MERSEYSIDE FIRE AND RESCUE AUTHORITY			
MEETING OF THE:	**POLICY AND RESOURCES COMMITTEE**		
DATE:	**15 DECEMBER 2016**	**REPORT NO:**	**CFO/085/16**
PRESENTING OFFICER	**MONITORING OFFICER**		
RESPONSIBLE OFFICER:	**JANET HENSHAW**	**REPORT AUTHOR:**	**JANET HENSHAW**
OFFICERS CONSULTED:	**SMG**		
TITLE OF REPORT:	**OUTCOME OF A 1ST TIER TRIBUNAL HEARING: FREEDOM OF INFORMATION AND COSTS**		

APPENDICES:	**APPENDIX A:**	**REDACTED COPY OF JUDGEMENT**
	APPENDIX B:	**REDACTED COPY OF APPELLANTS OWN COST RULLING**

Purpose of Report

1. To inform Members of the outcome of a recent Hearing in the 1st Tier Tribunal.

Recommendation

2. That Members note the outcome of a recent Hearing in the 1st Tier Tribunal.

Introduction and Background

3. Members may be aware that as a result of a request made last year under the Environmental Information Regulation 2004 the claimant appealed to both the Information Commissioner and then the 1st Tier Tribunal.

4. The information requested was later discovered to have been available in the text of another document which was in the public domain. An apology and the information requested was delivered to the claimant in August 2016.

5. However at the insistence of the claimant the Tribunal Hearing went ahead on 22nd September 2016.

6. An application for costs was made on behalf of Merseyside Fire and Rescue Authority and on 9th November 2016 costs were awarded in the sum of £500.00

7. Members are asked to note that is not ordinarily possible to be awarded costs in Tribunal hearings as Tribunals are by their nature supposed to be an easily accessible, speedy, informal and inexpensive recourse to justice. Costs are

rarely awarded and only in circumstances where it is evidenced that a party has acted unreasonably.

8. A redacted copy of the Judgement is attached as Appendix A

Equality and Diversity Implications

9. There are no equality or diversity implications directly associated with this report.

Staff Implications

10. A considerable amount of officer time has been expended in dealing with this particular request, between officers from strategy and performance, estates and legal services.

Legal Implications

11. An appeal to the Upper Tribunal can be made following this Judgement. This must be on a point of law or procedural irregularity and an application for permission must be made within 28 days from 9th November 2016 to do so. It should also be noted that since the Judgement the Appellant has applied for costs. The Judgement of the Tribunal in this regard is attached as Appendix B

Financial Implications & Value for Money

12. Costs in the sum of £500 have been awarded

Risk Management, Health & Safety, and Environmental Implications

13. The application was made pursuant to the Environmental Information Regulations 2004

Contribution to Our Mission: *Safer Stronger Communities – Safe Effective Firefighters*

14. This ensures that Members are aware of anything that may affect MFRA's reputation, either negatively or positively

BACKGROUND PAPERS

GLOSSARY OF TERMS