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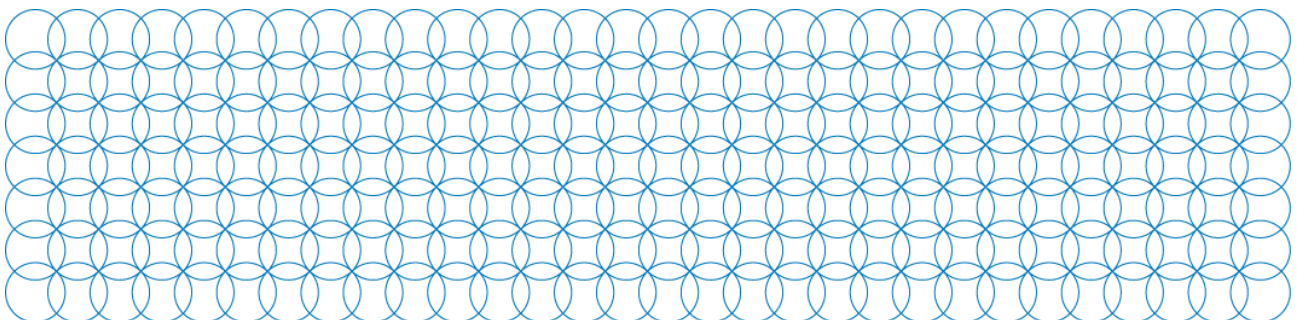


HM Courts &
Tribunals Service

Proposal on the future of Chorley Magistrates' Court and Fleetwood Magistrates' Court (currently used as a Family Hearing Centre)

This consultation begins on 18 January 2018

This consultation ends on 29 March 2018





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

About this consultation

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

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

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

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

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Foreword

HM Courts & Tribunals Service (HMCTS) is currently undergoing a £1 billion process of transformation and reform. The Government has outlined a vision to make the justice system fit for the 21st Century. This means that HMCTS is working to update the systems, procedures and infrastructure that our courts and tribunals use in order to facilitate the delivery of a more accessible and efficient model of justice.

We are modernising our services – making them work better by building the system around the people who use it. A key part of this is making use of modern technology. We are shifting from paper-based to digital files and exploring how some of our services can be made simpler and faster via the web. For example, we have launched pilots of straightforward new digital services in civil claims, divorce, probate, social security and child support and laid the key foundations of an online court. Online courts will involve judges deciding cases on the basis of evidence and argument submitted electronically. These advances enhance access to justice whilst also delivering value for money and enabling long-term efficiencies.

This process of modernisation includes our courts and tribunals estate. In 2015, HMCTS consulted on proposals to close courts and tribunals in England and Wales. The constitutional right of access to the courts and tribunals is inherent in the rule of law and decisions on court reform and estate transformation are made in this context. The response to that consultation was published in February 2016 and it is expected that we will generate over £40 million in receipts through disposal of surplus properties, as well as operational savings of £29 million per year. This money is already being invested into our ongoing programme of modernisation, a significant part of which includes improving our retained court estate.

HMCTS is now consulting on the proposed closure of Chorley Magistrates' Court and Fleetwood Magistrates' Court (currently used as a Family Hearing Centre) in Lancashire based on the same principles as set out in the 2015 consultation. These closures are part of our continued efforts to consolidate our estate to achieve value for money for the taxpayer. The proposed relocation of the work from these courts has been carefully considered, along with the potential impact on court users, judiciary and staff. We would welcome comments on the proposals in this document before making a decision.

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

The closures proposed in this consultation are made on the basis that the services provided by these courts can be delivered at other sites, which in turn will improve wider utilisation and the efficiency of the estate in Lancashire. Through the disposal of surplus properties, HMCTS can release funding which will be reinvested to improve its services. 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 Lancashire.

Gill Hague
Delivery Director, HM Courts & Tribunals Service North West

Introduction

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

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

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

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

Background

Reform of HM Courts & Tribunals Service

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

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

Reform of the court estate across England and Wales

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

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

Court estate in Lancashire

This paper sets out the proposal to close Chorley Magistrates' Court and Fleetwood Magistrates' Court in order to consolidate and improve the efficiency of courts in the area. If the decision is made to close these courts, proceeds from the sale of buildings would form part of the larger £1 billion investment in the process of reforming court and tribunal services throughout England and Wales, as well as improving the efficiency of the court estate in Lancashire.

