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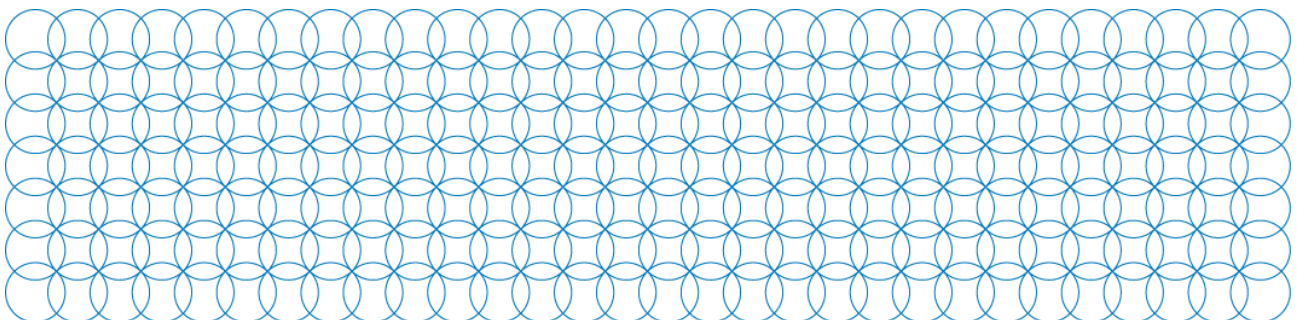


HM Courts &
Tribunals Service

Proposal on the future of Camberwell Green and Hammersmith Magistrates' Courts

This consultation begins on 15 September 2016

This consultation ends on 27 October 2016



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Tribunals Service

Proposal on the future of Camberwell Green and Hammersmith Magistrates' Courts

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 and legal professionals in London
- Duration:** From 15/09/16 to 27/10/16
- Enquiries (including requests for the paper in an alternative format) to:** HMCTS Consultation
Post point 1.22
102 Petty France
London
SW1H 9AJ
- Tel: 020 3334 6361
Fax: 0870 761 7768
Email: estatesconsultation@hmcts.gsi.gov.uk
- How to respond:** Please send your response by 27/10/16 to:
- HMCTS Consultation
Post point 1.22
102 Petty France
London
SW1H 9AJ
- Tel: 020 3334 6361
Fax: 0870 761 7768
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

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Foreword

Through the summer of 2015 the Government held a consultation on proposed changes to the court and tribunal estate in order to remove surplus capacity and to make sure that, as we re-invest over the coming years in reforming our courts and tribunals, we do so in buildings that are more efficient and flexible.

The outcome of the consultation was announced by Ministers in February this year and as a result, 86 courts will close over the next two years across England and Wales. This will remove some of the least used and most inefficient buildings from the court estate.

However, there is still much we can do to improve and consolidate the court and tribunal estate. HM Courts & Tribunals Service is carrying out a major transformation of our court and tribunals system, having secured a commitment to spend over £700m on much needed reform. These changes will digitise and streamline our services, making the system more just, proportionate and accessible. By providing easier digital ways to access our services we will reduce the requirement for people to come to hearings in court buildings unless absolutely necessary.

When the closures announced in February 2016 are completed, there will still be 18 magistrates' courts within London, making it the densest concentration of magistrates' courts in the country, albeit serving the highest density of the population. As such, there is still more we can do to ensure that we have courts and tribunals in the right locations to support a reformed court and tribunals system and provide effective value for money.

As part of the next step in that process, HM Courts and Tribunals Service is consulting on the proposed closure of Camberwell Green Magistrates' Court and Hammersmith Magistrates' Court. The proposed relocation of the work and hearings from these courts has been carefully considered, along with the potential impact on court users, judiciary and staff, and we would welcome comments on the options proposed, detail of which can be found in this consultation document.

