



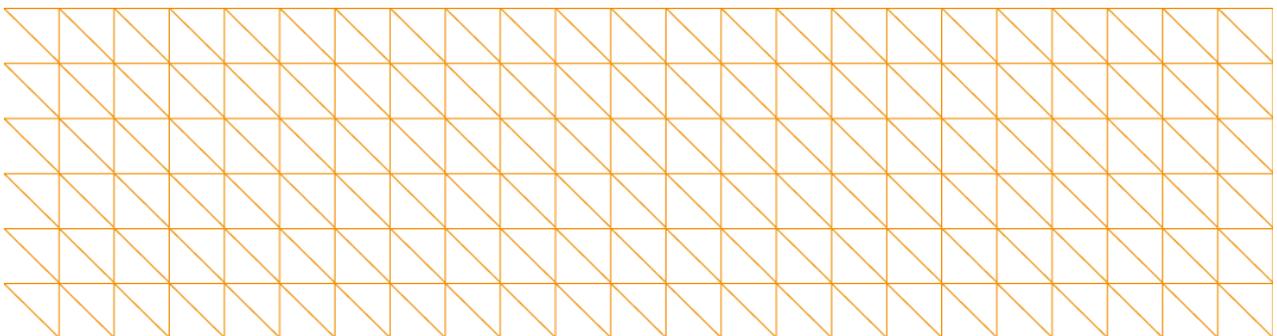
Ministry
of Justice



HM Courts &
Tribunals Service

Response to the proposal on the future of Camberwell Green and Hammersmith Magistrates' Courts

This response was published on 8 February 2017.





Ministry
of Justice



HM Courts &
Tribunals Service

Response to the proposal on the future of Camberwell Green and Hammersmith Magistrates' Courts

**Response to consultation carried out by HM Courts & Tribunals Service, part of the
Ministry of Justice. This information is also available at www.gov.uk/moj**

Contents

Foreword	3
Background	4
Summary of responses	5
Responses to individual proposals	7
Consultation principles	20
Annex A – List of respondents	21
Annex B – Equality Impact Assessment	25

Introduction and contact details

This is the response to the consultation: Proposal on the future of Camberwell Green and Hammersmith Magistrates' Courts.

It will cover:

- the background to the consultation
- a summary of the responses to the consultation
- a detailed response to the points raised in response to the consultation
- next steps following this consultation.

Further copies of this report and the consultation paper can be obtained by contacting **HMCTS Consultation** at the address below:

**HMCTS Consultation
Post Point 1.22
102 Petty France
London
SW1H 9AJ**

Telephone: 0203 334 6361

Email: estatesconsultation@hmcts.gsi.gov.uk

This report is also available at www.gov.uk/moj

Alternative format versions of this publication can be requested from the contact details above.

Complaints or comments

If you have any complaints or comments about the consultation process you should contact HM Courts & Tribunals Service at the above address.

Foreword

On the 15 September 2016 HM Courts & Tribunals Service launched a consultation on the future of Camberwell Green and Hammersmith Magistrates' Courts.

The consultation presented proposals to make changes to the court estate in London, by closing two courts and relocating hearings to other court buildings in the London region. This is intended to improve the utilisation of the London court estate and provide better value for money to the taxpayer by reducing operating costs and increasing efficiency. Any receipts from the sale of buildings consulted upon would be reinvested into the transformation of the HM Courts & Tribunals Service to modernise courts and tribunals in line with the Joint Statement published in September 2016 by the Lord Chancellor, Lord Chief Justice and Senior President of Tribunals.

A total of 159 responses to the consultation were received. As the Delivery Director responsible for managing the operations of HM Courts & Tribunals Services in the London region, I am very grateful to everyone who contributed to the consultation. Each response has been carefully analysed and, having considered the responses, the Lord Chancellor has decided to close both Camberwell Green and Hammersmith Magistrates' Courts.

The consultation proposed a number of options for relocation of hearings in Hammersmith and Camberwell Green Magistrates' Courts to other London courts. Significantly, London has the highest density of Magistrates' courts in the country. Many respondents made suggestions which have been taken into consideration in reaching the decision on the locations for future work. However, the final decision on how work will be relocated will be a matter for the relevant judicial body with responsibility for listing those cases.

We are confident that, in proceeding to closure of these courts, sufficient capacity will remain across the London court estate to respond to future changes in workload.

We have carefully considered the impact on court users concerning travel to attend a hearing and we believe that access to justice will be maintained following these closures. Moreover, as part of our wider work to transform HM Courts & Tribunals Services, we are continuing to develop alternative ways for users to access our services through better use of technology.

Staff, judiciary and partner agencies who work hard to administer and deliver justice will obviously be affected by these changes, including those in Crown Courts. I am committed to working closely with the judiciary on the implementation of these changes and am equally committed to supporting staff and ensuring that the transition to the new arrangements takes place in a fair and transparent manner in line with the Managing Organisation Change Framework, and in consultation with the Departmental Trade Union Side.



Paul Harris - Transformation Director (London and the South East)

Background

The consultation document published on 15 September 2016 proposed the closure of the following courts:

- Camberwell Green Magistrates' Court, and
- Hammersmith Magistrates' Court.

Responses were invited from anyone with an interest or view on local justice. We want to ensure that we retain a sufficient number of courts and tribunals to meet the demands of our workload; that communities continue to have access to court and tribunal buildings where they need to attend in person, or through alternative methods; and that cases are heard in buildings with suitable facilities.

The consultation closed on 27 October 2016. This document summarises the responses received, providing HM Courts & Tribunals Services reactions to the key themes and issues of concern raised, and setting out the decisions that have been reached on each proposal.

