



**IN THE MATTER OF AN APPEAL TO THE FIRST TIER TRIBUNAL  
(INFORMATION RIGHTS)  
UNDER SECTION 57 OF THE FREEDOM OF INFORMATION ACT 2000**

**EA/2012/0020 and 21**

**BETWEEN:**

**LEEDS CITY COUNCIL**

**Appellant**

**And**

**THE INFORMATION COMMISSIONER**

**Respondent**

**And**

**THE APPS CLAIMANTS**

**Second Respondent**

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**DECISION ON APPLICATION  
FOR PERMISSION TO APPEAL**

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1. The Appellant council applies under Rule 42(1) of The Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 for permission to appeal to the Upper Tribunal against a decision of this Tribunal, dated 22 March 2013, refusing their linked appeals against two Decision Notice issued by the Information Commissioner (the 'Commissioner') both dated 19 December 2011.
2. The central issue in the appeal was whether the Commissioner reached the wrong conclusion when, in each case, he decided that Leeds City Council ("the Council") had not been entitled under r. 8 Environmental Information Regulations 2004 ("the EIR") lawfully to

impose a charge of £22.50 for making particular requested environmental information available to applicants.

3. The right to appeal against a decision of the Tribunal is restricted to those cases which raise a point of law. Under Rule 43(1) of the Rules I am required to consider, taking into account the overriding objective in Rule 2, whether to review the decision in accordance with Rule 44. I have taken account of the recent discovery of the existence of the “Report from the Commission to the Council and the European Parliament on the experience gained in the application of Council Directive 90/313/EEC of 7 June 1990, on Freedom of Access to Information on the Environment”. I do not consider that this Report alone would be sufficient to interfere with the decision of this Tribunal. In this case, I am not of the opinion that I should review the decision; the Appellant council has identified a number of matters which could amount to errors of law and I consider that these should be considered by the Upper Tribunal.
4. I am of the opinion that the Application for Permission to Appeal does raise points of law, including the correct interpretation of European legislation, and which are of significant public importance. Permission to appeal is therefore granted.

**Annabel Pilling**

Judge

3 May 2013