

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 3 May 2023

Public Authority: **Advisory Committee on Justices of the Peace for Humber and South Yorkshire**

Address: **Judicial Support Unit
Doncaster Justice Centre
South College Road
Doncaster
DN1 3HS**

Decision (including any steps ordered)

1. The complainant requested information about the number of Magistrate applicants in a 10-year period. By the date of this notice the Advisory Committee on Justices of the Peace for Humber and South Yorkshire (the Advisory Committee) had not issued a substantive response to this request.
2. The Commissioner's decision is that the Advisory Committee has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the Advisory Committee to take the following step to ensure compliance with the legislation.
 - the Advisory Committee must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The Advisory Committee must take this step within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of FOIA and may be dealt with as a contempt of court.

Request and response

5. On 9 February 2023, the complainant wrote to the Advisory Committee and requested information in the following terms:

“Please provide the number of applicants to become a Magistrate (Justice of the Peace) in the Humber and South Yorkshire area across the last 10 years, the year of application, the age of each applicant, the race and gender of the applicant and the outcome of the application.

If this data does not exist, please provide the available data which most closely resembles this request.”

6. The Advisory Committee acknowledged the request on 9 February 2023. To date, a substantive response has not been issued.

Reasons for decision

7. Section 1(1) of FOIA states that:

“Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him.”

8. Section 10(1) of FOIA states that a public authority must respond to a request promptly and “not later than the twentieth working day following the date of receipt”.
9. On 13 April 2023 the Commissioner wrote to the Advisory Committee, reminding it of its responsibilities and asking it to provide a substantive response to the complainant’s request within 10 working days.
10. Despite this intervention the Advisory Committee has failed to respond to the complainant.
11. From the evidence provided to the Commissioner in this case, it is clear that the Advisory Committee did not deal with the request for information in accordance with FOIA. The Commissioner finds that the Advisory Committee has breached section 10(1) by failing to respond to

the request within 20 working days and it is now required to respond to the request in accordance with FOIA.

Right of appeal

12. 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

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

13. 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.
14. 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

Michael Lea
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF