# **Foreword by the Lord Chief Justice**

It is obvious that a number of courts in different parts of England and Wales no longer fulfil any sufficiently valuable public purpose. In some cases their location reflects the needs of earlier generations and they are under utilised: in others, the facilities and their state of repair are wholly unsatisfactory. In short, for one reason or another, courts like these no longer serve their communities, and the justification for keeping them in operation is scant.

The current national financial crisis has provided us with a useful opportunity to examine the court estate, and I supported this public consultation which provided an opportunity not only to examine the locations where our courts are situated, but also whether they were sufficiently meeting their purpose in the administration of justice throughout the country.

The responses sent to my office have been carefully considered by my judicial colleagues, and this paper represents an objective analysis of the material sent to me. I do not pretend that the paper has taken account of all the responses sent by many different judges and magistrates, and others, in response to the consultation. It therefore follows that the paper does not presume to represent a response on behalf of the entire judiciary, nor indeed in relation to any individual court, for which the issue of closure has been under consideration, all the relevant members of the community.

Dealing with the matter in practical realities, the end result of the analysis is that each court falls into one of three categories. The first where the case for closure, notwithstanding local feelings and traditions, is clear. The second category includes the courts where compelling arguments against closure have been made. The third category includes the courts where the final decision should not be made until further detail has been obtained. In short, some of the assumptions in the consultation paper appear to be open to question.

I am very grateful to everyone who has responded to the consultation paper, and drawn attention to particular aspects of an individual court and the proposal for its closure which merit attention.

The Rt Hon The Lord Judge

Lord Chief Justice of England and Wales



# RESPONSE FROM THE SENIOR PRESIDING JUDGE OF ENGLAND AND WALES

# PROPOSALS ON THE PROVISION OF COURT SERVICES IN ENGLAND AND WALES

October 2010

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# **Introduction**

In June 2010, the Ministry of Justice published sixteen consultation papers, which set out proposals for the future provision of court services in England and Wales. The Lord Chief Justice asked me to consider the proposals in more detail and prepare a response on his behalf. In doing so, I am grateful to the many judges and magistrates across England and Wales who have submitted their views, thus providing a local perspective on the impact of the plans.

My response seeks to draw together those views and to present what is intended to be a fair and balanced assessment of the issues. I have sought to identify where closure will result in genuine difficulties for court users whilst at the same time taking a pragmatic view, based on the available information, about the level of court provision which is required in the 21st Century.

I hope this document will assist the Lord Chancellor with the difficult decisions he will have to take.

**Lord Justice Goldring** 

John Cieron.

Senior Presiding Judge for England and Wales

# Approach to the consultation

I invited judicial colleagues to let me have their views. I am grateful to them for their contributions. Many have put aside personal feeling and have been objective in their approach. Local knowledge, sometimes lacking in the consultation papers, has in some cases made a forceful case for retention of a particular court building and I would urge that, in such instances, further thought is given before decisions are taken.

I should emphasise that my response is not intended to be an allencompassing 'judicial' response, as the Lord Chief Justice has made clear. Many other judicial office-holders will have responded to the proposals directly and in far greater detail. I have, however, had the benefit of many of these views and the themes which have emerged have shaped my response, both in relation to individual courts and overall.

My observations about individual courts are listed according to whether I believe: **(a)** there is a clear business reason for closure; **(b)** closure is not supported; and, **(c)** further detail is required before a decision is taken.

In the case of **(c)** I am, on the information available to me, unable to support either retention or closure. In all those cases there are rational arguments against closure which require further exploration before decisions are taken. This will be a matter for the Lord Chancellor. In some instances, courts are listed in this section simply because closure is dependant on enabling works elsewhere or, where more detail is required about whether neighbouring courts can absorb the workload.

Unless stated otherwise, all court utilisation statistics given in this report are based upon HMCS figures for the 2009-10 financial year.

#### **Further areas for consideration**

Attached to this paper are detailed comments on each of the individual proposals for closure. There are, however, some consistent themes which I raise here and which have been taken into account in all of the following conclusions. Reassurance on some of these issues will have a strong bearing on my support or otherwise for some of the proposals.

## **Accuracy of data**

There appear to be some significant errors in the consultation papers. I have drawn out two examples which have been brought to my attention, but there are several others to which I have referred in my responses:

- Abergavenny Magistrates' Court: The consultation paper makes the case on the basis that the court has not been used since 1999. I understand, however, the court has recently been refurbished and in fact reopened in July 2010.
- In the case of Langefni county court there is no mention of the Circuit Judge work (50 days per year), nor of tribunals work (27 days per year) also undertaken. It is also stated that there is only one hearing room when there are, I gather, two courtrooms.

#### **Travel times**

Before decisions are taken on closures, it is important fully to consider the impact on those who already travel from the outlying parts of the catchment areas of those courts where closures are proposed. The consultation papers assume that users live in the same location as the court earmarked for closure, providing a travelling time from that court to the court which will absorb the work (which often is not the nearest because HMCS Area boundaries have restricted consideration of other possibly more suitable courts). Many users already have journey times of an hour to their local court which could easily be doubled were they to have to travel to the suggested court. In a significant number of examples, court users would face journey times leaving many unable to arrive at court before 10am or return home after 4pm. Some examples:

- Nefyn (population 2700) cases currently go to Pwllheli Magistrates' Court. Under the proposals they would be sent to Caernarfon. There are no direct public transport links between Nefyn and Caernarfon. A bus journey would take one hour and ten minutes. The only service available to court users would leave at 8.15am, require one change, and arrive at 9.25am. This would actually travel via Pwllheli.
- Frome: the distance to Yeovil is 32miles. The first train to Yeovil is at 9.40am meaning that users will be unable to arrive at court before 10am. The first train after 4pm requires two changes and a journey time of 2hours and 19minutes. The next direct train is at 6.23pm. This does not take into account the difficulties those from outlying areas around Frome will experience.
- In Merthyr, almost 35% of households own no car and in Norfolk some 17% are in the same position. The absence of viable public transport options will therefore hit some of the poorest in society.

A further, less tangible, difficulty will arise for many in rural communities reliant on public transport. In many cases there is only one bus or train service available. Given the likelihood that victims of crime, or those involved in civil and family disputes, will live in the same locality as other parties, it is not difficult to envisage everyone travelling together on the local bus so as to arrive at court on time. Closures will exacerbate such difficulties.

I am also conscious that public transport fares, especially in rural areas, will come under increasing pressure as Government may look to make savings by increasing fares and reducing subsidies.

## Family work

I am particularly concerned about access to family justice; for example, I understand there are four family hearing centres in North Wales, two of which are earmarked for closure. I am aware that family work has not been considered as part of the consultation exercise; I would urge consideration of this before any plans to close family centres are implemented. There have been significant increases in workload which are likely to be sustained. This must be reflected in the closure programme. It is likely there will be more work in the Family Proceedings Court; for example, cases involving the Official Solicitor and separate representation of children in private law cases (as a result of the change to the Rules in 2011).

I also have some concern about the co-location of the Family Proceedings Court and county courts, either physically or in respect of their administration. It is not clear whether this aspect has been fully considered as part of the proposals and I am anxious that progress to date is not undone.

Finally, where Family Proceedings Courts do close, it is vital that the work is transferred to a suitable environment, rather than simply to the nearest criminal courtroom. It is important to keep those involved in family proceedings, especially children, separate from those involved in criminal proceedings. Equally, it is important that criminal work is not transferred to family courts not necessarily suited to such work.

#### **Utilisation figures**

The consultation papers lack real detail in terms of utilisation figures. I was fortunate to have access to the figures for individual courts. The consultation paper simply gave an overall figure for an area. I know that many judges and magistrates are concerned about the ability of neighbouring courts to take on the workload of closing courts (for example, it is suggested that Cardiff can absorb a substantial workload from Barry Magistrates' Court). I have not been provided with utilisation figures for those courts identified as able to take on additional workload so am unable to give a view on whether the proposals are realistic in this regard.

I am also troubled by the assertion that an 80% utilisation rate is achievable without an increase in delay. In theory it should be so, but I fear the reality may be different. I also wonder whether even a modest increase in workload could be absorbed without significant difficulty.

## Net savings

The savings identified (£15million) are, of course, significant but appear not to take into account additional costs which will be incurred if closures go ahead. These may include, but are not limited to:

- increases in expense claims for magistrates, victims and witnesses;
- potential costs associated with Police time if more defendants fail to appear.
- The cost of enabling works
- Potential retention of leaseholds, with subsequent annual charges
- That running costs will simply be transferred to the new building (in terms of increased utilities, wear and tear etc)
- More ineffective cases because of the failure of witnesses and other parties to arrive at court on time or at all.

# **Disability Discrimination Act compliance**

In an ideal world the entire court estate would be compliant with the requirements of the Act but, of course, that is not achievable. Whilst relevant, it cannot be determinative. I would also question the figures provided in relation to the work required on those courts included in the consultation papers; I can only assume that they are based on the highest level of compliance, which is perhaps unrealistic given that much of the remaining estate would struggle to attain such a high standard.

## Recruitment and morale of magistrates

Magistrates feel a strong affinity to their local area; indeed, for many years the concept of local justice has been reiterated by successive Governments. I am concerned that a more disparate court estate will impact on the spread of magistrates willing to put themselves forward for what is important, voluntary, work. I fear too that morale among remaining magistrates will fall if strong reasons for retaining a court are ignored in favour of negligible financial savings.

Consideration will also need to be given to those magistrates who may wish to transfer to a more convenient local court in another Justice Area. This is likely to be the case for quite a few and is particularly important for those for whom reasonable adjustment must be given under the Disability Discrimination Act.

Furthermore, consideration will need to be given to the number of magistrates required and whether there are sufficient sitting days available to allow them to undertake the minimum requirement.

I understand that officials in the Judicial Office have already discussed these issues with HMCS and would urge further more detailed planning, before any proposals are implemented.

#### Co-location possibilities

It is not clear whether there is a long-term strategic vision in relation to colocation opportunities. There are several examples where existing tribunal sittings in the locality (and even in the building proposed for closure) have not been taken into account. In addition, in some cases the coroner maintains a separate building in the town but the consultation papers do not appear to have identified this.

I would suggest that more work is needed before good facilities are disposed of to identify whether the tribunals, coroner or other agencies can make use of existing buildings.

## **Enabling works**

In many examples court closures are proposed on the basis of enabling works at neighbouring courts. I wish to emphasise that in my view no closure should be implemented without the necessary funding in place for works to be undertaken.

#### Judicial accommodation

I have discussed below the fact that judges must be capable of being accommodated elsewhere, if their court is to be closed. Such accommodation must be suitable and a sufficient number of courtrooms ought to be available for the additional work. This applies particularly to family work, where District Judges often have to hear very sensitive and difficult matters in chambers, which offer minimal security and are ill-equipped to accommodate a large number of people. Closure could make this situation worse.

## Maintenance backlogs

Many judges and magistrates have queried the figures in relation to maintenance backlogs, as stated in the consultation papers. They appear to be very high. One consultation paper has been reissued as a result of errors in the calculations.

I also understand that the backlog figures include work which might be, at best, considered desirable. I have not been able to confirm this but, for example, the local Bench in Balham has obtained a more detailed breakdown of their backlog which suggests that only £11,000 of the quoted £325,000 backlog is classed as priority one work, the balance being more long-term or desirable work. I would be concerned that perfectly adequate facilities will be closed on the premise that they are crumbling, when in fact much of the quoted work is merely desirable.

# **Demographics**

Little account appears to have been taken of demographic shifts in the population beyond a general statement in all of the consultation papers that current court locations do not reflect changes in population, workload or transport. There appears to be little analysis of the first and third points. I am conscious, for example, that Ashford in Kent has seen a huge increase in its population on the back of a substantial programme of new house-build. This is likely to bring about an increase in crime and family breakdown. This does not appear to be recognised within the consultation papers.

# **Bench Mergers**

I understand the nervousness about Bench mergers, but would urge that magistrates look creatively at how work can sensibly be managed on a wider and more flexible basis than may previously have been the case. At the same time, such plans should not be rushed. I have not commented in detail on the question of mergers unless I am of the view that the work of the courts will suffer as a result. I am aware that many magistrates have sensible alternative proposals for area reorganisation which ought to be considered given their detailed local knowledge. I am also aware that many Benches will grow in size as a result but, as long as appropriate support is given to magistrates, I do not see this as insurmountable problem.

There are also less tangible issues for consideration. I doubt many magistrates will disagree that Benches could be more efficiently organised, but many question whether a one-size-fits-all approach is best. Magistrates are appointed to a particular area and feel a particular connection with their locality. It may be that magistrates could continue to be associated with particular courts within an expanded LJA so that this connection is not lost. Flexibility on the part of everyone concerned will be key.

#### London:

I can see that a more pan-London approach to workload management offers real scope for moving work to newer facilities which have the capacity to take it. There are currently 28 Local Justice Areas; I do not think that is sustainable. The following observations have been made:

- Camden and Islington: the Bench has suggested that a merger with Westminster and City may be preferable given they all cover inner London Boroughs. They also suggest that it is more sensible because British Transport Police intend to focus their prosecutions in Highbury so a merger with City of Westminster would mean that all but one of the mainline stations would be within a single LJA, thus offering more flexibility. A merger with Haringey and Enfield appears to be based more on geography than the overall benefit to the business. Further consideration and consultation may be necessary.
- The merger of the Bench (Ealing, Hounslow and Hillingdon) will create a new LJA of approximately 425 magistrates; it will be necessary to ensure that the Justices' Clerk and his managers, and the Bench Chairman, are afforded sufficient support.

#### Wales:

- Dyfed Powys: The Presiders have suggested that a strong case can be made for two amendments to the proposals. Montgomeryshire can be merged with the new Brecknock and the Radnorshire LJA and Ystradgynlais should transfer from the Brecon LJA to the Swansea LJA.
- South Wales: The Presiders have suggested that consideration be given to the transfer of Ystradgynlais from Brecknock and Radnor LJA to

Swansea LJA (as above) and the merger of Miskin with Merthyr and Cynon Valley to form a single Valley LJA.

• The local Bench in Cardiff is supportive of a merger with the Vale of Glamorgan, but opposed to the proposed new name; they would suggest Cardiff and the Vale LJA as an alternative.

# **LJA Boundaries**

Court closures appear to have been suggested on the basis that work will be moved to another court within the local LJA. This has produced some rather odd results:

- If Blandford Forum were to close it is proposed that work will be moved to the other court in the LJA, Weymouth, some 27miles away. There are three nearer courts in the neighbouring LJA.
- It is suggested that the work from Harlow moves to Chelmsford which is 21 miles away. It is only 10miles to Hertford but, it is not clear from the consultation papers why the work could not be transferred there.

I would suggest that further work is required to consider whether accessibility, rather than traditional LJA boundaries, ought to be the higher priority.

# CP01/10: Proposal on the provision of court services in Bedfordshire, Hertfordshire and Thames Valley

The proposals in this consultation document affect six Magistrates' Court and two county courts. The map showing future courts provision, were all the closures to proceed, show large areas of Oxfordshire where access to justice will be difficult.

Travel costs in the Home Counties are expensive, especially given many journeys will be undertaken during peak time. The area is also surprisingly rural and the travel times in Oxford, for example, will be substantial, if the number of courts is reduced from five to two.

A major concern has been that many of the courts proposed to take on the workload of others do not have the facilities or capacity to do so, and in some instances are no better in terms of accommodation and facilities than the court being proposed for closure.

There is insufficient information available to enable this response to take a slightly more definitive view on some of the closures involved. In some instances, I have not been able to support closure, or argue for retention, and have therefore needed to suggest that more work is undertaken before decisions are made.

# (a) No objection to closure

#### Amersham Magistrates' Court

I have received no information from the local bench for the retention or closure of Amersham. The Magistrates' Association has objected to the proposed closure. No cases have been heard since March 2010 and utilisation was at a low level before.

It is proposed that the workload be transferred to Aylesbury. The costs associated with public transport at peak times are substantial but, given the court is not currently sitting it is, based on the information I have, difficult to justify retention.

# (b) Closure is not supported

#### Newbury Magistrates Court/County Court

I have considered these courts together given they are co-located. Newbury court houses the Magistrates' Court, the County court and Probation staff and is in a large rural area. Were closure to proceed, all courts, apart from Reading in the centre, would be clustered at the east end of the county.

Court utilisation currently stands at 73.8 % for the Magistrates' Court and it is felt that this figure could easily be improved with a different approach to listing between the county and Magistrates' Court and the reinstatement of Friday sittings. It has been suggested that the utilisation figures are out of date; recent information points to a figure approaching 100% and the court is

taking work from Reading, which now has a utilisation figure approaching 110%.

Transport in this rural area is very limited and it would be difficult for court users to travel to court and home again. Travel times are lengthy; a defendant trying to get to Reading by 9.30am would take at least 90 minutes from Lambourne.

Costs would significantly increase for those who could least afford it, for example: the standard day return Hungerford to Reading is £9.70.

There is no maintenance backlog; the roof was recently refurbished and the cells have been brought up to EU standards at great cost. This investment would be lost with closure. In terms of DDA compliance, Newbury has a disabled lift and a courtroom with dock on the ground floor.

It is doubtful whether Newbury's workload can be accommodated at Reading. Two courts have already been given over to the Crown Court and even if a ninth Court were built, three of the existing courts do not have access to cells.

A number of additional comments have been made by the local Bench in a detailed submission to the consultation. I will not repeat many of the points, but they centre of the excellent facilities (including a new cell block in the adjoining Police station to which HMCS only last year contributed £400,000), concerns about workload and transport difficulties.

Given workload and transport concerns, closure is not supported.

#### c) Further detail required before a decision is taken

#### **Bicester Magistrates' Court**

There are currently 3 courthouses in Northern Oxfordshire: Banbury, Bicester and Witney. The MOJ propose to close both Bicester and Witney courts. I accept that current court usage does not justify keeping all three courthouses operational.

There has been a large rise in family work. This has meant that some criminal court listings have been disrupted or cancelled in order to accommodate emergency family cases.

Bicester is, however, accessible and, so long as Banbury can absorb the workload, it is difficult to justify retention. The consultation paper is not clear on exactly how these arrangements will work. It suggests that work will be spread "between the remaining Magistrate's Courts at Banbury, throughout Buckinghamshire and possibly Bedford". It is 78 miles to Bedford from Witney and 40miles from Bicester. I think more work is required before closure can proceed and am concerned that workload is being moved from court to court for administrative convenience to the possible detriment of court users.

## Witney Magistrates' Court

There are currently 3 courthouses in Northern Oxfordshire: Banbury, Bicester and Witney. The MOJ propose to close both Bicester and Witney courts. I accept that current court usage does not justify keeping all three courthouses operational. However, this is a rural area and public transport links are generally poor between Witney (West Oxfordshire) and Banbury. Thus closure of Witney court would cause difficulties for defendants needing to appear at Banbury.

There has been a large rise in family work. This has meant that some criminal court listings have been disrupted or cancelled in order to accommodate emergency family cases. Witney has a "user friendly" layout for family work.

Witney is a good facility in a rural environment. Although retention may not be entirely justified some further work may be required to see if it can be used more for FPC work, before HMCS disposes of a modern facility. Furthermore, as with Bicester, the consultation paper is not clear on exactly how workload will be absorbed elsewhere. It suggests that work will be spread "between the remaining Magistrate's Courts at Banbury, throughout Buckinghamshire and possibly Bedford". It is 78 miles to Bedford from Witney and 40miles from Bicester. I think more work is required before closure can proceed and am concerned that workload is being moved from court to court for administrative convenience to the possible detriment of court users.

## Hemel Hempstead Magistrates' Court

I accept that the utilisation figure for Hemel Hempstead is low; I understand this is in part explained by the fact that courtroom 3 has been taken out of use. Courts 1 and 2 often sit relatively lengthy days.

Public transport links from the more remote areas of West Hertfordshire are not good. Journey times are already pushing against the 60 minute limit and will be made still longer if defendants, witnesses and others have to go to St Albans or Luton. The consultation document quotes off peak fares; parties are expected to be at court before 10am so in the majority of cases journeys will need to be in the peak period. Increasing journey times and travel costs is likely to increase non attendance and delays; adversely effecting the fairness, efficiency and cost of the local criminal justice system.

I also understand from the detailed submission from the local Bench that the cells in Watford, to where some work will move, are not in use, meaning that custody work (or potential custody work) will have to shift some considerable distance.

