



Ministry
of Justice

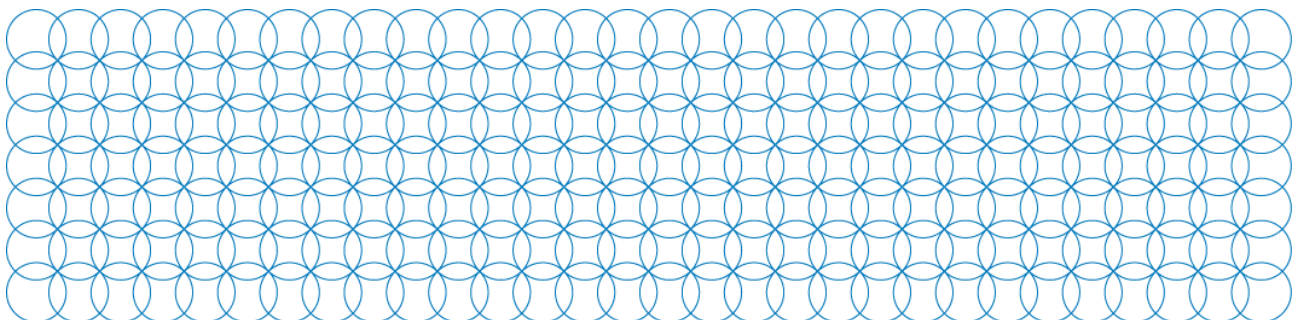


HM Courts &
Tribunals Service

Proposal on the future of Banbury Magistrates' and County Court and Maidenhead Magistrates' Court

This consultation begins on 18 January 2018

This consultation ends on 29 March 2018





Ministry
of Justice



HM Courts &
Tribunals Service

Proposal on the future of Banbury Magistrates' and County Court and Maidenhead Magistrates' Court

**A consultation produced by the Ministry of Justice. It is also available on the
Ministry of Justice website at www.gov.uk/moj**

About this consultation

- To:** Court users, judiciary, magistracy, staff, criminal justice agency practitioners, elected representatives and members of the public in the Thames Valley.
- Duration:** From 18/01/18 to 29/03/18
- Enquiries (including requests for the paper in an alternative format) to:** HMCTS Consultation
Post point 6.07
102 Petty France
London
SW1H 9AJ

Email: estatesconsultation@hmcts.gsi.gov.uk
- How to respond:** Please send your response by 29/03/2018 to:

HMCTS Consultation
Post point 6.07
102 Petty France
London
SW1H 9AJ

Email: estatesconsultation@hmcts.gsi.gov.uk
- Additional ways to feed in your views:** For further information please use the “Enquiries” contact details above.
- Response paper:** A response to this consultation exercise will be published at: www.gov.uk/moj

Contents

Foreword	3
Introduction	4
Background	5
The proposals	8
Questionnaire	18
Annex A Equality Statement for South East Region	19
About you	26
Contact details/How to respond	27
Impact Assessment	28
Consultation principles	29

Foreword

Our justice system is currently undergoing a radical £1bn transformation. We are working to reform HM Courts and Tribunals Service (HMCTS), to make it more efficient, effective and suited to the modern world. This process is now underway and through it we aim to make justice more accessible and flexible. We need to be in tune with the needs of our users, legal professionals and staff.

Modernising our services means building the system around the people who use it. A key part of this is making use of modern technology. We are moving from paper-based to digital files and exploring how some of our services can be made simpler and faster via the internet. For example, we have launched pilots of straightforward new digital services in civil claims, divorce, probate, social security and child support and laid the key foundations of an online court. These advances provide the benefits of enhancing access to justice whilst also delivering value for money and enabling long-term efficiencies.

This process encompasses the entire justice system, and our buildings are a fundamental part of the change we want to effect. The constitutional right of access to the courts and tribunals is inherent in the rule of law and decisions on court reform and estate transformation are made in this context. In 2015, HMCTS consulted on proposals to close courts and tribunals in England and Wales. The response to that consultation was published in February 2016. The closures have allowed us to provide investment capital to fund modernisation.

Further review using the principles set out in the 2015 consultation has shown that further improvements and consolidation of the court and tribunal estate are needed. This paper proposes the closure of Banbury Magistrates' and County Court and Maidenhead Magistrates' Court. The proposed relocation of the work from these courts has been carefully considered, along with the potential impact on court users, judiciary and staff. We would welcome comments on the options proposed in this document before making a decision.

The closure proposed in this paper is made on the basis that the services provided by this courts can be delivered at other sites, which in turn would improve wider utilisation and the efficiency of the estate in the Thames Valley. The capital proceeds following disposal would provide investment funding which would be reinvested to modernise and improve the services provided to court users.

This consultation seeks the views of court users, judiciary, magistracy, staff, criminal justice agency practitioners, elected representatives and members of the public to better understand the impact of this proposal.

