

(by points of the same number in the UTT decision):

Updated 22nd December 2013

2. “the UT’s sole and narrow focus is on whether the FTT erred materially in law”. I fully understand this. However this cannot be correctly established without proper consideration of all the circumstances of the case and an appreciation of the main points made by BOTH sides. At every stage in this and previous interactions with Dorset Police, there has been a systematic, persistent, and blatant refusal to deal with the inconvenient but critical issues I have raised, however this has reached an entirely new and extraordinary level with IC, FTT and UTT.

3. “in summary my decision is that : (a) the FTT did not err in law by either being biased or failing to give adequate reasons for its decision”. It appears that Upper tribunal has acted to protect first tier, the information commissioner, and Dorset Police, and has demonstrated some of appalling failures already seen in those organisations, as I will explain.

6. The information eventually provided by Dorset Police after they had refused to communicate, but had been forced to reply by the IC, indicated (sorry for the repetition): - the equivalent of 10 staff on 52K to deliver a simple course to 40 people, and costs for premises in excess of 3 times the going rate, and a couple of other questionable costs. Obviously, clearly, it is entirely reasonable and natural to ask for clarification / details on such dubious costs, and therefore, it is not vexatious, and also (sorry for the repetition again, this is what happens when important factors are ignored), the PCC for Dorset, Annette Brooke, MP for Dorset, and Colin Smith, Detective Superintendent and Head of Professional Standards for Hampshire Police, amongst others, agree with me. Why has Upper Tribunal totally ignored these and so many other important and relevant points in deciding on whether the FTT erred materially in law (by being biased)? The letter of Mike Glanville and my response can be seen here: <http://www.dorsetspeed.org.uk/news/sog98.aspx> Mike Glanville did not reply.

7, 8. My response setting out why the ICO decision was biased and flawed was comprehensive and complete, but has been totally ignored by first and upper tier tribunal.
<http://www.dorsetspeed.org.uk/news/sog113.aspx>

9. “he disputed the number of requests”. **NO**. Dorset Police **LIED** about the number of requests. Another fact that has been ignored by all, including now Upper Tribunal.

10, “any competent organisation would hold proper records concerning its finances” - **YES**. If I had received questions from the Police about finances and avoided them as DP have done for nearly 3 years I would be in jail by now.

14. “ ‘vexatious’ in the context of foi ‘represents conduct, here a request or requests, which bear no sensible proportion to the supposed objective’”. I am forced to repeat myself yet again. The **request** was for example why does it require 10 staff on £52K to deliver a simple course to 40 people. The **objective** was to expose what any normal person would think at a glance (including those mentioned in 6 above) seemed certain to be misrepresentation / mispend of public money including for personal gain against the interests of the public including their safety, and therefore, potentially, obtaining money by false pretences, perverting the course of justice, breach of duty of care, fraud and quite possibly even responsibility for at least one death. Not just in Dorset Police but in all the further organisations and individuals protecting them. Yes, the proportion of the request bears no relation to the objective, but it’s

the **objective**, not the **request**, that is of the far greater proportion. This is consistent with the extent of the cover-up clearly evident here.

Why should what I have found seem so surprising? Just check this recent article for example:

Police corruption is now so rife that radical reform is the only answer

<http://www.theguardian.com/commentisfree/2013/oct/20/police-corruption-demands-royal-commission>

15. I have often heard of my website being described as “hard hitting” – but I have NEVER EVER heard of it being described as inaccurate, misleading, biased, flawed, or received a single complaint about it or notification of one single error. I have repeatedly invited DP / DRS to inform me of anything which is inaccurate and if so I will apologise and remove it. They have never, since this started, communicated with me on ONE SINGLE POINT. Even throughout this case, no one has engaged with a single one of my points.

15, 16. My response setting out why the FTT decision was biased and flawed was comprehensive and complete, but has been ignored by upper tier tribunal. UT has also ignored all of the points made in my responses to the UTT submissions of DP and IC. In fact, I believe that not a single one of my points has been properly answered by anyone. **When all of the points from one side are ignored, there is bias.**

Does anyone understand this? FTT decision:

<http://www.dorsetspeed.org.uk/ico/20130115%20Decision%20EA20120163.pdf>

My response / request for appeal: <http://www.dorsetspeed.org.uk/ico/requestforappeal.pdf>

20. "the grounds arguing error of law on bias Are somewhat difficult to discern and disentangle from his general attack..." My response to the submission of the IC has been ignored yet again. I started with:

I would like to respond to the points made by the IC against my observation that the First-tier Tribunal was biased:

"26. The Commissioner would submit that there is no evidence to suggest that the First-tier Tribunal was biased in its decision and would invite the Upper Tribunal to conclude accordingly and dismiss this ground of appeal."

It would seem that the Commissioner has not read the evidence, best summarised in my summary / submission to the Upper Tribunal, available here:

<http://www.dorsetspeed.org.uk/ico/ico.aspx> .