It is perhaps difficult, however, to justify retention given the maintenance backlog, but there are concerns whether there is sufficient capacity to absorb the workload elsewhere. There is some support from the local Bench for Watford to be the single courthouse for the area, but this would be subject to enabling works so that it could handle all classes of work. I suspect funding for this is unlikely although I recognise the desirability of this single solution; the alternative is a rather unbalanced shift of work to three court centres. This is not ideal and some further detail is needed as to how this will, in practice,

work. Subject to reassurance on that point, I am not sure however that retention can be justified.

# **Hitchin County Court**

The lease expired in June 2010 and the court is holding over.

The consultations guideline of 60 minutes will not be met by transferring the business to Luton. The majority of court users are in Stevenage and outlying areas. The maps included in the proposal show the main towns but not the roads and give no indication of the boundaries of each court's jurisdiction.

Public transport from the centre of Stevenage to Luton will take about 70 minutes. The figure of 30 minutes given in the consultation for Stevenage is to travel from Stevenage to Hitchin – it is another 50 minutes from Hitchin to Luton. From Royston it is 80 minutes (but at certain times as much as 2 hours). From Biggleswade it is 103 minutes.

There are also concerns about the assertion that Luton County Court can easily absorb the workload. Luton is the civil Trial Centre for Bedfordshire and Hertfordshire and the Care Centre for Bedfordshire. There are three courtrooms and three District Judge chambers on the 2nd floor of the building and two hearing rooms on the 4th floor, used by District Judges and visiting judges and by the Bedfordshire FPCs. Generally one of the eight rooms is free each day but this is not always the case. The court has been expecting — and needs - an extra two or three DJ sittings since the retirement of a DJ in June 2009 for the work already there.

The largest centre of population served by Hitchin is Stevenage. It has been clear that the population as a whole would be better served by closing Hitchin and opening a new County Court in Stevenage. Given the prospects for this are very low, it may be that Hitchin should not be closed until viable plans are in place to spread the workload more evenly. As things stand I am not convinced that Luton can absorb the workload as suggested.

#### **Didcot Magistrates' Court**

The Magistrates Association has objected to this closure. I have received no information from the local bench as to the retention or closure.

The courthouse is in good condition having been substantially renovated in 2005. The maintenance backlog is therefore very low. It is fully DDA compliant; it comprises two good sized courtrooms, one with secure dock on the ground floor.

I have doubts as to whether it is feasible for Oxford to accommodate Didcot's workload, as it has already had to accommodate work from Wantage Magistrates' Court since its closure in March 2010.

There is some concern that the travel times quoted are incorrect. The consultation document refers to a travel time of 41 minutes by bus from Didcot to Oxford. More detailed research suggests that during the week it would be nearer 70minutes, longer given the traffic in Oxford is particularly

difficult. For court users in the jurisdiction of the now closed Wantage Magistrates court, journey times can be up to 1hour and 47 minutes.

# CP02/10: Proposal on the provision of court services in Cambridgeshire, Essex, Norfolk and Suffolk

The courts located in these areas are often serving rural communities, where transport infrastructure is limited; for example, there are no motorways in either Suffolk or Norfolk and journeys by A-roads are often slow. The Lord Chancellor will need to decide whether the reduced access to justice which will be experienced by rural court users in outlying areas can be justified when compared with the relatively low running costs of some of the courts contained within this paper. On any analysis, the map showing future courts provision, were all the closures to proceed, show large areas with no easy access to justice.

There is insufficient information available to enable this response to take a slightly more definitive view on some of the closures involved. In some instances, I have not been able to support closure, or argue for retention, and have therefore needed to suggest that more work is undertaken before decisions are made.

LJA Boundary issues again seem to play a large part in this consultation. In some instances I have suggested further work is required before a decision is taken, only because there are other courts which are far nearer to those which are earmarked for absorbing workload from courts due for closure. Beyond LJA boundaries it is difficult to see why these more convenient courts have been excluded from consideration.

It is difficult to understand the case being made for the closure of the three county courts included in this paper. Savings are not made clear. In two cases, the courts are co-located with the Magistrates' Court and it is proposed to maintain hearings at all three given the inability of other courts to absorb workload in the short to medium term. I cannot see how this will result in a better service for court users, nor can the administrative savings be substantial. It may be that sufficiently rigorous processes can be implemented which will ensure that those from the locality can still attend court rather than travel significant distances — an example given by the Association of HM District Judges (ADJ) of a £17 journey to Cambridge from Harlow, or one hour bus journey to Chelmsford, for a 5minute suspension of a warrant, well demonstrates the point. I am not necessarily opposed to the plans at Lowestoft and Huntingdon in particular, but do not feel sufficiently clear about the potential impact on court users to offer a firm view.

# (a) No objection to closure

#### **Cromer Magistrates' Court**

The court sits for only two sessions on two days of the week, although it does hear all criminal work and occasional family and youth cases. The Tribunals and Coroner also make use of the building from time to time. The court is occupied on a long-lease from the Police who now wish to sell the site, having recently closed the adjoining Station (which also houses the custody area for the court).

Given the workload and accommodation issues, it would be difficult to argue for retention. Travel is, however, quite difficult; there is only one train which would allow users to be in Norwich before 10am and bus journeys are lengthy. For those in outlying areas the problem is exacerbated. The Norfolk Branch of the Magistrates' Association observes that some 17% of the population do not own a car.

## Ely Magistrates' Court

The court currently sits for two days a week, with a small local Bench of approximately 25 magistrates. In the past, work has been transferred to Ely to increase utilisation rates which suggests that there is very little work generated in the locality. It is not possible to hear custody cases and facilities for victims and witnesses are below standard. Cambridge, to where work would move, is a new purpose-built courthouse with six courtrooms which would offer sufficient capacity to easily absorb the workload from Ely.

Although Ely is some distance from Cambridge (17 miles) the transport links are good, though those travelling by car will need to add the cost of the Park and Ride; I would think the thirty minutes quoted for the journey is very optimistic. Some court users will face a significant journey time from outlying areas; rural poverty in this area is a significant issue so there will be genuine difficulties in this regard. Although resistant to closure, the local Bench appears resigned to the fact having previously defended attempts two years ago.

# Swaffham Magistrates' Court

Swaffham sits for three sessions a week in a two court centre, but also holds monthly family and youth courts. The Coroner also sits at Swaffham from time to time. The building is relatively new (circa 1970) and is DDA compliant. Facilities are described as poor (although there is only a very small maintenance backlog of £7,000). Running costs are £40,000 per year.

Swaffham serves a large rural community, but it is only sixteen miles from King's Lynn and there is a regular bus service. As mentioned above, one in five of the local population do not own a car.

On balance it is difficult to justify retention given the relative ease with which court users will be able to travel to King's Lynn.

#### (b) Closure is not supported

#### Harlow Magistrates' Court

Harlow is a busy court, sitting all three courtrooms on every day of the week. It hears all types of criminal work and is also a Family Proceedings Court. The proposal is that the work from Harlow be moved to the new-build at Chelmsford. In theory this would appear sensible; however, there is no analysis, beyond a reference to listing practices, as to whether Chelmsford can absorb the workload. It is difficult to offer a view without knowing whether closure of Harlow, which is a busy court, would cause unacceptable delay were Chelmsford to struggle to absorb the additional work.

Furthermore, local Boundaries seem to have a disproportionate impact on court users. It is suggested that the work from Harlow moves to Chelmsford which is 21 miles away. It is only 10miles to Hertford but, because that is in another HMCS Area, one suspects consideration has not been given to moving work there (accepting that it is a busy court and may also struggle to absorb work).

I gather that, only two years ago, it was felt necessary to build a new cell block and thought has clearly been given as to whether a new building was required. It is difficult to understand why such considerations have taken place given the case is now being made for closure.

Harlow is a designated deprived area with a population of 80,000 (which is predicted to rise considerably).

The local Bench strongly oppose closure.

Transport is also an issue. As mentioned, it is 21 miles to Chelmsford with no direct rail link (it is suggested that users could travel into London and then back out again). The bus journey takes an hour, though I suspect it may be longer at key commuter times. In any event, it would appear that there is only one direct bus route and that does not arrive in Chelmsford until 10.06am (Traveline).

Finally, in the light of the proposed closure of nearby Epping (whose limited workload will also go to Chelmsford), and a busy court at Grays, I do have concerns about how workload in Essex will be managed, especially given the reliance on two new-build projects where the ability to absorb work is not, as yet, known.

It seems sensible to adopt a more staged approach. The local Bench accept that Epping could close and I would suggest work from there should be moved to Harlow. Efforts could then be made to co-locate the county court and Magistrates' Court in one building.

#### **Harlow County Court**

Harlow is a fairly busy county count hearing a mix of civil and family work, although no care or bankruptcy work. There does not appear to be sufficient capacity at Chelmsford County Court to absorb all the work, meaning some presence in Harlow is still required in the short to medium term. Given this, it does not appear sensible to move any work to Chelmsford until capacity issues are resolved. Whilst there may be some administrative savings these would be relatively minor, especially when balanced alongside the travel distances involved.

The Association of HM District Judges strongly opposes closure. It argues that the court is well used (22 District Judge days a month) and is needed because Harlow is a designated deprived area, with a growing population (currently at 80,000).

Travel to Chelmsford from Harlow, as already noted in relation to the Magistrates' Court, is difficult; in this section of the consultation it is put at 30 miles (in the earlier section at 21 miles; the AA suggests 20miles). In any event, the journey is significant and, again, there appears to be no consideration of work being relocated to nearby Hertford.

Given a county court presence will be required in Harlow for some time, I wonder if HMCS should consider whether there could be greater co-operation between the Magistrates' Court and county court; this could result in a more efficient approach, the disposal of one building, whilst still maintaining a presence in the town.

# (c) Further detail required before a decision is taken

## **Lowestoft County Court**

Lowestoft is housed in shared facilities with the Magistrates' Court, which will remain. It is proposed, again, that hearings will continue to be held in Lowestoft and the building offers excellent facilities. As with the other three county courts, the savings from relocating small numbers of staff appear minimal when compared with the inconvenience to court users by moving most work away from the area. The distances in this part of rural Suffolk are considerable; although the consultation paper does not touch on this, Lowestoft to Norwich is over an hour away by bus.

As with Huntingdon, it is not clear what the impact on court users will be as a result of closure. If what is proposed is simply the centralisation of functions with most work still being undertaken at the court (even if it loses its formal status as a county court) then closure would not be opposed. If, on the other hand, work involving direct contact with court users is to be moved, often considerable distances, then I think it would be difficult to justify given the county court is co-located with the remaining criminal courts. I understand it is the former, in which case the administrative changes appear sensible.

#### **Huntingdon County Court**

Huntingdon is co-located with the Magistrates' Court and Crown Court in a first rate modern building. The county court hears civil work only. Given the continued presence of the criminal courts, and the fact that Peterborough is unable to absorb all of the county court work, it is difficult to see how court users will benefit from a reduced service in Huntingdon, albeit one can see there will be some administrative savings (although these are not specified).

As with Lowestoft, it is not clear what the impact on court users will be as a result of closure. If what is proposed is simply the centralisation of functions with most work still being undertaken at the court (even if it loses its formal status as a county court) then closure would not be opposed. If, on the other hand, work involving direct contact with court users is to be moved, often considerable distances, then I think it would be difficult to justify given the county court is co-located with the remaining criminal courts. I understand it is the former, in which case the administrative changes appear sensible.

# **Epping Magistrates' Court**

The court only sits two days per week in each of its two courtrooms and lists only bailed or sentencing cases as there is no secure dock.

Based on the workload of Epping it is difficult to justify retention of this building though, again, I am not sure a better service will be offered to court users by transferring the work to Chelmsford (assuming it can absorb it given the proposal also to close Harlow). Chelmsford is 18miles from Epping and a bus journey takes one hour. In contrast, there are several other London courts which are nearer and offer better transport links.

I would suggest that work should be transferred to Harlow (possibly colocating with the county court) and a decision can be taken in the future as to whether it is possible for Chelmsford to absorb all of the workload from these two courts and, if so, whether it offers a viable alternative given the distances involved. Depending on answers to the above, I would suggest that Epping could proceed for closure.

# Grays Magistrates' Court

Grays is a busy two court centre which sits each of its courts on every day of the week. A significant amount of work has been undertaken to make the building DDA compliant, but further work is still needed (a new roof) and there is a substantial maintenance backlog.

The consultation suggests that care will be taken, if closure proceeds, to ensure the work from Grays is sensibly divided between Southend and Basildon, according to the needs of users. This will be important and more work is needed to identify the ratio involved; Basildon can be easily accessed but there is an acknowledgement that it cannot absorb all of the work from Grays. Southend is a significant distance from Grays (25 miles) and a train journey takes an hour at a cost of £9.60 for a single fare.

Again, one fears that local boundary issues are affecting how work should be moved. For many users it will be easier to travel from Grays to courts on the outskirts of London, but I suspect this is not considered because London is a separate HMCS area. Further work may be required so that court users are not disadvantaged for purely administrative reasons.

Subject to satisfactory answers as to how the workload will be absorbed elsewhere, it is difficult to see how the court can be retained, given the maintenance backlog and relative ease with which Basildon (and perhaps courts falling within the London Area) can be accessed.

#### **Sudbury Magistrates' Court**

Sudbury sits only three days per week, although it hears all criminal work and family cases are listed as and when needed. The building can best be described as adequate, although running costs and maintenance backlog are low.

Travel times are problematic. Bury St Edmunds is 17miles away. There are no trains and only one direct bus (leaving at 7.35am) would allow users to arrive at court before 10am. Those in the outlying areas of this rural part of Suffolk

will have genuine difficulty; the reality is that the vast majority would not be able to reach Bury St Edmunds in one hour, if reliant on public transport.

Although resistant to closure, most magistrates in the area are resigned to the fact that, in the current climate, Sudbury may have to close.

It is questionable whether Bury St Edmunds could absorb the workload of both Thetford to the North and Sudbury to the South. Assurances will be needed in that regard before closure should proceed.

# Thetford Magistrates' Court

This court is relatively under-utilised, sitting two days per week, however, it deals with all types of crime and also holds monthly family and youth courts. The accommodation is considered to be poor and there is no secure dock, although the building is relatively new (circa 1970) with a relatively low maintenance backlog.

I am pleased to see that HMCS has considered where best to move the work, recognising that it is more appropriate to hear cases at Bury St Edmunds, which is geographically nearer than Norwich. This will be important because the journey distance (32 miles) and cost (£9.10) to the latter are significant given this is a rural area with significant poverty. Travel from the outlying areas will also mean genuine difficulty for some court users.

The local Bench and the Norfolk Branch of the Magistrates' Association are opposed to closure, pointing out the travel times to other courts; the proposed increase in housing, and therefore, population in the area; and, the fact Thetford is used as a centralised training facility. The Norfolk Branch of the Magistrates' Association observes that some 17% of the population do not own a car.

Subject to Bury St Edmunds being able to absorb much of the work (in favour of Norwich and bearing in mind it is also proposed that Sudbury work should move there), it is difficult to make a strong case for the retention of Thetford. If work does move to Norwich it is my view that travel times would be too great and closure should be opposed, especially given the likely closure of Swaffham and Ely, and possibly Sudbury.

## Wisbech Magistrates' Court

This court sits for three days a week, hearing a good mix of criminal business from the local area. The consultation asserts that the standard of the building 'falls short of the minimum requirement' but does not offer any reason as to why; it is a relatively modern (1950s) building with a secure dock, witness service facility and interview rooms for the parties. There is no maintenance backlog.

Whatever the merits of closure of the building, I am unable to ascertain why it is suggested that work transfers from Wisbech to Peterborough. King's Lynn is only 12 miles away, whereas Peterborough is 23 miles. There is no train service to either court and bus times appear similar. I can only assume that local boundaries again play a part in this suggestion and would urge

reconsideration as it would appear court users will be disadvantaged by administrative concerns.

Subject to reconsideration of the above point it is difficult to justify retention purely on access to justice grounds, though transport from outlying areas, and rural poverty in the Fens, will mean genuine hardship for some court users.

# CP03/10: Proposal on the provision of court services in Cheshire and Merseyside

The proposals in this consultation paper affect three magistrates' courts and three county courts in a mixed City and rural part of the North of England and Wales. Surprisingly, none of the proposed closures has met with the unanimous support of all of the judiciary; a common theme has been the need for further consideration to be given to the plans before they could be approved. Frequently there has been local challenge to the data provided by HMCS.

# (a) No objection to closure

None

# (b) Closure is not supported

Northwich (Vale Royal) Magistrates' Court and Northwich (Vale Royal) County Court

These two courts have to be considered together, as they are presently colocated in a purpose-built courthouse completed in 1969, but now said to be of a poor standard, lacking criminal court facilities such as a prison video link and dedicated toilets for witnesses. In fact, the video is available and in use, albeit that it is not at the moment connected to the prison.

Whilst the main reason for closing the county court is said to be the underutilisation of its facilities, I understand that HMCS statistics show the utilisation of the magistrates' court to be at 80.4%. Furthermore, the courtroom used by the district judge sitting on county court cases for two days a week is in use for the hearing of criminal cases on the other days each week. All three of the courtrooms are usually in use for all five days each week. It would seem therefore that the court is not currently under utilised.

Were the courthouse to close, the intention would be to divide up the criminal work between Runcorn and Crewe magistrates courts; the county court work would be divided between Chester and Crewe County Courts. The total number of staff presently at the courthouse is, I understand, 25. I understand the court is well run and is consistently one of the best performing in the county.

Northwich sits in the middle of rural Cheshire. A closure of the courthouse would push the disposal of court business to other courthouses on the edges of the county. I am not persuaded that the transport arguments put forward by HMCS are necessarily realistic. For instance, if county court work were moved to Crewe County Court it has to be acknowledged that the walk from Crewe railway station is 17 minutes for a fast walker but much longer for an elderly person or someone with a buggy. There is no convenient bus.

Chester County Court has a shuttle bus from Chester railway station but that is not a very reliable service. The journey times between Northwich and

Chester are not as frequent as is suggested in the consultation paper; in the early morning the bus service is hourly and only becomes half hourly after 9:40 am, which would be too late to ensure timely arrival at Chester County Court. I am told by the local magistracy that their research shows that, of 641 defendants from addresses within Vale Royal attending CJSSS courts over a 12 month period, only 12.9% could hope to reach Chester within the 60 minute target set by the Ministry.

No account has been taken of higher fares at peak times.

My view, therefore, is that closure of this particular courthouse would lead to a considerable inconvenience to those communities which it presently serves. Were I considering the work of the county court alone. I might be suggesting consideration of the retention of a hearing room to hear housing and other similar cases which disproportionately affect the poorer members of society. However, in view of the co-location with the magistrates' court, I am on balance not persuaded that the case has been made out to the closure of this particular courthouse.

# **Runcorn County Court**

This County Court is co-located with Runcorn Magistrates' Court, in a building built in the 1960s. All its administrative work is centred at Warrington Combined Court. Runcorn County Court is therefore a civil hearing centre only. I am not persuaded that the case for change has been made out.

It is not proposed to close Runcorn Magistrates' Court.

The staff at Warrington deal with both Runcorn and Warrington cases. The provision for the transmission of files and documents between Warrington and Runcorn has generally proved satisfactory. There are district judges sitting at Runcorn three days a week. The courts sat 112 days in the last court year. If that work to were to be relocated at Warrington then Warrington would need significantly to increase its sitting days.

So far as cost is concerned, the consultation paper refers to an operating cost for Runcorn County Court of £32,779. I assume that represents, in whole or in part, the cost of contributing to a building which will continue to remain in public use regardless.

I am unclear, therefore, as to the cashable benefits involved in a closure of this county court, particularly when set against the inconvenience to its users were the work to be relocated elsewhere.

# (c) Further detail required before a decision is taken

# North Sefton (Southport) Magistrates' Court

Whilst the court is only presently sits three days a week, an enhanced utilisation could be achieved were the Southport County Court to be relocated on the ground floor of the building. Plans were drawn up for HMCS in 2008 for such a move and a business case was submitted. The coroner for Southport

already sits at the North Sefton Court for two days each week, the facilities for juries being better than at South Sefton (Bootle). Consideration might also be given to the provision of space for tribunal hearings.

