

I request for permission to appeal against the decision of the tribunal on the grounds that the tribunal did not give adequate reasons for the decision.

1. Inadequate reasons for the decision

This is a case with a great many very important issues, these with considerable public interest and influencing matters of road safety and therefore life and death. In addition, there is strong evidence of an appalling list of failures, and I really do mean strong evidence, most of these **criminal offences or serious misconduct** in themselves, it's all in the information I have already provided but I am happy to elaborate on anything if necessary :

- failure of duty of care, failing to carry out proper risk assessments
- false accounting, misuse of public money, lack of financial transparency
- dishonesty and misrepresentation of effectiveness
- perverting the course of justice, misuse of the law for personal benefit
- failure to manage the obvious financial motivations, allowing them to result in the wrong safety solutions therefore costing life
- failing to carry out FOI obligations properly including just trying to ignore them – also formal complaints, as now confirmed by the IPCC who have upheld my complaint against DP
- demonstrating deliberate conflict with fundamental safety principals therefore causing danger
- ignoring and covering up of these issues, and even silencing Chief Superintendent Colin Searle, the only person who has communicated properly with me at Dorset Police and who having spoken to me was so convinced of the benefit of what I was saying he wanted me to actually take part in a DSRSP meeting – also subsequently refused.
- Also obstructing Annette Brooke MP for Dorset who has concerns about transparency of Dorset Police but like me has been completely unable to get adequate answers, in this case **without** large amounts of emails or presumably any “anger”

My engineering background involving product safety around the world SIMPLY DOES NOT ALLOW ME to ignore this. I know that if I see something dangerous and I do nothing, I am partly responsible if someone gets hurt. This is why having initially tried to communicate with Dorset Police and got nowhere, I have resorted to publishing the failings in order to try to bring change.

If a problem is reported to me which could influence whether or not someone dies, it makes no difference whatsoever if I like the person reporting the issue or if they have been annoying, I KNOW I HAVE FAILED if I do not look at the facts and evidence and act accordingly and my responsibilities mean that if I do not act on the EVIDENCE professionally I would be likely to be disciplined.

The decision that I would like to appeal against has failed spectacularly to consider any one of the important issues such as those above, dismissing the case purely on the basis that the person who has asked the question has asked a lot of questions before and has been angry. I can only

demonstrate how inadequate and inappropriate this decision is by comparing it to a case in a court: would someone for example with evidence against them of theft be let off without considering **any** of the evidence just because someone had produced some of it a bit loudly? I don't think so.

Therefore it is totally clear that adequate reasons have not been given for the decision, the decision has responded **ONLY** to the tone of the person complaining about Dorset Police, it has failed to consider the reason for the tone or any one of the 10 or more factors being complained about, all of these totally dwarfing the "history of the complainant" in seriousness.

When strong evidence of dangerous and almost certainly unlawful failings are repeatedly ignored for many years, an escalation of annoyance and language is highly likely to result. I am not pleased that I have resorted to the language that I have but it has resulted from the extreme frustration of the situation. It should never have come to this, and would not have if DP had been open and ethical from the start.

Thus I have demonstrated in total clarity that inadequate reasons have been given for the decision.

2. These questions need answers

The fact that Dorset Police have dodged, for nearly 2 years now, answering for example why it needs 10 members of staff on £52k for just 50 visitors to driver awareness courses is plainly and obviously what matters here, not that I have got a bit angry because they won't explain it.

I am quite sure that Dorset Police have not been happy at all to see my emails and information requests. This does not mean that Dorset Police are in the right, and it does not mean that the questions should not be answered in the public interest. And I can give you 2 examples of FOI responses where the answers have provided evidence of the concerns I have listed. **THIS** is the reason they don't like answering them:

1. Following the death of a motorcyclist where the coroner recorded that the speed camera was a factor, I asked Dorset Road Safe how many deaths they were aware of that had a speed camera as a factor. They refused to answer the question, saying only that they had no records. How on earth could they not record any road death with the factors, especially when they were one of the factors?
2. I also asked if there were any "negative effects" of speed cameras, the reply was no (when there obviously are) but shockingly, the reply also said that they refused to communicate with camera operators about observed dangerous camera reactions - incredible.

These responses hint at what's really going on and it looks really bad. Carry on making the course money at all costs, even if it's dangerous and even if it involves misconduct or breaking the law itself. If you are competent and ethical you have no fear answering anything, Dorset Police fear answering questions because bits of the truth slip out. This is the **REAL** reason they have tried to shut down communications with me.

I found some quotes about freedom of information on the ico website:

"Unnecessary secrecy in government leads to arrogance in governance and defective decision-making."

