

For immediate release, 18th March 2016

Wiggin secures Appeal win for Newsquest Media Group in Freedom of Information campaign

Publishing lawyers at media, technology, and IP firm Wiggin have won an appeal to the Upper Tribunal for Newsquest's Bolton News journalist Dale Haslam, in his campaign to name local councillors who failed to pay their own council tax.

Dale Haslam submitted a request under the Freedom of Information Act 2000 to Bolton Council for the disclosure of information about councillors who had failed to pay their tax bill since May 2011. The Council released some information about the councillors, but refused to reveal their names on the ground that this information was exempt from disclosure. Dale appealed to the First-Tier tribunal for the names to be released. The First-Tier Tribunal dismissed his appeal but gave him permission to appeal to the Upper Tribunal.

The Upper Tribunal allowed Bolton News' appeal. In her judgment, Judge K Markus QC said the name of a councillor who defaulted on his council tax for over two years must be provided in response to an FOI request. She considered that the councillor's interest in privacy was outweighed by the interest in disclosure: she found there was a compelling legitimate public interest in the information where the default had resulted in section 106 Local Government Finance Act 1992 applying (which meant the councillor was barred from voting on the Council's budget).

Wiggin's Head of Litigation Caroline Kean, associate Eileen Weinert and Anya Proops QC of 11 KBW all agreed to undertake the appeal pro bono.

Caroline Kean commented: "Wiggin has a proud history of supporting the press, and both as a lawyer and council tax payer it was clear to me that there was an important principle at stake. The judge has confirmed there is a strong public interest in being able to report if an elected councillor had rendered themselves unable to vote in relation to what is probably their most important function – the control of council expenditure. This decision vindicates the use of the Freedom of Information regime by journalists and the importance of continuing to protect these hard won rights."

Newsquest's head of legal Simon Westrop said: "This is a victory for principle, but the public has lost out because these mitigating circumstances that were relevant three years ago are not relevant now.

"This confirms to us our experience as local news providers up and down the UK. Local government has not just failed to embrace openness and freedom of information as was intended, actually it does not understand the concept.

"This ruling must send a strong message to the independent commissioners who are at this moment are reviewing the scope of the Freedom of Information Act 2000. Government must learn to trust the public and so strengthen this Act."

-Ends-