The closures are proposed on the basis that the services provided by both these courts can be delivered at other sites, which in turn will improve wider utilisation and the efficiency of the estate in London. Through the disposal of any properties closed, HM Courts & Tribunals Service can release funding which will be reinvested to improve the services we provide to court users.

This consultation seeks the views of local users, judiciary, magistracy, staff, criminal justice agency practitioners and elected representatives to better understand the impact that this proposal would have within London.



Chris Jennings
Delivery Director

Introduction

This paper sets out for consultation the proposal on the future of Camberwell Green Magistrates' Court and Hammersmith Magistrates' Court, including the closure of the buildings and the work being absorbed by existing courts in London. The closures will also contribute to the consolidation of the London criminal court estate and, through disposal, provide funding for the ongoing process of reforming court and tribunal services in England & 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 6 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 is unsustainable and requires modernisation. We need to make sure that our justice system continues to lead the world. To do this, our system needs radical change, to have modern IT and processes and to be located in buildings which are fit for purpose.

We must make sure that the justice system is proportionate in order to save people time, shrink their costs, and reduce the impact of legal proceedings on their lives. As we bring in digital technology and new business models, fewer people will need to attend court for hearings. This means that we will need fewer buildings. We need to keep our estate under review to make sure it is the right size and in the right locations for our future service needs.

We can only make these improvements and provide better access to justice if we take difficult decisions to improve the efficiency of our estate, reducing costs and investing the savings we make as a result.

Reform of the court estates across England and Wales

As part of this programme of reform, on 11 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 the next 2 years.

The process of implementing these closures is now underway.

This paper sets out the proposal to close and sell Camberwell Green Magistrates' Court and Hammersmith Magistrates' Court in order to consolidate and improve the efficiency of the magistrates' courts in the capital. Any proceeds from the sale of these courts will contribute to the over £700m investment in the ongoing process of reforming court and tribunal services throughout the country and improve the efficiency of the court estate in London.

Court estate in London

The HMCTS London Region covers all thirty two London boroughs plus the City of London. At the heart of the region the Royal Courts of Justice contain over 140 hearing rooms. There are 11 Crown Court centres (containing over 140 courtrooms) including the Central Criminal Court, hearing some of the most serious class one murder work; Southwark, dealing with high profile work including fraud trials; and Woolwich holding, amongst other work, high security and terrorist trials.

There are currently 23 magistrates' courts in London (containing over 150 courtrooms) and 18 civil and family venues. This will reduce to 18 magistrates' courts and 16 civil and family venues by October 2017 as current planned closures are carried out. There are

also 13 tribunal venues hearing cases from across the tribunal chambers including Social Security & Child Support Employment and Immigration and Asylum and Upper Tribunals.

Deciding which courts to include in the proposals

In the court estate consultation which ran between July and October 2015 we published a set of 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 and meet future strategic requirements, HM Courts & Tribunals Service has applied these same principles, where relevant, to develop the proposals in this consultation.

The proposals included in this consultation are intended to consolidate the magistrates' court estate in London improving efficiency, reducing operating costs and releasing value from our freehold estate. The principles (so far as relevant), together with the responses to this consultation, will guide our future decision making regarding both the final decision regarding the closure of 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 lay 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 CAF/CASS.

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 (CFT) 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.

London is arguably over-provided with court buildings, with over 60 courts and tribunals locations in the capital. It also has excellent transport links meaning that access to justice can easily be maintained while rationalising into fewer sites. The expense of maintaining and staffing so many buildings does not represent good value for money.

The two magistrates' courts included in this consultation have been identified by applying the principles above to our Magistrates' Court estate in London as part of an ongoing and continual review of the estate. Work from these courts can be relocated to other sites within a reasonable travelling distance, and the courts have considerable operating and maintenance costs. They may also present an opportunity to achieve significant capital receipts which can be reinvested in the reform of our courts and tribunals system in addition to improving the efficiency of the service provided in London by consolidating into fewer sites. Consolidating work into fewer sites means that HMCTS, judicial and partner agency resources are spread over fewer sites and the listing of cases can be improved which provides efficiency through having fewer empty courtrooms.