Deciding which courts to include in the proposals

In the national consultation published in 2015 we set out the HMCTS estates principles which guide our decision-making regarding the location, size and capabilities of our court

and tribunal buildings. To ensure we deliver business effectively now and in the longer-term, HMCTS has applied these same principles to develop the proposals in this consultation.

The proposals included in this consultation are intended to consolidate the magistrates' and family court estate in Lancashire, thus improving efficiency, reducing operating costs and releasing value from our freehold estate. The principles, together with the responses to this consultation, will guide our decision regarding the closure of these courts and also any replacement provision which may be required.

The principles are:

Ensuring access to justice

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

Delivering value for money

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

Enabling efficiency in the longer term

- To reduce the reliance on buildings with poor facilities and to remove from the estate buildings that are difficult and expensive either to improve or to upgrade.
- To move towards an estate with buildings which are larger and facilitate the more efficient and flexible listing of court and tribunal business whilst also giving users more certainty when their cases will be heard.
- To increase the ability to use the estate flexibly across the criminal jurisdiction and separately across the civil, family and tribunal jurisdictions.
- To move towards an estate that provides dedicated hearing centres, seeking opportunities to concentrate back office function where they can be carried out most efficiently.
- To improve the efficient use of the estate by seeking to improve whole system efficiency, taking advantage of modernised communication methods (Wi-Fi and video links) and adopting business processes to increase efficiency and effectiveness.
- To increase the efficient use of the estate wherever possible irrespective of current administrative boundaries.

Lancashire criminal and family estate capacity

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

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

The proposals

This consultation proposes the closure of the following courts:

- Chorley Magistrates' Court; and
- Fleetwood Magistrates' Court (currently used as a Family Hearing Centre).

The workload of the sites proposed for closure would be distributed to other courts in the North West region as detailed below. This would be achieved by using spare capacity in the proposed receiving sites, creating capacity through more effective use of hearing rooms and some enabling works (expanding or adapting the physical layout of a building to enable extra capacity). The reallocation would enable savings to the cost of our overall estate and help to achieve value for money for the taxpayer.

The proposed closures offer an opportunity for greater effectiveness and efficiency. This would be achieved by enabling HMCTS to consolidate its estate in Lancashire. Removing surplus and under-utilised facilities generates savings that allow us to invest in our remaining sites. The courts proposed for closure are currently under-used and closing these facilities would enable us to invest more in our remaining court and tribunal estate.

Should the proposed sites close, we acknowledge that in some cases this might mean longer journey times, however, there would also be users who would face shorter journey times as the allocation of work at the receiving courts would mean that hearings can be heard in more densely populated areas with a higher proportion of users. For example, some users from Blackpool (population roughly 142,000) currently travel to Fleetwood Magistrates' Court (population roughly 26,000) to attend family hearings, a journey time of around 30 minutes.¹

We consider that sufficient capacity exists within the North West court and tribunal estate to accommodate the workload of Chorley Magistrates' Court and Fleetwood Magistrates' Court.

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

¹ 2011 Census, Office for National Statistics.

Chorley Magistrates' Court

Proposal

Chorley Magistrates' Court is located within the town centre. It is one of the six magistrates' courts in Lancashire which hears criminal work, the others being Blackburn, Burnley, Blackpool, Lancaster and Preston; two of these are multi-jurisdictional. Chorley Magistrates' Court is a hearing centre dealing only with non-custodial adult criminal court business and is administered from Preston. It is open four days per week and has low usage.

It is proposed that Chorley Magistrates' Court close and the workload move to Preston Magistrates' Court. The building at Chorley is currently under-used and by relocating the work of Chorley Magistrates' Court to Preston there is an opportunity to reduce our operating costs and re-invest in the remaining court estate. Preston Magistrates' Court has the capacity to absorb the workload from Chorley with some enabling works.

Should Chorley Magistrates' Court close it would allow for a more streamlined and efficient service. A reduced estate in the region would enable us to invest in areas of the remaining estate that are more suited to the requirements of a modern court house.

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

We would welcome views on:

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

Accommodation

Chorley Magistrates Court



Chorley Magistrates' Court is a freehold property that was constructed around 1966. It is detached and purpose-built. The building provides accommodation on three levels: lower-ground, ground and first floor. There are three courtrooms, as well as interview room facilities and ramped disabled access to the rear of the building. Cells belonging to the police are now decommissioned.