I quote:

The Tribunal therefore had the following when it made its decision:

- The original statement of the IC and the statement in relation to the tribunal and against both, a detailed and comprehensive explanation from me as to why the decision and each and every point behind it was without any kind of merit

- Nothing whatsoever in response to any of this from the IC or DP

- All the information, evidence and explanation it could possibly have wanted to backup a long list of serious failings of Dorset Police including a death resulting from one of its operations

- Proof of at least one lie in the submission of Dorset Police to the IC.

- An upheld complaint from the IPCC including the same issue

- Similar unanswered concerns from the MP for Dorset, Annette Brooke

- A totally overwhelming motive for Dorset Police to keep the information being requested secret

- A simple question which ON ITS OWN, WITHOUT EVEN AN ANSWER was concrete evidence of serious misrepresentation and / or waste of precious public resources of a shocking magnitude

- And against me, in comparison to the above, nothing whatsoever but a claim of vexatious because I have been unable to make progress with all the failures above because Dorset Police were failing to communicate about them – by comparison, a drop in the ocean.

If there was just a trace of impartiality in the judge, only one outcome was possible.

In fact, through the history of this case, there has been no comment / objection whatsoever of any of these or other points demonstrating clearly the failings of Dorset Police, Information Commissioner, and First-tier Tribunal, including in my strong evidence of fraud in Dorset Police, <http://www.dorsetspeed.org.uk/ico/19Jan2013.pdf>

Indeed I may not be a lawyer but if I was objecting to a complaint about bias I would not be able to ignore such a simple list of points suggesting there was bias. To say that the decision was not biased without engaging and responding to such facts does not seem to me to be very professional or acceptable at all. This is why these things need to be repeated continuously. The important points are repeatedly ignored. You don't need a weatherman to know which way the wind blows. And to conclude on this case that there is misrepresentation / mis-spend of public money, resulting in a catalogue of failures of efficiency / public safety / conduct / morality etc. is as easy as looking out of the window to see if it is raining. You don't need a lawyer. And now, the bias and cover up is just as obvious.

21. First Tier Tribunal breached natural justice **by being biased**. Upper Tier has now also.

22. A “reasonable onlooker” (as those mentioned in point 6) would conclude it is entirely reasonable to ask such questions about such costs, and that the cover up that has followed indicates the concerns are justified. How a qualified judge can come up with such nonsense as “I ought to have won – I lost – therefore the tribunal was biased” against such comprehensive and extensive evidence and reasoning while completely ignoring it is quite incredible. Such a suggestion is childish and unprofessional and not worthy of any further comment.

The tribunal responded to the points that were convenient to the decision it seemed it had already decided it would make. **I repeat again, it did not respond to any of my points.**

23. The first and upper tribunals have taken into account the background of the number of requests. They have not taken into account the fact that the question is about Dorset Police claiming the equivalent of 10 staff on £52k to deliver a simple course to 40 people or that Dorset Police lied in its submission. That the same questions from Annette Brooke MP have been ignored, etc etc etc. These are far more important and significant points than the number of questions it takes to get anything of any use out of Dorset Police. The tribunal took into account only the points that would give it the answer it wanted. It was therefore **BIASED**.

24. Just imagine if the UTT had decided the FTT decision was biased. The fallout would be unthinkable, for FTT, IC, DP, and even the whole rotten speed camera industry. But this is what rightly should happen. There is no way whatsoever that DP could come up with a reasonable explanation of the costs it claimed. It appears that the judgement of the Upper Tier Tribunal is intended to prevent these embarrassments (and potentially worse) for all those who have contributed to this mess. The pressure on UTT to continue the cover-up is obviously substantial but that is no excuse for this further failure.

25 – 37 The issue of whether or not there should have been a hearing is not significant and just a distraction from the main issues above. However, if there had been a hearing, it would have acted against DP / IC as there would have been no defence for the truths I would have presented. The truth is incredibly powerful, I am not a persuasive character but when I am acting on the truth, only a blatant refusal to face inconvenient facts such as we have seen perfectly demonstrated by DP, IC, FTT and UTT will win against it. There clearly should have been a hearing during the first and upper tribunal cases but despite the fact that I am not a professional lawyer my position based on the facts and the truths would have made any argument to the contrary (based on secrecy and avoidance) futile and laughable, and I believe that this is why hearings have been avoided despite my clear statement that a hearing was essential if UTT was likely to support FTT. However I will comment on some of the points in this section:

26. “a hearing must be held by the first tier tribunal if ... (iii) and the tribunal is satisfied that it can properly determine the appeal without a hearing”. The only way that the FTT was able to be satisfied with its result was to totally ignore all of the points put forward by me, including those summarised in 20 above. It avoided the hearing as it knew that a proper discussion of the issues would result in only one conclusion, that Dorset Police had declared me vexatious only in order to avoid providing answers that would be damaging, exposing misconduct and misrepresentation.

27. “Accordingly, the tribunal could only have acted as it is, to decide the appeal on the papers” – Absolute nonsense!