Magistrates' court utilisation

The court utilisation figures provided in the consultation document were calculated by taking the number of hours the court sits as a proportion of total court room capacity.

Travel time

The travel information and public transport costs included in the consultation document were provided as a guide to the likely impacts, as it is not possible to model every potential court user journey. This information was provided using Google Maps point to point journey times and the Transport for London (TFL) travel website. The issue of access to justice is explored in the response sections of this document in relation to each proposal.

Impact Assessment

The Impact Assessment accompanying the consultation has been updated to take account of evidence provided by stakeholders during the consultation period and is being published alongside this response document.

A list of respondents is at Annex A.

Summary of responses across proposals on the future of Camberwell Green and Hammersmith Magistrates' Courts

Overview of responses received

A total of 159 individual responses to the consultation paper were received. Of these:

- 18 were from members of the judiciary;
- 10 were from a judicial team¹;
- 4 were from Members of Parliament;
- 11 were from criminal justice partners;
- 53 were from professional users;
- 22 were from public sector bodies;
- 32 were from individuals;
- 4 were from staff members;
- 4 were from an unidentified respondent; and
- 1 was from the Public and Commercial Services union (PCS).

Of the responses received 44 related to the London region as a whole, 62 responses related to Camberwell Green Magistrates' Court and 53 related to Hammersmith Magistrates' Court. Some respondents commented on both courts while others commented on one alone.

Of the responses opposing the proposals, reactions and themes included the following comments:

"We believe that both the proposed closures will restrict access to justice for many court users. The difficulty in reaching alternative courts and the costs of travelling in London is likely to lead to more miscarriages of justice. Longer journey times and travel costs will act as a deterrent to victims and witnesses to attending court. Violent and sexual offences are both on the increase in London. Closing two further Magistrates' Courts will undoubtedly result in delays in bringing offenders to court and in trials taking place. Justice delayed is justice denied" (Public Sector Body).

"The vast majority of our work is funded by legal aid. Under the legal aid payment scheme counsel are paid only a fixed fee in the Magistrates court....The proposed relocation of work to courts such as Croydon, Hendon and Bromley will significantly increase travel costs for counsel" (Stakeholder).

¹ A consultation response submitted on behalf of a group of judiciary, responding as a collective.

“Changing the operating hours of courts will have little practical effect. What needs to be put in place is an increase in court staff at the remaining court centres to ensure maximum utilisation of all available courtrooms on a particular day” (Solicitor).

“As part of any closures or transformation with the estate, there should be consideration of what the impact is on the level of victim attrition” (Mayor of London Office for Policing and Crime).

Responses in support of the proposal included the following points:

“The NPS supports HMCTS in their review of the delivery of Courts services. There are a number of key concerns that are raised, however, there are also potential solutions if HMCTS is willing to work closely with its partnership organisations” (National Probation Service).

“My view is that optimising the use of less court houses makes perfect sense” (Judiciary).

“I can see the benefit of closing Hammersmith. The building is not user friendly and needs modernising significantly” (Judiciary).

“... as a homeowner in the area I would welcome the relocation of the court given the condition of the building as well parking and traffic issues caused by the court” (Individual).

Response

The following sections of the document summarise the responses to each of the two proposed court closures, grouping issues by theme wherever possible including: access to justice; value for money; operational efficiency; and other considerations, and setting out the decisions reached on each court.

Responses to individual proposals

1. Camberwell Green Magistrates' Court

Decision on Camberwell Green Magistrates' Court

Further to the analysis of points raised by respondents to the consultation, and following careful consideration, the Lord Chancellor has decided to close Camberwell Green Magistrates' Court.

Subject to the agreement of the relevant judicial bodies with responsibility for listing, its workload and hearings will be relocated as follows:

- hearings for those appearing in court under the age of 18 will be relocated to Bromley Magistrates' Court;
- hearings for those appearing in court over the age of 18 will be relocated to Croydon Magistrates' Court; and
- the housing possession work on which a move to Camberwell Green Magistrates' Court from Lambeth County Court had been planned in September 2017 will relocate into one of the Crown Courts within the London Borough of Southwark.

The following section of this document summarises responses in relation to Camberwell Green Magistrates' Court and HM Courts & Tribunals Services reactions to each emerging theme or area of concern raised.

Summary of responses to proposal on Camberwell Green Magistrates' Court

62 responses were received in response to the proposal to close Camberwell Green Magistrates' Court. Of the total 4 were in support of the proposal, 53 were opposed and 5 were neutral. Of the total:

- 11 were from individual members of the judiciary;
- 5 were from a judicial team²;
- 3 were from Members of Parliament;
- 5 were from criminal justice partners;
- 20 were from professional users;
- 13 were from public sector bodies;
- 4 were from individuals; and

² A consultation response submitted on behalf of a group of judiciary, responding as a collective

- 1 was from a staff member.

Access to justice

59 responses referred to issues surrounding access to justice, including the following comments:

“Access to Justice is not maintained for Southwark residents, especially those most vulnerable in our community” (Public Sector Body).

“It will impact badly on disabled defendants, victims and witnesses from LB Southwark with mobility issues who will have to travel all the way to Croydon for cases. It is not easy to get there and car journeys will take a long time” (Professional User).

“There is a significant risk that many will fail to attend and will therefore be unable to give evidence in their own defence” (Member of Parliament).

“The proposal to close Camberwell court would impact on me in so much that one of the two courts that magistrates in South London sit at will close. It would be beneficial in having all sittings at Croydon and no impact on travelling time to court” (Member of the Judiciary).

