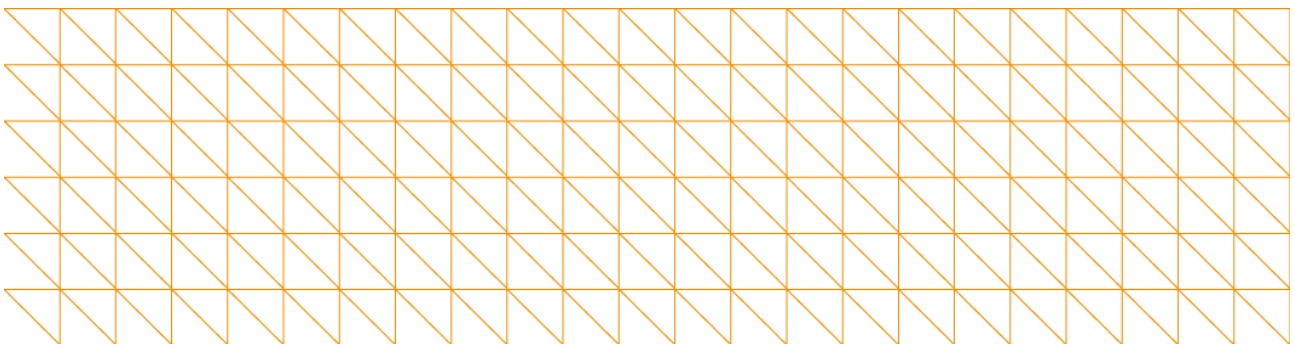




Ministry
of Justice

Response to the proposal on the future of Neath Magistrates' Court

[This response is published on 06 February 2014]



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of Justice

Response to the proposal on the future of Neath Magistrates' Court

Response to consultation carried out by the Ministry of Justice.

This information is also available on the Ministry of Justice website: www.justice.gov.uk

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Introduction and contact details

This document is the post-consultation response for the consultation paper "Proposal on the future of Neath Magistrates' Court".

It will cover:

- the background to the report
- a summary of the responses to the report
- a detailed response to the specific questions raised in the report
- the decision
- the next steps following this consultation.

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

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This report is also available on the Ministry's website: www.justice.gov.uk.

Alternative format versions of this publication can be requested from HM Courts & Tribunals Service on 029 2046 7761.

Complaints or comments

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

Background

The consultation paper "Proposal on the future of Neath Magistrates' Court" was published on 26 September 2013. It invited comments on the proposal to close Neath Magistrates' Court and transfer its workload to Swansea Magistrates' Court. In addition it proposed the merger of the Neath Port Talbot Bench and the Swansea Bench (ie. Local Justice Areas).

The consultation period closed on 7 November 2013 and this report summarises the responses and the next steps.

The Impact Assessment accompanying the consultation was updated to take account of evidence provided by stakeholders during the consultation period. The updated Impact Assessment is attached.

A Welsh language version of the response paper can be found at

<https://consult.justice.gov.uk/>

A list of respondents is at Annex A.

Summary of responses

The consultation paper invited responses to the following questions:

1. What comments would you like to make about the proposed closure of Neath Magistrates' Court, the bench merger and the transfer of workload and staff to Swansea Magistrates' Court?
2. Please describe any particular impacts that should be taken into account and why.
3. Will the closure of Neath Magistrates' Court have a direct impact on you? If so, please provide additional details.

However, not all respondents opted to submit their views in this way and, as the whole range of responses were analysed, it was evident that respondents were raising points under specific headings. The points raised, and the HM Courts & Tribunals Service response to them, have therefore been presented under these themes in this Response Summary.

A total of 63 responses to the consultation paper were received. Of these:

- Five were Community, Town and County Councillors
- Five were from Welsh Assembly Members
- Two were from Members of Parliament
- 37 were from local magistrates
- 14 other responses were from local individuals, organisations and committees

Of the 63 responses, five were supportive of the closure proposal for Neath Magistrates' Court, 57 were opposed and one was neutral.

The majority of the responses focused on the importance of access to local justice; travel times, alternative venues to maintain the provision of services in Neath Port Talbot; and capacity at Swansea.