Alongside this consultation, HMCTS has published a national estates strategy consultation, seeking the views of all those interested in the future of the justice system to guide us on our future strategic decision making on estates transformation. However, decisions on the proposed closure of Banbury Magistrates' and County Court and Maidenhead Magistrates' Court will be made on the basis of the principles set out in, and the responses to, this consultation.

Donna Bolton
Delivery Director, HM Courts & Tribunals Service South East

Introduction

This paper sets out for consultation proposals on the future of Banbury Magistrates' and County Court and Maidenhead Magistrates' Court, including the closure of the buildings and the work being relocated to other existing courts. The closures would also contribute to the consolidation of the Thames Valley court estate and, through disposal, provide funding for the ongoing process of reforming court and tribunal services in England and Wales. The consultation seeks the views of everyone with an interest in the work at these courts.

This consultation is being conducted in line with the Consultation Principles issued by the Cabinet Office and will run for 10 weeks.

Responses are welcomed from anyone with an interest in or views on the subject matter covered by this paper.

This consultation and the consultation stage Impact Assessment are also available at www.gov.uk/moj.

Background

Reform of HM Courts & Tribunals Service

There is a broad consensus that the current justice system needs radical change. Our reform programme is underway; a £1 billion transformation process that is radically reshaping how we think about our justice system.

We are reforming the courts and tribunals service to meet the needs of modern day users and continue to ensure access to justice. Digital technology, online services, flexible hearing centres and new business models will mean that fewer people will need to attend court for hearings. This means that we will need fewer buildings. We are keeping our estate under review to make sure it is the right size and in the right locations for our future service. This is the subject of the separate consultation "Fit for the Future – Transforming the Court and Tribunal Estate".

Reform of the court estate across England and Wales

In February 2016, the Government announced the outcome of the first consultation on the provision of court and tribunal estate in England and Wales. The consultation put forward proposals to close those courts and tribunals that are underused, or that are simply unsuitable for the services we need to provide from them. The decision was made to close 86 courts and tribunals over a period of two years which, together with integrations (merging courts in close proximity) will lead to the closure of 120 court and tribunal buildings. The proposals detailed in this paper are in addition to the closures that are already underway as a result of the announcement in February 2016. They have been put forward as a result of our further review of the estate, taking into account the same principles set out in the 2015 consultation.

In examining our court estate we need to make judgements about the most appropriate and cost-effective locations for our courts and tribunals, while ensuring we retain access to justice. We need the right courts and tribunals in the right places. The process of making decisions about our buildings means that we can ensure that our remaining estate is affordable to maintain and can be kept in the best possible condition. Where we consolidate the estate (either through closure or integration) we will reinvest in modernising our services.

Court estate in the Thames Valley

This paper sets out proposals to close and sell Banbury Magistrates' and County Court and Maidenhead Magistrates' Court in order to consolidate and improve the efficiency of courts in the area. Proceeds from the sale of these buildings will form part of the larger £1 billion investment in the process of reforming court and tribunal services throughout England and Wales, as well as improving the efficiency of the court estate in the Thames Valley.

The following courts are currently located in the Thames Valley

- **Crown Court centres:** Amersham, Aylesbury, Oxford, Reading
- **Magistrates courts:** Banbury, High Wycombe, Maidenhead, Milton Keynes, Oxford, Reading, Slough

- **Civil, family courts and tribunals:** Banbury, High Wycombe, Milton Keynes, Oxford, Reading, Slough

Deciding which courts to include in the proposals

In the national consultation published in 2015 we set out the HMCTS estates principles which guide our decision-making regarding the location, size and capabilities of our court and tribunal buildings. To ensure we deliver business effectively now and in the longer-term, HMCTS has applied these same principles to develop the proposals in this consultation.

The proposals included in this consultation are intended to consolidate the court estate in the Thames Valley, thus improving efficiency, reducing operating costs and releasing value from our freehold estate. The principles, together with the responses to this consultation, will guide our decision-making on the final decision regarding the closure of these courts and also the level, location and type of any replacement provision which may be required.

The principles are:

Ensuring access to justice

- To ensure continued access to justice when assessing the impact of possible closures on both professional and public court and tribunal users, taking into account journey times for users, the challenges of rural access and any mitigating action, including having facilities at local civic centres and other buildings to ensure local access, modern ICT and more flexible listing, when journeys will be significantly increased.
- To take into account the needs of users and in particular, victims, witnesses and those who are vulnerable.
- To support the requirements of other agencies such as the CPS, social services, police forces and Cafcass.

Delivering value for money

- To reduce the current and future cost of running the estate.
- To maximise the capital receipts from surplus estate for reinvestment in HMCTS.

Enabling efficiency in the longer term

- To reduce the reliance on buildings with poor facilities and to remove from the estate buildings that are difficult and expensive either to improve or to upgrade.
- To move towards an estate with buildings which are larger and facilitate the more efficient and flexible listing of court and tribunal business whilst also giving users more certainty when their cases will be heard.
- To increase the ability to use the estate flexibly across the criminal jurisdiction and separately across the civil, family and tribunal jurisdictions.
- To move towards an estate that provides dedicated hearing centres, seeking opportunities to concentrate back office function where they can be carried out most efficiently.

