

**IN THE FIRST-TIER TRIBUNAL (GENERAL REGULATORY CHAMBER)
(INFORMATION RIGHTS)**

Appeal No: EA/2016/0013

BETWEEN:

London Borough of Ealing

Appellant

and

Information Commissioner

Respondent

CONSENT ORDER

PURSUANT to Rule 37(1) of the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 as amended the parties request that the Tribunal if it considers it appropriate consents to the following order disposing of the proceedings:

1. The appeal be allowed.
2. The Decision Notice FS50597448 dated 17 December 2015 to be substituted in the terms set out in Annex A.
3. No further steps need be taken by the Appellant.
4. There be no order as to costs.

Dated this ____ day of _____ 20____

Signed:.....

On behalf of:
London Borough of Ealing
Perceval House
14-16 Uxbridge Road
Ealing
London
W5 2HL

Ref: CT/00671532

Signed:.....

On behalf of:
Information Commissioner
Wycliffe House
Wilmslow
Cheshire
SK9 5AF

Ref: CN/EA/2016/0013

Annex A

1. This appeal concerned Decision Notice FS50597448 issued by the Commissioner on 17 December 2015 (the **DN**).
2. In the DN the Commissioner found that neither section 31(1)(a) nor section 41 FOIA were engaged. Accordingly, the Commissioner ordered the Appellant to disclose the requested information to the person who had requested it.
3. As a result of further evidence and arguments put forward by the Appellant in the course of these proceedings, the Commissioner now agrees that section 31(1)(a) FOIA is engaged in relation to the requested information.
4. As regards the public interest test, the Commissioner considers that the public interest in maintaining the exemption outweighs that in disclosure of the requested information.
5. The Commissioner therefore considers that the requested information may be withheld from disclosure.
6. In view of all the circumstances and subject to the Tribunal's views the parties jointly submit that it is appropriate for these proceedings to be concluded by way of consent order, and that it is appropriate for the Tribunal to consider their joint application without holding a hearing (as envisaged by rule 37(2) of the Tribunal Rules).