Preston Magistrates' Court



Preston Magistrates' Court was built around 1971 and is a three-storey building. It offers good facilities for court users and HMCTS staff. There are six courtrooms and cells are located on the lower-ground floor level. There are ten interview rooms and an advocates' room. Disabled access is by a lift on the ground floor. Preston Magistrates' Court can accommodate the workload from Chorley with some enabling works (i.e. work to alter the building to enable it to receive the extra work).

Workload

During the 2016/17 financial year, Chorley Magistrates' Court sat for a total of 1,512 hours out of a possible 3,810 available hours.

During the 2016/17 financial year, Preston Magistrates' Court (the receiving site) sat for a total of 5,176 hours out of a possible 6,350 available hours. Some enabling works will be required to accommodate the work from Chorley Magistrates' Court.

Staff

There are two members of HMCTS court staff (ushers) based in Chorley Magistrates' Court with additional enforcement staff who use the court as their base location.

Two magistrates currently sit at Chorley Magistrates' Court.

There are other non-HMCTS staff who travel to the court on an ad-hoc basis.

Operating costs

During the 2016/17 financial year, operating costs of Chorley Magistrates' Court were approximately £140,000.

Other information

Chorley Magistrates' Court is approximately 11.5 miles from Preston. Travel by car takes approximately 40 minutes. Travel by train takes approximately 30 minutes at a cost of £6.80 (return). Travel by bus takes approximately one hour at a cost of approximately £4.50 (return).

Travel Time Analysis

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

The impact of this proposal

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

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

Destination	Travel	Departure Town/District			
		Chorley (pop. 41,364)	Clayton-Le-Woods (pop. 14,532)	Euxton (pop. 9,993)	Eccleston (pop. 4,263)
Chorley (proposed closure site)	Miles	0	4.7	2.6	5.8
	Car	0	15 mins	8 mins	15 mins
	Public Transport	0	18 mins	13 mins	32 mins
Proposed Receiving Site					
Preston	Miles	11.4	8.7	8.5	10
	Car	39 mins	30 mins	37 mins	31 mins
	Public Transport	28 mins	48 mins	31 mins	1 hr 11

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

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

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

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

HMCTS complies fully with equality legislation and codes of practice.

Fleetwood Magistrates' Court

Proposal

Fleetwood Magistrates' Court is located on the edge of the town centre approximately ten miles from Blackpool. The court is a hearing centre dealing only with family court business and is administered from Blackpool. All criminal work has been undertaken at Blackpool Magistrates' Court since 2013. The opening times for Fleetwood Magistrates' Court vary according to the work listed, ranging from three to five days per week. The court has low usage.

It is proposed that Fleetwood Magistrates' Court closes and the family work moves to Blackpool County Court. Fleetwood Magistrates' Court is under-used and savings made from the operating costs would enable investment to take place in HMCTS services.

With some enabling works and, if necessary, the ability to hear some civil proceedings in Blackpool Magistrates' Court, there is capacity for the work of the family hearing centre to be accommodated in Blackpool County Court. Should Fleetwood Magistrates' Court close and the work move to Blackpool it would provide a better service for court users who live in Blackpool who are currently required to travel to Fleetwood for their family hearings. The closure represents an opportunity to work more efficiently and effectively, as fewer sites would allow the listing of cases to be more responsive and for HMCTS to make better use of the available hearing rooms.

We have carefully considered the locations to which workload and hearings could relocate. For all options we will work with the judiciary and stakeholders to ensure that the utilisation of the proposed receiving site is maximised.

We would welcome views on:

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

Accommodation

Fleetwood Magistrates' Court



Fleetwood Magistrates' Court is a freehold property that currently operates as a Family Hearing Centre. It was purpose built as a court site around 1970. There are three court rooms and seven interview rooms, a children's room and an advocates' room. Cells belonging to the police are no longer available for use as the Police Custody Suite has closed. Fleetwood Magistrates' Court is a single-storey building with disabled access.

Blackpool County Court



Blackpool County Court is a two-storey building and was built in the late 1960s. The building has two court rooms, two judges' chambers, five interview rooms, a children's room and advocates' room. Public access to the court is by a lift within a building operated by the local council, which allows disabled access.

Blackpool Magistrates' Court



Blackpool Magistrates' Court is a two-storey building built around 1971. There are six court rooms, seven interview rooms and separate rooms for solicitors and the Crown Prosecution Service (CPS). As with the County Court, public and disabled access to the court is by a lift within a building operated by the local council. The court has video conferencing and prison video link facilities.

Workload

During the 2016/17 financial year, Fleetwood Magistrates' Court sat for a total of 898 hours out of a possible 3,810 available hours.