“I strongly believe that the closure of Camberwell Green Court takes away a vital local court for people living in this borough. The alternative venues (Croydon, Bromley, Wimbledon) are too far to travel, so victims and defendants will find it hard due to distance and cost to get to court and court time will be lost as a result” (Individual).

“The idea that two boroughs can be amalgamated will provoke clashes between rival gangs appearing on the same date or at the same building. The further distance to be travelled will result in a large number of failures to attend. No other proposal than using the existing building is viable. Most young Defendants are strangely parochial and fearful of travel outside their postcodes. Anyone who has seen a terrified 16 year-old frantically summoning his friends to court to escort him out of the building because opposition gang members are waiting outside will understand the reality of this” (Professional User).

“It is of note that Lambeth has been identified by the Home Office as a priority borough for support in relation to gang and serious youth violence, travelling through boroughs will raise concerns for safety and increase the potential for violence/gang related incidents. Judges have local knowledge which would not be the case if the youth cases were heard elsewhere” (Professional user).

Response

HM Courts & Tribunals Service acknowledges that users should not have to make excessively long or difficult journeys to attend hearings. However, the London region is served by good public transport links which run frequently and are relatively affordable. Most people who live and work in London are used to travelling by public transport to access an array of public services. HM Courts & Tribunals Service remains committed to ensuring reasonable adjustments are made for people with disabilities to make sure appropriate support is given.

Camberwell Green Magistrates' Court is approximately eight miles from Bromley Magistrates' Court and nine miles from Croydon Magistrates' Court. By car both journeys take approximately 30 minutes and by public transport the journey times between Camberwell Green Magistrates' Court

and the nearest station to the receiving courts (Bromley South and East Croydon railway stations) are respectively 46 and 50 minutes on average.

More significantly, however, the courts into which work from Camberwell Green will move are well connected to public transport. Both Bromley and Croydon Magistrates' Courts are well served by public transport with railway and bus links which are very near to the courts.

We acknowledge that the nearest stations for Bromley Magistrates' Court and Croydon Magistrates' Courts are in zone 5 and that the cost of travel may increase.

For members of the public using the court, this change will have limited impact, because attending a court hearing is a relatively rare event; and the costs of travel will continue to compare well with those that might be paid to travel to court outside the capital. In addition, changes are under way which will make it necessary to attend hearings in person less often, and easier to access justice in other ways, which involve no travel cost at all.

The impact on legal representatives who travel more frequently to court has been considered. Whilst we acknowledge that the travel time for some is likely to increase, for others it may reduce and we consider that it will remain reasonable (particularly when compared with travel times to court outside London).

A number of responses made reference to gangs travelling between boroughs and the risk of incidents taking place. The London region has a gangs protocol in place which is already used to reduce the risk of gangs converging within boroughs. The protocol will continue to be used to list according to the requirements of each case within Bromley Magistrates' Court to avoid potential issues.

It is worth noting that the possibility of all parties to a case travelling to court by the same public transport already exists at the courts proposed for closure. Parties with travel concerns can make representations before the hearings to the court for measures to reduce the risk of an incident occurring.

HM Courts & Tribunals Service will also work with its Criminal Justice partners to list cases on separate days in order to reduce the risk of gangs converging. If a party to a case believes that they will be travelling to court on the same mode of transport as another party and is concerned for their safety, the court is also able to consider applications made by the party to be represented at court other than by attendance.

Value for money

9 respondents made reference to value for money, including the following comments:

"In terms of physical space Bromley has the best facilities and environment of the 3 courts and services Bromley and Lewisham YOS. This will effectively mean four or five YOTS sharing just one Youth Court" (Youth Offending Service).

"Much of the court estate is poorly maintained and has been for some considerable period of time but the consultation paper is wrong to suggest that the Camberwell Green court centre is unique in this response. Significant financial resources would need to be allocated and spent on bringing the other buildings up to an appropriate standard, to accommodate Camberwell Green's work" (Judiciary).

Response

In 2014-15 operating costs for Camberwell Green Magistrates' Court were approximately £1,010,000. Deferred maintenance at the time of publishing the consultation for this building was estimated at £1,080,000.

Bromley Magistrates' Court is a modern eight court centre with a courtroom utilisation rate in 2014/15 of 85%. Croydon Magistrates' Court is a twelve court centre, with a utilisation rate in 2014/15 of 56%. In both courts HM Courts & Tribunals Service is confident that the additional hearings can be absorbed within the available courtroom capacity. A level of enabling works will be required to upgrade the condition and facilities of Bromley and Croydon Magistrates' Courts. Our initial assessment is that the enabling works required will include upgrading some of the courtrooms, administrative offices and public areas, to provide improved flexibility of space and better facilities to address increased footfall.

Consolidating workload into these two buildings will result in efficiency gains by improving the utilisation of the London region's court estate, and by helping to reduce the cost of the estate. The resulting savings will be reinvested to improve services and support the transformation underway. The increased usage of courtrooms in Bromley and Croydon Magistrates' Courts as a result of relocating work from Camberwell Green Magistrates' Court will increase value for money for taxpayers by removing the annual running costs of maintaining a separate building.

Operational efficiency

37 responses made reference to operational efficiency, including the following reactions:

"Whilst currently the adult court includes hearing cases from both Camberwell and Croydon at either South London, option 1 would be preferable when looking at distributing the Camberwell adult work" (Judiciary).

"Clearly if Camberwell Green Magistrates' Court is closed there will be a significant increase in the workload being dealt with at Croydon Magistrates Court will add pressure to the already lengthy waiting time for cases to be dealt with" (Member of Parliament).

"Maximise use of technology to reduce court appearance/traffic – i.e. deal with civic (non-criminal) matters via online application systems and/or video conferencing. Monies saved/made via reduction of the overall HMCS estate might be re-invested accordingly" (Other Public Body).

