

Neutral citation number: [2025] UKFTT 00349 (GRC)

Case Reference: FT/EA/2024/0168

First-tier Tribunal
(General Regulatory Chamber)
Information Rights

Heard Remotely

Heard on: 4 February 2025

Decision given on: 26 March 2025

Before

DISTRICT JUDGE WATKIN

MEMBER SIVERS

MEMBER TAYLOR

Between

DMITRI SHVOROB

Appellant

and

THE INFORMATION COMMISSIONER

Respondent

Representation:

For the Appellant: In person

For the Respondent: No attendance

Decision: The Appeal is dismissed by majority decision

REASONS

The Following terms will be abbreviated:

Data Protection Act 2018	DPA
Freedom of Information Act 2000	FOIA
Information Commissioner	IC

THE APPEAL

References to sections numbers are (unless otherwise stated) references to sections within FOIA.

1. This Appeal dated 3 May 2024 brought by Mr Dmitri Shvorob (the “**Appellant**”) arises following a request for information (the “**Request**”) made by the Appellant to London Borough of Bexley (“the **Public Authority**”) on 23 May 2023. The Request was for the disclosure of a report (the “**Report**”) prepared by the monitoring officer (the “Monitoring Officer”) employed by the Public Authority. The Request was set out as follows:

“Please share the Monitoring Officer’s (full) response to the Code of Conduct complaint recently made against Cllr Davey, after his “Can we send her back and get our money back?” comment. Regarding Nazanin Zaghari-Ratcliffe. (the alleged offence is a matter of public record, so there is presumably no breach of privacy).

2. The basis for the Appeal is set out within the Appeal to the Tribunal (page A14 and A27). Whilst the Appellant mainly reiterates the history, he also indicates that complainants allege racism against the councillor concerned and refers to an allegation of “*political bias*” against the Monitoring Officer.

RELEVANT LAW

Freedom of Information Act 2000

3. Section 1 FOIA

“(1) Any person making a request for information to a public authority is entitled –

- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
- (b) if that is the case, to have that information communicated to him.”

4. Section 1(4) provides that *“the information ...is the information in question held at the time the request is received, except that account may be taken of any amendment or deletion made between that time and the time when the information is to be communicated under subsection (1)(b), being an amendment or deletion that would have been made regardless of the receipt of the request.”*

The Exemptions

5. Section 2(2) provides that the public authority is not obliged to provide the information as required by section 1(1) where:
- a. an absolute exemption applies (as listed in s.2(3)); or
 - b. one of the exemptions set out in Part II (and not listed in s.2(3)) applies and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Personal Information

6. In short, by Section 40(2), information is exempt if the data constitutes personal data of which the Appellant is not the subject and, pursuant to section 40(3A) disclosure of it to a member of the public would contravene any of the data protection principles.

7. Section 40(5B) provides that the duty to confirm or deny whether information is held does not arise in relation to information where the act of giving the confirmation (or denial) would amount to a breach of the data protection principles.
8. Section 3(2) of the DPA states:
“Personal data” means any information relating to an identified or identifiable living individual ...”
9. Pursuant to s.2(3)(fa), the exemption is absolute where the information sought is not the personal data of the Appellant which, in this case, it is not. Therefore, the public interest balance, as set out in section 2(2)(b) does not need to be considered. However, the exemption is not actually unqualified, due to the provisions of UK GDPR.
10. Regulation (EU) 2016/679 (GDPR) is retained by virtue of s.3 the European Union (Withdrawal) Act 2018 (modified by the Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019/419 (known as UK GDPR).
11. Article 5(1)(a) UK GDPR states:
“Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject.”

The personal data would be processed if it were disclosed in response to the Request. Such processing must be lawful, fair and transparent.

12. Article 6 UK GDPR sets out when processing would be lawful. Paragraph (1)(f) states that processing shall be lawful only if and to the extent the following applies:

“processing is necessary for the purposes of the legitimate interests pursued by the Controller or by a third party except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data...”

13. The meaning of necessary is not defined in the UK GDPR or DPA 2018 but has been considered in case of *Heinz Huber v Bundersrepublik Deutschland C-524/06* in which the Court imported the test of proportionality. Thus, it would be necessary to show that the “processing” or disclosure was the minimum necessary for achieving the legitimate aim.

