



**FIRST-TIER TRIBUNAL  
GENERAL REGULATORY CHAMBER  
Information Rights**

**Tribunal Reference:** EA/2013/0218  
**Appellant:** Mavis Jones  
**Respondent:** The Information Commissioner  
**Judge:** NJ Warren

**DECISION NOTICE**

1. Ms Jones has appealed to the Tribunal against a decision of the Information Commissioner (ICO) which confirmed that Cheshire West and Chester Council (“Cheshire West”) had dealt correctly with a request for information she made under the Freedom of Information Act (FOIA).
2. The ICO has applied for the appeal to be struck out on the ground that it has no reasonable prospect of success. Before deciding this application I invited Ms Jones to state what she hoped to achieve from the Tribunal proceedings.
3. Having considered all the documents I have concluded that the ICO submission is unanswerable and I would be doing no one any favours in permitting the appeal to continue.
4. As Ms Jones says, she asked Cheshire West how many adults with learning disabilities are presently receiving non-chargeable professional support. She is very concerned with the information supplied to her to the effect that there are only 67. In her view, there should be at least 200 more and that these adults are now “missing”.

**Appellant: Mavis Jones****Date of decision: 17 December 2013**

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5. It is plain, however, that the Tribunal does not have the power to meet Ms Jones' concerns. The Tribunal cannot investigate to determine whether past handover procedures have been accurate. Nor can it look for any "missing" names. It can decide only whether Cheshire West has complied with its obligations under FOIA and that, as the ICO has explained, they have done. I agree with and adopt the submission now made by the ICO and strike out the appeal under Regulation 8(3)(c).

**NJ Warren**

**Chamber President**

**Dated 17 December 2013**