



NCN [2024] UKFTT 001040 (GRC).

Case Reference: FT/EV/2024/0002

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

**Heard by determination on the papers
Heard on: 15 November 2024
Decision given on: 19 November 2024**

Before

TRIBUNAL JUDGE SWANEY

Between

JOSLIN MARY STALIN

Applicant

and

LEICESTER CITY COUNCIL

Respondent

DECISION ON STRIKE OUT APPLICATION

1. The notice of appeal dated 15 January 2024 is struck out.

REASONS

2. The appellant lodged a notice of appeal on 20 February 2024. In her notice of appeal she stated that she and her husband wished to appeal a fixed penalty notice issued to them in relation to a failure to comply with a notice pursuant to section 46 of the Environmental Protection Act 1990 (the EPA).
3. On 8 March 2024 the tribunal wrote to the appellant and advised her that her appeal was incomplete because:
 - (i) A completed notice of appeal had not been received in respect of her husband.

- (ii) Copies of the decisions they were seeking to challenge had not been provided.
- 4. The appellant was directed to provide a completed notice of appeal for her husband and copies of both the decision issued to her and the decision issued to her husband within 28 days.
- 5. The appellant did not respond and on 22 July 2024 further directions were issued requiring the appellant to provide the completed notice of appeal for her husband and both decisions challenged by no later than 4 August 2024. The appellant was advised that a failure to comply with the directions could result in the tribunal striking out the appeal pursuant to rule 8(3)(a) of the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 (the Procedure Rules).
- 6. No response was received and the appellant did not make an application to vary or set aside the directions or contact the tribunal to explain why she had not complied with directions.
- 7. I am satisfied that the appellant has failed without excuse to comply with the directions of the tribunal and that she was informed that the consequence of such failure could be that her appeal would be struck out.
- 8. I strike the appeal out pursuant to rule 8(3)(a) of the Procedure Rules.
- 9. I also find that the appeal falls to be struck out pursuant to rule 8(2)(a) of the Procedure Rules. This is because the appellant has failed to provide a copy of an appealable decision. Section 46D of the EPA provides a right of appeal against a final notice issued under section 46C of the EPA. The letter provided with the notice of appeal is a notice of *intent* to serve a fixed penalty notice. There is no evidence that the appellant has in fact been served with a final notice pursuant to section 46C of the EPA and accordingly the tribunal has no jurisdiction in relation to the appeal.
- 10. The notice of appeal is struck out and the tribunal will take no further action in relation to it.

Signed J K Swaney

Date: 15 November 2024

Judge J K Swaney
Judge of the First-tier Tribunal