14. In *Corporate Officer of the House of Commons v IC* ([2008] EWHC 1084 (*Admin*)) (the “**House of Commons case**”) at [43] the High Court accepted that “necessary” should reflect the meaning attributed to it by the ECtHR when justifying an interference with a recognised right, namely that there should be “a pressing social need and that the interference was both proportionate as to means and fairly balanced as to ends”.

DOCUMENTS

The Tribunal has had the opportunity to consider a 160-page open bundle and a 23 -page closed bundle. Any references to page numbers within this decision are to page numbers within this bundle.

BACKGROUND

15. By letter of 1 June 2023, the Public Authority refused to confirm or deny whether they held the information due to the information being personal data pursuant to section 40(5B), stating that to do so would contravene

Principle (a), under Article 5(1) of the UK General Data Protection Regulations and the DPA.

16. Within the letter of 1 June 2023, the Public Authority also stated (B44):

“Complaints under the Council's Members Code of Conduct are dealt with under the Council's arrangements for dealing with complaints, which is published on the Council's website. Care is taken in the complaint process to maintain confidentiality. Councillors and complainants have no reasonable expectation that their details will be disclosed to the world at large. and complainants have a right and legitimate expectation to have their personal information kept private and confidential when they make a complaint in accordance with data protection principles.”

The Tribunal considers that the full stop after “world at large” in the above passage must be erroneous. Not only is it not followed by a capital letter but no reasons are given as to why only a complainants’ (and not councillors’) personal information would be “kept private and confidentialin accordance data principles”. Furthermore, Councillors are likely to be aware that information held by the Public Authority is held “subject to data protection principles”.

17. The Appellant requested that the Request was referred for internal review on 4 June 2023, following which, the Public Authority maintained the position stating that disclosure would not be compatible with the DPA.
18. The matter was referred to the IC on 4 July 2023. The IC commenced an investigation and, within an email sent by the Public Authority to the IC on 13 October 2023, the Public Authority stated (page B63):

“The Localism Act 2011 requires the Council to make arrangements to deal with complaints against Councillors. The requirement is addressed through the Members’ Code of Conduct. Where the Monitoring Officer considers that there is a potential that a breach of the Code has occurred, a formal investigation

may be undertaken and the investigation report referred to the Members' Code of Conduct Committee to enable Councillors to determine whether the subject member complained about had breached the Code. The Investigation report conclusion reached by the Members' Code of Conduct Committee is required to be published (subject to confidential information) being addressed under exempt information.

The complaint against Cllr Davy was not referred to the Code of Conduct Committee. Whilst various public commentary was made by residents and some councillors, the Code of Conduct Complaint reviewed by the Monitoring Officer was not subject to determination in public by Councillors or otherwise. Notifications regarding the initial assessment and review of the initial assessment (undertaken by an Officer and the Monitoring Officer) were not produced as part of a Code of Conduct Committee investigation or determination. The notices were issued to the named complainant and the resident who required a review.

A requirement that these notifications be publicised raises the implication that all complaints against Councillors and review notices be released to the public whether the complaints have merit or not. This is contrary to the requirements of the Localism Act 2011, the Code of Conduct and the procedure for dealing with Councillor complaints. Further, it would also be contrary to the rules of natural justice."

(underlining added)

19. It is apparent from the email of 13 October 2023, that the Monitoring Officer did not refer the matter to the Member's Code of Conduct Committee (the "Committee"). It is noted that, if it had done so, the Public Authority would have been obliged to publish the conclusion – albeit, subject to the question of confidential information being addressed. In order to reach a workable interpretation, the Tribunal reads the last section of the first paragraph as if the parenthesis had not been included.

20. The matter of the publication of the investigation report conclusion is dealt with in the document entitled "*Procedure for Dealing with complaints pursuant to the Members' Code of Conduct*" (the "**Procedure Document**") at pages 76-79, at page B79. At paragraph 8.2 it states that:

"8.2 A formal minute or decision notice will be recorded setting out the decision of the Committee. The formal notice shall be published on the Council's website as soon as possible and shall include the following details:

8.2.1 A brief statement of the facts;

8.2.2 The provisions of the Code engaged by the allegations;

8.2.3 The view of the Independent Person,

8.2.4 The reasoning of the decision maker, and

8.2.5 Any sanction applied."

(underlining added for emphasis).

