

Emmy Butlin
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data.access@justice.gov.uk

09 September 2020

Dear Ms Butlin,

Freedom of Information Act (FOIA) Request – 200730035 FOI

We apologise for the delay in responding to this request. Thank you for your request received by MoJ on 30 July 2020 for an Internal Review of FOI **200629017** in which you asked for the following information from the Ministry of Justice (MoJ):

“Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Her Majesty's Courts and Tribunals Service's handling of my FOI request 'Request for the Facilities to accommodate the Press and Public at the Central Criminal Court (old Bailey)'.

Your response to my FOIA was to advise me that it falls outside the FOIA remit. I filed exactly the same request in relation to Belmarsh Magistrates Court and that FOIA you answered in full. Please see here:

<https://www.whatdotheyknow.com/request/614046/response/1470507/attach/html/3/Foimal%20reply%20to%20Ms%20Emmy%20Butlin%20FOI%20191022010.pdf.html>

Please review your decision not to answer my FOIA or explain why one court is different from the other.

A full history of my FOI request and all correspondence is available on the Internet at this address: https://www.whatdotheyknow.com/request/request_for_the_facilities_to_ac”

Original request under FOI 200629017:

“I would be very grateful if you provided me with the following information regarding arrangements and procedures for members of the press and members of the public attending proceedings at the Central Criminal Court:

- 1. How many Court Rooms exist**
- 2. What are specific arrangements for the Press attending a court hearing**

How many members of the press can be accommodated inside the court rooms , per court room.

What is the process they have to follow to attend the court hearing.

Can the Press live tweet during the court hearing.

Is there a ticketing system to regulate how many members of the press can attend the court hearing. Who should the press write to get access to the court hearings.

3. What are the specific arrangements for members of the Public attending a court hearing. Members of the public include: family members, current and former politicians, members of the press who cannot get into the area for the press due to space limitations, general public.

How many members of the public can be accommodated inside court rooms, per court room. What is the process the public has to follow to attend the court hearing.

Is there a ticketing process to regulate the members of public entering the public gallery.

Can the public take notes during the court hearing.

Can the public live tweet during the court hearing.

4. Are there rooms at Central Criminal Court with live feed broadcast linking up to the Court rooms where the press and or members of the public can follow court proceedings without being physically inside the court room. If yes what is their capacity.

5. What is the area outside the court where the press and camera crews can set up and do their filming?

6. What is the area outside the court where the press and public can hear and film the Defence Lawyers making statements at the end of each day of a court hearing.

7. What are the exact arrangements the court is putting in place to accommodate the high interest among press and public in the Julian Assange US Extradition Case scheduled to be heard in September 2020.

8. There will be a high number of people who wish to await outside the court during proceedings.

Please specify the exact location where these members of the public can congregate safely."

Your request is being handled under the FOIA.

The purpose of an Internal Review is to assess how your FOI request was handled in the first instance and to determine whether the original decision given to you was correct. This is an independent review and I was not involved in the original decision or the response provided.

The response to your original request was to advise you that your request falls outside the FOIA remit and was therefore rejected by the Disclosure Team. After careful consideration I have concluded that this response was **non-compliant** with the requirements of the FOIA.

Statutory deadline

The statutory deadline for your request was 27 July 2020 and the response was provided on 23 July 2020. The response was therefore **compliant** with the timeliness requirements of the FOIA.

Outcome

I have looked at the original request again (200629017) and the response provided to you on 23 July 2020 was incorrect. Please accept our apologies for not providing the information as requested under FOIA. This was an error on our part as your request for information should have been referred to the business unit to see if the data is held. Having reviewed your request, I decided to refer it to the business units who have provided the answers below to each question as set out in your request.

The source of the information is from the Central Criminal Court and Westminster Magistrates' Court.

1. How many Court Rooms exist?

The Central Criminal Court has 16 courtrooms.

2. What are specific arrangements for the Press attending a court hearing?

The Central Criminal Court has a press annex in courtroom 19 which can accommodate 9 members of the press with social distancing measures in place. The size and layout of each courtroom varies; however, they all have allocated press seats and journalists are welcome to use these seats to view proceedings.