London criminal estate capacity

The HMCTS Reform Programme will drive efficiencies through better use of technology, stripping out bureaucracy and streamlining processes, alleviating pressures on court time while facilitating better access for citizens. The demand for hearing room capacity will therefore decrease over the lifetime of this programme, in London and nationally, as these reforms are delivered.

There are also further opportunities for using the retained buildings more efficiently – extending opening hours, optimising the use of court time by listing cases more effectively, and redistributing workloads from busy courts to less busy ones. We are already looking at the possibilities for extended hours in some jurisdictions, including running a pilot of this in civil courts in Nottingham. These opportunities are being analysed and developed to enable us to make the most cost-effective decisions about the extent and location of any replacement capacity which we build on retained sites.

Should the Government decide to close these courts, we would expect the closures to take place within the lifetime of this Parliament (i.e. by 2020). We expect significant change to the workloads of our courts over that period as a result of the changes introduced by court and tribunal reform. While the provision and location of court buildings is a government function, the listing of court work is a judicial responsibility, and we will engage with the relevant judicial bodies in London to agree any redistribution of work,

Proposals on the future of Camberwell Green and Hammersmith Magistrates' Courts.

should closures take place. However, we would expect the work to be accommodated within a reasonable travelling distance in London.

The proposals

This consultation proposes that two magistrates' courts are closed as follows:

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

The workload of the courts proposed for closure will be distributed to other magistrates' courts in London as detailed below. This will be achieved by using spare capacity in other courts, including creating capacity by more intensive use of hearing rooms. This will be supported by continuing reform of HM Courts & Tribunals Service which will result in a simpler, swifter service for all court users, reducing the need to attend court.

Neither of these two magistrates' courts are utilised to their full capacity. The facilities are out dated and require improvement and refurbishment. They all have significant maintenance issues which, if they were retained, would need to be addressed at high cost and we believe that investing in fewer court buildings will produce a more efficient service while maintaining access to justice.

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, that the closure offers value for money and that it will enable the long term efficiency of the court service. Only when these principles have been met, would a decision be made to close a court.

We consider that sufficient capacity exists within the London criminal estate to accommodate the workload of both Camberwell Green Magistrates' Court and Hammersmith Magistrates' Court.

To illustrate potential travel time impacts, we have outlined travel times between the proposed closing courts and the alternative proposed courts, using shortest journey times by public transport and by car according to Google Maps data.

Camberwell Green Magistrates' Court

Camberwell Green Magistrates' Court was built in 1965 and is located close to both the A215 and A202 in Camberwell. The building is situated on the fringe of a housing estate and is very close to the centre of Camberwell. The building comprises of five storeys plus two basement areas for parking, it has eight courtrooms and is open five days a week.

It is proposed that Camberwell Green Magistrates' Court closes.

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 site(s) is maximised. If listing changes are required, this will be a matter for the Judicial Business Group to consider.

We would welcome views on the following options:

For those appearing in court over the age of 18:

Option 1 - workload and hearings prosecuted by the Crown Prosecution Service to be relocated to **Croydon Magistrates' Court**.

Croydon Magistrates' Court is a modern, purpose built building with twelve courtrooms constructed in the 1960's. Some enabling work will be required to relocate in the administrative staff and upgrade those courtrooms not at the minimum standard.

Croydon Magistrates' Court is approximately nine miles from Camberwell Green Magistrates' Court.

Travelling times between the courthouses are reasonable and the travel links are good. By car the journey takes approximately 30 minutes. By public transport the journey time from Camberwell Green Magistrates' Court to the nearest station to Croydon Magistrates' Court which is East Croydon takes on average 50 minutes.

East Croydon (zone 5) is served by London Overground and Tramlink, linking into and across central and south London. The area nearby is also served numerous bus routes.