- To improve the efficient use of the estate by seeking to improve whole system efficiency, taking advantage of modernised communication methods (Wi-Fi and video links) and adopting business processes to increase efficiency and effectiveness.
- To increase the efficient use of the estate wherever possible irrespective of current administrative boundaries.

Thames Valley estate capacity

The courts included in this consultation have been identified by applying the principles above to our estate in the Thames Valley. Work from these sites can be relocated to other sites within a reasonable travelling distance, thus saving considerable operating and maintenance costs. They present an opportunity to achieve capital receipts which can be reinvested in the reform of our courts and tribunals system. Also, by consolidating our estate and operating from fewer sites there is an opportunity for HMCTS to improve the effectiveness and efficiency of our services. Fewer buildings means that HMCTS and its partners' resources are spread less thinly. In addition, there is the opportunity to list cases more efficiently, which will in turn result in fewer empty courtrooms.

While the provision and location of court buildings is a government function, the listing of court work is a judicial responsibility. We will engage with the Judicial Business Group in the Thames Valley to agree any redistribution of work, should closures take place.

The proposals

This consultation proposes that courts are closed as follows:

- Banbury Magistrates' and County Court; and
- Maidenhead Magistrates' Court.

The workload of the courts proposed for closure would be distributed to other magistrates' and family courts in the Thames Valley, as detailed below. This would be achieved by using capacity available in other courts, including creating capacity by more effective use of hearing rooms. The reallocation would enable savings to the cost of our overall estate and help to achieve value for money for the taxpayer.

When considering responses to this consultation and making decisions regarding the future of these courts, Ministers will consider whether effective access to justice can be maintained, whether the closure offers value for money and whether it will enable the long term efficiency of the court service. Only when these principles have been met will a decision be made to close a court.

We consider that sufficient capacity exists within the Thames Valley court estate to accommodate the workload of Banbury Magistrates' and County Court and Maidenhead Magistrates' Court. The courtrooms in both courts are not fully utilised and there is sufficient capacity at other court locations to absorb workload within the relative proximity of the closing court.

Banbury Magistrates' and County Court

Proposal

The court building is open between 9am and 5pm but hearings are accommodated outside of these formal opening hours. The court is one of seven magistrates' courts in the Thames Valley; the others are located in High Wycombe, Maidenhead (also included in this consultation), Milton Keynes, Oxford, Reading, and Slough. Magistrates' family work is also heard at Milton Keynes Magistrates' Court, Reading Magistrates' Court and Oxford Combined Court.

Banbury Magistrates' and County Court is significantly underused and does not provide adequate accommodation for users. The building itself is in need of repair to bring it to the required standard. The proposed receiving courts are more widely used, are in a more densely populated area with good transport links and would provide a better standard of accommodation. The work of Banbury Magistrates' Court can be easily accommodated elsewhere in the Thames Valley. Disposing of the property would result in reduced operating costs and deliver a more streamlined and efficient service. A reduced estate in the region would enable us to invest in areas of the estate that are more suited to the requirements of a modern courthouse.

It is proposed that Banbury Magistrates' and County Court closes and that criminal work is relocated to Oxford Magistrates' Court and family work to Oxford Magistrates' Court and Oxford Combined Court.

The Oxford courts would provide sufficient hearing room space and facilities for administration to support the relocation of criminal and family work. A review of postcodes would be undertaken with a view to relocating some magistrates' court work to other locations that may be more accessible to parties and other court users.

We have carefully considered where the workload and hearings could relocate to. For all options we will work with the judiciary and stakeholders to ensure that the utilisation of the proposed receiving sites is maximised. If listing changes are required, this will be a matter for the Judicial Business Group to consider.

We would welcome views on:

- i) whether we should close Banbury Magistrates' and County Court;
- ii) if we close Banbury Magistrates' and County Court, the proposed options for reallocating the work as set out above; and
- iii) what other options you think might work.

Accommodation

Banbury Magistrates' and County Court



Banbury Magistrates' and County Court is a freehold property located on Warwick Road in Banbury. The court was built in the mid-1920s and is in a poor state of repair. The prisoner van dock backs onto a developed residential area and gardens which makes the building and its location unpopular with local residents. There are three courtrooms in the building; two have secure docks, and are supported by a dedicated custody suite. The custody suite is unable to accommodate disabled prisoners due to narrow corridor width and lack of facilities for disabled users.

Oxford Magistrates' Court and Oxford Combined Court



Oxford Combined Court



Oxford Magistrates' Court

These courts are adjacent buildings within yards of each other. Courtroom capacity was increased by two courtrooms in 2017 to enable the closure of Bicester Magistrates' Court. Oxford Magistrates' Court was built in the early 1970s and is Equality Act Compliant. Roof repairs are required and are being taken forward.

Workload

During the 2016/17 financial year, Banbury Magistrates' & County Court sat for a total of 2,211 hours out of a possible 3,810 available hours.