3. How many members of the press can be accommodated inside the court rooms, per court room.?

This varies in each courtroom due to social distancing measures in place (meaning there are fewer press seats available) and because the size and layout of each courtroom is different.

4. What is the process they have to follow to attend the court hearing?

There is no formal process to follow unless the case is high-profile, and MoJ Press Office decide to put a ticketing system in place. If ticketing is required, Press Office will issue a notice with instructions to journalists and media agencies on how to apply for a ticket.

5. Can the Press live tweet during the court hearing?

The media do not need to apply to use text-based devices to communicate from court. This includes using live broadcasting on Twitter and other social media networks, texting and emailing and using internet-enabled laptops. Use of devices should however not cause a disturbance or distraction. The judge or magistrate always retains full discretion to prohibit live, text-based communications from court, where they deem it to be in the interests of justice.

A journalist who uses a device for live court reporting on a court or tribunal case or hearing is subject to the same legal restrictions and obligations as any other form of court reporting.

While mobile phones and other text-based communication devices are permitted to be used in court, they must not be used to take photographs or to film any part of proceedings in any area of the court or tribunal building.

6. Is there a ticketing system to regulate how many members of the press can attend the court hearing? Who should the press write to get access to the court hearings?

If ticketing arrangements are in place, requests should be sent to MoJ Press Office – the Press Officer and point of contact is Jourdan Wong-Muhammad (Jourdan.Wong-Muhammad@justice.gov.uk).

7. What are the specific arrangements for members of the Public attending a court hearing. Members of the public include: family members, current and former politicians, members of the press who cannot get into the area for the press due to space limitations, general public?

Entry to the public gallery is on a first come, first serve basis and seats cannot be reserved. Spaces within the public gallery at the Central Criminal Court are currently limited due to social distancing measures in place.

8. How many members of the public can be accommodated inside court rooms, per court room. What is the process the public has to follow to attend the court hearing?

Members of the public cannot be accommodated within the courtroom at the Central Criminal Court. They must sit in the public gallery.

9. Is there a ticketing process to regulate the members of public entering the public gallery?

No. Entry to the public gallery is subject to limit on numbers.

10. Can the public take notes during the court hearing?

Yes, but not on an electronic device as they are not permitted in the public gallery.

11. Can the public live tweet during the court hearing.

No, as electronic devices are not allowed in the public gallery

12. Are there rooms at Central Criminal Court with live feed broadcast linking up to the Court rooms where the press and or members of the public can follow court proceedings without being physically inside the court room. If yes what is their capacity?

Yes. Depending on demand, and concurrent hearings underway across the building, it is sometimes possible to re-purpose a courtroom to accommodate press, and live link them through to proceedings in the courtroom where they are taking place. Capacity is again dependant on the size and layout of the courtroom.

13. What is the area outside the court where the press and camera crews can set up and do their filming?

Public Highway managed by the City of London Corporation/ Police who will manage press outside the building.

14. What is the area outside the court where the press and public can hear and film the Defence Lawyers making statements at the end of each day of a court hearing?

Public Highway managed by the City of London Corporation/ Police who will manage press outside the building.

15. What are the exact arrangements the court is putting in place to accommodate the high interest among press and public in the Julian Assange US Extradition Case scheduled to be heard in September 2020.

MoJ Press Office issued a note on 27 August 2020 to the press to advise that a ticketing system will be in place for those joining via the Cloud Video Platform (CVP) or attending court. Those successful in obtaining a ticket will be sent instructions on how to join the CVP hearing or the arrangements for attending court as appropriate.

16. There will be a high number of people who wish to await outside the court during proceedings. Please specify the exact location where these members of the public can congregate safely.”

Public Highway managed by the City of London Corporation/ Police who will manage press outside the building.

Appeal Rights

If you are not satisfied with this response you have the right to apply to the Information Commissioner's Office (ICO). The Commissioner is an independent regulator who has the power to direct us to respond to your request differently, if she considers that we have handled it incorrectly.

You can contact the ICO at the following address:

Information Commissioner's Office

<https://ico.org.uk/Global/contact-us>

Yours sincerely,

Knowledge and Information Liaison Officer

London Regional Support Unit | HM Courts & Tribunals Service