



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

Tribunal Reference: EA/2015/0027
Appellant: Sheila Walters
Respondent: The Information Commissioner
Judge: Peter Lane

DECISION NOTICE

1. Some years ago, traffic lights were erected in the road outside the appellant's home. The appellant contends that the positioning and operation of these lights have caused her considerable distress and inconvenience. The outcome she seeks in the present proceedings is set out in paragraph 2 of the Registrar's case management note of 4 February 2015; namely, a finding that her human rights were breached by Rhondda Cynon Taff Council.

2. The Commissioner's decision notice of 12 January 2015 sets out at paragraphs 8 and 9 why the most that can be achieved in response to the appellant's request for information from the Council is the finding (set out in the decision notice) that the Council did not respond to her request for information within 20 working days.

3. As requested, I have considered all the material the appellant has submitted in connection with the present appeal. It is beyond doubt that the appellant sincerely feels that she has been badly treated by the Council. She also has complaints regarding the Commissioner's handling of the matter. This Tribunal, however, does not have the power to do more than determine the lawfulness of the Commissioner's decision letter. It cannot make free-standing findings as to alleged misbehaviour and/or breaches of human rights by the Council, or others.

10. In all the circumstances, I am firmly of the view that the appeal has no reasonable prospects of success. Indeed, it is bound to fail. The decision letter is lawful and there is no scope for any re-exercising of discretion. It would be doing the appellant no favours to allow the present proceedings to go any further. In the circumstances, it is also not in the interests of the overriding objective (as set out in rule 2) to permit the appeal to proceed. The Tribunal must use its resources in ways that are proportionate.

11. This appeal is accordingly struck out.

Decision Notice Continued

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Date of decision: 4 March 2015

Peter Lane

Chamber President

Dated 4 March 2015