At the two proposed receiving sites, during the 2016/17 financial year, the total sitting hours were as follows:

Oxford Magistrates' Court sat for 5,411 hours out of a possible 6,595 available hours; and

Oxford Combined Court sat for 8,747 hours out of a possible 14,615 available hours.

Judiciary and staff

There are no permanent judiciary based at Banbury Magistrates' and County Court. There are 12 members of staff based permanently at this location.

Operating costs

During the 2016/17 financial year, operating costs of Banbury Magistrates' and County Court were approximately £180,000.

Other information

Banbury is within 30 miles of Oxford, the travel time by road is approximately one hour to one hour 10 minutes, although this could be affected by traffic conditions. There is a direct train service between Banbury and Oxford, and trains run on a frequent basis; the journey time by train is broadly 25 minutes (station to station).

Travel Time Analysis

Our analysis of travel times compares the current journey times (to the court proposed for closure) with the future journey times from those same towns to the courts that are proposed to receive the workload. In each instance the journey time is assumed to begin at 8am, with travel from town centre to receiving court. Destinations have been selected based on listing arrangements and the largest areas (by population) having work currently heard at the court proposed for closure.¹

Destination	Travel	Departure Town/District			
		Bicester (pop. 32,642)	Banbury (pop. 43,867)	Kidlington (pop. 13,723)	Buckingham (pop. 12,043)
Banbury (proposed closure site)	Miles	16.7	0	23.3	17.7
	Car	26 mins	0	33 mins	33 mins
	Public Transport	26 mins	0	1 hr 10	1 hr 15
Proposed Receiving Site					
Oxford	Miles	14.5	29.5	7.5	26.6
	Car	55 mins	1 hr 10	29 mins	1 hr 10
	Public Transport	38 mins	36 mins	24 mins	1 hr 16

¹ Journey times calculated using Google Maps. Other navigation systems may provide different results and travel time will vary subject to local traffic conditions.

The impact of this proposal

This consultation is accompanied by an Impact Assessment. This includes further information about the way in which we have estimated the likely impact of the proposals detailed in this document.

An Equality Statement is provided at Annex A. Our initial assessment is that the proposal is not discriminatory within the meaning of the Equality Act 2010 as it applies equally to all persons affected by the changes included in this document. We do not consider that the proposal would result in people being treated less favourably because of any protected characteristic.

In terms of the possibility of indirect discrimination, HMCTS consider that the closure of Banbury Magistrates' and County Court may put at a disadvantage those with the protected characteristics of disability, pregnancy or maternity because of difficulties to the extent that they need to travel further (some users may conversely travel shorter distances). However, HMCTS consider that this option is a proportionate means of achieving a legitimate aim as explained in more detail in the Equality statement.

Both the Impact Assessment and the Equality Statement will be updated following analysis of the responses to this consultation.

We will work with the Departmental Trade Unions throughout the consultation period to understand the potential impact on our staff, which will feed into the decision making process. At the same time, our staff will also have the opportunity to put forward their views through the formal consultation process.

HMCTS complies fully with equality legislation and codes of practice.

Maidenhead Magistrates' Court

Proposal

The court building is open between 9am and 5pm but hearings are accommodated outside of these formal opening hours. The court is one of seven magistrates' courts in the Thames Valley; the others are located in Banbury (also included in this consultation), High Wycombe, Milton Keynes, Oxford, Reading, and Slough.

Maidenhead Magistrates' Court is significantly underused and the work can be accommodated elsewhere in the Thames Valley. Disposing of the property would result in reduced operating costs and moving the work to other courts would allow for a more streamlined and efficient service. A reduced estate in the region would enable us to invest in areas of the estate that are more suited to the requirements of a modern court house.

It is proposed that Maidenhead Magistrates' Court closes and that criminal work is relocated primarily to Reading Magistrates' Court, High Wycombe Magistrates' and County Court and Staines Magistrates' Court.

Reading Magistrates' Court would provide sufficient hearing room space and facilities to support the relocation of criminal work. A review of postcodes would be undertaken with a view to relocating some Maidenhead Magistrates' Court work to other locations that may be more accessible to parties and other court users.

We have carefully considered the locations to which workload and hearings could relocate. For all options we will work with the judiciary and stakeholders to ensure that the utilisation of the proposed receiving sites is maximised. If listing changes are required, this will be a matter for the Judicial Business Group to consider.

We would welcome views on:

- i) whether we should close Maidenhead Magistrates' Court;
- ii) if we close Maidenhead Magistrates' Court, the proposed options for reallocating the work as set out above; and
- iii) what other options you think might work.

Accommodation

Maidenhead Magistrates' Court



Maidenhead Magistrates' Court is a freehold property located at Bridge Road in Maidenhead. The court was built in 1974 and is in a poor state of repair. A new roof is required as are new windows and distribution pipework throughout. The estimated maintenance backlog runs to at least £1 million. There are two courtrooms and one informal hearing room in the building and the courtrooms have semi-secure docks. The court is adjacent to Maidenhead Police Station and there is no custody suite in the court building as prisoners are held in police cells prior to hearings. The building offers disabled access.

Reading Magistrates' and Family Court



Reading Magistrates' and Family Court was built in 1997 and is a large building with nine courtrooms providing greater flexibility to manage the work more effectively. The court is 1.3 miles from Reading train station and is served by local bus routes. The building is compliant with the Equality Act 2010.

High Wycombe Magistrates' and County Court



High Wycombe Magistrates' and County Court houses five courtrooms and one hearing room and was built in 1973. It was refurbished and modernised in 2013. The court is within a 10-minute walk of High Wycombe station at the edge of the town centre. The building is compliant with the Equality Act 2010.

Staines Magistrates' Court



Staines Magistrates' Court is 0.5 miles (broadly a 10-minute walk) from Staines East Railway Station. The court was built in 1967. The building is Equality Act compliant.

Workload

During the 2016/17 financial year, Maidenhead Magistrates' Court sat for a total of 1,119 hours out of a possible 3,810 available hours.

At the three proposed receiving sites, during the 2016/17 financial year, the total sitting hours were as follows:

Reading Magistrates' Court sat for 8,953 hours out of a possible 11,695 available hours.

High Wycombe Magistrates' and County Court sat for 3,962 hours out of a possible 9,110 available hours.

Staines Magistrates' and County Court sat for 4,409 hours out of a possible 8,980 available hours.

Judiciary and staff

There are no full-time judges or staff based at Maidenhead Magistrates' Court.

Operating costs

During the 2016/17 financial year, operating costs of Maidenhead Magistrates' Court were approximately £150,000.

Other information

Maidenhead is within 20 miles of Reading and has a travel time by road of approximately 30-45 minutes, although this could be affected by traffic conditions. There is a direct train service between Maidenhead and Reading, and trains run on a frequent basis; the journey time by train is under 20 minutes (station to station).

Travel Time Analysis

Our analysis of travel times compares the current journey times (to the court proposed for closure) with the future journey times from those same towns to the courts that are proposed to receive the workload. In each instance the journey time is assumed to begin at 8am, with travel from town centre to receiving court. Destinations have been selected based on listing arrangements and the largest areas (by population) having work currently heard at the court proposed for closure.²

Destination	Travel ³	Departure Town/District				
		Slough (pop. 140,200)	Bracknell (pop. 77,256)	Wokingham (pop. 30,403)	Windsor (pop. 32,160)	Maidenhead (pop. 73,404)
Maidenhead (proposed closure site)	Miles	7.3	10.1	12.3	6.8	0
	Car	29 mins	35 mins	36 mins	22 mins	0
	Public Transport	21 mins	43 mins	58 mins	42 mins	0
Proposed Receiving Sites						
Reading	Miles	20.3	11.4	10.7	20.7	16.2
	Car	45 mins	30 mins	30 mins	43 mins	39 mins
	Public Transport	23 mins	34 mins	26 mins	47 mins	24 mins
High Wycombe	Miles	15.3	24.3	23.6	15.7	12.3
	Car	36 mins	45 mins	48 mins	43 mins	34 mins
	Public Transport	58 mins	1 hr 40	1 hr 37	1 hr 38	50 mins
Staines	Miles	8.9	18.8	29.3	7.5	19.1
	Car	40 mins	50 mins	53 mins	31 mins	40 mins
	Public Transport	1 hr 5	38 mins	44 mins	25 mins	1 hr 5

² Journey times calculated using Google Maps. Other navigation systems may provide different results and travel time will vary subject to local traffic conditions.

³ Shaded area indicates fastest journey

The impact of this proposal

This consultation is accompanied by an Impact Assessment. This includes further information about the way in which we have estimated the likely impact of the proposals detailed in this document.

An Equality Statement is provided at Annex A. Our initial assessment is that the proposal is not discriminatory within the meaning of the Equality Act 2010 as it applies equally to all persons affected by the changes included in this document. We do not consider that the proposal would result in people being treated less favourably because of any protected characteristic.

In terms of the possibility of indirect discrimination, HMCTS consider that the closure of Maidenhead Magistrates' Court may put at a disadvantage those with the protected characteristics of disability, pregnancy or maternity because of difficulties to the extent that they need to travel further (some users may conversely travel shorter distances). However, HMCTS consider that this option is a proportionate means of achieving a legitimate aim as explained in more detail in the Equality statement.

Both the Impact Assessment and the Equality Statement will be updated following analysis of the responses to this consultation.

We will work with the Departmental Trade Unions throughout the consultation period to understand the potential impact on our staff, which will feed into the decision making process. At the same time, our staff will also have the opportunity to put forward their views through the formal consultation process.

HMCTS complies fully with equality legislation and codes of practice.

Questionnaire

We would welcome responses to the following questions set out in this consultation paper.

1. Banbury Magistrates' and County Court:
 - a. Do you agree with our proposals to close Banbury Magistrates' and County Court?
 - b. If we close Banbury Magistrates' and County Court what are your views on the proposed options for re-allocating the work?
 - c. What other options do you think might work?
 - d. Would these closure and re-allocation proposals have any particular impacts for you or any group you represent?
2. Maidenhead Magistrates' Court:
 - a. Do you agree with our proposals to close Maidenhead Magistrates' Court?
 - b. If we close Maidenhead Magistrates' Court what are your views on the proposed options for re-allocating the work?
 - c. What other options do you think might work?
 - d. Would these closure and re-allocation proposals have any particular impacts for you or any group you represent?
3. Do you think our proposals could be extended to include other courts?
4. Do you have any further suggestions for improving the efficiency of the criminal court estate in the Thames Valley?
5. Do you think we have correctly identified the range and extent of the equality impacts? Do you have any other evidence or information concerning equalities that you think we should consider?

Thank you for participating in this consultation exercise.

Annex A Equality Statement for South East Region

This Equality Statement includes an analysis of the equalities impact for Cambridge Magistrates' Court, which is discussed in a separate consultation document being published alongside this one, but which falls within the South East Region.

Equality impacts

1. Section 149 of the Equality Act 2010 ("the EA") requires Ministers and the Department, when exercising their functions, to have 'due regard' to the need to:
 - Eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act;
 - Advance equality of opportunity between different groups (those who share a relevant protected characteristic and those who do not); and
 - Foster good relations between different groups (those who share a relevant protected characteristic and those who do not).
2. Paying 'due regard' needs to be considered against the nine "protected characteristics" under the EA – namely race, age, sex, disability, sexual orientation, religion and belief, age, marriage and civil partnership, gender reassignment, pregnancy and maternity.
3. The Ministry of Justice (MoJ) and its ministers have a legal duty to consider how the proposed policy proposals are likely to impact on the protected characteristics and take proportionate steps to mitigate or justify the most negative ones and advance the positive ones.

Direct Discrimination

4. Our initial assessment is that the policy is not directly discriminatory within the meaning of the EA as it applies equally to all persons affected by this proposal; we do not consider that the policy proposal would result in people being treated less favourably because of any protected characteristic.

Indirect Discrimination

5. Amongst court users, some groups of people with protected characteristics, as explained below, are over-represented when compared to the local general population. However, even if it were established that in some cases (for example, the length of journey time to court) these effects constituted a particular disadvantage, we believe that implementation of the proposals represent a proportionate means of achieving the legitimate aims of court reform and efficiency.
6. Our approach has been to identify groups of people with protected characteristics and compare them to the court user population in the South East region. This approach allows us to identify whether any particular groups of people are likely to be disadvantaged by the proposals. Due to limitations in the available data on local

HMCTS users, we have had to make the assumption that they are representative of the general population of the region.

Protected characteristics with no impacts

7. We do not consider that the proposal would result in any particular disadvantage for people with the protected characteristics of sex, race or religion, age, sexual orientation, gender reassignment or marriage and civil partnership.
8. We have assessed the available data on the characteristics of sex, race and religion. Our current assessment is that there is some slight over-representation of those of an Asian race in areas local to the courts whose closures are being consulted upon (7% in Cambridge, Maidenhead and Banbury) when compared to the general population of the South East region (4%).
9. The evidence set out in Table 1 shows the data we currently have on the protected characteristics of court users at the three courts being considered by proposals that cover the South East (in two documents). Although there is some over-representation we do not consider that this would result in any particular disadvantage for people with the protected characteristics of sex, race or religion. Furthermore we do not consider that the closures will have a greater impact on these particular groups when compared to the region's population as a whole. Nonetheless we will continue to assess the impacts of these proposals on affected groups who share protected characteristics, paying particular regard to any equality impacts identified in the responses to consultation.
10. Due to limitations in the available data we have been unable to assess the extent of impacts on the remaining protected characteristics of sexual orientation, gender reassignment and marriage and civil partnership. Having considered the impact of the proposals on the groups for which limited data is available, we have not identified any direct or indirect discrimination arising from the planned closures. Nonetheless, we will continue to assess the impacts of these proposals, paying particular regard to any equality impacts identified in the responses to consultation.

Protected characteristics with impacts

11. We recognise that the need to travel further (either by car or by public transport) is likely to have greater impacts on people with disabilities and pregnant women. Available data suggests that there is no over-representation of people with disabilities in the areas local to the three courts being considered for closure. There is no available data to suggest that there are more pregnant women in the areas local to these courts compared to the South-East population as a whole.
12. Increased travel may have greater impacts for those groups. Those impacts can be ameliorated, to some degree, by some of the mitigating measures identified below. For example, the greater availability of online information may reduce the need to travel to courts.
13. In so far as this policy extends to people with disabilities and pregnant women, we believe that the potential impact is proportionate having regard to the aim of the policy. The closure of the proposed court will impact a small number of users and the savings and efficiency achieved as a result of the closures will contribute to a better service overall for users. It remains important to make reasonable adjustments for people of disability to ensure appropriate support is given.

