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21/05/2019

### **FOI Request: FOI 16/2019**

Your request for information regarding the expenses of the Police and Crime Commissioner and grant information has now been considered in line with the Freedom of Information Act 2000 and, to the best of our knowledge, the information we hold which relates to your request is as follows:

### **P.C.C EXPENSES ---**

1. What was the nature of the business related to the expensive lunch meeting of 31st January 2017?

**You have already had the response to this question on the 9<sup>th</sup> January 2019 in which we stated the following:**

**Lunch meeting to discuss how to engage effectively with the business community in Derbyshire (regarding crime).**

What was the title / position of the person included in the £62.85 amount claimed as " exceptional expenses "? **Chairman**

How long did the meeting last?

**No information held**

Lunch expenses are not usual -- why was this lunch regarded as worthy of " exceptional expenses "?

**The Commissioner was out on his D383 tour with staff of the OPCC and the Commissioner bought those colleagues lunch. He claimed the cost of the lunches back under 'exceptional expenses' under the Gov.UK guide on PCC**

**expenses. Under the guide although lunches are not classed individually the Chief Executive authorised the claim due to the lunches being classed as corporate hospitality and were incurred in carrying out business of the OPCC.**

2. An overpayment occurred when an excessive claim was made for an evening meal on 23rd September 2017.

Why was there a further oversight and overpayment made in September 2018?

**Apologies this was human error and an oversight on our behalf.**

3. Why do staff members not make their own expenses claims?

**Normally staff do claim their own expenses but on these occasions the PCC bought the colleagues lunches and then claimed it back through his expenses.**

Home Office Instructions make no provision for Lunch claims yet 4 claims have fallen under the "exceptional expenses " section.

Please explain why each of the following claims on behalf of staff members falls into "exceptional expenses " category. ----

lunch 22/06/2018 **As per the above description.**

lunch 28/06/2018 **As per the above description.**

lunch 08/08/2018 **As per the above description.**

lunch 21/08/2018 **As per the above description.**

The P.C.C. was entitled to a senior rail pass from Dec. 2017.

The previous P.C.C. used a senior rail card while Mr. Dhindsa was Deputy. Many other P.C.C.s use a railcard due to economy savings. Normally, a railcard is purchased when buying a ticket.

4. Why did the P.C.C. purchase a railcard on 24/07/18, the day after he had purchased a full price rail ticket on 23/07/18?

**You have already had the response to this question in the FOI response FOI 05/2019 which was sent to you on the 7<sup>th</sup> March 2019 in which we stated the following:**

**Mr Dhindsa was not aware he was eligible for a senior railcard or that savings for the Office were possible. When he became aware, he bought a railcard.**

5. Why did he pay full price rail tickets on 3 other July trips when he could have purchased a senior rail card?

The travel you are alluding to happened on the 04/07/18, 12/07/18 and 17/07/18 as previously stated in the question above the P.C.C wasn't aware that he was entitled to a senior railcard until the 24/7/18 and so that is why the full price travel was paid instead of a senior railcard price. Once the P.C.C was aware he bought a senior railcard straight away.

GRANT ORGANISATIONS ---

1. Please can you forward the 12-month progress report and corresponding 12month accounts for 3 organisations who were awarded large grants for 2018 / 2019 ---

**AL – HURRAYA – 12-month report and 12-month account data – see attachments.**

**DIVERSITY WATCH LTD - 12-month report and 12-month account data – see attachments.**

**ENTHUSIASM TRUST - 12-month report 6-month account data– see attachments. Please be advised we are only in receipt of the 6-month accounts data and are awaiting the 12 -month accounts from Enthusiasm. We should be receiving this any day.**

2. Have Al -Hurraya and Enthusiasm Trust provided the P.C.C. Office with outline content of written workshop plans / agenda / activities?

**No information held**

Is an impartial person present at workshops e.g. Teacher / Imam / Council rep / youth worker? **No information held**

How are the workshops attendees sourced and do they attend a whole course of workshops? **No information held**

3.. Mr. Amjad Ashraf is Derby Service Co ordinator of Al - Hurraya.

What checks have been made to ensure he has complied with the Proceeds of Crime Hearing of May 2017?

**No information held**

What evidence has Mr. Ashraf produced to show he has repaid £45 ,400 of the £91, 281 he made from his criminal activities?

**Information not held**

What evidence has Mr. Ashraf produced to show he has complied with the Hearing and sold the property involved in criminal activities?

## **Information not held**

4. How was / is the Derby Service Co - Ordinator monitored while holding workshops? **Information not held**

Attached are the monthly reports and accounts data for your viewing however, please note that under the Freedom of Information Act 2000 we have applied Section 40 (2) Personal Information and Section 38 Health and Safety exemptions to some of the data contained within the report. For ease of identification any redactions will be clearly marked by a black box covering the redacted words/numbers:

### **Section 40 (2) Personal Information**

Section 40 (2) Personal Information has been applied to some of the information in order to preserve the safety of vulnerable individuals Inc. Children and young adults and their identity whom are engaged in the Enthusiasm/Al-Hurrayya programmes. The reports are made up of information regarding specific case studies of individuals including special category data and other personal identifiable data, whom would be likely to be identified from the information if disclosed. The OPCC has considered the redacted information and has concluded that if the OPCC were to disclose that information it could be possible to identify the individuals concerned.