"You are already talking about barely more than one court house for every two Boroughs; London has over 10% of the UK population and a higher proportion of its court proceedings" (Judiciary).

"I am hugely concerned about the loss of speedy summary local justice by the proposed closure of this court house with no local alternative suggested" (Individual).

"Croydon MC, this court has a large cell complex, hence should be able to accommodate the increase in number of detainees". (CJS Partner).

Response

HM Courts & Tribunals Service has considered carefully whether the workload driving the relatively high utilisation of Camberwell Green Magistrates' Court could be accommodated within the receiving sites. In considering the impact on operations, we have taken into account the fact that the court is currently open on 6 days of the week (Monday to Saturday), and not 5 days a week as incorrectly set out in the consultation document. In 2014-15, Camberwell Green was used at approximately 71% of its capacity, and this has also been taken into account.

We are confident that the additional workload can be accommodated in Bromley and Croydon Magistrates' Courts. As noted earlier in this document, in 2014/15 Bromley Magistrates' Court courtrooms were operating at 85% utilisation and Croydon Magistrates' Court at 56%. The combined workloads and listing patterns of the courts have been analysed. The increased workload will be accommodated by enabling works at the receiving courts, which will improve the flexibility of the courtrooms. Furthermore, the efficiency of case listings will be supported by consolidating hearings into fewer buildings.

We have also considered the workload of the South London Local Justice Area. Between 2014/15 and 2015/16 there was a 14% reduction in received cases.

With regard to waiting times, the length of time before a case is brought to court is not solely based on whether a court room is available but can be affected by factors such as prosecution and defence readiness and court, prosecution and defence resources and witness availability.

As the transformation of HM Courts & Tribunals Service takes place, increasingly users will not always be required to attend hearings in person to access the justice system. We have already established some alternative means for users to access services and are looking to expand these provisions to provide more choice than is currently available, for example, through making better use of video-enabled services.

Other considerations

HM Courts and Tribunals Service recognises that there are organisations providing a support service to the users of Camberwell Green Magistrates' Court. We will discuss with each organisation their specific accommodation requirements.

If there is any impact on any other jurisdictions in Croydon, we will work with the relevant judicial bodies to reach an agreement on a suitable solution.

For those appearing in court under the age of 18, upon further assessment, we considered that the following options proposed in the consultation were not viable:

- Wimbledon Magistrates' Court: there is insufficient capacity for receiving the additional workload from Camberwell Green, and there is no separate entrance for the youth court. The latter could not be achieved without significant enabling works to create a new dedicated entrance.
- Croydon Magistrates' Court: this will be the receiving site for those appearing in court over the age of 18. There is insufficient capacity for the youth hearings to relocate to the court in addition to over-18s.

For those appearing in court over the age of 18, upon further assessment, we considered that the following option proposed in the consultation should not be pursued:

- Splitting the work between Croydon Magistrates' Court/Lavender Hill Magistrates' Court: HMCTS is confident that the work can be relocated to Croydon and splitting the redistribution of work with Lavender Hill was unnecessary.

Alternative proposal

Five responses made reference to creating a crime centre at Inner London Crown Court.

“Inner London Crown Court at Newington Butts would provide a very satisfactory venue for the Youth court work presently at Camberwell and also possibly the adult court work. This would provide a court for local people within a sensible distance from their homes” (Professional User).

Response

HM Courts & Tribunals Service has considered carefully whether workload or hearings at Camberwell Green could be relocated to Inner London Crown Court. However the level of investment that would be required to make this option viable is significantly in excess of the enabling works required at the selected receiving sites of Croydon and Bromley.

Implementation of the decision to close Camberwell Green Magistrates' Court

In the coming months, consultation with the Departmental Trade Union on staffing impacts will take place. Our implementation plans are currently projecting that the building will cease to provide a public service between October and December 2018, but this is subject to change as our plans are further developed. Further updates will be provided online alongside this document in due course.

There are a number of factors to consider before Camberwell Green Magistrates' Court will cease to operate in practical terms and close. We will work closely with the Judicial Business Group in order to make the listing changes at each court.

It is acknowledged that, as a result of the closure of Camberwell Magistrates' Court, South London Local Justice Area work will in future be listed within the South East Local Justice Area. However this consultation does not seek to change the Local Justice Area structure in London.

2. Hammersmith Magistrates' Court

Decision on Hammersmith Magistrates' Court

Further to the analysis of points raised by respondents to the consultation, and following careful consideration, the Lord Chancellor has decided to close Hammersmith Magistrates' Court.

Subject to the agreement of the relevant judicial bodies with responsibility for listing, its workload and hearings will be relocated as follows:

- hearings for those appearing in court under the age of 18 will be relocated to Highbury Corner Magistrates' Court; and
- hearings for those appearing in court over the age of 18 will be relocated between the remaining courts in the Central London Local Justice Area (Westminster Magistrates' Court and City of London Magistrates' Court) and Hendon Magistrates' Court.

The following section of this document summarises responses in relation to Hammersmith Magistrates' Court and HM Courts & Tribunals Service reactions to each emerging theme or area of concern raised.

Summary of responses to proposal on Hammersmith Magistrates' Court

A total of 53 responses were received which related to Hammersmith Magistrates' Court. Out of these 4 were in support, 48 were opposed and 1 was neutral. The compilation of responses is as follows:

- 4 were from individual members of the judiciary
- 4 were from a judicial team³
- 1 was from a Member of Parliament
- 4 were from criminal justice partners
- 14 were from professional users
- 7 were from public sector bodies
- 17 were from an individuals
- 2 were from staff members

Access to justice

45 responses made reference to access to justice. These responses were both in opposition and in support of the proposal.