14. The potential for greater impacts for disabled and pregnant women has been treated as a significant factor when assessing the proportionality of the proposals and will be reconsidered before any final decision is taken.

Harassment and victimisation

15. We do not consider there to be a risk of harassment or victimisation as a result of these proposals.

Advancing equality of opportunity

16. Consideration has been given to how these proposals impact on the duty to advance equality of opportunity by meeting the needs of court users who share a particular characteristic, where those needs are different from the need of those who do not share that particular characteristic. We believe that reducing the reliance on HMCTS buildings with poor facilities to take advantage of a more modernised estate with better communication methods will help to generate a positive impact on all users, especially people with disabilities.

Fostering good relations

17. Consideration has been given to this objective that indicates it is unlikely to be of particular relevance to the proposals.

Court users

18. We have explored the likely equality impacts on court users by drawing comparisons between the populations local to the proposed closures and the population of the South East region.⁴
19. No comprehensive information is held on the protected characteristics of HMCTS users. In this assessment, we have assumed that all court users are representative of the general population from which they are drawn, using data from the 2011 Census. We have compared the protected characteristics of this population with the populations in the appropriate local authority areas.

⁴ Data is collected from the 2011 Census at a district level.

Table 1: The protected characteristics of those impacted by the proposals

		Local population			
		<i>Crown court</i>	<i>Magistrates' Court (Maidenhead, Banbury and Cambridge magistrate's courts)</i>	<i>County court</i>	South East population
Site closures		0	3	0	3
Gender	Male	N/A	50%	N/A	49%
	Female	N/A	50%	N/A	51%
Age	0-15	N/A	18%	N/A	19%
	16-64	N/A	67%	N/A	64%
	65+	N/A	15%	N/A	17%
Disability	Disability	N/A	13%	N/A	16%
	No disability	N/A	87%	N/A	84%
Race	White	N/A	87%	N/A	91%
	Mixed	N/A	2%	N/A	2%
	Asian	N/A	7%	N/A	4%
	Black	N/A	1%	N/A	2%
	Other	N/A	2%	N/A	1%
Religion	Christian	N/A	58%	N/A	60%
	Buddhist	N/A	1%	N/A	0%
	Hindu	N/A	1%	N/A	1%
	Jewish	N/A	0%	N/A	0%
	Muslim	N/A	3%	N/A	2%
	Sikh	N/A	1%	N/A	1%
	Other religion	N/A	0%	N/A	0%
	No religion	N/A	28%	N/A	28%
Religion not stated	N/A	8%	N/A	7%	

Defendants, victims and witnesses

20. The Ministry of Justice publications *Race and the Criminal Justice System 2014* and *Women and the Criminal Justice System 2014* show the race and gender profile of court users and those in the Criminal Justice system at a national level. They show that men and those from a Black ethnic group are over-represented amongst defendants in the criminal courts when compared to the general population from which they are drawn. Data for those sentenced in both the Crown and magistrates' courts in 2012 to 2013 confirm that:

- Males were more likely to be sentenced to immediate custody and to receive custodial sentences of six months or longer than females with a similar criminal history.

- Relative to the population, rates of sentencing for Black offenders were three times higher, and two times higher for mixed race offenders, relative to offenders from the White ethnic group; a trend mirrored in prosecutions.
21. There is no comprehensive source of data on the protected characteristics of victims and witnesses who may use the criminal courts. However, the Crime Survey for England and Wales (2017) shows that the following groups of people are over-represented as victims of crime when compared to all those surveyed:
- Those aged 16 to 24 (20% of all victims compared to 14% of all those surveyed)
 - 30% of those from a mixed or multiple ethnic background have been a victim of crime, compared to 13% amongst white adults.
22. Whilst groups of people sharing particular protected characteristics may be over-represented amongst victims, we are unable to quantify whether such over-representation extends to victims and witnesses who use the criminal courts. Conclusions on how different groups of victims and witnesses may be impacted by the proposals therefore remain tentative.

Impact on Magistrates

23. HMCTS HR data show that magistrates are older and more likely to be of White ethnicity than the general population of England and Wales from which they are drawn. Data for 31 March 2011 confirm that:
- Younger magistrates are under-represented: 18% of serving magistrates were 49 or under, 30% were aged 50-59 and 52% aged 60 and over. Figures for the general population (aged 18-70) are 66%, 18% and 16% respectively.
 - Those of Black, Asian and Minority Ethnic (BAME) ethnicity were similarly under-represented: 8% of serving magistrates in England and Wales declared themselves to be from a BAME background. This compares with the most recent estimate that BAME groups represent 14% of the general population (all ages).
 - Disabled magistrates were also under-represented: 5% of serving magistrates in England and Wales consider themselves to have a disability, whilst 18% of the general population (all ages) consider themselves to have a long-term health problem or disability that limits daily activity a lot or a little. The differences in the definitions of disability are acknowledged.
 - In line with the general population 51% of serving magistrates in England and Wales were female.

