



NCN: [2023] UKFTT 00411 (GRC)  
Case Reference: EA/2022/0154

**First-tier Tribunal  
General Regulatory Chamber  
Information Rights**

**Between**

**GRAHAM GARNER**

Applicant

**and**

**THE INFORMATION COMMISSIONER**

Respondent

**TRIBUNAL JUDGE CL GOODMAN**

**Determined on the papers, sitting in Chambers on 20 April 2023**

**RULING ON APPLICATION FOR PERMISSION TO APPEAL**

**Decision:**

1. Permission to appeal to the Upper Tribunal is refused because there is no arguable error of law in the Tribunal decision promulgated on 27 February 2023.
2. I have also decided not to undertake a review of the Tribunal decision pursuant to Rule 44 of the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 because there is no error of law.

**REASONS**

3. On 25 March 2023, the Tribunal received an application for permission to appeal to the Upper Tribunal the decision of the Tribunal which was promulgated on 27 February 2023. To the extent required, I extend time and admit the application

4. The Applicant applies for permission to appeal on a number of grounds. He submits that the Tribunal decision is not accurate or impartial and that the facts are presented in a way which puts the Applicant in an unfavourable light and the public authority, Shardlow & Great Wilne Parish Council, in a favourable light. The Applicant submits that the Tribunal demonstrates unjustified sympathy for the Council and its officers and he makes further accusations about their conduct and honesty. He submits that some paragraphs of the decision are contradictory.
5. Appeals from the First-tier Tribunal to the Upper Tribunal can be made only if there is an arguable error of law in the First-tier Tribunal's decision. It is not possible to appeal simply because you do not agree with the decision. "Arguable" means that there must be a realistic (as opposed to fanciful) prospect of success – see Lord Woolf MR in *Smith v Cosworth Casting Processes Ltd* [1997] 1 WLR 1538.
6. I have concluded that there is no arguable error of law in the Tribunal's decision. The Tribunal gave detailed reasons for its decision and the findings of fact on which that decision was based. The fact that the Applicant disagrees with those findings does not mean that the Tribunal erred in law. The findings were reasonably open to the Tribunal on the evidence before it and I find no evidence of bias or impartiality. I am satisfied that the relevant law has been interpreted and applied to the facts correctly.
7. Accordingly, permission to appeal is refused.
8. The Applicant is entitled to renew his application to the Upper Tribunal.
9. I note that the Applicant has also applied to the Tribunal for its Order to be enforced against the Council and understand that this application has been referred to a Registrar.

Signed: Judge CL Goodman

Date: 20 April 2023

Promulgated

Date: 21 April 2023