"The travelling distances quoted in the consultation document do not appear accurate and I would expect that having to travel further on public transport will result in defendants appearing late for

³ A consultation response submitted on behalf of a group of judiciary, responding as a collective

their cases. This will also be a problem for anyone who might otherwise attend with a defendant - patient advocates, support works and mentors.” (Stakeholder)

“We strongly feel that moving domestic abuse (DA) cases to Hendon Magistrates court is not workable. The travel time is not reasonable and we are confident that it will deter victims from attending court to give evidence. The additional cost for those travelling to Hendon is prohibitive” (Stakeholder).

“The distances to travel to alternative venues would be too great for witnesses and defendants who live in Hammersmith and Fulham. The location is also convenient for prison transfers” (Individual)

“I consider it important for young people who get into trouble to be addressed locally. It is alienating for them and their families to go elsewhere to face the music. People need to feel that both support and vigilant correction exist near to hand. Otherwise they are in my opinion less likely to develop the sense of responsibility and accountability to their locality that will require them to turn around to be better citizens” (Individual).

“It will cause real hardship for the geographical area around the court, especially if people who are disadvantaged to start have to travel a long way to Westminster or Hendon. It has good transport links and will complement the new Hammersmith police station that will emerge in about 2 years. Doesn't appear to suggest joined up thinking in that regard” (Solicitor).

“Asking young people to travel further afield would be a further deterrent due to the “postcode” issues – travelling into areas where they would feel vulnerable and at risk, due to gang activity” (Judiciary).

“Unlike other courts mentioned in this consultation, HMC has excellent transport links.... It is equidistant from Hammersmith London Underground (LU) Station and Barons Court LU Station. It is less than five minutes' walk from either station... According to Transport for London both of these stations offer step-free access meaning that victims and witnesses with disability, in particular wheelchair users, are not disadvantaged.” (Judiciary).

Response

HM Courts & Tribunals Service has carefully considered all responses in relation to access to justice. Many of the responses suggested that travel times will be significantly increased for a large proportion of those attending court, that it will be a deterrent for those on low income and will make the journey difficult, and that it might result in users not attending, thereby increased delay in hearings and warrants of arrest for failure to attend.

HM Courts & Tribunals Service agrees that users should not have to make excessively long or difficult journeys to attend hearings. However, we do not agree that the journey times to any of the receiving courts are unreasonable. HM Courts & Tribunals Service remains committed to ensuring reasonable adjustments are made for people with disabilities to make sure appropriate support is given.

By car the journey times from Hammersmith Magistrates' Court to Westminster, City of London, and Highbury Corner Magistrates' Courts range from 20 to 37 minutes, and by public transport 25-35 minutes to the closest stations to these receiving courts. A journey by car from Hammersmith to Hendon takes approximately 26 minutes and, by means of public transport, just under an hour. Further to the comment on travel time inaccuracy, the journey time of approximately 16 minutes which was stated in the consultation document for the journey from Hammersmith to Highbury

Corner Magistrates' Court has been revised to that of approximately 35 minutes. The revised time has been taken into account as part of our analysis of responses and the decision made.

Notably, however, for many public users the journey will not be from Hammersmith to the receiving court, but from their own home or place of work. It is not possible to measure all potential user journey times, but it is the case that the receiving sites all benefit from good transport links.

HM Courts & Tribunals Service acknowledges that some people may need to travel further to reach their nearest court and for some the journey may be longer. However, for others the closure will have little impact, or could even improve their journey times. The extensive public transport network in London should enable court users to attend court without significant additional cost or travel.

The impact on legal representatives who travel more frequently to court has been considered. While we acknowledge that the travel time for some is likely to increase, for others travel time will decrease and we consider it will remain reasonable. Hendon, Westminster and City of London Magistrates Courts are all well served by public transport. In relation to Hendon, trains frequently depart from Blackfriars, City Thameslink, St Pancras International and Farringdon rail stations in central London to Hendon railway station.

We acknowledge that the alternative locations are in different fare zones to Hammersmith Magistrates Court (Zone 1 in the case of Westminster and City of London, and Zone 3-4 in the case of Hendon). This may increase costs of travel for some (though it may decrease it for others); but we consider the difference in cost of travel to be reasonable, particularly compared with the costs of travelling to court outside the capital.

Some responses referenced gang violence and travelling across boroughs. The possibility of all parties travelling to court by the same form of public transport is one that exists at present. HM Courts & Tribunals will continue to use the gangs protocol and work with other Criminal Justice Partners to list cases on separate days to reduce the risk of gangs converging. If a party to a case believes that they will travel to court on the same mode of transport as another party and is concerned for their safety, the court may consider applications made by parties to be represented at court other than by attendance.

Value for money

Nine responses made reference to value for money, including the following:

"I can see the benefit of closing Hammersmith. The building is not user friendly and needs modernising significantly" (Judiciary).

"All the courtrooms are in a good standard of repair. No immediate or medium to long term financial investment is required to make them usable given the age of the building. It is acknowledged however, that money needs to be spent on repairing the roof of the building" (Judiciary).

"Stop wasting money on silly cost cutting proposals and invest in existing structures" (Individual).

"I am concerned that HMG is "doing a BBC" – opening a building which clearly represents substantial investment in design and construction, using it for a few years (20 in the case of Hammersmith), then deciding to close it" (Individual).

"I do not agree with the proposal to close Hammersmith but I understand there is a financial imperative... I have sat at Hammersmith a number of times over the years and I have always been conscious that is an underused court. This is supported by the court utilisation figures" (Judiciary).

