

Re: GIA/886/2013, refusal for appeal, upper tribunal of 19th Feb 2014

It comes as little surprise, as with first tier, that the judge who has acted to protect the organisations in question has disallowed a request to appeal against that decision!

However, as far as the information commissioner / tribunal fiasco is concerned, it no longer matters about the questions that would clearly have exposed misrepresentation, the IPCC investigation has agreed that the figures “don’t stack up” and must be explained. The entire attempt by Dorset Police and the information regulators to sustain the cover-up / protection has therefore failed. What a shame that the information system did not reach this, the obviously right conclusion. As anyone with the slightest touch on reality can tell at a glance, the costs claimed are totally excessive and highly likely to be completely fraudulent or indicative of massive waste; clearly this is far more significant than any question of “vexatiousness”. Unsurprisingly, Dorset Police have seemed to struggle to provide the explanation for the costs not only to me, but now even to the IPCC investigators.

The difference between the IPCC case and the information case is that the IPCC investigators have, so far, taken an impartial view of the evidence and the facts, which can only lead to the conclusion that these simple questions have to be answered, whereas at every step through the information case the judges have only considered the facts convenient to the conclusions they wanted. This alone exposes the information cover-up for what it is.

So the only remaining question to those who are meant to ensure transparency and accountability of the public authorities, the Information Commissioner, the first and upper tier information tribunals, judicial ombudsman, etc, is, why have they done everything they possibly can to ensure the exact opposite results?

Naturally, if I am right and Judge Wright has acted unfairly to protect first tier tribunal, there should be weaknesses in the refusal to appeal, and there are, and I will point them out:

2. (iii) “the strength of his case against Dorset Police about misuse of speed cameras and driver awareness courses was such that the relevant request for information could not have been vexatious” **NO**. Although the misuse mentioned is obvious, I know that the IC, FTT and UTT are not concerned with the effectiveness or otherwise of the cameras and courses. This whole information case from the very start has been a blindingly simple question about the finances: “What is the cost of the course and what make this up?” Not only that, but perhaps uniquely, a question being asked which (I repeat again) **EVEN WITHOUT AN ANSWER** indicates obvious false accounting / fraud or massive waste: Why does it need 10 staff on £52K to deliver a simple course to 40 people? Why do Dorset Police claim more than 3 times the going rate for premises? (Even if the premises cost is £150K pa, why has it not purchased outright the course premises in which case that money could now be providing some much needed proper front-line police officers as well as a long term property investment?)

No matter how misguided my representations may have been (although I believe they have been crystal clear) how on earth could our system of regulators and judges intended to ensure transparency for the good of the public possibly have managed between them to prevent this question from being answered and therefore assist the waste / fraud to continue?

5. “.. may not grant permission .. unless it considered that the proposed appeal would raise some important point of principle or practice or there is some other compelling reason...” , and :

6. “none of these tests .. are satisfied”. You mean that strong and clear evidence of:

-misrepresentation

-fraud

-perverting the course of justice

-danger to the public (including at least one death), breach of duty of care

-failure of integrity, misconduct

-and cover up of these and other offences

.. do not indicate important points of principle or practice or compelling reason? **YOU ARE VERY BADLY WRONG**

7. “.. the narrow issue I had to consider was FTT had erred in law. .. not to assess whether the request was vexatious but rather whether FTT had acted properly ..” How can that be determined without properly considering what came before? UTT has considered some things that came before (numbers of requests) but seems not to have considered other things like the self-evident need for the questions about the costs to be answered and the evidence of blatant cover-up and other failings of Dorset Police / IC / FTT. This is bias. “The merits of Mr Belchamber’s campaign ... use of speed cameras and driver awareness course ...” **AGAIN NO** . My question was a simple one about clearly misrepresented and / or criminally wasteful claimed costs. **Have the judges actually even read anything I have submitted?**

8. “I can find nothing to suggest that ftt did not take account of all Mr Belchamber’s arguments” This is a clever attempt to use double negatives to hide the issue, but not clever enough. The point is, can you find anything to suggest that that they **DID** take into account **ANY** of my arguments? If so, could you point it out please? “the bias argument amounts to no more than an argument that ftt and utt were biased simply because he lost” Oh dear. I really can’t believe I read that even though I wrote it out. “Mr Belchamber has not identified any other basis for ftt or utt being biased” Well I know I’m wasting my time but for the umpteenth time I will copy this, just as an example: (next page)

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>

This latest feeble attempt by judge Wright to sustain this obvious cover-up which is now falling flat on its face confirms to me that the corruption / incompetence in the information regulators is as serious if not more than the misrepresentation of finances and / or massive waste we have seen in the top level figures reluctantly provided by Dorset Police after abusing its Freedom of Information responsibilities.

Ian Belchamber