1st respondent

Name of first or only respondent	<input type="text" value="Andrew Wilde"/>
Address	<input type="text" value="34 Cooper Lane
Potto
Northallerton"/>
Postcode	<input type="text" value="D L 6"/> <input type="text" value="3 H A"/>
Telephone number	<input type="text" value="01642 700077"/>
Email address	<input type="text" value="pottopc@btinternet.com"/>

2nd respondent (if any)

Name of second respondent	<input type="text"/>
Address	<input type="text"/>
Postcode	<input type="text"/> <input type="text"/>
Telephone number	<input type="text"/>
Email address	<input type="text"/>

Where did the Tribunal hear your case?
(please tick one)

- At an oral hearing
 At a paper hearing
 There was no hearing

(Situations where there may not have been a hearing, include if you are appealing against a case management decision, or if your case was struck out.)

If there was a hearing, what was the date of the hearing?

0 2 / 1 1 / 2 0 2 3

What was the date of the Tribunal's decision?

0 2 / 1 1 / 2 0 2 3

What was the Tribunal's reference number?

EA/2022/0266

Did the First-tier Tribunal suspend the effect of its decision?

- Yes No

Do you now wish to apply for the effect of the First-tier Tribunal decision to be suspended?

- Yes No

If you wish to apply to the Upper Tribunal for suspension of the effect of the First-tier Tribunal decision, please give your reasons why:

It is clearly stated in the refusal notice that the tribunal did not consider the facts of the case and whether the evidence given was truthfull or accurate, rather they focused on whether there was an error of law in their judgement. We find that this approach as neither fair nor equatable and is completely at odds with the whole concept of why we have a Freedom of Information Commissioner. The Tribunal shoul make its decision based on the truth rather that stating we made a decision based on the wrong facts but that is OK because we did not make an error in law, this stance is completely farcical and a clear attempt at covering the actions of the tribunal rather that delivering justice. The Tribunal through its decision is supporting the ongoing harrasment that a vounteear organisation ant the lowest level of local government has had to endure over a more than 10 year period and will now continue based on this decision.

Note: You must apply to the First-tier Tribunal for permission to appeal before you fill in this form.

Did the First-tier Tribunal refuse to admit your application for permission to appeal because you were late?

- Yes No

Has more than **one month** passed since the First-tier Tribunal sent you notice of the grant or refusal of permission to appeal or notice that your application has not been admitted?

- Yes No

If the answer to either of the above questions (or both) is 'Yes', please apply for an extension of time by giving your reasons for the delay here:

Note: You can only appeal if the First-tier Tribunal decision was wrong on one or more **points of law** and you must say why the First-tier Tribunal was wrong in law.

If the First-tier Tribunal granted you permission to appeal **on limited grounds** and you are now appealing, please state whether you also wish to apply for permission on additional grounds and complete **Part G** as appropriate.

As clearly stated in the U13 notes one of the reasons for allowing an appeal is The tribunal had no evidence, or not enough evidence, to support its decision.

As noted above, the tribunal clearly recognised that in the refusal notice that the tribunal did not consider the facts of the case and whether the evidence given was truthfull or accurate, rather they focused on whether there was an error of law in their judgement.

We find that this approach as neither fair nor equatable and is completely at odds with the whole concept of why we have a Freedom of Information Commissioner. The Tribunal shoul make its decision based on the truth rather that stating we made a decision based on the wrong facts but that is OK because we did not make an error in law, this stance is completely farcical and a clear attempt at covering the actions of the tribunal rather that delivering justice.

The Tribunal through its decision is supporting the ongoing harrasment that a voulenteer organisation ant the lowest level of local government has had to endure over a more than 10 year period and will now continue based on this decision.

If you want to say more, please use another sheet of paper

Has the First-tier Tribunal given you permission to appeal?

Yes

If 'Yes', **your case is an appeal**. Go straight to **Part G** on the next page

No

If 'No', you are applying to the Upper Tribunal for permission to appeal. Please continue to complete this Part

Do you or your representative wish to have **an oral hearing** before the Upper Tribunal at this stage?

Yes

Please give your reasons why in the box below

No

Would you like the hearing to be in private?

Yes

Please give your reasons why in the box below

No

continued over the page ⇨

I apply for permission to appeal against the decision of the First-tier Tribunal
and/or

I appeal against the decision of the First-tier Tribunal.
(delete as applicable)

I authorise my representative named in **Part A** above to act on my behalf in all proceedings before
the Upper Tribunal.*

(*delete if you have no representative or you are a solicitor filling in this form on behalf of a client)

Signed

Andy Wilde Digitally signed by Andy Wilde
DN: cn=Andy Wilde, o, ou,
email=andy_wilde@btinternet.com, c=GB
Date: 2023.12.07 11:46:50 Z

Applicant/Appellant or solicitor

Date

0 7 / 1 2 / 2 0 2 3

Where to send your completed form

If you are legally represented or acting on behalf of a government department, agency or public body you must send the form and any supporting documents using the HM Courts & Tribunals E- Filing service.

To register and access the E-Filing Service go to:

<https://efile.cefile-app.com/login>

For guidance, support and information about the E-Filing Service go to:

www.gov.uk/guidance/hmcts-e-filing-service-for-citizens-and-professionals

For those that are not legally represented, the preferred method is the E-filing service.

Alternatively, unrepresented parties may email or send the completed and signed form to the appropriate office shown below.

If your **First-tier Tribunal hearing was in England** you should send the form to:

The Upper Tribunal Office (Administrative Appeals Chamber), 5th Floor Rolls Building, 7 Rolls Buildings, Fetter Lane, London, EC4A 1NL

Email: adminappeals@justice.gov.uk

If your **First-tier Tribunal hearing was in Wales, or your live in Wales**, you can send the form to the London address above or to:

The Administrative Appeals Chamber of the Upper Tribunal (Wales), Civil Justice Centre, 2 Park Street, Cardiff, CF10 1ET

Email: adminappeals@justice.gov.uk

If your **First-tier Tribunal hearing was in Scotland**, you should send the form to:

The Upper Tribunal (Administrative Appeals Chamber), George House, 126 George Street, Edinburgh, EH2 4HH

Email: UTAACMailbox@justice.gov.uk

If your **First-tier Tribunal hearing was in Northern Ireland** you should send the form to

The Upper Tribunal, Tribunal Hearing Centre, 2nd Floor, Royal Courts of Justice, Chichester Street, Belfast, BT1 3JF

Email: tribunalsunit@courtsni.gov.uk

You should enclose a copy of the following documents with this form (tick the appropriate boxes) **but do not delay sending in your form if you do not have all of them**

1. The decision notice issued by the First-tier Tribunal, and
2. if separate, the written reasons for the Tribunal's decision
3. The letter from the First-tier Tribunal telling you that you have been granted or refused permission to appeal or that your application has not been admitted

The Office will let you know when they have received this form. Contact the office if you are not told within two weeks that the form has been received.