“Openness is fundamental to the political health of a modern state”

“everybody has a right to access official information. Disclosure of information should be the default – in other words, information should be kept private only **when there is a good reason** and it is permitted by the Act”

3. The **QUESTIONS** are not vexatious

It is clear that the implications of what I believe to be going on, and have provided strong evidence for which Dorset Police have taken no interest in denying or explaining, are very serious indeed. It is also clear that the **questions** ARE NOT VEXATIOUS and can be answered in a few minutes with no trouble at all. And it is clear that answers to these questions will start to confirm the concerns. **This is very, very serious.** It is totally perverse and ridiculous that whether or not such a serious investigation continues depends on the history of the person making the request, particularly when the subject is road safety and ALL of those involved have a DUTY OF CARE to the public which means they also are **breaking the law** if they don't fulfil this duty properly.

4. Some comments on the points in the decision

-4- “Taken in isolation, this is a reasonable and purposeful request”. Indeed, and again, the history simply does not change the reasonableness or purposefulness of the **request**.

- I believe that the courses are carried out in property already belonging to the public / Dorset Police, in this case, obviously, claiming a cost of £153,000 a year is likely to be fraudulent – and in any case, such an amount would purchase suitable premises outright after a few years meaning the money could be spent on something more productive. “Improper favour” is indeed therefore suggested.

-7- “He refutes in considerable detail each point adverse to his request made in the Decision Notice.” Indeed. I showed absolutely every point to have no substance whatsoever and there has been absolutely no challenge to anything I wrote whatsoever. Why has the judge ignored this?

-8- “including accusations of financial incompetence “(or worse)”” Absolutely. And I have explained it again now and I have provided plenty of other evidence. It appears that everyone who looks at this is starting with the belief that there could not possibly be corruption in a police force and anyone who suggests otherwise is automatically wrong. I should point out that corruption in police forces is not at all unheard of. The job of regulators looking at cases like this should be to be led by the **facts and evidence**, not to decide first what result they want and then work back from that.

-10- “The proper objective of a FOIA request is the obtaining of reasonably accessible information of public importance. It is not to force the authority to change its policy through an unending battery of interrogation, to which the answers are irrelevant, in the sense that they will never stem the flow of requests..” It would be a totally healthy outcome, if an authority was behaving badly, this was proven by information coming through FOI, and as a result the authority changed for the better. Isn't this one of the fundamental purposes of FOI? This is what needs to happen with Dorset Police. The requests have been unending because DP and DRS have been evasive and secretive – the request in dispute now the ultimate example.

-11- I'm sure some requests are truly simply vexatious. This one has certainly been lively but it should be obvious from the quantity and quality of evidence that DP have simply used vexatious as an excuse to protect itself when it knows that the information that it would provide would prove damaging. Only an organisation that has behaved badly is damaged by the truth.

-13- Again, it looks like we are starting from the assumption that Dorset Police is right, and anyone who complains is wrong, and working back from that. I've used FOI as it has been the only way to get anything at all out of Dorset Police. Apart from Chief Superintendent Colin Searle (who was subsequently silenced) no other proper communication whatsoever has been possible.

-14- "The exact volume of requests and e mails is of little consequence" If you say so. But the fact that Dorset Police were prepared to lie about it certainly isn't. What's worse, to lie, or to be a bit angry? Why is the judge so dismissive of a lie and what this indicates about Dorset Police and this case?

"It is our clear conclusion from what we have seen, especially the Appellant's own submissions, that he was not making requests in order to obtain campaigning information but rather to maintain unrelenting pressure on Dorset Constabulary and to demand their time and resources." If I was not sure Judge Farrer was working backwards before, I am now. So I am doing all this just to waste police time? No. I'm doing it to save lives and save money and ultimately IMPROVE public respect of the police and the law.

-17- The assault will continue until Dorset Police demonstrates that it is delivering road safety policing safely, competently, fairly and ethically, or changes so that it does. Is that so much to ask? If it had done this from the start, NONE of us would be wasting any time at all on this.

5. Conclusion

There is an explanation that fits the decision very neatly. As I have already suggested, it seems that the judge has first of all decided what he wants the result to be (that Dorset Police is squeaky clean and that anyone who says anything else is just wasting police time) and then responded only to the points that fit with this result, ignoring the vast majority of the more serious issues and evidence of the case. It is easy for me to recognise this pattern as I have seen it a few times before, but mostly from unqualified councillors acting on personal opinion and then trying to protect themselves when the mistakes are pointed out to them with clear and complete evidence. But I am disappointed and surprised to find it at this level and from a judge.

It makes little difference if what Dorset Police are delivering on the road is dangerous or dishonest or the best thing ever, the way that they have miscommunicated is totally inappropriate for any organisation claiming to be in safety work and this WILL one day be proven to be the case. They must now answer some simple questions, preferably voluntarily, about where all the money goes.

The IC completely failed to respond to my replies to their points showing them to have no substance, Dorset Police didn't even bother to contribute anything at all to the appeal, and the appeal ignored most of the issues commenting only on the least important. The other side barely even turned up and they won. How can that happen unless the match was completely rigged?

Ian Belchamber