"Travel to more distant locations would take up additional staff time and this would have to be funded through existing budgets" (Judicial Team).

Response

In 2014-15 operating costs for Hammersmith Magistrates' Court were approximately £1,220,000. At the time of publishing the consultation document, deferred maintenance for this building was estimated at £780,000.

HM Courts & Tribunals Service needs to reduce the cost of its estate and ensure that it is used efficiently and effectively to provide best value for money for taxpayers. The savings from doing so will be reinvested into the remaining estate and wider transformation of services that is underway, which stand to benefit court users, as noted earlier in this document. Improving the utilisation of buildings and closing Hammersmith, which is underused, will increase value for money by removing the annual running costs of maintaining a separate building.

Westminster Magistrates' Court is a modern building which opened less than 10 years ago, while Hendon Magistrates' Court was refurbished within the last 10 years. As a result, on an initial assessment, only minor enabling works will be required to repurpose existing underused rooms in these receiving courts. For the City of London Magistrates' Court our initial assessment points to a level of enabling works to improve the witness facilities within the building.

Some contributions to the consultation made reference to Hammersmith Magistrates' Court being a fully Equality Act compliant building. Although Hammersmith Magistrates' Court is a more modern building it is not fully Equality Act compliant for accommodating custody cases. Westminster Magistrates' Court has been carefully reviewed and is fully compliant with the Equality Act and we would continue to list cases in the Central London Local Justice Area at the court, considering on a case by case basis an individual's requirements.

Operational efficiency

27 responses made reference to operational efficiency, including:

"It is a courthouse with a tradition of innovation in drugs courts and domestic abuse courts and has a network of agencies that are borough-based and funded by borough structures, the courthouse is only 20 years old and houses the Youth Offending Team, Probation, the Witness Service and the Mental Health Liaison and Diversion Teams, all of whom would need to be re-housed, all on site for efficiency" (Judiciary)

"The loss of a dedicated domestic abuse court will have a significant impact on VAWG [Violence against Women and Girls]. The IMPACT project is funded by LBHF [London Borough of Hammersmith and Fulham] in particular the dedicated court workers" (Public Sector Body)

"North London is the proposed location for the Youth cases from Hammersmith to transfer to. I can confirm that Highbury Corner Magistrates Court has the capacity to accommodate this work within our current listing arrangements" (Judiciary)

"I think the proposals are excellent and I fully agree. I will be impacted because I am a magistrate in Central London. It will lead to higher efficient and more flexibility of the magistrates

workforce....my view is that optimising the use of less court houses makes perfect sense" (Judicial Team)

"Proposal on relocating the work of the court appear incredible from a Hammersmith perspective those are remote locations, it demonstrates a total disregard for all users of the court and that the plan has not been properly thought through" (Individual)

"Currently the Central London area has significant trial delay with up to 16 weeks between plea and first trial listing. This is one of the worst rates in London... To close this courthouse and to lose 11.5 days of CPS trial time inevitably would create yet more delay" (Judicial Team).

Response

During 2014-15, Hammersmith Magistrates' Court was used at approximately 62% of its capacity.

HM Courts & Tribunals Service recognises that Westminster Magistrates' Court is operating at a high utilisation level. A number of consultation responses highlighted available capacity at Hendon Magistrates' Court and City of London Magistrates' Courts. This has been taken into consideration and is reflected in our decision on the receiving sites for the movement of workload out of Hammersmith.

The impact on trial delay as a result of closing Hammersmith Magistrates' Court has been considered. However, trial delay is not based exclusively on available capacity, but also the availability of witnesses and the preparation of a case. In bringing workload and hearings together, consolidation of the London estate can generate greater efficiency. We will continually keep under review operations to ensure operational efficiency is achieved.

The workload of the Central London Local Justice Area has also been considered. Between 2014 - 2015 and 2015- 2016 there was a 9% reduction in receipted cases.

Notably from an operational efficiency perspective, Highbury Magistrates' Court already operates as a specialist youth centre and provides good facilities for all users.

Other Considerations

There were several responses that referenced the impact on specialist teams and dedicated courts for domestic violence, mental health and drugs courts, such as the following:

"Hammersmith Court has built a national reputation for developing innovative and specialist courts founded on strong local partnerships. The proposals contained in the consultation place these at a risk. The Specialist Domestic Abuse Court (SDAC) has been recognised as national best practice and, as one of the first SDACs, acts as a pathfinder for other SDACs across the country. The SDAC is embedded with the local Coordinated Community Response (CCR) model to tackle domestic abuse. Closure of the court may lead to victims of domestic abuse being less likely to support prosecutions. Closure of the court may lead to victims of domestic abuse being less likely to support prosecutions" (Other Public Sector Body).

Response

HM Courts & Tribunals Service has carefully reviewed the capacity in the Central London Local Justice Area and Hendon Magistrates' Court and will discuss with those specialist teams in greater detail their accommodation requirements. We will maintain and look for opportunities to enhance the support services provided at the courts.

If there are any implications for the tribunals' hearings currently listed at Hendon Magistrates' Court we will work with the relevant judicial bodies to reach an agreement on a suitable solution before operational closure.

Proposals for youth court work

For those appearing in court under the age of 18 years, upon further assessment, we considered that the following proposed options in the consultation were not viable:

Wimbledon Magistrates' Court: this court does not have the necessary capacity to receive the required workloads. Furthermore, the absence of a separate entrance for the youth court without significant enabling works to create a new dedicated entrance represents a cost barrier.

City of London Magistrates' Court: this court was not considered viable as it is the receiving site for those appearing in court over the age of 18.

Alternative Proposals

Some responses made reference to an alternative provision of services.

