

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

Tribunal Reference: EA/2013/0020

B E T W E E N:

SWINDON BOROUGH COUNCIL

Appellant

and

THE INFORMATION COMMISSIONER

Respondent

and

STEER DAVIES GLEAVE LIMITED

Second Respondent

CONSENT ORDER

Pursuant to Rule 37(1) of the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009, upon reading the parties' agreed statement in Annex A).

BY CONSENT IT IS ORDERED THAT

1. The appeal allowed.
2. The Decision Notice FS50463976 dated 17 January 2013 to be substituted by the terms set out in Annex B.
3. No further steps are required to be taken by the Appellant.
4. There be no order as to costs.

Dated 24 June 2013

We hereby agree to an Order on the above terms.

.....
Solicitor for the Appellant

.....
Solicitor for the
Respondent

.....
Solicitors for the Second
Respondent

Swindon Borough Council
Civic Offices
Euclid Street

Information Commissioner
Wycliffe House
Wilmslow

Stephenson Harwood LLP 1
Finsbury Circus
London EC2M 7SH

Swindon
Wiltshire SN1 2JN

Cheshire SK9 5AF

Annex A

Statement of reasons of consent order

1. This appeal concerned the Respondent's Decision Notice FS50463976 (the "Decision Notice"). That Decision Notice sets out the terms of the original information request at paragraph 8.
2. The Appellant declined to disclose all of the requested information having concluded that, amongst other exemptions, section 43(2) of the Freedom of Information Act 2000 was engaged.
3. In the Decision Notice, the respondent decided that the s43(2) exemption was not engaged and required that the requested information yet to be disclosed was disclosed.
4. The Appellant, together with the Second Respondent appealed against the Decision Notice citing s43.
5. Subsequent to the Decision Notice the appellant has :
 - 5.1 disclosed additional documents to the complainant; and
 - 5.2 further substantiated its position that s43(2) is engaged
6. The Respondent now accepts that the request which is the subject of this appeal, is subject to the exemption in section 43(2). Further, the parties agree that the Appellant is not required to take any further steps.
7. In view of all of 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)).

Annex B

1. The requested information in this case (as identified in paragraph 8 of the Decision Notice) which the Appellant has not disclosed to the complainant is subject to the exemption in section 43(2).
2. No further steps are required to be taken.