Due to the small amount of non crown prosecution work remaining in Camberwell, there are numerous options for its relocation. We would therefore welcome views from prosecuting authorities and users as to the most suitable alternative location for this work.

Option 2 - workload and hearings prosecuted by the Crown Prosecution Service to be split between **Croydon Magistrates' Court** for Southwark borough work and **Lavender Hill Magistrates' Court** for Lambeth borough work.

Details of Croydon Magistrates' Court and travel times are included in Option 1.

Lavender Hill Magistrates Court was opened in 1963, with four courtrooms. Enabling work would be required in order to relocate the hearings and administrative staff in.

Lavender Hill Magistrates' Court is approximately five miles from Camberwell Green Magistrates' Court.

Travelling times and travel links between the courthouses are reasonable. By car the journey takes approximately 20 minutes. By public transport the journey time from Camberwell Green Magistrates' Court to the nearest station to Lavender Hill Magistrates' Court which is Clapham Junction takes on average 33 minutes.

Clapham Junction (zone 2) is served by trains from across South and South West London and by London Overground services from central London. The area is well served by bus routes linking into and across central and south London.

Other non-CPS work will be considered as outlined in Option 1.

For those appearing in court under the age of 18:

Option 1 - workload and hearings to be relocated to Wimbledon Magistrates' Court.

Wimbledon Magistrates' Court is a modern purpose built building constructed in the 1980's with seven courtrooms. The building will require some enabling work in order to move administrative staff within the building, offering the opportunity to increase the number of courtrooms at the site.

Wimbledon Magistrates' Court is approximately seven miles from Camberwell Green Magistrates' Court.

Travelling times and travel links between the courthouses are reasonable. By car the journey takes approximately 30 minutes. By public transport the journey time from Camberwell Green Magistrates' Court to the nearest station to Wimbledon Magistrates' Court which is Wimbledon takes on average 40 minutes.

Wimbledon (zone 3) is served by Thameslink train services linking into a significant part of South London, London Underground and Tram link. The area is also well served by bus routes which link into and across central and south London. South Wimbledon station (zone 3 and 4) is served by London Underground and a short bus journey from the court.

Option 2 - workload and hearings to be relocated to Croydon Magistrates' Court.

Details of Croydon Magistrates' Court and travel times are included in Option 1 (over the age of 18)

Option 3 – workload and hearings to be relocated to Bromley Magistrates' Court.

Bromley Magistrates' Court is a modern, purpose built building with eight courtrooms constructed in the 1980's.

Bromley Magistrates' Court is approximately eight miles from Camberwell Green Magistrates' Court.

Travelling times and travel links between the courthouses are good. By car the journey takes approximately 30 minutes. By public transport the journey time from Camberwell Green Magistrates' Court to the nearest station to Bromley Magistrates' Court which is Bromley South takes on average 46 minutes.

Bromley South (zone 5) is served by London Overground routes from central London. There are numerous bus routes which link into central and south London.

Accommodation

Camberwell Green Magistrates' Court is not fit for purpose as a future operating court without investment and refurbishment.

The Camberwell Magistrates' Court building requires substantial investment to replace all of the windows throughout the whole building.

Workload

The court lists criminal cases from London Police Stations of Brixton, Walworth Road and Southwark. From September 2017 the court will hear housing possession cases from the London Borough of Lambeth.

We will identify a suitable alternative location for the housing possession work which will be relocating into Camberwell Green Magistrates' Court in September 2017. In doing so we will seek to make sure that this work remains as local as possible to Lambeth and within a reasonable travelling distance.

During the 2014/15 financial year, Camberwell Green Magistrates' Court was utilised for approximately 71% of its capacity.

Staff

There are 77 members of staff in the South London Local Justice Area which includes Camberwell Green Magistrates' Court. Should a decision be made to close the court, staff would be affected by the closure. HMCTS will fully engage with staff and the Regional Trade Union Side regarding staff implications.