"Build a bigger super magistrates court for all the boroughs in London and close all the others. That would be phenomenal efficiency" (Judiciary).

"I am keen that we all go properly to Saturday working as a proper six-day a week process. It may cut costs and will reduce waiting times..... Close Ealing magistrates' Courthouse. Expand Uxbridge Magistrates Courthouse into the recently vacated administration space. Consider moving some tribunals and parole board hearings into underutilised court space" (Judiciary).

"I would not object to increasing operational hours if the staff were properly remunerated for the work....It would be very helpful to have local services in the same space so the sharing of information could be easier and make targeting crime much more effective" (Stakeholder).

Response

In conjunction with addressing the HM Courts & Tribunals Service estate we are looking to modernise our practices and adopt more streamlined ways of working, use our estate more intelligently and flexibly to reduce running costs, and increase multifunctional court space, allowing different court and tribunal jurisdictions to share locations.

Implementation of the decision to close Hammersmith Magistrates' Court

In the coming months, consultation with the Departmental Trade Union on staffing impacts will take place. Our implementation plans are currently projecting that the building will cease to provide a public service by August and October 2017, but this is subject to change as our plans are further developed. Further updates will be provided online alongside this document in due course.

There are a number of factors to consider before Hammersmith Magistrates' Court can close. We will work closely with the Judicial Business Group in order to make the listing changes at each court.

HM Courts and Tribunals Service acknowledges that, as a result of the closure of Hammersmith Magistrates' Court, Central London Local Justice Area work will be listed within the North West Local Justice Area. However, this consultation does not seek to change the Local Justice Area structure in London.

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.

<https://www.gov.uk/government/publications/consultation-principles-guidance>

Annex A – List of respondents

In addition to the members of the public who responded to the consultation, the following named individuals and organisations provided a response:

15 NBS Chambers

25 Bedford Row Criminal Chambers (Solicitors)

ADUKUS Solicitors

Advance Charity

Amphlett Lissimore

Amphlett Lissimore Bagshaws LLP

Andy Slaughter MP for Hammersmith

Barristers

Bench Chair for NW London LJA

Bench Chair on behalf of Central London Bench (including Youth Panel)

Bench Chair South West London

Branch Chair on behalf of Magistrates Association Central & North London

Cabinet member for Civil Society, Royal Borough of Kensington and Chelsea & Chairman Kensington and Chelsea Community Safety Programme Board

Camberwell Green Magistrates' South Group, Legal Team

Central London Bench

Central London LJA JP

Central London Magistrates Cluster District Judges

Centre for Public Safety

Chair of the Greater London Family Panel

Chair of the Hammersmith & Fulham Safer Neighbourhood Board, on behalf of the Board

Chairman of the Bench London South Local Justice Area

Chairman of the South and South East London Magistrates Association

Chief Executive of London Borough Council for Hammersmith & Fulham

Chris Philp MP for Croydon South

Chuka Umunna MP for Streatham

Citizen Advice Witness Service

City of London Corporation, City Remembrancer's Office

Commander, TP Crime, Criminal Justice, Roads & Transport Policing

Criminal Defence Solicitors

Deputy District Judge

DJMC Camberwell Green MC Designated District Judge South London LJA

FMW Law Ltd

Freelance Advocacy Services

GT Stewart Solicitors and Advocates

Hartnells Solicitors

Helen Hayes MP for Dulwich and West Norwood

HMCTS Staff

Hockfiled & Co Solicitors

Housing Law Practitioners Association

Independent Chair of the YOS management Board for Lambeth.

International Society of African Lawyers (ISAL) and Caribbean African Latin American Association (CALA)

Justices of the Peace

Keima Payton, Solicitor

Lambeth, Southwark and Cambridge House Law Centre

Lansbury Worthington Solicitors

London Borough Council of Hammersmith & Fulham

London Borough of Lambeth Legal Services

London Borough of Lambeth, administration

London Borough of Lambeth, Mental Health Professional

London Borough of Southwark

London Criminal Courts Solicitors' Association

Magistrates

Mayor's Office for Policing And Crime (MOPAC)

McMillan Williams Solicitors

Metropolitan Police Service, Officers

National Probation Service, administrator

National Probation Service, Business Strategy and Change & London Strategic Lead for Courts

National Probation Service, Camberwell Green Magistrates' Court Probation Team

Neighbour and Independent Barrister

North London LJA Bench

Partners Against Domestic Abuse (IMPACT)

Pearson

Penningtons Manches LLP

Philcox Gray Solicitors

Powell Spencer & Partners Solicitors

Prisoner Escort & Custody Service, administration

Public and Commercial Services Union (PCS)

Quality Solicitors Amphlett Lissimore

Ravenscourt Ward Panel Chair

Refuge, the Gaia Centre

Rt Hon Harriet Harman MP QC for Camberwell & Peckham

Russell Cooke LLP

Senior District Judge, Chief Magistrate

Solicitor and consultant at Steel and Shamash solicitors

Solicitors

South London & Maudsley NHS, AMHP Team Manager

South London & Maudsley NHS, Criminal Justice MH Team Leader

South London Justices Area Youth Panel

South London LJA

Southwark Council, administration

Southwark Council, Food safety enforcement officer

Southwark Council, Leader of the Council

Southwark Council, Manager Approved Mental Health Professional Service

St Helens Residents Association

Standing Together Against Domestic Violence

The Camberwell Society

The Law Society, Chancery Lane

Together for Mental Wellbeing, Liaison and Diversion practitioner

Tri Borough Youth Offending Shared Services, Hammersmith and Fulham, Kensington and Chelsea and Westminster

Tucker Solicitors

VAWG -Violence Against Women & Girls

West London LJA

West London Mental Health NHS Trust, Manager, Liaison and Diversion Services

Witness Service, administration

Youth Offending Service, Head of YOS

Annex B – Equality Impact Assessment

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 EA 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, sex, disability, sexual orientation, religion and belief, age, marriage and civil partnership, gender reassignment, pregnancy and maternity.
3. The Ministry of Justice (MoJ) has 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 the proposal on the future of Camberwell Green and Hammersmith Magistrates' Courts, irrespective of whether or not they have a protected characteristic; we do not consider that the policy proposal would result in people being treated less favourably because of the protected characteristic.