21. It is noted that the list of matters to be contained in the formal minute or decision is not exclusive. Thus, there is no limit placed on the information that can be included and the Tribunal considers that the formal notice is likely to contain a narrative account of all matters considered which may include information provided by the person who is the subject of the complaint.
22. The IC delivered its decision on 14 November 2023, stating that the Public Authority had failed to demonstrate that the exemption at 40(5B) applies and that it must confirm or deny whether the information was held.
23. By letter dated 30 November 2023, the Public Authority confirmed that it held the information but that it considered that the information was exempt under section 40(2) due to it constituting the personal data of a third party but notes that

where the Committee makes a decision on an allegation of misconduct following a formal investigation, a decision notice would be published on the Council's website (in accordance with paragraph 8.2 of the Procedure Document).

24. Within the letter of 30 November 2023, the Public Authority states (Page B123):

"Further, the Council considers that whilst the Councillor is an elected member of the Council and the requested information relates to a complaint made to the Council about the Councillors conduct, the Council considers that complaints made against councillors carry a high expectation of privacy. The Code of Conduct Complaints process provides that councillors are entitled to rebut complaints made against them. This process is undertaken in confidence. Complaints are assessed in accordance with the Council's complaints procedure and where appropriate, are addressed by local/ informal resolution or are referred to the Code of Conduct Committee. The Code of Conduct Committee did not make a decision on the complaint following a formal investigation. Therefore, the councillor would have a legitimate expectation and right of privacy in relation to the Monitoring Officer's response about the complaint would remain confidential, because the subject matter carries a very strong general expectation and right of privacy.

The Council has considered the interests in accountability and transparency and specific interest in understanding how the complaint be handled. Also, that Councillors should be open to scrutiny and accountability. However, the collective weight of the identified interests in disclosure is outweighed by the councillor's rights and freedoms or legitimate interest in not disclosing to the world at large information related to a complaint about his conduct where a decision has not been made by the Council's Code of Conduct Committee following an informal investigation."

25. On the same day, 30 November 2023, the Appellant referred the matter to the IC. The IC's second decision is dated 3 May 2024 (the "**Decision Notice**") and determined that the Public Authority was entitled to withhold the information based on section 40(2) FOIA.

HEARING

26. The Tribunal heard from the Appellant at a remote hearing on 4 February 2024. The hearing was attended by the Appellant who made further submissions at the hearing. The Respondent did not attend, having previously indicated that it did not intend to do so.

SUBMISSIONS

The Appellant

27. The Appellant attended the hearing for a short time and explained that, at the time of making the Request, very little information was known about why the complaint against the councillor had not been upheld. However, he accepted that information had since been published on the website. He confirmed that this information was that set out on page 98 and 99.
28. The Appellant confirmed that whilst more information was now available, he was still curious and would still like to understand the reasoning for the conclusions reached in the matter not being taken further. He was not able to explain the basis on which he considered that the information was not personal data. Although, he accepted that there might be some elements of personal data within the Report. He considered that the Report should be disclosed for public interest reasons as there is speculation about the reasons why the complainant was not progressed.

29. The Appellant explained that the statement from the councillor is a matter of local controversy which has become more controversial due the Public Authority not having referred the complaint to the Committee which led to suspicion.

The IC Position

30. Within the Decision Notice, the IC considered whether the information was personal data and determined that *“the information does relate to the data subject. This is because it is a report into complaints made about their behaviour, The name of the data subject quite obviously is information that both relates to and identifies the Councillor concerned.”* (paragraph 23 of page 4). The IC acknowledges that the name of the councillor is already known to the Appellant. Therefore, the information could not be disclosed on an anonymised basis.

31. The IC considered the data protection principles and referred to Article 5(1)(a) UK GDPR which states:

“Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject.”