During the 2016/17 financial year, Blackpool County Court (a receiving site) sat for a total of 2,314 hours out of a total possible 5,080 available hours.

During the 2016/17 financial year, Blackpool Magistrates' Court (a receiving site) sat for a total of 4,452 hours out of a possible 7,623 available hours.

Staff

There are two members of HMCTS staff on site (ushers). Two magistrates sit at Fleetwood Magistrates' Court for family work.

Operating costs

During the 2016/17 financial year, operating costs of Fleetwood Magistrates' Court were approximately £140,000.

Other information

Fleetwood Magistrates' Court is approximately nine miles from Blackpool. Travel by car takes approximately 30 minutes. Travel by tram takes approximately 50 minutes at a cost of approximately £2.20 (single fare).

Travel Time Analysis

Our analysis of travel times compares the current journey times (to the court proposed for closure) with the future journey times from those same towns to the courts that are proposed to receive the workload. In each instance the journey time is assumed to begin at 8.00am, with travel from town centre to receiving court. Destinations have been selected based on listing arrangements and the largest areas (by population) having work currently heard at the court proposed for closure.³

³ Journey times calculated using Google Maps. Other navigation systems may provide different results and travel time will vary subject to local traffic conditions.

Destination	Travel	Departure Town/District				
		Blackpool (pop. 142,065)	Poulton- Le-Flyde (pop. 18,495)	Thornton- Clevellys (pop. 28,703)	Lytham St Annes (pop. 42,954)	Fleetwood (pop. 26,000)
Fleetwood (proposed closure site)	Miles	9.1	7.6	4.4	14.2	0
	Car	26 mins	19 mins	10 miles	45 mins	0
	Public Transport	52 mins	56 mins	33 mins	1 hr 18	0
Proposed Receiving Site						
Blackpool	Miles	0.9	4.3	5.8	5.1	8
	Car	6 mins	15 mins	20 mins	15 mins	29 mins
	Public Transport	5 mins	43 mins	51 mins	38 mins	38 mins

The impact of this proposal

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

An Equality 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 any protected characteristic.

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

Both the Impact Assessment and the Equality 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.

HMCTS complies fully with equality legislation and codes of practice.

Questionnaire

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

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

Thank you for participating in this consultation exercise.

Annex A Equality Statement for North West Region

Equality impacts

1. Section 149 of the Equality Act 2010 ("the EA") requires Ministers and the Department, when exercising their functions, to have 'due regard' to the need to:
 - Eliminate discrimination, harassment, victimisation and any other conduct prohibited by the EA;
 - 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, marriage and civil partnership, gender reassignment, pregnancy and maternity.
3. The Ministry of Justice (MoJ) and its ministers have a legal duty to consider how the proposed policy proposals are likely to impact on the protected characteristics and take proportionate steps to mitigate or justify the most negative ones and advance the positive ones.

Direct Discrimination

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

Indirect Discrimination

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

Protected characteristics with no impacts

7. We do not consider that the proposal would result in any particular disadvantage for people with the protected characteristics of sex, race or religion, age, sexual orientation, gender reassignment or marriage and civil partnership.
8. We have assessed the available data on the characteristics of sex, race and religion. Our current assessment is that there is some over-representation of those of a White race in areas local to the courts whose closures are being consulted upon (98% in Fleetwood and 97% in Chorley) when compared to the general population of the North West region (90%). There is also an over-representation of those of Christian religion in the courts being considered when compared to the general population (75% for both courts compared to 67% in the general population).
9. The evidence set out in Table 1 shows the data we currently have on the protected characteristics of court users at two courts being considered by the proposals. Although there is some over-representation we do not consider that this would result in any particular disadvantage for people with the protected characteristics of sex, race or religion. Furthermore we do not consider that the closures will have a greater impact on these particular groups when compared to the region's population as a whole. Nonetheless we will continue to assess the impacts of these proposals on affected groups who share protected characteristics, paying particular regard to any equality impacts identified in the responses to consultation.
10. Due to limitations in the available data we have been unable to assess the extent of impacts on the remaining protected characteristics of sexual orientation, gender reassignment and marriage and civil partnership. Having considered the impact of the proposals on the groups for which limited data is available, we have not identified any direct or indirect discrimination arising from the planned closures. Nonetheless, we will continue to assess the impacts of these proposals, paying particular regard to any equality impacts identified in the responses to consultation.

