

Ref 3267/20

21 May 2020

Dear

Re: Request under the Freedom of Information Act 2000 (FOIA)

Thank you for your request for information, which was received by the Nottinghamshire Office of the Police and Crime Commissioner on 19 April 2020.

Please accept my apologies for the delay in responding to you due to the issues with Covid-19 and absences within the team.

INFORMATION REQUESTED

On 4 September 2019, the Police Appeals Tribunal handed down its decision in the case of PS Flint (<https://www.nottinghamshire.pcc.police.uk/Document-Library/Get-In-Touch/Appeals-Tribunal/EX-PS-Flint-Determination.pdf>) It allowed the appeal. Your office, as the appropriate authority, had been the respondent and was represented by counsel.

The appellate tribunal's decision makes multiple references to the transcript of the original hearing. The original hearing took place on 1 October 2018 and 16-18 January 2019.

Please disclose an electronic copy of this transcript. Disclosure would be in the public interest for two reasons:

1. The original hearing took place in public, ditto the appeal hearing, ditto both hearings' outcomes, so PS Flint's name and details of the charges he faced are already in the public domain.
2. The appellate tribunal allowed the appeal on the basis of hostile questioning by a member of the original panel. Sight of the transcript would assist the public in understanding what this consisted of.

For the avoidance of doubt, I am seeking the transcript of the original hearing (October 2018 and January 2019), and not of the appeal hearing.

continued.....

RESPONSE

The Nottinghamshire Office of the Police and Crime Commissioner is unable to provide this information in relation to your request as this information would be exempt by virtue of Section 32(2) Court records of the Freedom of Information Act 2000.

s32 Court, Inquiry or Arbitration records

(2) Information held by a public authority is exempt information if it is held only by virtue of being contained in—

(a) any document placed in the custody of a person conducting an inquiry or arbitration, for the purposes of the inquiry or arbitration, or

(b) any document created by a person conducting an inquiry or arbitration, for the purposes of the inquiry or arbitration.

This is an Absolute Class Based Exemption which means we do not have to consider the harm or conduct a Public Interest Test under the Freedom of Information Act.

This letter constitutes a refusal notice under Section 17(1) of the Freedom of Information Act 2000 with Section 32(2) being applied.

Office of the Police and Crime Commissioner
Arnot Hill House
Arnot Hill Park
Arnold
Nottingham
NG5 6LU

I would like to take this opportunity to thank you for your interest in the Nottinghamshire Office of the Police and Crime Commissioner.

Yours sincerely



Lisa Gilmour
Business Support Manager
Nottinghamshire Office of the Police and Crime Commissioner