We are not obliged, under section 40(2) of the Act, to provide information that is the personal information of another person if releasing the information would contravene any of the provisions in the Data Protection Act 2018 (DPA). In this instance we believe that the release of this information would contravene the first data protection principle and therefore section 40 (2) is engaged. The terms of this exemption in the Freedom of Information Act mean that we do not have to consider whether or not it would be in the public interest for you to have the information. For more information regarding Section 40 (2) please see the link below. <https://ico.org.uk/media/for-organisations/documents/2614720/personalinformation-section-40-and-regulation-13-version-21.pdf>

### **Section 38 (1) a and b Health and Safety**

Section 38 (1) Health and Safety a and b has been applied to some of the information in order to preserve the safety of vulnerable individuals Inc. Children and young adults whom are engaged in the Enthusiasm/Al-Hurrayya programmes. Section 38 of the FOIA states that information is exempt if its disclosure under the legislation would or would be likely to:

- a) endanger the physical or mental health of an individual or
- b) endanger the safety of an individual

The reports are made up of information regarding specific location data and case studies which is likely to prejudice those individuals if that information was to be

disclosed to the world at large. This is because it would identify exactly where vulnerable individuals Inc. children and young adults are frequenting and that information and those individuals could then be taken advantage of which would then impact on their mental and physical health and their individual safety.

Section 38 is a qualified exemption and is subject to a public interest test which means the information requested can only be withheld if the public interest in doing so outweighs the public interest in disclosure. For more information regarding Section 38 please see the link below.

<https://ico.org.uk/media/for-organisations/documents/1624339/health-and-safety-section-38-foia.pdf>

Please see below the considerations of our public interest test.

**Arguments in favour of release:**

- **Aids with understanding of how public funds have been spent as well as general transparency.**

**Arguments in favour of non-disclosure:**

- **Revealing location details where vulnerable children/young adults/individuals' frequent would be likely to put those individuals at risk and would be likely to endanger their mental and physical health by disclosing patterns of movements to the world at large, especially 'safe locations' that a third party could then very easily take advantage of and would provide intelligence which therefore allows those vulnerable children/young adults/individuals to be targeted. This then represents a real and significant risk to those children/young adults'/individuals' personal safety, including their mental and physical health as well as fundamental safeguarding concerns.**
- **Disclosing the location details where vulnerable children/young adults/individuals' frequent would be likely to undermine the programmes and could cause vulnerable children/young adults, who actually need the programmes support, to not attend or engage with the programme through lack of trust with the providers. This would be likely to then leave these children/young adults/individuals' exposed and at risk of not being supported effectively, which would be likely to prejudice their mental and physical health as well as their general safety, by not getting the appropriate support they require.**
- **Revealing the location data and also individual case studies not only would be likely to prejudice the vulnerable children/young adults/individuals health and safety but also potentially that of their**

**families too. Any adverse effect on those children/young adults/individuals would be likely to have a knock-on effect to the families involved and their wellbeing.**

- **The OPCC believes that the report with the redactions gives enough insight into the programmes to satisfy the public interest in how public funds are spent and performance management of grants is monitored, without revealing the redacted parts which would be likely to endanger the children/young adults/individuals mental and physical health as well as their general safety.**

**The OPCC places significant weight on protecting individuals from risks to their mental safety and wellbeing. The OPCC believes that children/young adults need extra protection due to their safety being more easily endangered than that of others. The OPCC identifies that that there is a logical connection between disclosure of the redacted information and the endangerment of vulnerable children/young adults/individuals. The OPCC also considers that the likelihood of endangerment to those children/young adults/individuals, if the redacted information was release, is real, actual, significant and of substance and could actually be a danger to the children/young adults mental and physical health as well as their general safety.**

**Therefore, considering the exemptions quoted and all of the above into account including, the balance of the information contained in the public interest test the OPCC has concluded that in all circumstances of the case the public interest in maintaining the exemptions outweighs the public interest in disclosure.**

I hope you are satisfied with our response. However, if you are not satisfied with our response to your request, under Section 17 of the FOIA of the FOIA you are entitled to ask for an internal review of our decision. Any internal review needs to be submitted within two months of the date of receipt of this response and state why you are unhappy with the response. You can submit an internal review in the following ways:

- emailing the OPCC Inbox – [PCCOffice@Derbyshire.PNN.Police.UK](mailto:PCCOffice@Derbyshire.PNN.Police.UK) or;
- writing to the OPCC at –  
The Office of the Police and Crime Commissioner for Derbyshire  
Butterley Hall  
Ripley  
Derbyshire  
DE5 3RS

By phone – 0300 122 6000 (as a reasonable adjustment under the Equality Act 2010).

If you are not satisfied with the outcome of the internal review under Section 50 of the FOIA you can apply directly to the Information Commissioner (ICO) for a decision. Generally, the ICO cannot make a decision unless you have exhausted the internal review procedure provided by the OPCC. You can contact the ICO in the following ways:

- online at the ICO – <https://ico.org.uk/global/contact-us/> or;
- writing to the ICO at –  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Yours Sincerely

Marie Romano  
Head of Compliance

Yours sincerely

A handwritten signature in black ink, appearing to read 'Marie Romano', with a stylized flourish at the end.

**Marie Romano**  
On behalf of the Police and Crime Commissioner