The public area of the courthouse, the courtrooms and the retiring rooms are all said to be in a good state of repair. The courthouse is purpose-built and was only opened in 1940.

I am aware that locally there is serious disagreement with key figures produced by HMCS.

Closing both Southport and Knowsley Magistrates' Courts would mean that all the courthouses in the Merseyside area would be located within a very small central area, leaving the non-central community's disadvantage regarding the travelling time and cost if they have to attend court. Whilst the travel times stated in the consultation paper fall within MoJ guidelines, the travelling times quoted to the receiving court are from the centre of Southport and make no allowance for the additional travelling time required for those living either on the outskirts of, or beyond, Southport. It can take up to 1.75 hours to travel from Crossens or Churchtown to Bootle at peak fare travelling times. The result may well be non-attendance with all its consequential waste of resources. Southport is a large town of over 120,000 people and is remote, both geographically and demographically, from Bootle. I also understand it to be a retirement area with a higher than normal proportion of elderly retired and disabled residents, all of whom would be affected were the court to be moved.

#### **Southport County Court**

I am aware that strong objections have been raised against the closure of this particular court, based on the impact on access to justice, workload levels and difficulty with the relocation of work. The Designated Civil Judge has commented:

"Of the county courts in Cheshire and Merseyside, if any are to be spared, I believe it should be Southport County Court since geographically it is not easily accessible, particularly by public transport, from Liverpool or Preston. It is also a well-run, busy court."

The court sits five days a week with one full-time district judge and a second district judge for about half of each week. Contrary to the national trend, its workload is increasing. It is 22 miles to Liverpool; the journey to Preston is lengthy as there is no direct train service and the journey by road is often subject to traffic congestion.

According to the consultation paper, the main occupier of the building where the courthouse is located is seeking to vacate, putting the continued occupancy of HMCS under threat. The current lease arrangement, which is renewed every five years, is due to expire in 2011. Contrary, however, to what is stated in the consultation paper, Southport County Court does not use any courtroom facilities at Southport Magistrates' Court: there is no valid reason

to link the closure of North Sefton (Southport) Magistrates' Court with any closure of Southport County Court.

In the circumstances I would recommend that consideration be given either to extending the present lease on Southport County Court or, if that is not possible, finding alternative premises. I have referred above to the possible relocation of Southport County Court into the premises occupied by North Sefton Magistrates' Court. Conversely, there is no assurance in the consultation paper that the work and judiciary at Southport County Court could be adequately accommodated at Liverpool or Preston County Courts.

# **Knowsley Magistrates' Court**

Whilst there is some under-utilisation of the Court estate at Knowsley (the HMCS figures are disputed by the local magistracy) and whilst the travel time to Liverpool Magistrates' Court is well within the recommended guidelines, I would recommend a postponement of any decision to close this particular magistrates' court.

My understanding is that one of the two buildings which together comprise Liverpool Magistrates' Court is leasehold, and that the continuation of the lease is not guaranteed. Equally, I have no reassurance that the finance necessary to redevelop Liverpool Magistrates' Court has been secured from HM Treasury. Until the future Liverpool Magistrates' Court is known, it might seem foolhardy to take decisions in relation to the courthouse at Knowsley, as it might be necessary to that court temporarily to take work from Liverpool.

# Proposal on the provision of court services in Cleveland, Durham and Northumbria CP04/10

The proposals on the provision of court services in Cleveland, Durham and Northumbria affect seven magistrates' courts and two county courts in what is a largely rural area of England and Wales. The proposals in the consultation would result in the court services for this area being concentrated in the heavily populated area of Tees Valley with little provision made for the urban and rural areas to the west of Darlington.

# (a) No Objection to Closure

# Guisborough (Langbaurgh East) Magistrates' Court

This court currently sits four days a week, with utilisation standing at approximately 53.07%. The court has limited facilities that would require extensive works to bring the custody facilities up to standard and to make the building compliant with the Disability Discrimination Act (DDA).

It has been proposed that the court is closed and the workload transferred to Teesside Magistrates' Court. Teesside has been hearing Guisborough's custody cases since December 2009 and the court has the capacity to comfortably absorb the remaining workload. Furthermore Guisborough has no permanent staff; rather staff travel in from Teesside for hearings. Teesside is ten miles away from Guisborough and is readily accessible via car or public transport.

Given the workload and accommodation issues, it would be difficult to argue for retention. I am satisfied that the proposals would not have a detrimental impact on local court users.

#### Blaydon Magistrates' Court

This is a satellite court to Gateshead that can only hear limited types of cases due to its restricted facilities. Due to falling workloads, the sitting pattern was reduced in July 2009. Currently, two courts sit three days a week, with family proceedings court, youth court and non-CPS work listed there. Utilisation stands at approximately 50.83%.

It is proposed that Gateshead Magistrates' Court can accommodate the workload. Gateshead is 6 miles away from Blaydon and readily accessible by private or public transport. Furthermore Blaydon has no permanent staff, with legal advisors and ushers currently travelling from Gateshead to staff the court.

Judicial consultees have expressed some concerns about Gateshead's ability to accommodate the work; however on balance I find it difficult to justify retention. I would only note that Blaydon has undergone refurbishment recently.

# Gosforth Magistrates' Court

This is a satellite court to Newcastle-upon-Tyne, with no permanent staff. The facilities are restricted, with no custody facilities and limited DDA compliance. Furthermore the utilisation rate is low at 36.16%.

It is proposed that Gosforth is closed and the workload be transferred to Newcastle-upon-Tyne. This court is 2.1 miles away and is centrally located and easily accessible.

On the information available, it is difficult to justify retention given the relative ease with which court users will be able to travel to Newcastle upon Tyne.

# Houghton le Spring Magistrates' Court

This is a three court venue, with no custody facilities, limited DDA compliance and no permanent staff. Since April 2010 the court has sat only two days a week due to reductions in workload.

It is proposed that the court is closed and the workload transferred to Sunderland Magistrates' Court, which is six miles away and can be easily accessed by private or public transport.

Judicial consultees are generally in agreement that the proposal should not be opposed. Furthermore, discussions about merging the benches of Sunderland and Houghton le Spring have been ongoing for some time and would be a welcome development. I would only note that utilisation is comparatively high amongst courts being consulted upon for closure, at 60.83%.

#### (b) Closure is not supported

<u>Bishop Auckland County Court and Magistrates' Court</u>
I have considered these proposals together given the court are co-located.

The county court deals with civil cases and sits eight to nine days a month. It sat approximately 112 days in 2009-10. It is proposed that the court is closed and the work moved to Darlington, which is a larger court house with better facilities. The consultation paper states that those District Judges who sit at Bishop Auckland also sit at Darlington and as a result I assume that they would be readily accommodated.

However, the County Court serves a large geographic area and I have concerns that the journey time to Darlington, which is 15 miles from Bishop Auckland, may be lengthy from some parts of the region. The County Court has private family jurisdiction in which there are many litigants in person. This is an area of acute poverty and social deprivation and the additional travelling costs would bear particularly hard.

Local evidence further suggests that Darlington is already at capacity in terms of workload and would be unable to accommodate the staff. Whilst Darlington has two chambers and an underutilised court room, chambers do not meet the specifications of hearings rooms.

The Magistrates' Court is a satellite court, staffed remotely from Newton Aycliffe Magistrates' Court. Due to the downturn in workload, the court sits four days a week and rarely for a full day. This is evidenced by the low utilisation, at approximately 34.08%. The court is further limited by its lack of custody facilities.

It is proposed that the court is closed and the workload shared between two courts: the majority of work will be transferred to Newton Aycliffe which is 8.7 miles away; while a small number may be listed at Darlington Magistrates' Court, 15 miles away. Journey times and costs seem reasonable.

I believe there is a strong case for retaining the County Court. Given it is colocated, and therefore savings are minimal, there would also be a case for retaining the Magistrates' Court even if, on its own, retention may not have been justified.

## Tynedale (Hexham) Magistrates' Court

This is a single courtroom which can only sit limited types of cases due to its size. Crime or family proceedings cases cannot be heard due to the proximity of witnesses and defendants. The consultation paper suggests that the building has limited DDA compliance, although the local Bench, in their very detailed response, have said that any outstanding issues are minor (based on a report by Adapt, a registered charity working for disabled people). I also understand that £300,000 was spent refurbishing the court and cells.

It is proposed that the court is closed and the workload absorbed into Newcastle-upon-Tyne Magistrates' Court, which is 23 miles away.

While there may be valid arguments for closing this court, I am concerned that the journey would prove rather lengthy for those who need to attend court. The court serves the second largest rural area in England (a population of 73,000 in an area of approximately 1,000 square miles), with some communities over 30 miles from Hexham. I am told by the local Bench that support for retaining the court has been forthcoming from the Police; Victim Support; Citizens Advice Bureau; the county council; and, East Tynedale Community Forum. The local community has submitted a petition.

I gather that HMCS lease this Grade 1 listed property from the Council, with certain repair obligations. It is possible therefore that HMCS would need to pay any maintenance backlog, regardless of closure. More information on the actual costs associated with closure is needed.

I would further note that the utilisation rate is comparatively high amongst the courts proposed for closure, with utilisation at 65.73% (the local Bench suggests that in the Quarter to June 2010 utilisation of 84.1% was achieved). Workload appears to be increasing. I am also aware that Newcastle is already earmarked for absorbing the workload of Gosforth Magistrates' Court, so there may be issues around capacity, not least given the family workload at Newcastle.

While I accept that it is not always possible for all court users to be within one hour of a court, given rural considerations, I maintain reservations about the case for closure of Tynedale. The journey times, in some case, mean many will not be able to arrive at court before 10am. I do not therefore support closure.

# (c) Further detail required before a decision is taken

## Alnwick Magistrates' Court

This court has a single courtroom and is limited as to the type of cases which can be heard. It cannot house volatile crime or family proceedings cases due to the size of the courtroom and the necessary proximity of witnesses and defendants. However the court does deal with CPS, non-CPS, youth cases and family proceedings court work. To provide an indication, the utilisation rate stands at 48.11%.

It is proposed that the court is closed and the majority of work transferred to Bedlington Magistrates' Court. While Bedlington does have better facilities, it is 19 miles away from the court at Alnwick. It is also proposed that a small proportion of cases would be listed at Berwick, which is 29 miles away.

I have a real concern that the proposed closure of this court would leave a vast area uncovered by the courts service as the court at Alnwick serves a large rural area. Local evidence suggests that the relevant public transport links are sporadic and lengthy, and would involve multiple changes and excessive costs. Travelling times from rural areas and lack of direct public transport facilities may lead to difficult journeys for those who need to attend court. In turn, this may mean more case being dealt with in the defendants' absence. Furthermore, although sittings are not held every day, it forms part of the police building which keeps the running costs low.

Given the above considerations, I have real concerns with regard to access to justice and recommend that the proposal should be looked at in greater detail.

#### **Consett County Court**

At this court, as there is no courtroom, the District Judge sits once a week in chambers. The Court deals with civil business only and sat 74 days in 2009-10. The building is not DDA compliant.

It is proposed that the court is closed and the workload and counter services be moved to Durham and/or Newcastle. Hearings would continue to take place in Consett and would be housed in the Magistrates' Court Building.

Judicial consultees have raised concerns with the concept of files, papers and orders being held in a different town and being transferred on a daily basis. Reassurance is needed that there would be mechanisms in place to ensure that this could be achieved efficiently and without error, before closure proceeds.

I am a little confused as to why co-location with the Magistrates' Court has not been considered, given hearings will take place there. I understand that this suggestion has been the subject of recent consideration within the area.

# CP05/10: Proposal on the provision of court services in Cumbria and Lancashire

The proposals in this consultation paper affect three magistrates' courts and five county courts in what is a largely rural area of England and Wales. None of the proposals are strenuously opposed. However, in relation to several of them important points of detail have been raised which I can see need to be addressed before the proposals themselves can be implemented. In what I set out below, I seek to highlight some of the more important elements of that detail.

# (a) No objection to closure

Whitehaven Magistrates' Court and Whitehaven County Court
The proposal is to close the separate premises occupied by Whitehaven
Magistrates' Court and Whitehaven County Court and to co-locate both within
the existing Workington Magistrates' Court building which itself is within the
jurisdictional area for Whitehaven County Court.

My understanding is that this very sensible proposal was under debate before the consultation paper itself was issued. However, the plans do involve works being carried out at the Workington Magistrates' Court building to accommodate the county court with chambers, a courtroom, conference facilities etc. This is especially important to consider in view of the fact that the co-located county court would have a family, as well as civil, jurisdiction The Association of HM District Judges, therefore, has sensibly suggested that the Ministry should not operate the break clause on the Whitehaven lease, and activate the dilapidation's liability, until these plans have been properly costed and agreed.

#### Rawtenstall Magistrates' Court

This court presently operates out of a courthouse in a small two-storey Victorian building built in the 1890s. It has no cells. I understand that a substantial capital investment will be required to bring the courthouse up to an acceptable standard. In the circumstances, I do not oppose its closure and the transfer of its work to Burnley Magistrates' Court subject to one concern, namely the need to ensure that there is sufficient staff at Burnley Magistrates' Court to handle the additional work. At the moment, Rawtenstall Magistrates' Court is supported by staff based both at Reedley and Burnley Magistrates' Courts and there would, presumably, have to be some readjustments made following the closure of Rawtenstall Magistrates' Court.

Some consideration could perhaps be given as to whether the Magistrates' Court could be co-located with the county court (should it remain) so as to maintain a presence.

#### **Chorley County Court**

This particular County Court sits one day each week. The proposal is to transfer its work to Preston County Court with which there are good transport links.

Whilst the courthouse has poor facilities and is not suitable for anyone with a disability, it is a very busy county court struggling to keep its judicial hearings within its allocated slot of one day a week. I raise a concern, therefore, that before Chorley County Court is closed it is essential to establish that the additional work can be handled at Preston County Court without giving rise to undue difficulties at that court. There will be the need to sit at least one extra district judge day per week, as well as to ensure that the administrative work can be handled in a timely manner.

# **Kendal County Court**

The proposal is not to close this county court but to reduce the counter service down to two days per week, one day of which will be a day when the district judge is sitting. Under the HMCS National Policy Framework for the Provision of Front Office Services in the Civil Courts, the designated civil judge must agree any proposed alterations to the counter service to be provided by HMCS. I assume that the Area Director will be having the necessary discussions with the DCJ, if indeed such discussions have not already reached an agreed and satisfactory conclusion. I have in mind for instance, whether there would need to be a free, direct, telephone line from Kendal County Court to Lancaster County Court to deal with queries raised by callers to the former.

# (b) Closure is not supported

None.

# (c) Further detail required before a decision is taken

#### Rawtenstall County Court

This County Court is based in a building separate to Rawtenstall Magistrates' Court. Unlike the magistrates' court, the proposal is to transfer its work to Accrington County Court, despite the fact that Burnley County Court is closer. That is because the capacity and facilities are said to be better at Accrington.

However, the Association of HM District Judges tell me that there are "access to justice" arguments in relation to the closure of this particular county court, as the journeys either to Accrington or Burnley both involve two bus rides. Conceding as I do that the majority of the work of this particular county court emanates from bulk users based outside of the court area, its closure cannot be realistically opposed. However, I am told that Accrington County Court is overstretched and not DDA friendly; I would therefore suggest that further consideration be given as to whether the work should transfer to Burnley County Court.

# Penrith Magistrates' Court and Penrith County Court

These two courts have to be considered together, as they are presently colocated. The administration of both courts has already been re-located to Carlisle. However, following a closure of the presently co-located courts, I understand that the work will be transferred to separate courthouses, namely Carlisle Magistrates' Court and Carlisle County Court.

I have to accept the statement in the consultation paper that the combined workload of both magistrates' courts can be accommodated at Carlisle Magistrates' Court "with some adjustments to court schedules". The local Bench dispute that the facilities are better at Carlisle although, as a larger building, it is likely it can absorb the workload.

So far as Carlisle County Court is concerned, I assume it is able to provide accommodation for the district judge who up until now has sat occasionally at Penrith County Court: the consultation paper merely refers, without giving details, to "some adjustments will be necessary to the district judge sitting pattern."

I would however ask that the travel times in the consultation paper be reconsidered and verified and that consideration be given to altering the boundary of the present court areas. I am not necessarily persuaded that it would be sensible, without any more detailed adjustment, to integrate the districts served by Penrith into those of Carlisle. People who live in the east and south-east of the county, and who are presently served by Penrith, are a long way from Carlisle and many (e.g. in Kirby Stephen) might find it easier to travel to Kendal.

The local Bench have produced a detailed response to the consultation which sets out several concerns, specifically in relation to transport issues. I will not repeat many of their points. They suggest that the average travel time to Carlisle for the vast majority in Eden District (population 51,900) will be 1 hour and 42 minutes (the average time to Penrith is 44 minutes). This is a rural area and it is clear that the closure will cause real difficulty for many.

As ever with rural courts, utilisation is low, but given the travel distances involved it will be for the Lord Chancellor to decide if they are reasonable. I see no reason why, if the Magistrates' Court remains, the county court should not be closed, but maintained as a hearing venue in the same was as is being proposed for other county courts (for example, Lowestoft).

# CP06/10: Proposal on the provision of court services in Devon and Cornwall, Avon and Somerset and Gloucestershire

Proposals for Devon and Cornwall, Avon and Somerset and Gloucestershire involve the closure of eleven Magistrates' Courts and two County Courts. The area covers a high number of rural communities and a consistent theme in responses has been that this factor has been largely overlooked, particularly in relation to travel time and cost. There is concern that many of the courts proposed to absorb the workload of others, should they close, do not have the facilities or capacity to do so, and in some instances are no better in terms of accommodation and facilities than the court that is being proposed for closure.

# (a) No objection to closure

# **Cheltenham County Court**

Since 2005 District Judge hearings have been heard at Cheltenham Magistrates' Court and the office functions carried out from Gloucester County Court. It is proposed to merge these two county courts to form the Cheltenham and Gloucester County Court, keeping District Judge hearings in respect of the Cheltenham cases heard at Cheltenham Magistrates Court. There are no objections from judicial consultees and, and on the basis that court users will not see any change to the current arrangements that have been in place for the last five years, there seems no reason why this merger cannot go ahead.

#### Cirencester Magistrates' Court

On the surface, this would appear a relatively simple decision. Cirencester has a very low utilisation rate of 4.7% and was last used on a regular basis in June 2006. However it is currently used as a Crown court overflow court for Gloucester; and there are already concerns over the amount of workload that Gloucester will have to take on should the proposed court closures go ahead. It is also one of the three (all proposed for closure) that have disabled wheelchair access for Magistrates. The other issue lies in the challenges of rural access,; there is no direct bus link to Gloucester and it requires a bus journey to the nearest train station, followed by a train costing £15.00 return.

On the basis that the court has not sat since 2006, court users appear able to cope with the journey. Assuming the building is no longer required for Crown Court work, it is difficult to justify retention.

# **Coleford Magistrates' Court**

Coleford Magistrates' Court was last used regularly in the summer of 2006; there was a very low utilisation rate in 2009/10 of 0.9%. The proposal is to close it and continue with the arrangements to list all cases at Gloucester Magistrates' Court. Journey times to Gloucester are inexpensive but long by public transport (one hour and 20 minutes by bus), but on the basis the court has not been in regular use since 2006, it would appear that court users are able to cope with this limited access. There are no objections from judicial

consultees and, on the information available, there seems little justification in retaining the court.

# Honiton Magistrates' Court

Honiton Magistrates' Court currently only sits on a Wednesday and has a very low utilisation rate of 19.9%. It is proposed that Honiton should be closed and all cases listed at Exeter. Exeter is approximately 30 minutes by car and there is a train service leaving hourly and taking 26 minutes, the cost is reasonable at £6.00 for a return ticket. It is noted in the consultation paper that the closure of Honiton would not go ahead until the anticipated refurbishment of Exeter Magistrates' Court is complete, as there will be a requirement temporarily to increase the use of Honiton during the period of these works. Assuming this is a temporary arrangement, unlikely to be repeated, then there seems little justification in retaining the court.

## Liskeard Magistrates' Court

Liskeard has a utilisation rate of 33.5% and sits 2 days per week. It is proposed that it be closed and all court work relocated to Bodmin Law Courts, which have just recently undergone a refurbishment. Travel links to Bodmin are reasonable with an hourly bus service and direct train link available; the cost is also reasonable. The local Bench do have concerns about the ability of other courts to absorb family work, which is currently listed at Liskeard. Some reassurance is need on this point.