Other information

Camberwell Green Magistrates' Court is a freehold property.

The 2014/15 operating cost for Camberwell Green Magistrates' Court was approximately £1,010,000.

Current deferred maintenance for this building is estimated to be £1,080,000.

We will work with agencies who occupy offices within Camberwell Green Magistrates' Court on locating a suitable alternative location.

Hammersmith Magistrates' Court

Hammersmith Magistrates' Court was purpose built in 1996 and is located east of the centre of Hammersmith; it is close to the south-east corner of Hammersmith flyover. The court has ten courtrooms and is open five days per week.

It is proposed that Hammersmith Magistrates' Court closes.

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 site(s) is maximised. If listing changes are required, this will be a matter for the Judicial Business Group to consider.

We would welcome views on the following options:

For those appearing in court over the age of 18:

Option 1 - workload and hearings prosecuted by the Crown Prosecution Service to be relocated to **Westminster Magistrates' Court**.

Westminster Magistrates' Court is a modern purpose built building constructed in 2011. There are 10 courtrooms, with very good facilities for all users.

Westminster Magistrates' Court is approximately 6 miles from Hammersmith Magistrates' Court.

Travelling times and travel links between the courthouses are very good. By car the journey takes approximately 20 minutes. By public transport the journey time from Hammersmith Magistrates' Court to the nearest station to Westminster Magistrates' Court which is Edgware Road takes on average 26 minutes.

Edgware Road (zone 1) is served by London rail and London Underground lines. There are numerous bus routes which serve the surrounding area.

Due to the small amount of non crown prosecution work remaining in Hammersmith, there are numerous options for its relocation. We would therefore welcome views from prosecuting authorities and users as to the most suitable alternative location for this work.

Option 2 - workload and hearings prosecuted by the Crown Prosecution Service to be relocated to **Hendon Magistrates' Court**.

Hendon Magistrates' Court is a purpose built building built constructed in approximately 1913, the building was extended and facilities were upgraded in 2007. There are five courtrooms with good facilities for users.

Hendon Magistrates' Court is approximately 12 miles from Hammersmith Magistrates' Court.

Travelling times and travel links between the courthouses are reasonable. By car the journey takes approximately 26 minutes. By public transport the journey time from

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Hammersmith Magistrates' Court to the nearest station to Hendon Magistrates' Court which is Hendon takes on average 59 minutes.

Hendon (zone 3 & 4) is served by rail from central London. The court is walking distance from the station.

Other non-CPS work will be considered as outlined in Option 1.

For those appearing in court under the age of 18:

Option 1 - workload and hearings to be relocated to City of London Magistrates' Court.

City of London Magistrates' Court is a renovated building. There are four courtrooms, with reasonable facilities for users.

City of London Magistrates' Court is approximately 7 miles from Hammersmith Magistrates' Court.

Travelling times and travel links between the courthouses are very good. By car the journey takes approximately 30 minutes. By public transport the journey time from Hammersmith Magistrates' Court to the nearest station to City of London Magistrates' Court which is Bank takes on average 37 minutes.

Bank (zone 1) is served by London Underground and Docklands Light Railway. There are numerous bus routes which also serve the surrounding area.

Option 2 – workload and hearings to be relocated to Highbury Corner Magistrates' Court.

Highbury Corner Magistrates' Court is a modern purpose built building constructed in 1975; the building was substantially renovated in 2010. From next year there will be twelve courtrooms in the building. There are good facilities for all users.

Highbury Corner Magistrates' Court is approximately 10 miles from Hammersmith Magistrates' Court.

Travelling times and travel links between the courthouses are good. By car the journey takes approximately 16 minutes. By public transport the journey time from Hammersmith Magistrates' Court to the nearest station to Highbury Corner Magistrates' Court which is Highbury and Islington takes on average 18 minutes.