32. The IC concluded that the disclosure of the Report would be processing, and that the disclosure would not be lawful pursuant to 6(1)(f) of the UK GDPR which states:

“processing is necessary for the purposes of the legitimate interests pursued by the Controller or by a third party except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data...” (underlining added)

33. The IC considered the public interest as claimed by the Appellant of *“transparency [sic] in public life and ensuring confidence in local government and its mechanisms for dealing with alleged Code of Conduct breaches”* and whether disclosure of the information was necessary for this purpose or whether there was a less intrusive means of achieving the same aim.
34. The IC noted that a description of the complaint and details of the Report has been published on the Public Authority’s website (page 98 and 99), and considered that the public interest, as claimed by the Appellant had been *“broadly”* met.
35. However, the IC also acknowledged the Appellant’s concerns about “the Monitoring Officer *“protecting a Councillor”* and that the Councillor’s suspension and reinstatement had attracted scrutiny in the local press (paragraph 36). The IC recognised that there was no less intrusive means of achieving the aim of dispelling the publicly circulated rumours (that council officers may have conspired to shield a councillor from his peers) than through the disclosure of the information (paragraph 41, page A10).
36. The IC had split the legitimate interest into two parts. Firstly, it referred to the *“broader interest”* which it describes as *“transparency around Code of Conduct complaints handling procedures”* which the IC considers has been met by the publication of substance of the Monitoring Officer’s review on the website. Secondly, the IC also referred to the *“case-specific interest”* which it describes as the interest in *“transparency in public life and ensuring confidence in local government and its mechanisms for dealing with alleged Code of Conduct breaches”* (page 10, paragraph 27). The IC acknowledges at paragraph 42 that *“disclosure of the requested information holds the potential to dispel publicly circulated rumours, and that this is the least intrusive means of achieving them”*.

37. The IC has set out what it states needs to be considered in relation to appeals of this type at paragraphs 44 to 46 of the Decision Notice and commented as follows:

- a) The case-specific interest carries no significant weight because it is based on speculation and not grounded in fact. The IC does not consider it appropriate to *“employ the FOIA mechanism to fact check rumours about a person”*.
- b) Considering the prior media interest in the complaint, the disclosure of the information would cause *“real and actual distress”*.
- c) The disclosure of the full report would not add value to the information already made available.

The IC then concluded based on the above factors, that *“there is insufficient legitimate interest to outweigh the data subject’s fundamental rights and freedoms”*, that there is no Article 6 basis for processing and determines that the disclosure of the information would not be lawful.

38. The IC then carried out the balancing exercise to assess whether the interests in dispelling suspicions of bias within the Public Authority outweighed the councillor’s data rights and concluded that the councillor’s data rights took precedence. No reference is made to any harm that might be suffered by the Councillor as a result of disclosure or to the likelihood of him being aware that disclosure was a possibility. There was no mention of the Procedure Document which specifies that *“A formal minute or decision notice”* must be published and, therefore, would have put the Councillor on notice that the information he had provided might be published.

39. The IC indicates:

“Finally the Commissioner is unable to see how disclosure of the full report is likely to add material value to the information already made publicly available on the Council’s website outlining the outcome of the complaint”.

40. The previous acknowledgement of the case-specific legitimate interest that could only be met by disclosure (paragraph 41, page A10) was not repeated.
41. Furthermore, the IC acknowledges that the right of councillors to have their personal information kept confidential is “*in accordance with data protection principles*”. Therefore, acknowledging that it is not an unqualified right but one which is considered and balanced with the data protection principles (page 54).

The Public Authority

42. Whilst the Public Authority has not chosen to be added to this Appeal as a party, it is helpful for the Tribunal to be made aware of and to consider the Public Authority’s position. The Tribunal considers that the Public Authority’s position is as set out in its letters dated 1 June 2023, 30 November 2023 and the email of 13 October 2023 as partially quoted above.
43. The Tribunal notes that the Public Authority has carried out a similar exercise to the IC in determining whether to disclose the report and concluded that as the Monitoring Officer exercised discretion not to refer the complaint to the Members’ Code of Conduct Committee, that no obligation to disclose the conclusion of the investigation arose. Nonetheless, it is noted that a decision was made to publish a brief account of the decision on the Public Authority’s website.
44. It is noted that the Public Authority also acknowledge (page 44) that the right of a councillor to have their personal information kept private and confidential is “*in accordance with data protection principles*”.