Although Liskeard offers good facilities, it is difficult to justify retention given the relative ease with which Bodmin can be accessed.

#### **Totnes Magistrates' Court**

Totnes has a very low utilisation rate of 12.5%; most of the work has already been absorbed by Torquay (where it is proposed all cases will be listed) and Newton Abbot. The building was built in the 1970's; no major work has taken place since then and it is in need of extensive refurbishment. Transport times and costs to Torquay are reasonable. On the information available, there seems little justification in retaining the court.

## (b) Closure is not supported

# Frome Magistrates' Court

It is proposed that Frome Magistrates' Court should be closed and all cases listed at Yeovil Magistrates' Court. On the face of it this seems a reasonable decision; Frome has a low utilisation rate of 23.1%. Facilities are deemed somewhat inadequate. The consultation paper suggests that travel links are reasonable, stating that there is an hourly train service to Yeovil taking 32 minutes. I have struggled to validate this assertion; research suggests that to arrive at court for 10.00am would require getting a train from Frome at 06.56am, and arriving in Yeovil at 07.29am, as the next train would not get the attendee there on time. Thereafter, trains run very infrequently with, on average, a 2 hour gap between services (not hourly as the consultation paper states). Additionally, the further travel that will be required by court users from surrounding rural areas to get to Frome. Given the hardship likely to be

imposed on court users if closure were to proceed, I believe retention is justified.

# Stroud Magistrates' Court

The closure of Stroud Magistrates' Court is not supported. Stroud Magistrates' Court has the highest utilisation rate (46.5%) of the three Magistrates' Courts proposed for closure within the Gloucestershire area.

The accommodation is in good condition; it benefits from custody facilities provided by the adjoining police station and is currently the area's only prison video link. There is real concern about the poor facilities at Gloucester Magistrates' Court (after recent plans for a new build Courthouse were put on hold, due to the current financial situation), to which it is proposed the workload would be transferred. Gloucester has none of the above facilities and so if Stroud was to close then additional custody accommodation would have to be found in order to accommodate this.

There is concern that Gloucester Magistrates' Court will not be able to cope with the transfer of workload from courts proposed for closure (with work from Cirencester and Coleford also proposed to go there).

Due to the accommodation and facilities at Stroud being of such high standard, and the current accommodation at Gloucester not having all the facilities that are required, I believe that retention of Stroud Magistrates' Court is justified.

# (c) Further detail required before a decision is taken

#### Bridgwater Magistrates' Court

The proposal is to close Bridgwater Magistrates' Court and list all cases at Taunton Magistrates' Court. HMCS have made clear one of their main concerns in the consultation process was to take into account and cater for any workload increases that might occur in the future but there is real concern that this has not been properly considered in the case of Bridgwater Magistrates' Court. Bridgewater already sits 5 days a week and has a utilisation rate of 41.2%, which only looks set to increase further in the future. The population is expected to increase from 40,000 to 60,000 over the next 10 years, with thousands of new homes being built.

The court accommodation is in good condition with a secure dock and a witness suite. In 2003 HMCS spent £130,000 upgrading the cells in Bridgewater and a new Police Area Operational Centre with 30 cells is being built that will replace the custody suites in Taunton and Western Super Mare. It is also a specialist Domestic Abuse Court Centre, with a secure victim and witness waiting area; Taunton courthouse does not have the facilities to keep victims and defendants apart.

Although on the face of it travel links between Bridgewater and Taunton seem reasonable, the consultation has not taken into account that the areas involved are predominately rural, with limited access to public transport.

I Would suggest that more work is required on future demographic changes before a decision is taken to dispose of a building which appears to be in good condition.

# Camborne Magistrates' Court

Camborne has a low utilisation rate of 24.7% and only sits two days a week; however it is also West Cornwall's dedicated Specialist Domestic Violence Court. It is proposed to close Camborne and list all cases at Truro Magistrates' Court. Although travel time and cost to Truro by public transport is reasonable, getting to Camborne from the surrounding rural areas has not been taken into consideration.

If Penzance were also to close (as proposed). closure would leave a large rural area of the south west without a Magistrates' Court within a reasonable distance, the nearest being at Truro; a 37 mile trip for those coming from Lands End.

Camborne operates at minimal cost (£24,529 in 2009/10).

If both Camborne and Penzance Magistrates' Court were to close (as proposed) additional courtroom capacity would have to be created at Truro. Closure cannot therefore proceed until the funds are in place for these enabling works.

### Newton Abbot Magistrates' Court

Newton Abbot has a utilisation rate of 59.5% and sits 2 days per week. The proposal is to close it and relocate the work to Torquay. Transport links from Newton Abbot to Torquay are relatively good and inexpensive, but getting from the surrounding rural areas to Newton Abbot has not been taken into account.

The court is purpose-built, completed in the 1970's, but has undergone very little refurbishment since. It does however benefit from relatively modern cell facilities and specialist domestic violence trials are held there because of the good quality facilities for vulnerable victims. There is major concern about Torquay's ability to comfortably accommodate the workload from both Newton Abbot and Totnes (if they are both to close). The consultation paper states that closure of Newton Abbot is dependant on additional capacity being created at Torquay. Clearly, closure cannot therefore proceed until the funds are in place for these enabling works.

#### Penzance Magistrates' Court

Accommodation at Penzance is not suitable for most modern-day purposes; the building is in a poor state and is not HMCS owned (which means necessary improvement may be difficult to undertake). At 13.7% the utilisation rate is very low, operating on average 1.5 days per week. That said Penzance serves a very rural area and the proposed court that work would be transferred to (Truro Magistrates' Court) is 28 miles away. The consultation paper has not fully taken into account the additional travel that many court users will have to make to get to Penzance before travelling on to Truro, in terms of the time this will take and the cost of the journey. For many in rural communities to get

to a 10.00am court hearing without their own transport will be very difficult, which in turn could mean cases are adjourned or delayed because defendants or witnesses do not attend or are very late. Operating costs for Penzance are very low at £25,603 a year.

In order to accommodate the workload from Penzance and Camborne Magistrates' Courts (also proposed for closure), additional courtroom capacity would have to be created at Truro. Closure cannot proceed until the funds for this work are in place. It may be possible to look at whether it is possible to colocate with the county court, should it remain, so as to remain a presence in the town.

# **Penzance County Court**

Penzance County Court currently operates on a reduced service, sitting two days a week. The proposal, should Penzance County Court close, is for all work to be dealt with at Truro Combined Court. Although very underutilised the problem lies, as it does with Penzance Magistrates' Court, in the challenges of rural access to justice. Travel from Penzance to Truro is timely and costly and that is before any consideration of the difficulties those from the outlying areas will experience.

Further work should be undertaken to ascertain whether it is possible to colocate with the Magistrates' Court so as to maintain a presence in this geographically isolated town.

# CP07/10: Proposal on the provision of court services in Dorset, Hampshire & the Isle of Wight and Wiltshire

Proposals for Dorset, Hampshire & the Isle of Wight and Wiltshire involve the closure of five magistrates' courts and two county courts. Throughout this area a consistent theme seems to be that courthouses are being proposed for closure even though they have excellent facilities and accommodation. Again, the courts in this area serve a largely rural community so access to justice for court users is a significant consideration.

# (a) No objection to closure

### Wimborne Magistrates' Court

Wimborne Magistrates' Court was built in the 1970's and is attached to the local police station, the facilities at Wimborne are not compliant with the current standards required of a modern day courtroom and victim and witness facilities are limited; since April 2010 regular courts are no longer heard there. It is proposed that all displaced work from Wimborne be accommodated at the existing courts in Bournemouth and Poole, which are still within the East Dorset Local Justice Area. Travel links to both are reasonable and relatively inexpensive.

On the information provided, there seems little justification in retaining the court.

#### **Poole County Court**

Poole County Court is located on the third floor of the Poole Law Courts; this site is shared with Poole Magistrates' Court and other agencies. The proposal is to close Poole County Court and relocate the work and staff to Bournemouth County Court; creating Bournemouth and Poole County Court. At present there is insufficient capacity at Bournemouth to accommodate all the hearings from Poole, therefore it is intended that the courtroom at Poole be retained as a hearing venue until a longer term solution becomes available at Bournemouth. Transport links between the two are good and inexpensive and Bournemouth has excellent facilities.

On the information available, there seems little justification in retaining the court, albeit that local hearings should still be heard in Poole, so court users will notice very little difference.

# (b) Closure is not supported

### **Trowbridge County Court**

On the surface this would appear a relatively easy decision; Trowbridge County Court is in need of updating, has a lack of facilities for custody cases and facilities for users with special needs are poor. It also has a relatively low utilisation rate of 25.4%. There has however been much local challenge to the data that has been provided by HMCS in the consultation paper. The lease left on the building at Trowbridge is in fact one year more than is stated in the consultation paper (cost of dilapidations alone is estimated at £250,000) and

the proposed running costs for the court of £160,495 has been challenged and estimated to be nearer £100,000; the maintenance cost has also be questioned as this figure includes a one-off expenditure of £14,000 upgrading Trowbridge's IT.

It is proposed that if the court were to close the workload would be transferred to Chippenham Magistrates' Court and a new Chippenham and Trowbridge County Court would be housed within this building to utilise existing space; however there has been a lot of objection to this and the capability of Chippenham to be able to cater for this has been questioned. For Chippenham to be able to accommodate the workload, major structural and extension work would be needed (when the coroner sought use of this building on a casual basis within the last 5 years no space was available). This work is not costed but given financial constraints it is not clear from where this funding would come. An extension would require planning permission- this was fully investigated by HMCS six years ago and abandoned because of opposition from local residents and local authority planners.

Finally, the predominant issue lies with the challenges of rural access; Chippenham is situated in the north of the catchment of this largely rural area whereas Trowbridge is in the middle. For many, it is not readily accessible (if at all) by public transport; for example, those living on the far side of Frome would need to start their journey to court the evening before to arrive at court before noon.

A possible co-location with Wiltshire County Council at Bythesea Road has been suggested as has moving the court into the largely redundant town hall; these proposals ought to be investigated further, but on the basis of the information, I feel there is a strong case for the retention of this court.

# (c) Further detail required before a decision is taken

## Lyndhurst Magistrates' Court

Lyndhurst is a relatively new courthouse, built in 1998. It has three courtrooms and provides good accommodation for all court users. The court building is attached to Lyndhurst Police Station and does have some shared facilities. Currently it sits everyday and deals with criminal cases but there is only one secure dock so this places limits on the amount of custody work that can be listed.

It is proposed to close Lyndhurst and accommodate all displaced work at the existing Magistrates' Court in Southampton. There are no direct rail links between the two but there is a regular bus route taking 30 minutes each way that is relatively inexpensive at £5.20 for a Dayrider ticket. No staff are employed at Lyndhurst and staff from Southampton Magistrates' Court currently travel to Lyndhurst for hearings.

The Southampton Bench have stated that although they are aware there is some spare capacity at Southampton, they are uncertain as to exactly how much; especially as the Tribunals Service is now using some of the space.

Although travel links between the two are good, Lyndhurst is relatively well-utilised and has good facilities and accommodation. Looking longer term, it may be unwise to dispose of such a first-rate facility given it can easily absorb work and be used as an overspill court. In any event, further work is required as to whether Southampton can realistically absorb the additional work.

#### Alton Magistrates' Court

Alton Magistrates' Court was built in the 1970's; it currently sits three days a week, specialises in youth and family matters and is the Specialist Domestic Violence Court for NE Hampshire. The proposal is that this court is closed and the work transferred to Aldershot Magistrates' Court; this would be dependent on additional courtroom capacity being created to accommodate this. Travel links between the two are reasonable with regular trains taking 20 minutes, with a return ticket costing around £4.50.

The court building at Alton has good facilities; it comprises two courtrooms each with secure docks and adequate retiring rooms. It has interview rooms and good facilities for victims and witnesses. The building is also used by the coroner when necessary and houses an administrative centre for the North Hampshire Witness Support.

The receiving court at Aldershot has three courtrooms; however, one does not have a secure dock. Interview and witness rooms are in short supply. It is arguable, therefore, whether the accommodation is superior to that of Alton Magistrates' Court. There are already plans to close the county court at Aldershot and transfer the work to the Magistrates' Court (although this has not been mentioned in the consultation), and it is difficult to see how Aldershot Magistrates' could be improved or extended to accommodate the work from both the county court and Alton; because of the location of the court, I gather it cannot be extended in any direction.

Closure cannot proceed unless the funds are in place to expand Aldershot and reassurance provided that the court there can absorb the additional workload.

#### Blandford Magistrates' Court

Blandford Magistrates' Court was built in the 1970s; it has poor facilities for victims and witnesses and does not meet the standards required of a modern court. It currently sits only one day a fortnight and has a low utilisation level of 28.9%. It is proposed to close Blandford and relocate the sittings to Weymouth Magistrates' Court, which is approximately 27 miles away.

Boundary issues again appear to have surfaced; there are three nearer courts than Weymouth in the neighbouring LJA.

Blandford does not have a train link which leaves the only option by public transport being by bus, with a journey time of about an hour. There is only one bus which leaves before and after court sitting times. The journey will be longer for many court users from outlying areas. There are concerns over 'access to justice' because the west of the county has already suffered the closure of Bridgeport and Sherborne.

With such a low utilisation rate there does not seem a strong case for retaining the court but the rural considerations may be determinative.

# **Andover Magistrates' Court**

Andover Magistrates' Court was built in the 1960s and has a high utilisation rate of 79.5%. The building comprises of three courtrooms, with separate facilities for victims and witnesses. There is also a custody facility that can be used. The National Offender Management Service has an administration office also located in the building.

It is proposed to close this court and transfer the work to Basingstoke Magistrates' Court; this will be dependant on additional courtroom capacity being created. There are good transport links between the two, although the bus takes a reasonable length of time, a train taking 24 minutes runs regularly at a price of £7.50.

Although transport links are good between the two, the accommodation at Andover is of a high standard and it is a well utilised court. The issue is whether Basingstoke would have the capacity to deal with the workload even with additional courtroom capacity being created and even if it could, there is no information as to how or when this can be achieved. Closure cannot proceed until the funds are in place for the necessary enabling works and reassurance is provided that, when completed, Basingstoke could absorb the additional workload.

# **CP08/10: Proposal on the provision of court services in East Midlands**

The proposals in this consultation paper affect twelve magistrates' courts and six county courts. Not all of the proposals contained within this consultation paper are opposed by those who have provided views. In relation to several of the proposals contained within this paper, very important points of detail have been raised, especially with regard to access to justice, which must be addressed prior to any of the proposals being implemented.

In the majority of cases, the Presiding Judges (PJJ) of the Midland Circuit agree with the data provided by HMCS, although they oppose the proposed closure of several of the courthouses. There is concern that transport issues are presented in terms of travel times and journey lengths, but do not incorporate additional time arising during peak hours; public transport cancellations; timetable frequency or inevitable cuts to public services and, in turn, this could impact on listing times.

The East Midlands is the third most rural of England's regions and those who live there have very limited travel options. A bus or train journey of up to 2 hours and/or a fare of between £6 and £15 will, for many, be unacceptable and mean genuine hardship, especially in the current economic climate.

I also have concerns about access to family justice. Six of the Magistrates Courts being earmarked for closure in the East Midlands serve as FPCs. I am not persuaded that family work has been sufficiently considered as part of this consultation; this needs to be addressed before plans are implemented.

#### (a) No objection to closure

# Ilkeston Magistrates' Court

Ilkeston sits two days a week and is under utilised at 8.9%. The court deals with traffic cases and family cases, private prosecutions and local council work and is a specialist FPC. It is currently unable to deal with custody cases due to inadequate facilities. HMCS proposes that the work of this courthouse be transferred to Derby Magistrates' Court, which has a utilisation rate of 71.2%.

Transportation links between the two areas are not ideal. The 'Ilkeston Flyer' bus service links the two areas every 30 minutes at a cost of around £4.50.

I understand that Ilkeston does not meet the minimum standards and I have no doubt that Derby, which is located approximately 10 miles away, is able to absorb comfortably its workload. The closure of Ilkeston would remove substantial need for investment in backlog maintenance as well as substantial operating costs.

Judicial consultees have expressed concern that there will be some additional delay in the listing and disposal of cases but agree that closure should proceed. The Chairman of the Southern Derbyshire Bench believes local justice issues

will not be worsened by the closure of the courthouse. On the information made available to me there seems little justification in retaining this courthouse.

# Coalville Magistrates' Court

This small courthouse is a satellite court of Loughborough. It deals with the full range of magistrates' work (including family) and is a specialist FPC. It is under utilised at 29.0%. The building is DDA compliant but does not, according to HMCS, meet the standards required and parts of the building are unsafe and require substantial investment (quoted at £340,000).

It is proposed that the business of this court transfer to Hinckley, which is approximately an hour away by bus at a cost of £3.90 return.

Judicial consultees are concerned that there will be some additional delay in the listing and disposal of cases, but agree that closure should proceed. The Chairman of the Ashby Bench believes those living in outlying villages around Hinckley will find it very difficult to make the proposed journey, but concedes that the building is heavily under utilised with a substantial backlog maintenance.

# Rutland Magistrates' Court

This courthouse is effectively closed already. It is a rented building which has not listed court business for some two years and is now considered unsuitable for court work. It is proposed that the work of Rutland be retained at Loughborough which is around 30 miles away, and involves a 90 minute bus journey. This is a substantial journey. Grantham is closer, although I assume it is in a different LJA. Given court users appear able to cope, I have concluded that, on the information available, it is difficult to justify retention.

#### Newark Magistrates' Court and County Court

I have considered both courts together given they are co-located. Newark Magistrates' Court has a utilisation rate of 58.3%\*. It is also an FPC. The courthouse meets HMCS minimum standards. It sits 5 days a week and deals with the full range of magistrates work, including family.

The county court appears to generate little work and sits to hear civil claims, on average three days per month. It is proposed that the work of this courthouse be transferred to Nottingham, which has a utilisation rate of around 55%.

Nottingham is roughly 21 miles from Newark and HMCS has suggested that public transport links are good. There is an hourly train service and several buses that link the two areas and run every 30-60 minutes.

Judicial consultees are concerned that there will be some additional delay in the listing and disposal of cases, but agree that closure should proceed. On the information available to me, it is difficult to justify retention.

# Retford Magistrates' Court

Retford is a small freehold courthouse with one courtroom. It sits two and a half days per week and is under utilised at 26.9%. It is one of two courts in the Worksop & Retford LJA and deals with the full range of magistrates' work. The court is deemed to be poorly equipped, with inadequate custody facilities which result in defendants being delivered to the street, in front of the courthouse.

It is proposed that the work of this courthouse transfer to Mansfield Magistrates' Court, which has a utilisation rate of 50.3%.

Mansfield is almost 23 miles from Retford and the areas are linked via an hourly rail service, with a travel time of over one hour and at a cost of almost £10. The quickest bus journey takes an hour and costs £6.50. Court users from outer lying areas will have even longer journeys. This could impact adversely on witness attendance, as well as the attendance of other court users.

Judicial consultees are concerned that there will be some additional delay in the listing and disposal of cases, but agree that closure should proceed. Overall, I do have concerns with regard to reasonable access to justice but, on the information available, it is difficult to justify retention.

## Wellingborough County Court

A small County Court situated within a Department of Work and Pensions Building. It sits for just one day a week and has no jurisdiction to deal with family or insolvency work. It is clearly under utilised, at 47%.

It is proposed that the business of this courthouse transfer to Kettering County Court, which is only 8 miles away. There is a bus service which runs every 30 minutes and costs £6.80 return. The train service also runs every 30 minutes and costs £3.80 for an 'off peak' return ticket.

Judicial consultees believe Kettering cannot be used for family hearings as it is too small and lacks 'escape' routes. The District Judges who sit there also consider it to be dangerous. Overall, it is agreed that closure should proceed. On the information available to me, therefore, it is difficult to justify retention, although this must be subject to adequate family provision being made available in Kettering.

#### Worksop Magistrates' Court and County Court

I have considered both courts together given they are co-located The Magistrates' Court, which has two courtrooms, sits five days a week and is currently under utilised at 48.6%. It deals with the full range of magistrates work, and is an FPC. The building meets minimum HMCS standards, albeit with limited waiting and secure accommodation for court users. The County Court is small and generates little work from its own jurisdiction and sits to hear civil claims on average six days each month.