Protected characteristics with impacts

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

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

Harassment and victimisation

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

Advancing equality of opportunity

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

Fostering good relations

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

Court users

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

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

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

NORTH WEST

		Local population			North West population
		<i>Crown court</i>	<i>Magistrates' Court (Chorley)</i>	<i>County court (Fleetwood)</i>	
Site closures		0	1	1	2
Gender	Male	N/A	50%	48%	49%
	Female	N/A	50%	52%	51%
Age	0-15	N/A	18%	16%	19%
	16-64	N/A	65%	59%	65%
	65+	N/A	17%	25%	17%
Disability	Disability	N/A	18%	24%	20%
	No disability	N/A	82%	76%	80%
Race	White	N/A	97%	98%	90%
	Mixed	N/A	1%	1%	2%
	Asian	N/A	1%	1%	6%
	Black	N/A	0%	0%	1%
	Other	N/A	0%	0%	1%
Religion	Christian	N/A	75%	75%	67%
	Buddhist	N/A	0%	0%	0%
	Hindu	N/A	0%	0%	1%
	Jewish	N/A	0%	0%	0%
	Muslim	N/A	1%	0%	5%
	Sikh	N/A	0%	0%	0%
	Other religion	N/A	0%	0%	0%
	No religion	N/A	17%	18%	20%
	Religion not stated	N/A	6%	7%	6%

Defendants, victims and witnesses

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

- Males were more likely to be sentenced to immediate custody and to receive custodial sentences of 6 months or longer than females with a similar criminal history.

- Relative to the population, rates of sentencing for Black offenders were 3 times higher, and 2 times higher for mixed race offenders, relative to offenders from the White ethnic group; a trend mirrored in prosecutions.
21. There is no comprehensive source of data on the protected characteristics of victims and witnesses who may use the criminal courts. However, the Crime Survey for England and Wales (2017) shows that the following groups of people are over-represented as victims of crime when compared to all those surveyed:
- Those aged 16 to 24 (20% of all victims compared to 14% of all those surveyed)
 - 30% of those from a mixed or multiple ethnic background have been a victim of crime, compared to 13% amongst white adults.
22. Whilst groups of people sharing particular protected characteristics may be over-represented amongst victims, we are unable to quantify whether such over-representation extends to victims and witnesses who use the criminal courts. Conclusions on how different groups of victims and witnesses may be impacted by the proposals therefore remain tentative.

Impact on magistrates

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

Other Impacted Groups

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

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

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

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

Mitigations

26. We recognise that as courts close we need to continue to modernise and improve the way we deliver front line services. We also need to continue to provide reasonable adjustments for court users to ensure access to justice is maintained. There are a number of mitigations that we are either considering (or are already in place) that will help to minimise the impact of court closures on court users, including:
- All guidance material, together with information about particular processes, are made available online through GOV.UK and the Justice website. This would include: the location, directions to and available facilities of the relevant court or tribunal, mediation, how to make a claim, how to appeal, and how to make a complaint. In addition these websites provide useful links and signposts users to related websites such as: Resolution, National Family Mediation, Community Legal Advice, Citizens Advice, Consumer Direct, Ofcom and Ofgem amongst others. Public information is reviewed as necessary.
 - Provision of business and contact centres for some services (e.g. County Court Money Claims Centre) mean that services can be accessed by post and phone until the hearing (if a hearing is required).
 - Online services, such as Money Claims Online and Possession Claims Online allow online access to services up to the hearing stage (if required).
 - Alternative Dispute Resolution is promoted where appropriate which reduces reliance on court hearings
 - Reasonable disability adjustments are undertaken in courts in accordance with the existing reasonable disability adjustments policy. Guidance is available to all staff, including a central advice point.
 - Video links for criminal courts are used as follows:
 - Prosecution and defence witnesses can use live links to give evidence in trials. These links operate in nine Criminal Justice System (CJS) areas, with more expected to be set up this year.
 - Virtual courts are set up in four areas for preliminary hearings. Defendants appear from the police station at the magistrates' court by video link.
 - Prison to court video links allow defendants to appear from custody in magistrates' courts.

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

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

- Additional video links are available at the court to allow vulnerable witnesses to give evidence without facing the defendant where this is in the interests of justice.
- Later start times can be considered for hearings if a customer notifies the hearing centre that travel is problematic.

Conclusion

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

About you

Please use this section to tell us about yourself

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

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

Contact details/How to respond

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

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

Email: estatesconsultation@hmcts.gsi.gov.uk

Extra copies

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

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

Publication of response

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

Representative groups

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

Confidentiality

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

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

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

Impact Assessment

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

Consultation principles

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

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

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