ANALYSIS AND DECISION

45. The Tribunal considers it important to stress that the Appeal has not been decided based on whether the complaint against the councillor has merit. In its email to the IC dated 13 October 2023, (page 63), the Public Authority makes the following comment:

“A requirement that these notifications be publicised raises the implication that all complaints against Councillors and review notices be released to the public whether the complaints have merit or not. This is contrary to the requirements of the Localism Act 2011, the Code of Conduct and the procedure for dealing with Councillor Complaints. Further, it would also be contrary to the rules of natural justice.”

46. However, neither the FOIA nor the DPA contain a requirement that all such notifications be publicised. However, there is a requirement for an individual and tailored assessment to be carried out, irrespective of the merits of any complaint. Each request must be considered based on its own merits.
47. The Tribunal has thoroughly considered all the documentation, submissions and relevant legal principles in this matter and agrees with the Public Authority and the IC’s presentation of the legal principles and analysis up to the point at which it weighs the councillor’s data protection rights against the case-specific legitimate interest.
48. The Tribunal considers that it is important for the principles of the FOIA and the DPA to be applied.
49. At this point, the views of the panel members split, two members (the “Majority”) accepted the full analysis of the IC and the Public Authority whereas the third member (the “Third Member”) was not so persuaded.

The Majority View

50. The Majority did not consider that there was a “*pressing social need*” for the disclosure (as set out in the *House of Commons Case*) as they considered the rumours were no more than speculation without any substance. The Majority agreed that the councillor would have understood the need for transparency but felt that he was entitled to consider that the transparency would be limited. Since the complaints process had been completed with no referral to the Code of Conduct Committee, the Majority consider that the councillor was entitled to believe that the matter was closed. Indeed, he had complied with all conditions set by the council for accepting informal resolution and would likely be caused distress if further personal information was subsequently disclosed absent of a pressing social need. His inherent rights as a data subject do not require specific evidence of his expectations or anticipated harm.
51. The Majority further took the view that other options were more appropriate ways for the appellant to express dissatisfaction with the Council’s decision; this includes an application to the Local Government Ombudsman or an application for judicial review. Either method would provide for a more proportionate and less intrusive conclusion to be reached. They considered that it would also accord with the outcome in *Ewa Sygulska v. (1) The Information Commissioner (2) The Ministry of Defence [2019] UKUT 269 (AAC)*, Judge West stated at para.28:

"In the context of the FOIA legislation, "necessary" means more than desirable, but less than indispensable or absolutely necessary. Accordingly, the test is one of reasonable necessity, which involves the consideration of alternative measures and so disclosure would not be necessary if the legitimate aim could be achieved by something less. Disclosure under FOIA must therefore be the least intrusive means of achieving the legitimate aim in question."

52. Taking the councillor's reasonable expectations into account, (as framed by the Procedure Document (see open bundle, page 76)), the Majority concluded that his rights and freedoms weigh heavier than the mere suspicion of wrongdoing or bias on the part of the council. As Judge West put it at para.31 of the same decision quoted above:

" If, however, the balancing test did arise the Tribunal would have been entitled to find in the light of its other conclusions that, although the Applicant was seeking the information for legitimate reasons, those reasons were not sufficient to outweigh the unfair intrusion into the individual's private life which would result if disclosure were to take place."

The Third Member's View

53. The views of the Tribunal panel part in relation to whether there was a "pressing social need" for disclosure and, if so, whether the legitimate interest was overridden by the interests or fundamental rights and freedoms of the councillor.
54. The Third Member considered that there is a social need to dispel suspicion against local government and for public authorities to be held to account. This is particularly the case where there are serious allegations of racism against a councillor and a reference to political bias against a council officer (page A21). The Third Member considers that that allegations of racism/political bias are serious and that trust in public authorities should be restored as soon as possible. This is a pressing need and is the case-specific interest, referred to by the IC at paragraph 42 and at 47.

The **House of Commons case** concerned the release of information in relation to the Additional Costs Allowance payable to Members of Parliament. Whilst the House of Commons published some information, requests were made for the claim forms and supporting documents to be provided.