35. “and having reviewed the evidence before the tribunal” – and having totally ignored my points in exactly the same manner “I do not consider the above error of law was material to the tribunal’s decision” – Absolute nonsense!

36. If any of the parties had requested a hearing, it is obvious that my points could not have been glossed over as easily and the correct outcome would have been harder to avoid. Therefore if Dorset Police had requested a hearing, it could very well have changed the outcome, and it is yet more absolute nonsense to suggest it would not have.

37. “ensuring that unrepresented parties are able to participate fully in the proceedings” All that has been ensured in this fiasco is that I have been UNABLE to participate at all in the proceedings by ensuring that my points are ignored and that the hearing that should have taken place was prevented.

In addition my clear and unambiguous request for a hearing at UTT has been ignored. The UTT decision was made again without a hearing and absolutely no reason or comment has been given about this.

I can further demonstrate that earlier FOI requests to Dorset Police / Road Safe have provided a further indication that the prospect of transparency and accountability has been nothing but a complete nuisance to them to be feared and avoided, rather than solid principles central to delivering proper public service, and hence a motivation to shut down such requests by any means including declaring the requestor vexatious. All of this information is a part of the history of this case and available on my website but I should spell some of it out as it is particularly relevant to this case. Remember, there is no question that is awkward to an honest and professional organisation.

On the 12th April 2011, following the death of a motorcyclist which the coroner concluded was linked to the presence of a mobile speed camera, I asked how many road deaths in Dorset had a speed camera as a factor. I really thought that this would expose the dangerous scam and finally result in moving forward, any numerical answer would do it. Zero would indicate a remarkable and callous disregard for the person killed, and proof that it was the “partnership” and its members that were the primary concern, not the public who it pretended to protect. A non-zero answer would be unthinkable – Dorset Police / Road Safe admitting that a camera could contribute to a death – and just after one had occurred, and in conflict with its publicity about interest only in saving life and without the context of a proper safety case which could have argued that even with the obvious negative effects the positive could have resulted in a net benefit.

I also asked if Dorset Road Safe were aware of any negative effects of speed cameras – these widely acknowledged, including even by Prof Richard Allsop. It took a couple of tries but some reluctant and evasive answers eventually came from Johnny Stephens:

Despite the wide publicity of the speed camera as a factor in the death, JS wrote “However, I know of no known road deaths that have been attributed to a safety camera’s presence in Dorset” thereby carefully answering the wrong question – I wanted to know about deaths with cameras as a “contributory factor”, the only correct answer to this being at least one. I appealed it with the IC but incredibly DRS were still able to dodge the question by saying that it had “no records”, despite the information being widely known in the public domain and in any case, why would Dorset Road Safe carefully avoid having a record of a road death with the contributory factors in Dorset?? Once again, ridiculous.

The vague answer given on the point of negative effects was just as appalling – Despite the widespread evidence (some of which I have listed here: <http://www.dorsetspeed.org.uk/news/neg.aspx>), JS wrote “.. I have no record or validated evidence presented to me of any negative effects of their use in road safety. I will not ask operators for their opinions on “negative” effects of safety cameras as again that would be speculation on their part” **In other words, Dorset Police / Road Safe were turning a blind eye to the dangers that everyone else knew about even after a death.** Can you possibly imagine this

happening anywhere else, and managers being blasé to the point that they would even put it in writing? Incredible. Or was it the kind of slipup that would eventually happen if the public were allowed to ask questions? It would be so much easier if those questions could just be avoided. I have safety responsibilities in my company and if I did anything like that around a death I would be fired and probably face very serious action from the Health and Safety Executive.

And the FOI process caused further embarrassment around one of the most blatant money making scams in the country, the Greed on Green camera in Poole. Firstly Dorset Police tried to keep secret the amount of money being made, but were forced to through FOI. This also revealed that the camera was placed at a location with a ZERO ksi history, and an eventual admission that the camera was not placed for casualty reduction (!) but “community concern”. Naturally, I asked about the “community concern” by FOI and Dorset Road Safe were not able to provide any measurable evidence of it! The only possible conclusion resulting from those FOI investigations: the camera had been placed with the sole purpose of making money, and loads of it!

There are other examples but what we see here is clearly the FOI process almost helping to reduce dangerous, damaging, greedy activities and almost resulting in an improvement in public services – although clearly not in the interest of some senior managers in Dorset Police / Road Safe, and we can also see the result – following from the request about driver awareness course money which seems to have got right to the centre of the scam (*just follow the money!*), shutting down enquiries clearly became the only option, and that’s what they did, by declaring the person who asked the question vexatious. How much clearer can it be?!

It is crystal clear where the moral correctness is on this and that DP, IC, FTT and UTT have avoided it at all cost and some considerable risk. The speed camera industry has done untold damage but never would I have believed until now that trying to get the answer to the question “Why does it need 10 staff on £52K to deliver a simple course to 40 people” would result in such an appalling trail of what I can only describe as corruption.

Ian Belchamber