



**FIRST-TIER TRIBUNAL  
GENERAL REGULATORY CHAMBER  
Information Rights**

**Tribunal Reference:** EA/2011/0181  
**Appellant:** Allan Wise  
**Respondent:** The Information Commissioner  
**Second Respondent:** Blackpool County Council  
**Judge:** NJ Warren  
**Member:** J Blake  
**Member:** M Clarke  
**Hearing Date:** 12 April 2013  
**Decision Date:** 8 May 2013

**DECISION NOTICE**

1. In March 2010 Mr Wise read a story in his local newspaper to the effect that the reopening of the tram line to Fleetwood had been delayed by the theft of 4000 metres of overhead wiring valued at £135,000. He didn't believe that figure, regarding it, as he put it, as a "fairy story". On 25 August 2010 he made the following request to the local council under the Freedom of Information Act (FOIA):-

"Please provide a full breakdown of the figure of £135,000 that the paper attributes as a loss to theft of overhead cable to Blackpool council. As the article refers to only overhead cable being stolen in these thefts amounting to the value of £135,000 identify precisely the types, lengths, amounts and specifications of the stolen cable which amounted to the value of £135,000. Please provide any other information that the council feels to be relevant to this request. To assist the article only refers to 4000 metres having been stolen."

2. Mr Wise was not satisfied with the response he received and he therefore complained to the Information Commissioner's Office (ICO).

3. Mr Wise is able to point to a number of inconsistencies in explanations offered at different times by the local council. These include suggestions of costs of £20-£24 a metre; assertions that the cost was extrapolated from invoices indicating paying about £5 a metre; the curious argument that new cable was cheaper than old; an indication that the figure was higher because of labour and project management costs; that actual costs were subject to a great deal of variation; and finally that the figure was simply based on an estimate provided “verbally on the spot” by a council employee.
4. The ICO concluded that there had been no breach of FOIA because the last of these explanations was correct. Mr Wise now appeals to the Tribunal against that decision. Originally the appeal was struck out but that decision was set aside by the Upper Tribunal. The Upper Tribunal has explained that there is a contested issue of fact for us to resolve as to whether the figure of £135,000 was extrapolated from invoices for smaller quantities of similar cable or not. If it was, then there might still exist undisclosed recorded information which justified the figure.
5. Having reviewed all the information, we resolve that issue of fact by agreeing with the ICO. It seems to us to be easily the most likely explanation that no recorded information in any form justifies the figure of £135,000. Indeed, it is Mr Wise’s own argument which points to that conclusion. He knew the figure was likely to be wrong when he first saw it. That is why he made the information request. He also made calculations himself from the invoices supplied which demonstrated that the cost of the materials was well below £135,000.
6. We conclude that the local council did not hold and had never held information recorded in any form to support the figure which appeared in the press. The ICO was therefore correct to find that the council did not hold any undisclosed information relevant to the request and this appeal therefore fails.

[Signed on the original]

**NJ Warren**  
Chamber President

8 May 2013