The decision of the Supreme Court stated:

"We have no doubt that the public interest is at stake. We are not here dealing with idle gossip, or public curiosity about what in truth are trivialities. The expenditure of public money through the payment of MPs' salaries and allowances is a matter of direct and reasonable interest to taxpayers. They are obliged to pay their taxes at whatever level and on whatever basis the legislature may decide, in part at least to fund the legislative process. Their interest is reinforced by the absence of a coherent system for the exercise of control over and the lack of a clear understanding of the arrangements which govern the payment of ACA. Although the relevant rules are made by the House itself, questions whether the payments have in fact been made within the rules, and even when made within them, whether the rules are appropriate in contemporary society, have a wide resonance throughout the body politic. In the end they bear on public confidence in the operation of our democratic system at its very pinnacle, the House of Commons itself. The nature of the legitimate public interest engaged by these applications is obvious."

55. The Third Member considers that allegations of bias and racism are at least equivalent to those concerning money (as in the ***House of Commons Case***), if not more serious. The Third Member considers that there is a pressing need to dispel suspicion or hold to account.
56. Whilst it is not suggested that any impropriety will be revealed by the disclosure in the present matter, revealing that there has been no impropriety is as important as revealing propriety. The Third Member also considers that the data rights in relation to the finances of MPs would be more sensitive than the data of the councillor in the present matter but yet a decision was made, by the Supreme Court, for them to be disclosed
57. Additionally, the Third Member does not consider that there are other methods of dispelling the suspicion that would satisfy the concerns of the

public. A complaint to the Local Government Ombudsman or an application for judicial review would be time consuming, potentially costly and may not satisfy the concerns in the same way as the disclosure of the information would. In this, the Third Member notes the IC's conclusion at paragraph 41 of the Decision Notice (A10):

"The Commissioner recognises that disclosure of the requested information holds the potential to dispel publicly circulated rumours, and that this is the least intrusive means of achieving them."

58. Furthermore, whilst the Tribunal could conclude that harm or prejudice would arise, irrespective of evidence being provided, the Third Member does not consider that disclosure of the information would be harmful to the data subject. As no evidence has been provided (when it could have been provided) to show that the councillor might suffer any harm if the information is disclosed or that the councillor believed that his personal data would remain confidential, the Third Member is not able to conclude that harm or prejudice would result.
59. Therefore, the Third Member considers that there is a legitimate purpose for which disclosure is necessary and, even if that legitimate purpose was not considered to be significant (which the Third Member does not accept), in the absence of any harm (or evidence of harm) arising to the data subject as a result of disclosure, the Third Member considers that the public interest balance lies in disclosure.
60. The Third Member highlights the following:
 - a) the fact and details of the complaint are already in the public domain, as is the name of the councillor and the outcome of the Report. The only information contained in the Report which is personal data and is not already in the public domain is the information that he provided himself.

- b) the councillor is more likely than not to be aware that the information provided by him for the purposes of the investigation (and likely to have been carefully chosen by him for the purpose of protecting his position) might be disclosed, for the following reasons:
- i) An allegation of racism and bias is serious.
 - ii) There is a legitimate interest in dispelling serious suspicion or holding public officials to account.
 - ii) The Councillor is likely to have been familiar with the Procedure Document.
 - iii) The Councillor will have been aware from the Procedure Document that sets out that, if the complaint had been referred to the Committee, a formal minute or decision notice would have been published.
 - iv) The councillor will not have known whether the complaint would be referred to the Committee, at the time of submitting the information.
 - v) There is no restriction on the data that might have been published (save for where the DPA/UK GDPR restricted publication).
 - vi) Whilst the case of *Department of Health v Information Commissioner and Lewis [2015] UKUT 0159* considered a different issue under FOIA, the comments of Charles J in that decision are pertinent:

"28any properly informed person will know that information held by a public authority is at risk of disclosure in the public interest."

Conclusion

61. The Tribunal concludes, by majority, that the information requested (the Report) contains personal data and that processing is not necessary for the legitimate purpose of dispelling publicly circulated rumours.

62. In the event that the decision is found to be wrong on the question of necessity, the Tribunal finds, by majority decision, that the legitimate interest is overridden by the rights and freedoms of the councillor. Therefore, the Appeal is dismissed.

APPEAL

If either party is dissatisfied with this decision an application may be made to this Tribunal for permission to appeal to the Upper Tribunal, General Regulatory Chamber. Any such application must be received within 28 days after these reasons have been sent to the parties under Rule 42 of The Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009.

Judge R Watkin

24 March 2025