It is proposed that the work of this court house be transferred to Mansfield Magistrates' Court; approximately 15 miles away. There is an hourly rail

service linking the two areas with a travel time of approx. 35 minutes and at a cost of £4.30 return. The bus service is irregular and involves one change, taking roughly one hour and costing £4.50 return.

The local bench believes closure of Worksop would not produce meaningful savings but would mean significant travel problems for defendants and witnesses.

Overall, on the information available to me, it is difficult to justify retention.

# (b) Closure is not supported

# **Spalding Magistrates' Court**

This Magistrates' Court is a grade II listed building, which sits four days a week and currently has a low utilisation rate of around 30%. I gather that the building has DDA limitations but deals with the full range of magistrates' work (including family). It is also a Specialist Domestic Violence Court and is used on the last Friday of each month for Coroner's Inquests.

The consultation paper states that the operating costs for the court run to £222,854 for 2009-10, although the South Lincolnshire Bench disagree with that figure.

Spalding is clearly under utilised, however, there are significant access to justice issues. It is proposed that the work of this courthouse be transferred to Grantham Magistrates' Court, which is roughly 35 miles away. The transport links are poor and would see court users having to make a very lengthy journey of between 1.5 and 2.5 hours, each way, at a cost of around £15 by train. This is, in my view, unacceptable.

Judicial consultees all oppose the closure of this courthouse, which they say is well used. They echo my own concerns with regard to travel times for court users, especially those living in surrounding areas.

If the case for Spalding was being made on utilisation figures alone, the decision would have been relatively straightforward but, given the legitimate access to justice concerns, I do not support closure.

# (c) Further detail required before a decision is taken

#### Market Harborough Magistrates' Court

This is a small courthouse which sits one, or two, days per week with restricted opening times. It is a Specialist Domestic Violence Court. It is clearly under utilised at just 36.9%.

The building is DDA compliant; meets HMCS minimum standards and has undergone extensive refurbishment in the past 10 years.

It is proposed that the business of this courthouse transfers to Leicester Magistrates' Court, which is approximately 15 miles away. There is a train and bus services, which run twice every hour.

Some judicial consultees express concern that there will be some additional delay in the listing and disposal of cases but agree that closure should proceed. The local bench is opposed to its closure, suggesting the court is only under utilised because work has been deliberately moved elsewhere. They also believe that there has been insufficient consideration of factors such as additional travel time for police and magistrates, as well as for the cost in time and money for victims and witnesses.

Closing the courthouse would only remove the need for rather modest investment backlog maintenance of around £8,000. I am not sure whether Leicester can absorb the workload but, subject to confirmation of that point, it may be that retention is difficult to justify.

### **Kettering Magistrates' Court**

Kettering Magistrates' Court deals with the full range of magistrates' work and is a specialist FPC. It has three courtrooms which sit five days a week and has a fairly impressive utilisation rate of 73.5%\* (\*HMCS – OPT – to year end July 2010). The Coroner and County Court also sit at Kettering on an ad hoc basis. The proposal is for the work of this courthouse to transfer to the Magistrates' Courts of Wellingborough and Corby, which currently run at a utilisation rates of 64.9%\* and 51.6%\* respectively.

Corby is 10 miles from Kettering and transport links are on the cusp of acceptability. A bus service links the two areas, and runs every 30 minutes. A train service runs once an hour and costs  $\pounds 5.50$  return. The journey from Kettering to Wellingborough is of greater concern as the bus service runs just every 1-2 hours while a train service runs every 30 minutes and costs around  $\pounds 4$  return.

Some judicial consultees express concern that there will be some additional delay in the listing and disposal of cases, but agree that closure should proceed. The Corby Bench strongly opposes closure of Kettering and suggests that court utilisation in this area is already overstretched. They believe the impact on victims and witnesses would be severe as the area has low car ownership and transport links are poor. They also question workload figures provided by HMCS.

Overall, I am concerned about whether Corby and Wellingborough can realistically absorb the work of this busy court. I am also a little confused by the suggestion that criminal work should shift to Wellingborough, but civil work should shift from there to Kettering. I would have thought that maintaining a criminal and civil presence for court users in both towns offers the best approach and at minimal additional cost. I think further work is required before closure proceeds.

# **Daventry Magistrates' Court**

A small courthouse which sits three days per week and deals with the full range of magistrates' work, including family. It is under utilised at 48.2%, although it is proposed to transfer work to Northampton which is already utilised at 79.4%, which is almost 13 miles away, with poor transport links. A

bus service which runs twice hourly and takes approximately 50 minutes. There is no rail service.

I note that HMCS proposes that the business of Towcester Magistrates' Court be transferred to Northampton and I wonder if this is achievable.

I gather that the accommodation is dated, although it meets HMCS minimum standards. The courthouse has a lack of victim and witness facilities and a limited waiting area.

Some judicial consultees express concern that there will be some additional delay in the listing and disposal of cases but agree that closure should proceed. I have concerns about Northampton's ability comfortably to absorb the work of several court houses, especially as it has a rather high utilisation figure alone. Subject to reassurance on that point, it may be difficult to justify retention.

# Melton Mowbray Magistrates' Court and County Court

I have considered these courts together given they are co-located. It is proposed that the work of the Magistrates' Court moves to Loughborough and the business of the County Court to Leicester.

The Magistrates' Court is a satellite court which sits three days a week and on the second Wednesday of each month. It is a specialist FPC and deals with the full range of Magistrates work, with the exception of video link remand hearings and trials. The courthouse meets the minimum standard required by HMCS but is under utilised at 35.4%.

The County Court sits one day per week and, according to HMCS, deals with civil small claims work, although judicial consultees disagree, suggesting it deals with a high proportion of possession applications as well as suspension of warrants.

Loughborough is approximately 16 miles away and the two areas are linked by an hourly bus, or rail, service though this is expensive (£12) and can be lengthy; estimates suggest many being served by Mowbray would have a two hour journey to Loughborough. I gather from the local Bench, who are opposed to closure, that the Police do not support the closure of the court believing, among other things, that there will be an adverse impact on Police Officer travel times and expenses.

The local Bench has also conducted an interesting travel survey amongst 120 court users. The results are worth highlighting; of those questioned, 100 said they would have significantly increased travel time, in most cases of over one hour. 40% said that they had walked or used public transport to attend court.

Judicial consultees equally oppose the closure of the county court building, which they say is busy, with nearly 2000 claims issued in the county court in a six-month period. They believe that retaining the Court, which serves a large rural community, will relieve pressure on Leicester County Court (which the ADJ believes has a considerable backlog and a lack of available court space) as

well as Loughborough. The Designated Civil Judge believes that there is sufficient work generated to sit more regularly and raise the utilisation rate. HMCS has spent considerable sums of money to modernise the building.

Taken together, I believe that this courthouse has justifiable reasons for being retained. Heavy investment has been made so as to make this courthouse a modern, functional building. On the information available, I believe there is a case for questioning whether more use can be made of this courthouse.

### **Skegness County Court**

This court is co-located with the Magistrates Court (which HMCS does not propose to close). Skegness is a small County Court which sits three days per month to hear small claims hearings. HMCS has not provided utilisation figures for this courthouse; however, I believe all of its administration work (counter work) is carried out at Boston County Court and the proposal is for the formal transferal of the business.

Transportation remains a significant challenge, and I must raise concerns with regard to 'access to justice'. Boston County Court is approximately 23 miles away and the two areas are not, I believe, linked by bus service. The journey by rail takes 35-50 minutes, and costs almost £9.

The Magistrates' Court here is due to remain functional and HMCS does not indicate a cost saving in closing the County Court. Judicial consultees approve of the proposal to move the counter service only. Given transport difficulties it is difficult to see the benefit to court users of closing the county court when the Magistrates' Court is to remain, especially given the savings will be modest. I think further work is required before a decision is made.

#### **Towcester Magistrates' Court**

A small courthouse which sits three days a week and deals with the full range of magistrates' work, including family. It has a utilisation rate of just 41.2%.

The building does meet HMCS minimum standards. The courthouse does however have a lack of victim and witness facilities as well as a limited waiting area. The deputy chair of the Towcester Bench disagrees and is of the view that the building has perfectly adequate facilities; secure accommodation which is DDA compliant with space for victims and witnesses, as well as free parking for all court users.

It is proposed that the business of this court be transferred to Northampton, which is approximately 11 miles away. A bus service runs every 2 hours and takes on average one hour. There are no rail links.

Some judicial consultees express concern that the Family Proceedings Court sittings will be adversely impacted and that there will inevitably be some additional delay in the listing and disposal of cases, particularly in view of proposal also to transfer Daventry work to Northampton. They do not however oppose closure. I think more work is needed to reassure court users about Northampton's ability to absorb the work, as well as an assessment on the impact in relation to family work.

# **Grantham County Court**

It is proposed that the administration of this court, be transferred to Boston. Grantham has four courtrooms as well as counter services available 5 days per week from 10am - 4pm. A District Judge sits one day each week and hears cases on a Monday. The courthouse is DDA compliant but accommodation is not ideal. Public facilities are also poor.

The ADJ raise concerns about the preservation of access to justice in Lincolnshire. Transport remains a significant challenge in this region and the transferal of work to Boston, will see court users having to make a 31 mile journey via an hourly train service and at a cost of around £12.30 return or a 1 hour 20 minute bus journey at a cost of around £6.50. The cost alone will, for many, be hard to accept or afford. The potential journey times for those living in outer areas of Grantham could be considerably longer than one hour.

If what is proposed is simply the centralisation of functions with most work still being undertaken at the court (even if it loses its formal status as a county court) then closure would not be opposed. If, on the other hand, work involving direct contact with court users is to be moved, often considerable distances, then I think it would be difficult to justify given the county court is co-located with the remaining criminal courts. I understand the former is the case, in which case I can see no difficulty with these administrative changes.

# **CP09/10: Proposal on the provision of court services in Greater Manchester**

The proposals in this consultation paper affect only two magistrates' courts and two county courts within Greater Manchester. Two issues have, however, impressed me when considering these particular proposals. One is the depth of feeling about, and the local opposition to, the proposal to close Salford Magistrates' Court. What is presently being suggested to enable the court to remain is innovative and I am sure will be considered very carefully by HMCS. The second is to need to revisit the distribution of county court districts amongst those county courts which will remain to ensure a sensible balance of work and to mitigate any exceptional travel times.

# (a) No objection to closure

## **Salford County Court**

In the context of the declared aim of easing the pressure on public finances and the need to eliminate waste and reduce costs by optimising the utilisation of court buildings, it is difficult to justify the continued operation of a county court in Salford, with operating costs said to be almost £700,000 pa and which is housed in a building located only 1.6 miles from a modern purposebuilt court centre presently operating significantly below its capacity. I therefore do not oppose the closure of Salford County Court even though I acknowledge that the building will remain part of the HMCS estate by virtue of it becoming the organisation's major business centre in the North.

Assuming that the judiciary affected by the closure of Salford County Court are redeployed to Manchester Civil Justice Centre, it is only right that they have the same court/retiring room facilities as are available to those judges already occupying the CJC. They should also be located as close as possible to existing district judge rooms so as to optimise the efficient working of support staff (ushers, clerks etc) and to minimise any delay, disruption and inconvenience to litigants, lawyers and other parties such as Cafcass. I trust, therefore, that consideration will be given to the suggestion advanced by the Association of HM District Judges that the district judges who are presently deployed in Salford should occupy the three vacant courtrooms on level 5 of the Manchester CJC, which would put them in close proximity to the existing district judges who occupy levels 3 and 4.

# (b) Closure is not supported

## Salford Magistrates' Court

Situated just over half a mile from the Manchester Magistrates' Court building and with outstanding maintenance arrears of £2.29M, it is understandable why it is proposed that this Grade II listed building should be closed even if its eventual sale might prove problematic. The Bexley Square building is in a poor state of repair; there having been an under-investment in the building for a number of years with a planned new courthouse in the pipe line since 1996.

Until cancelled in November 2009, it was being proposed that Salford Magistrates' Court should be relocated in a new building providing six courtrooms. I am informed that currently 15 of the 18 courtrooms are used at Manchester Magistrates' Court, to which it is suggested the work should be transferred. Those numbers themselves question whether there would be sufficient capacity for all of Salford Magistrates' Court's work to be transferred to Manchester Magistrates' Court.

I am also told that after lengthy discussions with Salford City Council it is being proposed that the title of Bexley Square should be transferred back to Salford City Council, which will then take over the operating (but not staff) costs of Salford Magistrates' Court. With the City agreeing to undertake the necessary refurbishment, this proposal would remove the maintenance backlog whilst at the same time reducing the annual operating costs of the building to HMCS. I also understand that the plans would involve a reduction in courtroom capacity, which therefore would enhance the present utilisation rates. The response from the local Bench sets out the arguments in further detail.

This innovative proposal would resolve the present conundrum under which only 70% of the legal title and 68% of the occupancy of Bexley Square vests in HMCS. It would preserve the distinctive Salford bench which has been instrumental in many innovations, including the Salford Schools Project, the Community Justice Initiative and a specialist drugs court. It would also avoid the creation of a very large bench of 550 magistrates and several district judges.

At the present time, therefore, I do not support the closure of the Salford Magistrates' Court.

## (c) Further detail required before a decision is taken

Bury County Court and Rochdale, Middleton and Heywood Magistrates' Court Bury County Court is co-located with Bury Magistrates' Court. The proposal, as I understand it, is to transfer the work of Bury County Court to the Manchester Civil Justice Centre, the space thereby freed up being used to accommodate both the Bury Magistrates' Court and the Rochdale, Middleton and Heywood Magistrates' Court ("Rochdale Magistrates' Court") in the Bury courthouse. Unusually, the courthouse has no maintenance backlog.

The first problem I have with this proposal is that I am not persuaded that it would be right to close the Rochdale courthouse. Although the consultation paper refers to a maintenance backlog of around £416,500, I am informed by the local bench that the standard of accommodation within the courthouse is high and that it has both a good location and courtroom utilisation. The courthouse was only built in 1975; in recent years large sums have been expended to bring it up to the requirements of a modern court building. Three courts have been completely refurbished; three courts have video capability; there are two video witness suites for vulnerable witnesses; there are two modern youth/family court suites with their own entrance and waiting area; there is a new heating boiler, new air conditioning, and so on. The view of the

local bench is that very little would have to be spent on maintaining Rochdale Courthouse over the next 5 to 10 years.

If Rochdale Magistrates' Court were to close (I appreciate that the closure of the court would apparently save £568,000 of operating costs) one immediate problem with the proposal to close Bury County Court is that the transfer of the Salford County Court work and judiciary into the Manchester Civil Justice Centre absorbs the available accommodation at the latter courthouse, leaving no space for the district judges who presently sit 12 judge days each week at Bury County Court.

Furthermore, I am informed that for those who live in the outlying areas the journey time to Manchester Civil Justice Centre can be anything up to 2 hours. Bury is a separate town distinct from Manchester with a population of over 180,000. It is presently in the course of a major town centre reconstruction project, said to be the largest such venture outside of London. It is a growing town.

I am told by the Association of HM District Judges that, after very careful consideration, their members at Bury believe that there is sufficient capacity within the existing courthouse to accommodate both Bury and Rochdale Magistrates' Courts as well as retain Bury County Court at that building. The necessary work would be limited: Court 4, which has been converted into a conference/training suite, would have to be converted back into a courtroom. There could also be a more imaginative use of both Courts 7 and 8, with more efficient listing of the magistrates' court and proper utilisation of the existing underused facilities. Further courtroom space will be available once the public law Children Act work of Bury Magistrates' Court is transferred to Manchester (as is planned to occur); the same presumably would apply in due course to the public law work heard by Rochdale FPC if that court were moved to Bury.

I am also told by the local Designated Family Judge that the closure of Bury County Court would disrupt a very successful operation of the Unified Family Court.

Overall, there appears to be a case for retaining the good accommodation at Rochdale Magistrates' Court. Alternatively, accommodating Rochdale Magistrates' Court alongside Bury Magistrates' Court without having to close Bury County Court may well warrant further consideration. On balance, I would recommend that the closures of Bury County Court and Rochdale Magistrates' Court be given further consideration, especially in the light of the movement of Salford County Court into the Manchester Civil Justice Centre.

# Proposal on the provision of courts services in Humber & South Yorkshire CP10/10

The proposals on the provision of court services in Humber and South Yorkshire affect one Magistrates' Court and two county courts in a mixed urban and rural area.

# (a) No objection to closure

None.

# (b) Closure is not supported

#### **Barnsley County Court**

This court has full county court jurisdiction, including bankruptcy, and is a District Registry and family hearing centre. The court has a large civil courtroom and two district judges' chambers/ hearing rooms. The court currently sits two district judges, with a total of eight sitting days normally held each week.

It is proposed that Barnsley County Court is closed and the work moved to Sheffield Combined Court and Family Hearing Centre, which is 16 miles away. The journey time is reasonable and inexpensive.

However Barnsley County Court undertakes a considerable volume of family work, with the court sitting approximately 407 days in 2009-10. The assertion in the consultation paper that this work can be accommodated at Sheffield is questionable given the volumes of work in both Barnsley and Sheffield.

Prior to the announcement of the programme of closures, the area was considering integration with the local Magistrates' Court and local members of the judiciary recommend that this is a better option to closure. The probation service has recently vacated Barnsley Magistrates' Court, thereby creating space. There is sufficient office accommodation to house the county court staff and co-location would provide the opportunity to offer a unified family service. It is anticipated that relocation would increase the court utilisation from 65% to 95%.

It is therefore suggested that, instead of closure of Barnsley County Court, it be integrated into Barnsley Magistrates' Court. The cost of such integration has been assessed locally at less than  $\pounds 50k$ . The current county court premises are freehold and the capital receipt from a sale would more than cover the integration costs.

I would encourage further work towards this proposal and would not support closure in the meantime.

### (c) Further detail required before a decision is taken

# **Goole Magistrates' Court and County Court**

I have considered these courts together given they are co-located. Goole County Court was closed in 1996 and its jurisdiction and workload transferred to Doncaster County Court. However, a counter service is maintained one day per week and hearings are held one Friday per month. A district judge attends from Doncaster to conduct these hearings. A range of civil work is listed, consisting mainly of possession cases, defended small claims and miscellaneous applications. The administration of this work is carried out at Doncaster. A member of staff based at Doncaster travels to Goole one day per week to provide a counter service.

Given the low usage it is proposed that these arrangements cease and that the county court work currently handled at Goole should revert to Doncaster, which is 24 miles from Goole. The transport links are reliable and relatively inexpensive. The court has no permanent members of staff and Doncaster can readily accommodate the workload.

The Magistrates' Court has two court rooms hearing a good mix of work. The courthouse is a historic building that forms part of premises owned by Humberside Police. The building is in a good state of repair and compliant with requirements under the Disability Discrimination Act. The custody facilities are within the police station and shared with the police, although this arrangement causes occasional problems. There is a prison and vulnerable witness link.

It is proposed that the court is closed and all hearings transferred to Beverley Magistrates' Court. In principle, this would be a sensible decision as the utilisation rate is low, at 31.53%. Furthermore, Beverley has the capacity to accommodate the extra work and Goole.

I have reservations about the distance to Beverley, which is 28 miles from Goole. For those with private transport, journey by car would take 50 minutes. Local evidence indicates that public transport links are not reliable and that the cost of travel would be excessive. As an example, to be at court for 9.30am, an individual would need to catch the 07.53 train from Goole which arrives in Beverley at 08.52. This would allow for a fifteen minute walk from the station to the courthouse. This timing does not make any allowance for someone who has to get to Goole from outlying areas in the first place. A one-way ticket at this hour would cost £10.

This is compounded by the fact that Goole is within the 10% most deprived areas in the country with a high proportion of the population in receipt of low incomes or benefits of some description. Unlike many other courts a very high proportion of defendants who appear at Goole Court actually live in the area. The cost of attending the Beverley Magistrates' Court, by applicants, defendants or witnesses would be disproportionate to their incomes. This could lead to an increase in the numbers who fail to attend court.