Other Impacted Groups

24. Other groups potentially impacted by the proposed closures include the judiciary and legal professionals. Statistics from the Judicial Office⁵ show that male judges, those of White ethnicity and those aged 50 years and older are over-represented

⁵ <https://www.judiciary.gov.uk/publications/judicial-statistics-2017/>

compared to the general population. The practising bar and practising solicitors are more diverse, though men remain over-represented in both professions^{6,7}.

25. With regards to other HMCTS staff, equality assessments will be carried out by HMCTS HR at the Business Unit level and the impact on protected characteristics will be fully assessed once the impact on individuals at each site has been assigned.

Mitigations

26. We recognise that as courts close we need to continue to modernise and improve the way we deliver front line services. We also need to continue to provide reasonable adjustments for court users to ensure access to justice is maintained. There are a number of mitigations that we are either considering (or are already in place) that will help to minimise the impact of court closures on court users, including:

- All guidance material, together with information about particular processes, are made available online through GOV.UK and the Justice website. This would include: the location, directions to and available facilities of the relevant court or tribunal, mediation, how to make a claim, how to appeal, and how to make a complaint. In addition these websites provide useful links and signposts users to related websites such as: Resolution, National Family Mediation, Community Legal Advice, Citizens Advice, Consumer Direct, Ofcom and Ofgem amongst others. Public information is reviewed as necessary.
- Provision of business and contact centres for some services (e.g. County Court Money Claims Centre) mean that services can be accessed by post and phone until the hearing (if a hearing is required).
- Online services, such as Money Claims Online and Possession Claims Online allow online access to services up to the hearing stage (if required).
- Alternative Dispute Resolution is promoted where appropriate which reduces reliance on court hearings
- Reasonable disability adjustments are undertaken in courts in accordance with the existing reasonable disability adjustments policy. Guidance is available to all staff, including a central advice point.
- Video links for criminal courts are used as follows:
 - Prosecution and defence witnesses can use live links to give evidence in trials. These links operate in nine Criminal Justice System (CJS) areas, with more expected to be set up this year.
 - Virtual courts are set up in four areas for preliminary hearings. Defendants appear from the police station at the magistrates' court by video link.
 - Prison to court video links allow defendants to appear from custody in magistrates' courts.
 - Additional video links are available at the court to allow vulnerable witnesses to give evidence without facing the defendant where this is in the interests of justice.

⁶ <http://www.barcouncil.org.uk/about-the-bar/facts-and-figures/statistics/>

⁷ <http://www.lawsociety.org.uk/representation/research-trends/annual-statistical-reports/>

- Later starts times can be considered for hearings if a customer notifies the hearing centre that travel is problematic.

Conclusion

27. Those living in the areas affected by the court closures will be within an acceptable travelling distance of the court where the work is transferred to. This means that users will still be have reasonable journeys to court to attend hearings, including by public transport.
28. Although increased journeys have the potential to impact some people with protected characteristics, the impact is expected to be limited and justified in the context of the aim of the policy, and given the mitigations set out below of other ways to access services. Many of the services traditionally accessed by face to face visits to court are being offered online. Some court hearings can also be conducted via telephone or video link and court users are being offered local alternatives to court hearings (mediation). All of these measures are reducing the need to travel to court buildings to access HMCTS services.
29. For those that still need to attend courts, reasonable disability adjustments are offered and other measures such as later court hearing start times will minimise impacts for those with transport difficulties.
30. In the long-term, the savings and any capital receipts generating from the closure will contribute towards the overall funding of the reform of HMCTS including any necessary improvements at the receiving courts. Overall therefore we consider that the proposed closures of Banbury Magistrates' and Family Court and Maidenhead Magistrates' Court, and any resulting impacts are a proportionate means of achieving the legitimate aim of a modernised, efficient court and tribunal service.

About you

Please use this section to tell us about yourself

Full name	
Job title or capacity in which you are responding to this consultation exercise (e.g. member of the public etc.)	
Date	
Company name/organisation (if applicable):	
Address	
Postcode	
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/> (please tick box)
Address to which the acknowledgement should be sent, if different from above	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

Contact details/How to respond

Please send your response by 29/03/2018 to:

HMCTS Consultation
Post point 6.07
102 Petty France
London
SW1H 9AJ

Email: estatesconsultation@hmcts.gsi.gov.uk

Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available on-line at www.gov.uk/moj.

Alternative format versions of this publication can be requested from the Ministry of Justice (please see details above).

Publication of response

A paper summarising the responses to this consultation will be published at www.gov.uk/moj

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Ministry.

The Ministry will process your personal data in accordance with the DPA and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Impact Assessment

The Impact Assessment will be published separately at
<https://consult.justice.gov.uk/digital-communications/banbury-maidenhead-courts-future-proposal>

Consultation principles

The principles that Government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

<http://www.cabinetoffice.gov.uk/sites/default/files/resources/Consultation-Principles.pdf>

© Crown copyright 2018
Produced by the Ministry of Justice

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

Alternative format versions of this report are available on request from the contact details above.