

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 17 October 2022

**Public Authority:** Bedfordshire Police  
**Address:** Woburn Road, Kempston  
Bedford  
MK43 9AX

#### **Decision (including any steps ordered)**

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1. The complainant requested information about the hospitality expenditures for a community event that the then Bedfordshire Police and Crime Commissioner had hosted at a private venue.
2. The Commissioner investigated and found that some of the requested information had been disclosed but that, on the balance of probabilities, Bedfordshire Police did not hold any undisclosed relevant information.
3. The Commissioner did not require Bedfordshire Police to take any steps to ensure compliance with the legislation.

#### **Request and response**

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4. On 15 December 2020, the complainant wrote to Bedfordshire Police ("the police") and requested information in the following terms:

"1. On the 25/05/2020, I submitted a complaint to [a named senior officer, name redacted] regarding the expenses of the PCC and her staff. I understand that [name redacted] treated this as a whistle-blower complaint.

Can you please provide a copy of [name redacted] review report ["the report"] and findings into my complaint?

2. The following transactions are listed on the Force's website as transactions over £500.

Period Transaction

Reference	Transaction	Date	Amount	Supplier Name
9	50058	06/11/2018	5900	[supplier name redacted]
9	53340	16/01/2019	5900	[supplier name redacted]
1	59768	05/04/2019	2290	[supplier name redacted]
6	70161	13/09/2019	4580	[supplier name redacted]
7	72976	26/10/2019	5410.6	[supplier name redacted]

Can you please provide details of any reimbursement that has been received from the Home Office or any other government department in relation to these transactions including amounts received, date received, transaction identification number and any reference details/ description/ comments?"

5. The complainant also complained that a named officer had asked him to confirm if he intended to make a complaint against Bedfordshire Police and had said that his information request would not be processed until he had clarified his intention. The complainant added that, in his view, this was unlawful.
6. On 11 January 2021 the police told the complainant that [name redacted] was copied into the complaint as [he] had the responsibility to review this type of complaint, and determine whether any fraudulent activity had taken place, as was being suggested. [name redacted] had found no grounds to undertake an investigation and this was the correspondence provided by him to the Chair of the Police and Crime Panel.
7. Also on 11 January 2021 the police added that the annual community cohesion events were funded through a mixture of sponsorship and donations. The supplier's [name redacted] invoices related to the event which was held annually to showcase and celebrate the success of community cohesion in Bedfordshire. While the invoices had been paid by Bedfordshire Police, the cost of the event had been met through delegates at a cost of £214 (+VAT) per delegate.

8. However on 15 February 2021 the police said that the event had been funded by the Home Office. The police subsequently provided further, sometimes contradictory and unhelpful, responses to the complainant.
9. On 21 April 2021, in response to the complainant's request for an internal review, the police upheld their 11 January 2021 response but gave no reasons for their decision.
10. On 12 December 2021 the complainant submitted an identical information request to the police. On 15 December 2021 the police replied refusing the request and referring to their previous response and internal review.

### **Scope of the case**

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11. The complainant contacted the Commissioner on 15 December 2021 to complain about the way his request for information had been handled.
12. The Commissioner investigated what information was held by the police about the funding of the event. He had regard for the exchanges of correspondence that he has seen and for the representations of the parties.

### **Reasons for decision**

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13. Section 1(1) FOIA says that anyone who requests information from a public authority is entitled under subsection (a) to be told if the authority holds the information and, under subsection (b), to have the information communicated to him if it is held and is not exempt.
14. The complainant told the Commissioner that the police had twice refused to provide him with the report. He added that it was not available to him anywhere else. He said that on 14 December 2020 the police had told him that the report was confidential. However he added that on 7 January 2021 the Bedfordshire Police and Crime Panel (PCP) had mistakenly shared the report with him after explicitly saying he could not have it. On 15 January 2021 the police had told him that there was no report.
15. The complainant also told the Commissioner that the police had blocked his access to the report. He said that the police had unlawfully refused to process his FOI request unless he first confirmed whether he was making a complaint; they had not been impartial. He added that the police had claimed that there had been no report when clearly there

had. They had refused to provide the report in two separate FOI requests for no legitimate reason and still have not provided the report.

16. As regards the costs of the event, he said that the police had changed their answers about how the event had been funded. They had refused to provide the transactions concerning the alleged funding of the event by the Home Office in his two separate FOI requests. At internal review, the police had failed to identify any issues and failed to address the matters he had highlighted in his request for a review.
17. The complainant has expressed concerns that some fraudulent activity may possibly have taken place. This is not a matter for the Commissioner and he has not considered it.
18. The Commissioner has discussed the matter with the police and investigated what information they hold. As regards request 1, on 27 June 2022 the police told the Commissioner that no information was being withheld. The police said that [name redacted] had decided that it was not necessary to undertake an investigation. Therefore there were no findings and as a result no information was held. The police added that, as regards request 2, the costs of the event, the answer had been provided on 11 January 2021.
19. The police told the Commissioner that, as regards the costs of the event, no government department had provided funding for it. The police position remained that:

“The [supplier’s name redacted] invoices relate to the Community Cohesion Awards, held annually to showcase and celebrate the success of the community cohesion in Bedfordshire. These events were funded through a mixture of sponsorship and donations.  
The invoices for [the event] relate to a national conference held in Bedfordshire for Airport Commanders. Whilst the invoices were paid by Bedfordshire Police the cost of the event was met through delegates at a cost of £214 (+ VAT) per delegate.  
No re-imburement for either event was received by the Home Office.”
20. The Commissioner found that the police had made multiple searches for relevant emails using their E-Discovery tool but had not been able to locate a report or relevant emails. The police confirmed that they were not saying that their named officer did not report to the PCP, just that despite an extensive search, they had been unable to locate information documenting this.
21. ICO understands that the senior officer said to have been the author of the report is no longer employed by the police and so the Commissioner was unable to clarify the position with him directly.

22. The Commissioner has been given assurances by the police that they have undertaken diligent and thorough searches of their electronic records system but have been unable to locate any documents relating to request 1 now. Moreover he has not seen any evidence that any were held at the date of the request or of the internal review. The Commissioner found no reason to doubt the existence of the report but he also found that, on the balance of probabilities, the police did not hold the requested information.
23. The Commissioner also found that, the police had provided the complainant with the amounts of the relevant invoices paid to their supplier and so had answered request 2. The police assured the Commissioner that they had not received funding for the event from the Home Office or any other government department.

### **Other matters**

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24. On 14 December 2020, the police asked the complainant to confirm if he intended to make a complaint against Bedfordshire Police and said that his request for information would not be processed until he clarified his intention. The complainant said that he regarded this requirement as having been made unlawfully.
25. There is no provision within FOIA for a public authority to impose any such preliminary restrictions or preconditions on a member of the public making an information request before considering the information request. The Commissioner therefore reminded the police to ensure an applicant blind approach to requests made under FOIA.

## Right of appeal

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26. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

27. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
28. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Signed .....**

**Dr R Wernham  
Senior Case Officer  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
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