Back office functions are already centralised, with the court being administered from Beverley. Ten years ago HMCS conducted a review of its estates strategy culminating in the loss of many East Riding courts (Howden, Pocklington, Market Weighton, Brough, Driffield and Withernsea). It was accepted at the time that because it is a large rural area, East Yorkshire should be served by an absolute minimum of three courts, sitting at Beverley, Bridlington and Goole, the towns being strategically situated and of sufficient size to warrant a court. Little has changed in Goole since that time other than the influx of a sizeable number of people from Eastern Europe taking up residence in Goole, many of whom are on very low incomes.

I would finally note that Goole is only 7 miles from Selby (North Yorkshire) and 24 miles from Doncaster (South Yorkshire). It would be more sensible to move the work from Goole to Selby.

Given the distances involved it is difficult to justify the closure of the Magistrates' Court. The low utilisation rate must be balanced against the needs of the local community. Should the Magistrates' Court remain open, it seems sensible to maintain a county court presence in the building, given the minimal costs involved.

# **CP11/10: Proposal on the provision of court services in Kent, Surrey and Sussex**

The north and west of these areas contain some of the densest urban areas in the country with wealthy areas in close proximity to areas with high levels of social deprivation. To the south and east of the area it is largely rural, with some towns along the coast suffering high levels of unemployment with all the attendant strains that places on services, including the Courts.

As the Southeast has the second largest economy outside London, population growth is projected to grow for many years to come, and particularly, huge housing developments are proposed for the East Thames corridor and central Kent. This will create substantially more workload for the courts. I have concerns that the proposals only take a snapshot of short term workloads and pressures and could soon lead to a necessary reversal, the costs of which will exceed the relatively small savings offered by the closure programme.

Some of the courts being consulted upon have high utilisation rates; I question the ability of some of the receiving courts to be able to accommodate the extra workload.

# (a) No objection to closure

#### **Gravesend County Court**

This court was effectively closed some years ago. The only judicial activity is a District Judge sitting 3 Thursdays each month to hear a possession list, the court itself inappropriately sitting within the premises of the District Council. This not an efficient use of judicial or court resources and both the current Dartford District Judges support its termination. From the point of view of efficient disposal of cases it is much better for the District Judge to remain in Dartford and for Gravesend cases to be listed there.

There is little justification for retention.

#### **Epsom Magistrates' Court**

After consultation, Epsom closed for hearings in 2004 and work transferred to Redhill. Provision was made for hearings to take place at Epsom County Court; no such hearings have taken place. Given the court is not sitting it is assumed that there has been little inconvenience to court users; it is therefore difficult to justify retention.

#### (b) Closure is not supported

#### **Epsom County Court**

This modern court was only moved to its present location 2 years ago, at considerable expense; HMCS has a lease on the building with no break clause until 2017. Annual rent is in the region of £200,000 a year and the only permitted use is as a court.

I consider that with a more flexible approach to boundaries and deployment the excellent facilities at this court could be used in a more efficient way. For example, there is some spare capacity in terms of courtrooms which, given Epsom's proximity to London, should provide scope for work to be transferred from the South end of the area. There may also be scope for the Tribunals Service to use part of the building. Alternatively, the Dorking Area Office could be moved into the second floor library at Epsom and the Dorking premises vacated.

Public transport links are poor to the rest of the county; for example, to get to Reigate (to which it is suggested work should go) it would be necessary to take two trains and a bus, making it difficult for litigants using the family courts. Epsom has far quicker links to parts of South London and it is easier (and cheaper) to get to Croydon.

More work is required before this excellent, modern, facility is disposed of.

## Woking Magistrates' Court

The stated criteria for the consultation do not appear to apply to Woking. It has excellent transport links, being adjacent to the rail station and next door to a multi storey car park.

This is a modern, purpose-built, court. It has a maintenance backlog a quarter of that of Staines and one ninth of Guildford (to which work is to be transferred). It has full DDA compliance (including cell areas) and its facilities for victims, vulnerable witnesses, youths and opposing parties are superior to Staines and Guildford. A new police station has been built next door

Case throughput is higher than the national average and sitting times are at 4.73 hours, which is above the average for the South East.

Woking has the largest Muslim population in Surrey of 6%, containing the oldest mosque in the country. The North West Magistrates' Bench has worked hard at building links with the Muslim community and some of this would be lost if they then have to travel to Guildford or Staines.

Given the proximity to London, current workload, and the excellent purpose-built facilities, it seems odd to dispose of this court. I am also concerned about the ability of others to absorb the workload. More work is required; in the meantime, I do not support closure.

#### (c) Further detail required before a decision is taken

## Ashford Magistrates' Court and County Court

I have considered these courts together because they are co-located. At first sight, both co-located courts have little to recommend their continuance due to operating costs and a large maintenance backlog. However, the Ashford area is a rapidly growing population area (it is a designated growth point). In light of the proposed merger of the courts service and the Tribunals Service the possibility of maintaining a county court presence in the town could be

achieved by sharing accommodation with the local Tribunals Service, which has a significant presence in the town.

Interestingly, the local Bench has suggested that retention of Ashford and closure of Dover Magistrates' Court may be a better option. This is based on their assessment of potential savings to HMCS and better transport links. I think there may be merit in this option.

Further analysis of the demographic trends may be required, and consideration given to the proposal in relation to Dover, before a final decision is taken. The possibility of shared accommodation with the Tribunals Service should also be investigated further.

# Sittingbourne Magistrates' Court

There are concerns about plans to move work to courts 5 and 6 at Chatham inasmuch as these courtrooms have been designed in an informal manner to accommodate family and youth court work. Neither of these courts has a dock facility and no mention is made of how remand work will be accommodated.

Travel times are quoted from Sittingbourne Magistrates' Court to Chatham and Canterbury, and do not consider those travelling from outlying areas, in particular the Isle of Sheppey. Sheppey provides a large proportion of the population served by Sittingbourne. A journey from the Isle of Sheppey to Chatham by bus can take up to 2 hours and can involve up to three changes. Train travel involves at least one change and would entail travel at peak expense (cost of £7.20 as opposed to the £4.80 quoted) to arrive by 10 am.

A great many people appearing in youth courts travel from the Isle of Sheppey, and it is likely that such a journey will increase non appearance and lead to further issue of warrants. The Isle of Sheppey is in the lowest 5% of socially deprived areas in England and Wales. A high proportion of its inhabitants are on benefit and do not have access to private travel.

The extent of DDA problems is not clear. I gather that recently a defendant was sent to Sittingbourne as his wheelchair could not gain access to the cells at Chatham. A disabled magistrate is currently transferring to Sittingbourne as her wheelchair cannot be accommodated at Chatham.

I think further work is required before a decision is taken to dispose of this relatively busy court, which serves a deprived community.

# <u>Mid Sussex Magistrates Court (Haywards Heath) and Haywards Heath county</u> court

These courts are considered together because they are co-located.

Haywards Heath Magistrates' Court is a better facility that either of the two courts (Crawley and Horsham) which are earmarked to absorb the work if closure goes ahead. The building has plentiful office accommodation for legal and admin staff; excellent witness facilities, recently upgraded for vulnerable witnesses; video linking facilities; interview rooms, and; adequate parking. It

is almost fully disability compliant for magistrates and the public. It has three courts, two of which sit full sessions everyday.

It is proposed that the criminal workload is transferred to Crawley and Horsham. Crawley, in particular, has no facilities for the disabled and inadequate accommodation for witnesses, making this courtroom unsuitable for trials. The court rooms at Horsham, if fully listed for CPS trial courts, would remove flexibility to accommodate additional family courts, non CPS trials or the utilisation of courtrooms for Coroners courts or Tribunals. Any reductions in available courtrooms for flexible use and listing are likely to add to the trial backlog.

The local Bench has produced a detailed, well-argued, submission in response to the consultation. I will not repeat all of the points made, but they are of the view that further work in relation to the management of workload across the area is required before any decisions are taken.

In relation to civil work, the effect of this closure will be that 2 District Judge days will need to be heard elsewhere each week. Thought must be given to flexibility of boundaries in relation to the transfer of work (Horsham, Brighton, Crawley and Tunbridge Wells) so that court users do not have to travel unnecessary distances. Furthermore, consideration should be given to the likely need for appropriate court space to handle the fast track trials and some small claims. In other words, transferring all the work to Brighton is unlikely to be the best solution.

I agree with the local Bench that there should be no decision on the closure of Haywards Heath courthouse until there has been detailed analysis on the operation of all three courthouses and the ability of remaining courts to manage both the civil and criminal workload, should Haywards Heath close. Detailed costing is also needed in relation to the work required at Crawley Magistrates' Court to bring it up to standard; there is even a suggestion that the building, owned by the Council, is earmarked for demolition.

Until more detail is provided, I do not think the case has been made.

#### Lewes Magistrates' Court

This is a modern facility (1998) though it is under-utilised at 49.2%. The local Bench feel strongly that this is because work has been transferred away from the court to Brighton. The closure is opposed on the basis that this will be the third rural court closure in this LJA and travel times from the outlying areas will be significant. Those travelling from North of Lewes in particular will be hardest hit. Further analysis may be required before this modern building is disposed of, although on the surface if may be difficult to justify retention.

# CP12/10: Proposal on the provision of court services in London

The proposal for London would see the Magistrates' Court estate reduced from 34 locations to 23. The number of county courts would reduce from 18 to 16

Many of those who have made their views known are disappointed by the amount of information contained in the paper; this has led some to oppose what could be perfectly rational suggestions for closure and rationalisation because they are not confident that sufficient planning is in place for coping with workload across criminal, youth and family work. I am sympathetic to these concerns. For my part, I have been unable to support closure in some cases simply because I do not have sufficient information to be confident that I am recommending the right course.

It is interesting to note that trends in relation to a falling workload in the Magistrates' Courts have not materialised in many London Courts; indeed many courts have seen significant increases in workload. This means that, overall, the London Court estate is relatively well-utilised at 79%. The consultation makes the case that this figures hides many under-utilised courts (though does comment than only 7 courts out of the 34 have utilisation rates of less than 70%); this may be so, but the work will have to be absorbed somewhere and I fear this leaves very little room for manoeuvre. A good example is Kingston. On the surface it is under-utilised (62%), but each of the three courts due to take its workload already operate at over 80% utilisation. It is questionable whether they could absorb the additional work.

More generally, I remain nervous about reducing the court estate in line with what may be a short-term fall is workload; increasing utilisation to 80% leaves very little scope for any future rise in workload — one respondent has stated that were the proposed court closures in London to go ahead, it would result in a 92% utilisation rate in the remaining courts. I cannot verify that.

It is also clear to me that, whilst travel distances are not a significant feature in London, many court users will face substantially longer travel times and, of course, because of population density the numbers affected will be greater than in a rural environment. It is in this regard that careful consideration will need to be given as to where work is moved when a court closes. It is significantly easier for many users to travel nearer or further away from London by public transport and car than it is to negotiate the periphery. There is also the further difficulty that many car journeys to and from court take place during rush hour so relatively short distances can take a substantial amount of time.

In some instances it does not appear sensible to move work from a closing court to a distant alternative simply because it is in the same LJA (Woolwich to Bromley springs to mind). It is, however, difficult to ascertain from the consultation paper how often such instances are likely to arise. I would want to know that a more coherent assessment of workload reallocation will have

been undertaken, rather than simply dividing up the work of a closing court and sharing it between the other available courts in a newly created LJA.

Finally, I know that many magistrates in London feel very disappointed by the way in which this consultation has been undertaken. This is not because they are against change. It is the rather the opposite. A great deal of work has already been undertaken to plan a long-term London Estate Strategy and magistrates have been very engaged with designing a future rationale which could be applied to London. Many feel that these well considered plans have been put to one side in favour of a hasty consultation which has identified court closures on purely financial grounds.

# (a) No objection to closure

### **Acton Magistrates' Court**

Although Acton is fairly well utilised and hears a good mix of work (including Youth work), facilities at the court are poor. It is proposed that work be moved to Feltham, Ealing and Uxbridge, all of which are within reasonable travel time and cost.

# **Brentford Magistrates' Court**

The court is used infrequently, sitting approximately three or four days a week between its two courtrooms. Workload is mainly traffic cases. Facilities are poor and travel times and costs to the neighbouring courts at Ealing, Feltham and Uxbridge are reasonable, though some care will need to be taken how work is distributed – for example the journey time to Uxbridge is an hour and costs £9, whereas travel times to Ealing and Feltham are far more reasonable.

#### **Highgate Magistrates' Court**

Closure is dependant on enabling works being completed at Highbury Corner and Enfield. Clearly the court cannot be closed until this work has been undertaken.

Highgate sits three of its four courtrooms everyday and is also the specialist Domestic Violence Court for the current LJA. Facilities are judged to be poor. Travel links to neighbouring courts (Enfield and Highbury Corner) are acceptable.

# (b) Closure is not supported

#### **Ilford County Court**

It is not clear whether suitable accommodation is available at either Romford or Bow to house the two District Judges who currently sit at Ilford. There is a suggestion that enabling works will be required, though this is not made clear. Confirmation of this point is needed before closure can proceed. The Association of District Judges (ADJ) is of the view that neither court could take the additional judges and staff if Ilford were to close.

Ilford has a general civil and family jurisdiction, although it does not hear Care work. The court lists work for two District Judges on everyday of the week and the ADJ say that workload across all areas is increasing.

Accommodation is poor. Travel times appear reasonable, with direct train and bus services available to the neighbouring courts at Romford and Bow.

If reassurance can be provided in relation to accommodation, and the ability elsewhere to absorb the workload (in a very stretched London county court estate), closure may well be justified. Until then, closure should not proceed.

# The Mayor's and City of London Court

The Mayor's and City has a general civil jurisdiction. Two Circuit Judges and two District Judges are listed for five days a week. Travel links to the neighbouring courts (Central London and Gee Street) are good. The ADJ acknowledges the small local population which the court serves, but argues that a significant number of specialist practitioners issue through the court. They argue that utilisation is likely already to be over 80% and dispute the assertion that maintenance and suitability are an issue. I am told that the court provides a high level of service to users.

It is not clear whether accommodation for staff and the four judges who sit at the Mayor's and City will be available in either of the alternative venues. This point needs to be confirmed. The ADJ is of the view that neither Gee Street nor Central London have the capacity and accommodation needed to be able to cope with the closure of the Mayor's and City of London Court.

On this basis, closure of this court is not supported.

## Waltham Forest Magistrates' Court

Closure is dependant on enabling works being completed at Stratford Magistrates' Court. It is a busy five court centre which sits everyday. Some reassurance would be needed that Stratford, even after enabling works, can really absorb the additional workload. It is likely that the population of this area will grow as the investment arising from the London Olympics gathers pace.

Crime rose by 4.7% in the Borough last year, at odds with an overall reduction in London of 1.8%. Waltham Forest also retains an ability, much used by vulnerable individuals, to grant urgent non-molestation orders.

Travel to Stratford also appears difficult, with no direct bus or train links.

Given that accommodation appears to be perfectly adequate, it may be that a reprieve should be granted until local demographic shifts have bedded down. It would appear that the savings which will be gained by closing a busy court with minimal maintenance difficulties are negligible, when compared with the uncosted investment needed for Stratford to be able to absorb the work.

# (c) Further detail required before a decision is taken

Balham Magistrates' Court

Closure is dependent on enabling works being completed at Camberwell Green or Wimbledon to where it is proposed much of the work will be reallocated (depending on whether Wimbledon or Camberwell is expanded).

Balham is a specialist youth court which sits eight days a week across its two courtrooms. Much of its work comes from outside of the local area so closure is unlikely to mean greater travel difficulties for many of those appearing there. That said, some further work may be required to assess whether a significant number of vulnerable court users will be affected by one of the proposals which would necessitate a train journey of between 22 and 33 minutes followed by a 15minute walk from Denmark Hill station to Camberwell Green (though the Bench question the relevance of this as Balham does not undertake work from Southwark, as suggested by the consultation paper).

It is worth noting that there may be a contradiction between the desire to establish specialist centres, as stated in the consultation, and the closure of Balham, which deals exclusively with youth work.

The local Bench has also expressed concern about some of the assertions made in the consultation paper, particularly with regard to witness facilities, which they feel are very good. In a well-considered response to the consultation, they also believe the location, close to the borders of both Lambeth and Wands worth, is beneficial in reducing potential gang-related territorial disputes because young people do not have cross far into other Boroughs. In terms of maintenance, the local Bench has obtained a more detailed breakdown of the backlog which suggests that only £11,000 of the quoted £325,000 backlog is classed as priority 1 work, the balance being more long-term or desirable work.

Further work may be required as to whether a genuinely better service will be offered to vulnerable young people by dividing up the work of a dedicated specialist centre, which appears well-suited for its role and has very established links with partner agencies.

#### **Barking Magistrates' Court**

Barking hears fairly limited work (a significant amount of traffic work is listed because only one court has access to the cells), although it is relatively well utilised. Facilities are poor; the building is Grade II listed and accommodation for staff is deemed unsuitable. Travel times and cost to the neighbouring courts at Romford and Ilford are reasonable, though there are no direct train services available. There are concerns that the population growth which will be seen in this area (an increase of one-third is predicted over the next 20 years) ought to be taken into account in terms of whether other courts can absorb the work. That said, and on the basis that the court is only able to hear a fairly limited diet of work at present, it is difficult to see how it could cope with more work unless there is significant investment. That is unlikely to be forthcoming.

A new Police Station (30 cells) is also being built and some consultation with the Police about their needs may be helpful There are further concerns that domestic violence trials could be adversely affected by closure, a point recognised by the allocation of an additional court at Barking.

The local Bench opposes closure, setting out their concerns in a detailed submission. On balance, however, if other local courts can absorb the workload (and this must be confirmed) it is difficult to argue there will be sufficient hardship to court users to justify retention of a court which, on any analysis, has a poor standard of accommodation.

#### Harrow Magistrates' Court

Harrow is a busy, well-utilised courthouse, albeit with a very heavy traffic list. There is some confusion in the consultation paper about the extent of the accommodation difficulties; the narrative describes a large number of problems and asserts that remedial work would be prohibitively expensive, but the maintenance backlog is set at a relatively modest  $\pounds 60,000$ . The concerns expressed in the consultation about the suitability of the facilities is also questioned; disabled access appears acceptable and waiting space is deemed as adequate. The local authority and the Police are also said to oppose closure. That said, transport links to neighbouring courts at Brent and Hendon are just about acceptable, although in the former it is a half hour walk from Willesden Junction (the nearest train station) and in the latter, travel times are approaching an hour.

## Kingston upon Thames Magistrates' Court

Again, Kingston is a well-utilised court, regularly sitting three of its four courts. It is said, however, that there are other courts nearby which are deemed capable of absorbing the work. This may need further analysis: on the surface it is under-utilised (62%), but each of the three courts due to take its workload already operate at over 80% utilisation – it is questionable whether they could absorb the additional work.

Travel times to Wimbledon, Richmond and Battersea are all acceptable. That said, the local Bench has questioned whether the asset value attached to Richmond (£6.7million) would not present a better option for HMCS to realise savings, preserving Kingston Magistrates' Court given the relatively inexpensive leasehold arrangement. This may be supported by the suggestion of a substantial maintenance backlog at Richmond.

### **Sutton Magistrates' Court**

A sizeable court centre, but one which lists only two or three of its five courts on a daily basis. The building is purpose-built and appears to be of a relatively good standard. That said, Croydon is only four miles away so travel costs and times are reasonable.

The local Bench are wholly opposed to closure and feel they have not been provided with sufficient information to make an informed response to the consultation paper. I understand the many concerns they have raised, but am also conscious that difficult decisions need to be taken and, given the excellent travel links to Croydon, I think it is difficult to justify retention, if the workload can readily be absorbed. On this point, I am concerned by the suggestion that workload will be absorbed at Croydon only by closing two

family courtrooms (and possibly a youth court). If this is so, I would want reassurance that an already pressurised family court system, which is likely to see further increases in work, could not be adversely affected.

I think further information is required before a decision is taken.

### Tower Bridge Magistrates' Court

Closure is dependant on enabling works being completed at Camberwell Green, estimated to be between £9.3 and £11.5million. This seems unlikely to be forthcoming.

Tower Bridge is a busy three-court centre which hears a full range of criminal work. Although purpose-built, Tower Bridge is not really suitable for modern-day use; it is spread across two floors meaning secure cell access can only be provided to one of the courts. Waiting areas are also inadequate. Transport links are not ideal. Bus services are acceptable, but the Tube journey appears unrealistic, with a 25minute walk from Oval.

