



**IN THE UPPER TRIBUNAL
ADMINISTRATIVE APPEALS CHAMBER**

Case No. GIA/2867/2010

Appellant: Mr John Greenwood
Respondents: The Information Commissioner
Bolton Metropolitan Borough Council

DECISION OF THE UPPER TRIBUNAL

A LLOYD-DAVIES

JUDGE OF THE UPPER TRIBUNAL

ON APPEAL FROM:

Appellant: Mr John Greenwood
First Respondent: Information Commissioner
Second Respondent: Bolton Metropolitan Borough Council
Tribunal: First-tier Tribunal (General Regulatory Chamber) (Information Rights)
Tribunal Case No: EA/2010/0007
Tribunal Venue: Paper hearing
Hearing date: 5 August 2010

Before: A Lloyd-Davies Judge of the Upper Tribunal

DECISION

My decision is that the decision of the tribunal held on 5 August 2010 involved the making of an error of law. I set that decision aside and remit the case for rehearing by a differently constituted tribunal.

REASONS

1. Since no party objects to my setting the decision of the tribunal aside on the grounds set out in my observations of 17 June 2011 (which observations are to be taken as incorporated in these reasons), I give only summary reasons.
2. The witness statements of F, G and H contained material which if it was to be admitted in evidence should have been disclosed to the appellant for his comments. This material was not so disclosed, but was nonetheless relied on by the tribunal (see paragraphs 59 to 61 of its decision). The tribunal hence fell into error.
3. I set the decision of the tribunal aside and remit the case for rehearing by a differently constituted tribunal which, as regards the evidence of F, G and H should proceed as indicated in paragraph 10 of my observations of 17 June 2011.

(Signed on the Original)

A Lloyd-Davies
Judge of the Upper Tribunal

17 January 2012