Indirect Discrimination

5. Amongst court users, some groups of people with protected characteristics, as explained below, are over-represented by the proposals. 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, implementation of the reforms represents a proportionate response to meeting the strategic needs of the organisation.
6. Our approach has been to identify which groups of people with protected characteristics are impacted by the proposals and compare them to the court user population in London. This approach allows us to identify whether any particular groups of people will be particularly disadvantaged by the proposals. Due to limitations in the available data on HMCTS users, we have made the assumption that they are representative of the general population of London.
7. We have assessed the available data on the characteristics of sex, age, disability, race and religion. Our current assessment is that there is some over-representation of those of black race in areas local to the courts (23%) whose closures are being consulted upon when compared to the general population of London (13%).
8. The evidence set out in Table 1 suggests the closures will not have disproportionate impacts for people with the protected characteristics of sex, age and disability. Furthermore we do not consider that the closures will have a greater impact on these particular groups when compared to the London population as a whole. Nonetheless we will continue to assess the possibility that the closures will discriminate against these groups, paying

particular regard to any evidence of discrimination and/or equality impacts identified in the responses to consultation.

9. Due to limitations in the available data we have been unable to assess impacts on the remaining protected characteristics of sexual orientation, gender reassignment, marriage and civil partnership and pregnancy and maternity. 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, paying particular regard to any evidence of discrimination and/or equality impacts identified in the responses to consultation.

Discrimination arising from disability and duty to make reasonable adjustments

10. In so far as this policy extends to disabled court users, we believe that the number of disabled people affected is proportionate having regard to its aim. It remains important to make reasonable adjustments for people of disability to ensure appropriate support is given.
11. Even though the proportion of disabled people is proportionate to the London population as a whole, the need to travel further (either by car or by public transport) is likely to have greater impacts on these people. Similarly, although there is no data to suggest that there are more pregnant women in the court user population than the general population, 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.
12. The potential for greater impacts for disabled and older people 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

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

Advancing equality of opportunity

14. 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. 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

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

Consultation Response

16. We have reviewed the Equality Impact Statement and there have been no changes since the consultation.

Court users

17. 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 London.
18. 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 London boroughs.

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

		<i>Magistrates' Court</i>	<i>London Population</i>
Number of site closures		2	-
Gender	Male	49%	49%
	Female	51%	51%
Age	0-15	18%	20%
	16-64	74%	69%
	65+	8%	11%
Disability	Disability	13%	14%
	No disability	87%	86%
Race	White	60%	60%
	Mixed	6%	5%
	Asian	7%	17%
	Black	21%	13%
	Other	7%	5%
Religion	Christian	53%	48%
	Buddhist	1%	1%
	Hindu	1%	5%
	Jewish	0%	2%
	Muslim	9%	12%
	Sikh	0%	2%
	Other religion	0%	1%
	No religion	26%	21%
	Not stated	8%	8%

Defendants, victims and witnesses

19. The Ministry of Justice publications *Race and the Criminal Justice System 2012* and *Women and the Criminal Justice System 2013* 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:

- Men are over-represented amongst those sentenced to immediate custody compared to the general population aged 10 years and older (92% compared to 49%)
 - Those from the Black ethnic group are also over-represented amongst those sentenced compared to the general population aged 10 years and older (8% compared to 3%)
20. 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 (2013/14) 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 (25% of all victims compared to 12% of all those surveyed)
 - 19% of Non-White adults have been a victim of crime, compared to 17% of White adults.
21. 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

22. 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

23. Other groups potentially impacted by the proposed closures include the judiciary and legal professionals. Statistics from the Judicial Office⁴ show that male judges, those of White ethnicity and those aged 50 years and older are over-represented compared to the general population. The practising bar and practising solicitors are more diverse, though men remain over-represented in both professions^{5,6}.
24. 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 under Option 1 has been assigned.

Mitigations

25. 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 Bureau, 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:
 - Police 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.

⁴ <http://www.judiciary.gov.uk/publications-and-reports/statistics>

⁵ <http://www.barcouncil.org.uk/about-the-bar/facts-and-figures/statistics/>

⁶ <http://www.lawsociety.org.uk/representation/research-trends/annual-statistical-reports/>

- Additional video links are within the court to allow vulnerable witnesses to give evidence without facing the defendant.
- Later starts times can be considered for hearings if a customer notifies the hearing centre that travel is problematic.

Conclusions

26. The majority of the people 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 most individuals will still be have reasonable journeys to court to attend hearings, including by public transport.
27. Although increased journeys have the potential to impact some people with protected characteristics, we consider it unlikely that this will result in a particular or substantial disadvantage to most court users given the limited number of occasions they will access the courts and tribunals 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.
28. 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.
29. In many instances enhanced facilities and services are provided at the receiving courts. Overall therefore we consider that the proposed estate reforms and any resulting impacts are a proportionate means of achieving the legitimate aim of an affordable, efficient court estate.



© Crown copyright 2017

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 or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

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 Ministry of Justice (please see above for contact details).