Given it is unlikely that the substantial funding required for enabling works at Camberwell will be forthcoming, I cannot support closure unless these works have first been completed.

#### Woolwich Magistrates' Court

Woolwich appears to be a busy, though small, courthouse and one which appears suitable for the work it undertakes. I can see that the proposal to move work to either Bexley or Greenwich has merit and travel times to both are acceptable. I am less convinced that the journey to Bromley is a sensible proposition and would want some reassurance that the workload from Woolwich can realistically be absorbed by the two nearer courts. On that point, I am well aware of the dilapidated state of Greenwich and have real concerns about its ability to immediately absorb workload. I would suggest that this issue is considered in more detail before a decision is made in relation to the closure of Woolwich.

#### Family and Youth work

As with the other consultation papers, there is no analysis of how family work will be affected by the closure of these Magistrates' Courts. I am aware that in the remaining centres, both youth and family work is creatively listed so that, for example, support agencies can also be present. It would be regrettable if the pressure brought about by increasing criminal work in remaining buildings were adversely to affect these arrangements. There is real concern from the Greater London Family Panel that Stratford and Croydon will both struggle to manage family work in the light of an increasing criminal jurisdiction. Reassurance is needed in this regard, both in terms of physical accommodation and the availability of legal advisers, who some fear will be transferred away from family work.

The proposal to create nine Youth Panels for London is one which requires further detail. A number of valid points are made by the Inner London Youth Panel, including the obvious question of why a Greater London Youth Panel is not being considered, given the approach adopted by the creation of the Greater London Family Panel. I can well understand the concern amongst magistrates because they deal with some very vulnerable people; as a result, applying the same access to justice criteria as the adult criminal jurisdiction is questionable.

More time should be spent working through how youth and family work can best be organised, making sure this vital work is properly taken into account as part of the proposals for court closures.

# Proposal on the provision of court services in North & West Yorkshire CP13/10

The proposals on the provision of court service in North and West Yorkshire affect five magistrates' courts and four county courts. The proposals cover a number of rural communities, where the local members of the judiciary have argued that some of the closures proposed would result in lengthy and expensive journeys to court users.

Another trend noted in this area is that, generally speaking, it could be said that the courts being consulted upon have relatively high utilisation rates, when compared to other Circuits.

In relation to the county courts, the consultation paper tends to focus on the suitability and state of the accommodation. It is not always easy to ascertain whether courts to which work will be transferred can cope with the additional workload.

There are also concerns that there are one or two missed opportunities: for example, a number of members of the local judiciary have recommended that Scarborough County Court be co-located with the Magistrates' Court.

# (a) No Objection to Closure

# **Keighley County Court**

This Court has full county court and Queen's Bench jurisdiction. A district judge sits three days a week and a circuit judge sits eighteen days per year. The court sat approximately 169 days in 2009-10. The court consists of two buildings: one being a freehold court and hearing centre, the other a leasehold district judge's chambers and court office. The court was recently refurbished, though the facilities for parties and witnesses are limited and the building is non-compliant with DDA requirements. Additionally the layout of the court causes security concerns and there are issues with the suitability of staff accommodation and storage.

It is proposed that the work is moved to Bradford Combined Court Centre. Bradford is ten miles away and readily accessible by car and regular public transport links.

Although I accept that the closure of Keighley may result in difficult journeys for some, it is difficult to argue for retention of this court given the accommodation issues. The consultation paper does not make clear the workload involved and subsequently does not comment on Bradford's ability to absorb the work or whether there is space for the judiciary who would have to transfer. Subject to confirmation on this point, the case for retention is not as compelling as others on this Circuit.

#### **Pontefract County Court**

This court has full county court jurisdiction. The court has one full time district judge and a circuit judge who sits two weeks per month. The court

sat approximately 347 days in 2009-10. The accommodation is unsuitable, the court being situated on an upper floor in an office block and with limited DDA compliance.

The proposal is to close Pontefract County Court and to source new leasehold accommodation in Wakefield. This would bring Pontefract and Wakefield County Courts into one operational unit/court centre. Pontefract is within easy travelling distance of Wakefield, which is approximately nine miles away. Public transport is frequent and inexpensive.

Judicial consultees were of the view that a well appointed Court in Wakefield could also take some of the listing pressure from Leeds where the Civil Courts are often full to capacity. Wakefield is less than half an hour travelling time from Leeds.

Given the above considerations, it seems sensible not to argue for retention of Pontefract. However this is contingent upon finding suitable premises for the combined Wakefield and Pontefract County Courts.

# (b) Closure is not supported

## Skipton Magistrates' Court and County Court

I have considered these courts together given they are co-located. The business is mainly crime (including youth work). Family cases are listed once a month and in recent times some road traffic work has been concentrated in Skipton in order to make more use of the facility. Utilisation stands at 63.91%, which is comparatively high amongst courts being considered as part of the programme of closures.

Under previous closure consultations Skipton has been maintained, despite its smaller workload, because of its geographical isolation and the quality of the building. The building has good facilities and it fully DDA compliant.

The proposal in the consultation paper is to close the court and move the work to Harrogate Magistrates' Court, which is 22 miles away. However the magistrates' court at Skipton covers a large geographical area. The proposed closure and relocation of work would have a detrimental impact on court users. The road journey from Skipton to Harrogate crosses the Pennines via Blubberhouses Pass, is not well served by public transport and is closed from time to time by bad weather. Access to the court would become extremely difficult and expensive for many of the people required to attend. Public transport for this journey is infrequent, lengthy and expensive; as an example, an adult return train fare is currently £14.70. Travel times by rail from Skipton to Harrogate are between 1 hour 30 minutes and 1 hour 45 minutes involving a change at Leeds. Buses run every two hours, with a journey time of one hour, but the first bus does not start until 9.30 a.m. meaning arrival by 10.00 a.m. is impossible. Given the geographical location of Skipton, and the travel difficulties to Harrogate, the proposed closure is not supported.

Additionally, Skipton has been promoted by HMCS until very recently as an "exemplar" court and a model of successful, good practice through its shared

and combined use by Magistrates, County and Probation staff and having the Police Station and local Social Services/ Children's Social Care Offices opposite the Courthouse, thus greatly facilitating joint professional working.

Significant expenditure was incurred to effect the co-location with the Magistrates' Court in 2003 to ensure provision of court facilities for the area. The co-location was intended to maximise use of the building.

Skipton County Court has full county court jurisdiction. The district judge sits twice a week and a circuit judge sits once a month. The court sat approximately 107 days in 2009-10. I have made my observations on the good state of the accommodation above.

It is proposed that the court is closed and the work transferred to Bradford Combined Court Centre. Bradford is approximately eighteen miles away. The effect of closure would result in an excessively long and difficult travel for many court users in the very extensive district covered by the court. There is no through bus service, for instance, from North or West of Skipton to Bradford.

For the above reasons, I believe that this courthouse should be retained.

#### (c) Further detail required before a decision is taken

### Keighley (Bingley) Magistrates' Court

This court sits a mix of crime (including youth) and family work. The accommodation is in a good state, but has poor custody facilities. The court has a vulnerable witness link, but prison video link facilities are not available.

It is proposed that the work is moved to Bradford Magistrates' Court. Bradford is 6 miles away and can be reached fairly easily via car and public transport. Travel links are reasonable and relatively inexpensive.

The local bench is strongly opposed to the closure and do not support the proposed bench merger.

There are a number of considerations: firstly, there are 18 permanent members of staff who would require re-location; secondly, utilisation stands at 70.45% which is comparatively quite high amongst the list of courts proposed for closure; and thirdly, the court was recently refurbished at a cost of £50,000.

Although I do not necessarily oppose closure, I would want reassurance that Bradford can absorb the work before a busy, well-maintained, court is disposed of.

#### Pontefract Magistrates' Court

This court operates Monday to Friday and sits occasional courts on Saturdays and bank holidays. The court business is mainly crime (including youth) and family work. The court facilities are reasonable but compliance with the Disability Discrimination Act is limited. There is a vulnerable witness link but

a prison video link is not available. Furthermore, the court has no holding cells and relies on the cells in the Police Station adjacent to the courthouse. The Police have indicated that they will vacate their premises in 2014, which would end the availability of cells.

It is proposed that this court is closed and the work moved to Wakefield Magistrates' Court. Wakefield is approximately nine miles away and can be accessed relatively easily and inexpensively, although the trains can be rather infrequent. Pontefract has 28 permanent members of staff who would require re-location and that utilisation, at 67.30%, is fairly high.

Although I do not necessarily oppose closure, I would want reassurance that Wakefield can absorb the work before a busy court is disposed of.

### **Batley & Dewsbury Magistrates' Court**

This court operates Monday to Friday, with occasional sittings on Saturdays and bank holidays. The court business is mainly crime (including youth), though the family proceedings court sits one day a week. Utilisation rate stands at 57.44%. The building is generally in a good state of repair, though the custody suite in need of an upgrade. There is a vulnerable witness link but prison video links are not available.

It is proposed that the court is closed and the work be transferred to Huddersfield Magistrates' Court. Huddersfield is approximately 9 miles away and reasonably easily accessible via private or public transport.

In principle there seems no reason to oppose the closure. However as an alternative, it has been suggested that the court should be retained and colocated with Dewsbury County Court. This is a proposal that has been made previously by HMCS. Judicial consultees see this as an alternative that will provide a better structure and make best use of the resources and estate available. Please see below for comments regarding the County Court in more detail.

#### **Dewsbury County Court**

Dewsbury County Court has full county court jurisdiction, High Court and bankruptcy. This is a busy court with two full time judges (a combination of two district judges and one circuit judge), supported by 21 permanent members of staff. The building suffers from functional difficulties due to the court operations being spilt over two floors. The accommodation is lacking and the building has limited DDA compliance.

The consultation paper makes no comment as to the volume of work passing through this court. The court sat approximately 450 days in 2009/10. This court serves ethnically and culturally diverse communities. Private family law disputes and disputed damages claims arising from road traffic accidents provide a constant supply of work. Many of these cases are litigated through interpreters and cannot proceed quickly. To reduce county court capacity in the face of these particular problems may have a detrimental impact upon the backlog of work in this area.

It is proposed in the consultation paper that the work is moved to Huddersfield County Court. Huddersfield is 9 miles away and within a reasonable travel distance. However, it is stated in the consultation paper that Huddersfield will require some remodelling works to accommodate the additional judiciary and staff. It is unclear as to whether funding has been provided and if any tangible plans are in place for these works.

Judicial consultees have recommended that Dewsbury should be co-located with the Magistrates' Court, as outlined above.

For the above reasons I do not believe that there is an obvious case for closure and suggest that plans for the provision of justice in Dewsbury should be reconsidered.

#### Selby Magistrates' Court

This court sits mainly crime (including youth work), with family cases listed once a month. The court has recently been refurbished, including works to make it DDA compliant and the installation of a vulnerable witness link. Utilisation stands at 60.69%, which is comparatively high amongst the list of courts being consulted upon. The court has no permanent members of staff.

There is a proposal to close Selby and move the work to York Magistrates' Court. York is approximately 15 miles away. Local evidence suggests that York cannot be reached within one hour. This will be exacerbated for those in outlying areas. Train fares are relatively expensive.

It is worth noting that under plans for closure in previous years, Selby was considered, but not closed, as it was not thought that York could accommodate the workload. Although the consultation paper provides no evidence in this regard, local information from judicial consultees indicates that York is unlikely to be able to accommodate all work presently undertaken at Selby. A further point is that Selby recently underwent modernisation works, at significant cost, and as a result the facilities at Selby are better than those available at York.

I would note that the nearest Court to Selby is Goole, 7 miles away, which is in Humberside. Goole is also being consulted upon as part of the programme of closures. As the courts are in different LJA areas the option to combine has not been considered. It may be sensible to consider this so as to make better use of Selby Court facilities, before a decision is taken to dispose of a well maintained, relatively busy, court.

# CP14/10: Proposal on the provision of court services in Staffordshire and West Mercia (covering Herefordshire, Worcestershire and Shropshire)

The proposals in this consultation paper affect five Magistrates' Courts and eight county courts in what is largely rural area of England. In many cases, the Presiding Judges of the Midland Circuit question the data provided by HMCS and whether the business can be accommodated as proposed within the consultation paper.

Those who live in this largely rural region of the country have very limited travel options. A bus, or train, journey of between 1 - 2 hours and at a cost of between £4 and £14.30 will, for many be unacceptable and mean genuine hardship, especially in the current economic climate.

# (a) No objection to closure

#### **Kidderminster County Court**

Kidderminster is a co-located courthouse. The proposal is to close the county court office and transfer the counter service to Worcester, whilst retaining the site as a hearing centre. There are no permanent judiciary based at the court, however, two District Judges sit a total of around eight days per month.

The ADJ do not support the closure of the counter service and believe there will be no saving to HMCS in doing so. They also question whether Worcester is able comfortably to absorb the additional administrative workload.

It would appear that court users will still be able to access services at this building, although the savings from the proposal will be minimal given the colocation with the remaining Magistrates' Court. On the basis that court users are unlikely to see much difference, I think this proposal, which seems largely administrative, can proceed.

#### Market Drayton Magistrates' Court

This small courthouse is a satellite building to Shrewsbury, to where it is proposed the business will transfer. It sits two days per week and deals with all types of adult criminal and trial work. It is very underutilised at just 27%. The building offers adequate facilities, but is dated.

Shrewsbury is a purpose built courthouse, which is DDA compliant and offers a high standard of accommodation. Travel options are limited and there is no rail service linking it with Market Drayton, which is some 21 miles away. An hourly bus service takes approximately 1 hour and costs roughly  $\pounds 3.40$  return. This is on the fringes of accessibility and will cause genuine problems for those in outlying areas.

Overall, there are no objections to closure from judicial consultees, in which case, it is difficult to justify retention.

# (b) Closure is not supported

# **Burton County Court**

The courthouse sits four days per week and deals with the full range of civil work, including bankruptcy, divorce and private law. No judiciary are based here although two District Judges sit a total of 127 days per year, with a further 51 days in Deputy District Judge sittings per year. It is proposed that the business of this court be transferred to Derby and Stafford County Courts, which are purpose built with a high standard of accommodation.

Public transport options in Burton are very limited and this proposal does not, in my view, provide those in this area with reasonable access to justice. Transportation links to Derby are acceptable. Stafford is almost 30 miles away from Burton and would see court users having to endure a bus journey of well over 2 hours. The journey by rail is also unacceptable as it would result in journey time of almost 2 hours, at a cost of £14.30 return.

The ADJ oppose the closure of Burton County Court; they echo my own concerns with regard to excessive journey times and the cost to court users. The ADJ informs me that this court is well used (202 sitting days last year).

If is not possible to transfer all of the work from this busy court to Derby (in my view Stafford is not a viable option), I think there is justification for retaining this well-utilised courthouse.

#### Tamworth Magistrates' and County Court

Tamworth is a co-located courthouse and as such I have considered both together. The Magistrates' Court sits every day, It deals with all types of criminal work and is also an FPC with a high utilisation figure of 68.8%.

It is proposed that the business of this Magistrates' Court be transferred to both Burton-upon-Trent and Cannock Magistrates' Courts, both of which are currently utilised at over 50%. The County Court work is due to transfer to Stafford Combined Court.

The building meets minimum HMCS standards and a substantial amount of money has been spent in recently co-locating these courts. There are no District Judges permanently based here and HMCS believes that Stafford Combined court could easily absorb the workload, although judicial consultees disagree.

As in many areas of Staffordshire transport remains a significant challenge. This is an area of considerable social deprivation and one with high levels of unemployment with many on incapacity/sickness benefit. HMCS proposes that the business of the County Court be transferred to Stafford, which is approximately 30 miles away. The train service from Tamworth to Stratford County Court is infrequent and the bus journey would take over two hours.

Given Tamworth is a co-located relatively well-utilised facility which has recently been refurbished, I would question the case for closure. The case is

strengthened when one considers the transport difficulties which will arise for court users in a deprived area of the country.

# **Shrewsbury County Court**

Shrewsbury deals with divorce, private law and bankruptcy work. It is well-utilised, with a District Judge sitting permanently at the court.

The courthouse is a leasehold building, which expired in 2006, and which HMCS suggests is not fit for purpose (although it is unclear why). The ADJ is of the view that the building is in fact superior to many others, with good facilities, and suggest that previous flooding issues have now been resolved.

HMCS proposes to transfer the business of this courthouse to Telford, which is almost 20 miles away. The two areas are linked by a twice hourly Bus and Rail, service. The journey times as stated within the consultation paper appear to be acceptable if the journey starts in Shrewsbury; however, for those living south or west of Shrewsbury travel times are substantial. Telford County Court is also over a mile away from Telford Train Station; this journey would no doubt prove difficult for the elderly and those with disabilities.

Judicial consultees support the transfer of administrative and counter services to Telford if (i) court sittings maintained at present levels and (ii) increased provision/facility for court business to be conducted via telephone to assist those in remote rural areas of Shropshire who have limited public transport options. The ADJ strongly opposes the closure of this courthouse which it claims will deprive the county of an efficient and effective system for civil and family justice, especially if Ludlow and Oswestry were to close as well.

I am also unsure whether Telford could absorb the workload, were all these courts to close.

# (c) Further detail required before a decision is taken

#### **Evesham County Court**

This small courthouse has been considered for closure on previous occasions, but subsequently saved due to its geographical location and the impact on court users with regard to transport difficulties. These difficulties are still a very real issue. Evesham deals with basic civil work (no bankruptcy or family jurisdiction) and there are no judiciary based at the court. One District Judge sits a total of 4 days per month. In 2008-09 the court sat a total of 43 days, and in 2009-10, a total of 45 days. The lease on this courthouse is due to expire in 2012 and the building, I am told, currently offers inadequate facilities to court users and is non DDA compliant.

It is proposed that the business of this court transfer to Worcester Combined Court, which would provide far better facilities including access for disabled users as well as a full security presence and designated waiting areas.

Worcester is approximately 20 miles away from Evesham and the two areas are not served well by public transport. The journey, by car, would take around 30 minutes. A Bus service runs three times per day, and takes

approximately an hour each way, which is on the cusp of acceptability. Another concern is journey times for those who live in outlying villages who would have to first make a difficult journey to Evesham.

The ADJ have reluctantly agreed to the closure of the courthouse, subject to increased provision/facility for court business to be conducted via telephone to assist those in remote rural areas of Evesham. It also believes consideration must be given to the viability of operating 'stations' for the issue of urgent applications and approve closure provided that administrative work and counter services from Kidderminster and Redditch and not also transferred.

This is a difficult decision. On the one hand the leasehold is due for renewal and the building is clearly inadequate and relatively under-utilised. On the other, the court offers a valuable service to court users. I would suggest further work is undertaken to investigate the viability of the suggestions made by the ADJ, which on their face appear sensible.

#### **Ludlow Magistrates' Court and County Court**

Ludlow is a co-located courthouse and as such I have considered both courts, together. The Magistrates' Court sits two days a week and deals with road traffic work from West Mercia, as well as some criminal work. It is clearly underutilised at 44.8% and I believe the building is in a poor state of repair. It is not DDA compliant and has no secure dock or cell facilities. A District Judge sits at the county court a total of two days per month; family and Circuit Judge work cannot be listed due to a lack of security and facilities.

It is proposed that the business of both courts be transferred to Telford Magistrates' Court, which is a purpose built, DDA compliant, courthouse with high standards of accommodation for staff and court users, although some concerns are expressed about just how adequate the building is.

Again, transportation for those in this region remains a significant challenge. Public transport options to Telford are very limited. There are no rail links connecting the areas and the journey by bus, which is infrequent, would take roughly 1hr 20 minutes.

The ADJ recognises the case for the closure of Shrewsbury, Ludlow and Oswestry County Courts, but argues that it will deprive the county and community of any efficient and effective system for civil and family justice. Overall, Ludlow is underutilised, with poor facilities for court users. It is a Grade I listed building. Telford appears to be able to absorb comfortably the work of Ludlow and may provide better facilities for court users.

It does seem clear that the case for retention must be based almost exclusively on access to justice grounds, given the transport difficulties which arise.

# **Redditch County Court**

This courthouse deals with basic civil work and there are no permanent judiciary based here. One District Judge sits eight days per month and the court also takes in clerical work from other courts.

Transportation links and access to justice are, again, a key issue. Worcester is approximately 30 miles away from Redditch and the areas are not served well by public transport. I am also concerned about the journeys that court users from outlying villages would have make. The infrequent Bus service takes almost an hour. The journey by train would take over 1.5 hours (via Birmingham) and would cost £12.80 return.