Highbury and Islington (zone 2) is served by London Overground, rail and London Underground. There are numerous bus routes which serve the surrounding area.

Option 3 – workload and hearings to be relocated to **Wimbledon Magistrates' Court**.

Wimbledon Magistrates' Court is a modern purpose built building constructed in the 1980's. There are seven courtrooms with good facilities for all users.

Wimbledon Magistrates' Court is approximately 7 miles from Hammersmith Magistrates' Court.

Travelling times and travel links between the courthouses are good. By car the journey takes approximately 50 minutes. By public transport the journey time from Hammersmith Magistrates' Court to the nearest station to Wimbledon Magistrates' Court which is Wimbledon takes on average 40 minutes.

Wimbledon (zone 3) is served by rail, London Underground and Tramlink. There are numerous bus routes which serve the surrounding area.

Accommodation

Hammersmith Magistrates' Court is a 'fit for purpose' building, it is Equality Act 2010 compliant and provides separate access around the building for the Judiciary, staff and users.

Workload

During the 2014/15 financial year, Hammersmith Magistrates' Court was utilised for approximately 62% of its capacity, this included the utilisation for Hammersmith County Court which closed in June 2016.

Staff

There are 116 members of staff in the Central London Local Justice Area which includes Hammersmith Magistrates' Court. Should a decision be made to close the court, staff would be affected by the closure. HMCTS will fully engage with staff and the Regional Trade Union Side regarding staff implications.

Other information

Hammersmith Magistrates' Court is a freehold property.

The 2014/15 operating cost for Hammersmith Magistrates' Court was approximately £1,220,000.

Current deferred maintenance for this building is estimated to be £780,000

We will work with agencies who occupy offices within Hammersmith Magistrates' Court on locating a suitable alternative location.

The impact of this proposal

This consultation is accompanied by an Impact Assessment. The impact assessment includes further information about the way in which we have estimated the likely receipts for the sale of property, including adjustments to allow for optimism bias.

An Equality Impact 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 the protected characteristics.

Both the Impact Assessment and the Equality Impact 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.

HM Courts & Tribunals Service 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. Do you agree with our proposals to close the two identified magistrates' courts? Would these proposals have any particular impacts for you or any group you represent?
2. Do you have any views regarding our proposals for those under the age of 18?
3. Do you have views on the options proposed for the relocation of the work from either of the courts proposed for closure? Are there other options you would like to be considered, including, for example, whether the work could be managed by changing the operating hours for courts?
4. Do you think our proposals could be extended to include other London courts?
5. Do you have any further suggestions for improving the efficiency of the criminal court estate in London?
6. We would welcome views on our assessment of the impacts of this proposal on those with protected characteristics.

Thank you for participating in this consultation exercise.

Annex A Equality Impact Statement

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, disability, race and religion. 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.

Court users

16. 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.
17. 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

18. 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%)
19. 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.
20. 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

21. 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

22. Other groups potentially impacted by the proposed closures include the judiciary and legal professionals. Statistics from the Judicial Office¹ 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^{2,3}.
23. 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

24. 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

¹ <http://www.judiciary.gov.uk/publications-and-reports/statistics>

² <http://www.barcouncil.org.uk/about-the-bar/facts-and-figures/statistics/>

³ <http://www.lawsociety.org.uk/representation/research-trends/annual-statistical-reports/>

- 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.
 - 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

25. 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.
26. 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.
27. 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.
28. 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.

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 [insert date] to:

HMCTS Consultation
Post point 1.22
102 Petty France
London
SW1H 9AJ

Tel: 020 3334 6361

Fax: 0870 761 7768

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.

Proposals on the future of Camberwell Green and Hammersmith Magistrates' Courts.

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

[Instructions: Impact Assessment for proposals likely to affect businesses, charities, voluntary sector or the public sector – see guidance on Better Regulation Executive website: <http://www.cabinetoffice.gov.uk/regulation/ria/index.asp>]

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>

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