The ADJ comment that the courthouse is in good repair and has recently been modified to accommodate sittings by 2 Family Proceedings Courts per week. It believes this proposal puts unsustainable strain on the facilities at Worcester Combined Court. Furthermore, Redditch provides 'overspill' accommodation for family and civil work from Worcester and may be able to be utilised in future for 'overspill' from Birmingham CJC. The ADJ echo my own concerns with regard to public transport difficulties for many court users.

I think some further work is required before a decision to close the court is taken; transport issues are clearly a problem, as is the capacity of Worcester to absorb the work.

# Oswestry Magistrates' Court and County Court

Oswestry is a co-located courthouse and as such I have considered both courts together. The Magistrates' Court is a satellite court of Shrewsbury, to where it is proposed the business will transfer. It sits two days per week and is underutilised at 31.6%. The building offers adequate facilities, but is dated.

Shrewsbury is a purpose built courthouse which is DDA compliant and offers a high standard of accommodation. Travel options, again, are limited. No rail service links Shrewsbury to Owestry, which is roughly 21 miles away. An hourly bus service would take court users almost one hour and at a cost of £3.40 return. This is on the fringes of accessibility and will cause problems for those in outlying areas.

In relation to the county court, I understand that a District Judge sits roughly four days per month and there is one part-time member of staff based there. Circuit Judge work cannot be listed due to a lack of security and facilities.

It is proposed that the county court work be transferred to Telford, which is a purpose-built courthouse offering a high standard of accommodation and facilities. It is however approximately 37 miles away although a Bus and Train service links the areas. The journey is over an hour.

Based on the utilisation figures it is perhaps difficult to justify retention, but this is a very rural area and I think the closure of both courts may disproportionately affect court users.

#### Stoke on Trent Magistrates' Court

This is a busy court, with a utilisation of 73%. It hears adult, criminal and trial work and is also a Specialist Domestic Violence Court. There are 67 permanent members of staff based here and the court had a 2009-10 operating cost of £407,404.

According to the consultation paper, the courthouse offers very poor facilities; it is non DDA compliant and the site is split by a courtyard. There are inadequate facilities for victims and witnesses and on-going issues regarding security. Probation also has a designated room within the courthouse.

It is proposed that the business of this courthouse be transferred to Newcastle-under-Lyme, which, is a purpose built courthouse with five courtrooms and office space over three floors, providing staff and court users a high standard of accommodation and facilitates; however, according to HMCS, Newcastle has a utilisation figure of 63.3%. I must question whether Newcastle is in a position to absorb comfortably the additional workload.

I would suggest further work is required before a decision to close the court is taken.

# CP15/10: Proposal on the provision of court services in Wales

Proposals for Wales involve the closure of one third of the Magistrates' Courts, 13 out of 39 courthouses. The Presiding Judges are of the view that if the proposals are taken forward there will be little, if any, slack left in the system.

The main issue for Wales is access to justice. There is high unemployment and considerable social deprivation in parts of the country, while other parts are large, sparsely populated, rural areas. A bus or train fare for some will mean genuine hardship. In some cases I am of the view that poor facilities and low utilisation do not outweigh the genuine difficulty which court users will experience when travelling to court.

I am particularly concerned about access to family justice; for example, there are four family hearing centres in North Wales, two of which are earmarked for closure. There is nothing to suggest that family work has been a factor in the consultation and would urge consideration of this before any plans to close family centres are implemented.

# (a) No objection to closure

#### Abertillery Magistrates' Court

Court facilities are poor and the court achieves only a 32% utilisation rate. That said, a bus journey of 50minutes is on the fringes of acceptability. Court users from outlying areas are likely to face journey times of well over an hour. There are however no objections from judicial consultees and, on the information available, there seems little justification in retaining the court.

#### Flint Magistrates' Court

Flint sits only one day a week and achieves a very low utilisation figure (24%) consisting of a relatively limited business type. Distances to Mold are acceptable (only 5 miles). There are no objections from judicial consultees and, on the information available, there seems little justification in retaining the court.

#### Llandovery Magistrates' Court

The court has not been used since 2000 and is owned by the local authority (and in use as a library). Journey times in this part of Wales are substantial but, on the basis that the court is not in use, it would appear that court users are able to access the next nearest court in Llanelli. There are no objections from judicial consultees and, on the information available, there seems little justification in retaining the court.

## Rhyl County Court

Enabling works would be required at Prestatyn before closure could be undertaken. Rhyl is a well-used court sitting every day and serves a particularly deprived community. It deals with a wide range of work, including care, divorce and adoption. However, Prestatyn is only 3 miles away and most court users could travel without difficulty. The necessary enabling works

would need to ensure that suitable accommodation for the District Judges is available, especially for the care work which will need to transfer to Prestatyn.

# (b) Closure is not supported

## Aberdare County and Magistrates' Court

The county and Magistrates' Courts are co-located in a building consisting of one county courtroom and one Magistrates' courtroom. The consultation paper suggests there is limited DDA compliance and a substantial maintenance backlog.

The courts appear to be fairly well used. In the case of the Magistrates' Court, it sits four days a week and achieves a 57% utilisation rate. It is proposed that work is transferred to Merthyr Combined Court Centre.

Journey times to Merthyr appear acceptable. There are some concerns, however, that net savings to the business may not stand up to scrutiny if closures were to proceed. For example, the Association of HM District Judges have little confidence in the suggestion that the building has significant DDA problems. There is also real doubt about the suggested figures in relation to the backlog of maintenance; I gather that the original figure of £770,000 has been reduced to £190,000.

A recent HMCS consultation suggested moving the Family Proceedings Court to Merthyr. It concluded that the proposal should not go ahead, recognising that travel issues were an important consideration. This is a poor part of Wales, where almost 35% of households own no car. A further consultation, in August 2009, in relation to the provision of counter services concluded: "Due to the court's location, the area it serves and the present demand for services, HMCS recognises that there is a need to maintain a presence in Aberdare".

It is also suggested that transport links are better between Aberdare and Pontypridd, rather than Merthyr, so consideration should be given as to whether work should be moved to Pontypridd. It may also be possible for the tribunals and the coroner (who currently uses a separate location) to make use of the building. Finally, Aberdare Contact Centre leases the ground floor of the building; it is the only centre offering supervised contact in that part of Wales and, apparently, it would be difficult for the centre to relocate.

The universal view from the local judiciary, and the Presiding Judges, is that closure should not proceed.

#### Abergavenny Magistrates' Court

I am concerned that the consultation paper makes the case on the basis that the court has not been used since 1999. This may be so, but I understand it is not the complete picture: the court has recently been refurbished and in fact reopened in July 2010. It is the only court serving North Gwent. The facilities at Newport, which is likely to absorb the work, are described as lamentable with plans on hold for a new-build project.

Unless the facilities at Newport are improved, closure is not supported.

# Cardigan Magistrates' Court

Accommodation at Cardigan is not suitable, however, the court is in low, but consistent, use and hears a good mix of work. It is proposed that work will move to a new-build court at Aberystwyth.

The transport links in this rural part of Wales are very lengthy. It is 38 miles to Aberystwyth and a bus journey of two hours, which is not really viable. There are limited running costs associated with the court and a low maintenance backlog.

If the new-build project at Aberystwyth does not proceed, existing facilities there are not of a particularly high standard and it is difficult to see how an improved service will be offered to court users. The Presiders are of the view that, even with a new-build at Aberystwyth, a large part of the country would be a considerable distance from a court were Cardigan to close.

This court, perhaps more than most, demonstrates the real difficulty between access to justice and modern-day appropriate facilities. On balance, I think retention is justified.

#### Llangefni Magistrates' Court and County Court

In the first instance, there are plans to co-locate the county court with the Magistrates' Court. This appears sensible. Thereafter, it is proposed that both the county court and Magistrates' Court are closed and work transferred to Holyhead.

The county court sits fairly frequently (3 days a week) and hears a good mix of work. Low running costs at the Magistrates' Court suggest that a co-location would offer court users value for money. Anglesey has poor public transport facilities and court users from outlying areas will have substantial and difficult journeys to get to Holyhead, the only other court on the Island (which currently offers relatively poor facilities). The Association of HM District Judges is strongly opposed to the closure for similar reasons and has provided numerous instances where travelling times to Holyhead are well in excess of one hour. There is no mention of the Circuit Judge work undertaken at Llangefni, nor of tribunals work (27 days per year) also undertaken. It is also suggested that there is only one hearing room although I gather there are, in fact, two courtrooms.

Consideration should be given instead to relocating most court business on Angelsey to Llangefni (a central point on the island) in favour of enabling works in Holyhead which will be needed if Llangefni were to close (which is at the extreme end of the island). I would suggest that further work is required in relation to justice provision on Anglesey before proposals proceed further.

# Pwllheli Magistrates' Court

Pwllheli has one courtroom with three holding cells. The courtroom has limited DDA compliance, although the running costs are low (£32k per year) and the maintenance backlog is relatively low (£70k). It is proposed that work will transfer to Caernarfon.

The court does not achieve a high utilisation rate, but travel distances of 21 miles to Caernarfon in this rural part of Wales means court users in outlying areas will face lengthy journeys. Court users from Nefyn, for example, will face very difficult journeys.

Even though usage is low, there is a case for retention on access to justice grounds. On that basis, closure is not supported.

# (c) Further detail required before a decision is taken

#### **Ammanford Magistrates' Court**

This court sits for one day a week, achieving a 51% utilisation rate. Running costs may not be as high given recent figures include essential repair work (annual costs are stated as £110k, but normally would be around £35-40k). Journey times to Llanelli of fourteen miles appear acceptable, though travel times by bus are significant (one hour) and will present difficulty for those in outlying areas. For example, Ammanford has a huge catchment area to the north, including remote parts of North Carmarthenshire. Any assessment should take account of travel times from those areas (e.g. north of Llandovery).

There is some confusion about the adequacy of the facilities. Some consider them to be poor, whilst the local Bench (and answers to PQs) suggest that significant expenditure has recently been incurred to upgrade facilities.

The local Bench are strongly opposed to the closure on the basis of a large rural catchment area.

On the information available, there does not seem a particularly strong case for retaining the court, although rural considerations may be determinative.

# **Barry Magistrates' Court**

Barry is the largest town in Wales with a population of 55,000 and the court has a catchment area of 130,000.

It is proposed that the work will be transferred from Barry to Cardiff. Although travelling distance to Cardiff appears reasonable, Barry is a well-used court, sitting every day and achieving a 56% utilisation figure.

It is not clear whether Cardiff would cope with the additional workload if there were to be any modest change in crime levels. A considerable amount of work (costing £1.9million as I understand it) has been undertaken in recent years to provide a court with good facilities and it is difficult to see how the high maintenance backlog figures have been calculated.

Local magistrates vigorously oppose closure and have real concerns about the accuracy of the data contained within the HMCS consultation paper.

There appears to be a reasonable case for retention given the work which has been undertaken and the large population served by the court.

# **Chepstow Magistrates' Court and County Court**

On the surface, this would appear a relatively simple decision. The county court at Chepstow has been rarely used since 2002, sitting at most one day a fortnight. A journey time of 50minutes by bus would appear to be relatively acceptable given the low number of current court users (although users from outlying areas will face significant difficulties). It is suggested, however, that annual running costs are only £2900 and the current flexibility (a District Judge, staff member and security guard travelling to the court) offers the people of Chepstow a valuable service.

The Association of HM District Judges is strongly opposed to closure; the court serves a large rural community and the effect of closures is deemed to be disproportionate to the minimal financial savings. There may be a case for retention on the basis that savings are minimal when compared to the overall benefit to the town.

Were the county court to remain, it may be that the Town Hall location can also be utilised for minor Magistrates' Court business. Cases have not been heard at Chepstow Magistrates' Court since 2000, so there may be little business need. It may however be worth considering whether some criminal work can be heard, thereby supporting the case for retention of both a county and Magistrates' Court in the area, although the Magistrates' Court building should be disposed of

The low utilisation would suggest that retention is not justified, but given the low running costs and some travel issues, it may be that further work is required before a final decision is taken.

#### Denbigh Magistrates' Court

The building is in a poor state of repair and utilisation figures are low. It is proposed that work is moved from Denbigh to Prestatyn. Although travelling distances are not substantial (13miles), it takes over an hour by public transport. It is likely that those in outlying areas will have real difficulty travelling to Prestatyn.

The local Bench are opposed to the closure on the basis of very poor public transport links and the ability of Prestatyn to take on the work (Denbigh is often used for lengthy trials and family hearings).

On the information available, it is unlikely a strong business case can be made for retention, but some assurance is needed that Prestatyn can absorb the workload.

#### Llwynypia Magistrates' Court

This court is relatively well-used, sitting 4 days a week and achieving a 56% utilisation rate. It is proposed that work is transferred to Pontypridd. Travel times are acceptable (if using the train), although there are concerns about whether Pontypridd could absorb what is a fairly substantial workload.

Further investigation is required but, if that provides reassurance, there are no significant objections from judicial consultees and, on the information available, there seems little justification in retaining the court.

#### **Pontypool County Court**

A modern, purpose-built, court but one which is infrequently used and within relatively easy travelling distance (10miles) of Blackwood County Court. This is however a deprived area and travel times and expense (£7 for the bus journey to Blackwood) for vulnerable court users would be a considerable burden. There is also concern about whether Blackwood (a busy two court centre) can absorb the workload.

Overall, it is unlikely that these concerns can, of themselves, justify a reprieve for the building, but the judiciary on the Circuit would like urgent consideration to be given as to whether an alternative venue can be found in the town to deal with county court work. Alternatively, consideration ought to be given as to whether the modern facilities can be shared with the Tribunals Service.

# CP16/10: Proposal on the provision of court services in Warwickshire and West Midlands

The proposals in this consultation paper affect four Magistrates' Courts and three county courts. Many of the courts are relatively well-utilised, for example Warwickshire achieves 86.8%, and I am concerned about the ability of remaining courts to absorb the workload.

I am concerned about access to family justice. Three of the four Magistrates' Courts being earmarked for closure in Warwickshire and the West Midlands serve as local FPC. I do not believe family work has been sufficiently considered as part of the consultation and I would suggest further work before any of the proposals are implemented.

# (a) No objection to closure

#### Halesowen Magistrates' Court

Halesowen has three permanent courtrooms, and sits on Thursday and Friday mornings only. It is a Specialist Domestic Violence Court and FPC. It has a utilisation rate of just 28.7%. Custody work has, I believe, already been transferred to Dudley, which has the capacity comfortably to absorb the additional work.

Halesowen is around 8 miles from Dudley, with regular bus services linking the two areas. It is approximately 13 minutes by car, although there is no rail link.

On the information available to me, there seems little justification in retaining the court.

#### West Bromwich Magistrates' Court

West Bromwich has four permanent courtrooms which sit four days a week. It has a utilisation rate of 57.7% and is a Specialist Domestic Violence Court. It is a grade II listed building which does not meet HMCS minimum standards and is not DDA compliant. The fact that it has shared toilet facilities, which magistrates have to be escorted to and from, indicates that the building is far from ideal. The local Bench does not, however, share this view.

Warley Magistrates' Court is, according to HMCS, able comfortably to absorb the workload of this courthouse. It is located just a few miles away and public transport links are good. A new network of bus services is in operation and National Express has regular buses to Warley.

There is some concern that there will be some additional delay in the listing and disposal of work. The local Bench also disagrees with HMCS's view that the courthouse is not fit for purpose, but are realistic about its future. It is difficult to justify retention of this court.

#### **Stourbridge County Court**

Stourbridge is a small County Court with a relatively low utilisation rate of 44%. It has just one permanent courtroom, which sits just 2 days per week. The building has disabled access but is grade II listed and is not DDA compliant.

Dudley County Court is only 5 miles away, with a journey time of around 15 minutes by car, and 25 minutes by Bus. There are busses every 10-15 minutes from Monday to Friday.

There are no objections on the closure of Stourbridge from judicial consultees, indeed many believe the closure of this court is long overdue. On the information available, it is difficult to justify retention.

# (b) Closure is not supported

None.

# (c) Further detail required before a decision is taken

# Rugby Magistrates' and County Court

I have considered these courts together given they are co-located. The building has four courtrooms which appear to be well utilised. The Magistrates' Court, which also serves as an FPC, sits five days a week and achieved a 74.5% utilisation.

Rugby hears only limited types of cases due to poor facilities for victims and witnesses, as well as limited waiting areas. The building is not DDA compliant and has long standing problems with heating and ventilation. Operating costs stand at £444,928.

The work at Rugby is due to move to Nuneaton Justice Centre and Leamington Spa, which are both purpose built courthouses. They are DDA compliant and appear to provide excellent facilities for witnesses and victims.

Transport links to Nuneaton appear reasonable, though the journey to Leamington Spa is not ideal. Buses are infrequent (The 64 Bus makes just 3 journeys a day) and the 60 minute rail journey, which costs approx  $\pounds 9.10$  will, for many, will be difficult to afford. The problem is exacerbated for those living in outlying areas.

Judicial consultees have raised concerns with regard to Family hearings at Leamington Spa. They are of the view that an inadequate number of rooms are earmarked for use by family benches. The ADJ is also concerned that the methods by which court users will be able to contact Nuneaton will not enable them to deal with emergency applications to suspend warrants of possession or urgent applications. It also suggest that the duty solicitor scheme will be adversely affected.

The concerns raised are not insurmountable and, if tackled, would probably suggest that retention cannot be justified. Further reassurance is, however, required before a decision is made on closing what is a busy court.

# Sutton Coldfield Magistrates' Court

It is proposed that work transfers to Birmingham. Sutton Coldfield runs four permanent courtrooms and sits every day. It deals with all criminal and non-police work and is a Specialist Domestic Violence Court and FPC. It achieves a utilisation rate of 71.4%.

I believe a decision was made to close Sutton Coldfield in 2003, but the courthouse was saved, following an appeal to the then responsible minister, due to its high utilisation rate. It could be said that a similar argument can again be made in 2010.

The consultation paper suggests that the court cannot adequately accommodate family work due to poor facilities. The courthouse does not meet HMCS minimum requirements and is not DDA compliant. Facilities for victims and witnesses are inadequate, with basic custody facilities. Completing the necessary renovation would cost a substantial amount. Aside from poor facilities the building is considered to be in a good state of repair.

Transport links from Sutton Coldfield to Birmingham are very good and served by both Bus and Rail. The 10 mile journey from Sutton Coldfield would take approximately 30 minutes by Bus, at a cost of approximately £4.50, and 20 minutes by Rail, at a cost of around £3.60, although I suspect the journey may take much longer during peak times.

The Sutton Coldfield Bench is wholly opposed to the closure and feel that the court has a high utilisation rate, with low operating costs. They also think there is potential to share building resources with the Tribunals Service.

Birmingham Magistrates' Court has, according to the consultation paper, the capacity to absorb the work of Sutton Coldfield. There is some doubt about this, and it would appear that some enabling works at Birmingham would be required before closure could proceed. Until funds are in place, and subject to Birmingham being able to absorb the work, closure of this busy court should not take place. Thereafter, it is perhaps difficult to justify retention given the transport links are good.

#### Stratford-Upon-Avon County Court

This is a small County Court with a utilisation rate of 55%. It sits just one day per week and is not DDA compliant. The building is leased only until 2012. It has only one consultation room available to prosecution and defence witnesses and the facilities cannot, therefore, be described as ideal.

It is proposed that the work of this courthouse be transferred to Warwick County Court, at Leamington Spa Justice Centre, from December 2010, which is approximately 15 miles away. Whether Warwick county court will be able to absorb the additional work remains unclear at the present time.

The Journey by bus will take up to an hour; however, for those who already live some distance from Stratford-Upon-Avon, the journey could be significantly longer. Direct rail links to Leamington Spa are only available every 2 hours

Judicial consultees oppose closure at this time, due to the fact that the court has a very large rural constituency and transport links in the region are very poor. The ADJ has suggested that the court generates more business than is reflected in the sitting days per annum allocated to it. The Presiding Judges and ADJ believe that, of the three county courts proposed for closure, Stratford-Upon-Avon has the strongest case for retention.

Given the concerns about access to justice, I think further work is required before closure proceeds, although I well appreciate the issue of the lease may have a bearing on the matter.