Almost all responses commented that they supported the closure of the courthouse on its current site to enable the regeneration of Neath to proceed unhindered by the court effectively land locking the site. However, most argued to retain a magistrates' court presence within the boundaries of Neath Port Talbot Borough Council.

Of the overall responses, five were supportive of the closure proposal for Neath Magistrates' Court, the main themes being:

- Reduce under utilised estate and increase utilisation at a larger court centre
- Improved travel facilities to Swansea

57 were opposed to the proposed closure, the main themes being:

- Transport to Swansea Magistrates' Court and Access to Justice
- Alternative venues in Neath for the magistrates' court workload
- Merging of Local Justice Areas and Impact to Magistrates
- Flawed data in the Consultation Paper and Impact Assessment

These and the remainder of the responses raised specific points and these are considered in the sections overleaf.

All the points raised by respondents to the consultation have all been fully analysed and following careful consideration the Lord Chancellor has decided to close Neath Magistrates' Court.

- The decision has been taken that Neath Magistrates' Court should close;
- That the workload should move to Swansea; and
- That the Neath Port Talbot and Swansea Local Justice Areas should merge to form the West Glamorgan Local Justice Area

Responses to specific points

1. Transport/Access to Local Justice

91% of the population whose current closest magistrates' court is Neath are estimated to be within a 90 minute journey by public transport of Swansea Magistrates' Court (see table at Annex B). This is similar to Wales as a whole, where 90% of people are within a 90 minute journey by public transport of their nearest magistrates' court.

A number of responses, mainly from magistrates, commented upon the increase in travel time and cost which would result from transferring the workload of the Neath Magistrates' Court to Swansea.

"I will need to consider the implications of additional journey times for myself also due to traffic congestion into the City during morning and evening rush hour. I may have to consider resigning from Adult Court and concentrate solely on Family work. I am not sure if this is actually acceptable to HMCTS." [Mrs C Probert JP]

HM Courts & Tribunals Service accepts that there will be an impact for some justices in undertaking travel to Swansea, but HM Courts & Tribunals Service will work with the magistracy to ensure that their deployment within the magistrates' courts is efficient and cost effective.

"There *will* be increased costs to Neath Magistrates in terms of time and money....but , at a time when magistrates expenses are being put under the spotlight and training is being starved of funding, I don't see how there can be no issues here." [Mrs R S A Parker JP]

While there will be additional travel costs for some justices, in travelling the nine miles from Neath to Swansea, these will be reimbursed by HM Courts & Tribunals Service. It is likely that for some justices, there will be less travel and expense, particularly for those who live nearer to the Swansea Court than Neath.

It has been suggested that if Neath Magistrates' Court closes there will be a significant geographical area of the Neath Valleys who would have long and difficult journeys. The following are some of the comments made:

"The members of Coedffranc Community Council feel that it would be more appropriate to merge Swansea Magistrates' Court into Neath magistrate's court rather than the other way round. The members are concerned about travel links from Neath Valley going into Swansea. Accessibility to a bus service to Swansea from the Neath Valley is very limited..." [Ms W Thomas, MILCM, Clerk to the Council]

It is accepted that for some the journey to Neath will be more convenient and easier than a journey to Swansea. There is insufficient capacity to accommodate the work from Swansea Magistrates' Court within the Neath Magistrates' Court. There are six courts at Swansea and three at Neath.

"I am concerned about court users, not magistrates or staff, who generally speaking have access to cars and have more choices than members of disadvantaged communities facing the Justice system." [Ms H J Heaven JP]

"Members find it quite alarming that the population travel time within 30 minutes goes down to 3% after the closure of Neath Magistrates Court if they do not own a car." [Ms W Thomas, MILCM, Clerk to the Council]

"Much of the customer – area covered by Neath court is in the upper part of the Swansea Valley and even further west into the upper part of the Amman Valleys (Gwaun Caer etc) The makes communications with Neath very difficult indeed whereas travel to Swansea is somewhat easier from a geographic point of view whilst therefore the residents of Neath itself will undoubtedly be adversely affected by the proposed closure, the overall position will be of benefit to residents who currently travel long distances to that court, who will find it easier to reach Swansea." [Clive Rees and Associates]

While it is true that there would be some difficult public transport journeys from the Neath Valleys to Swansea, this is not a reason on its own for the retention of the court. Although the travel time is possibly more than an hour, regard has to be had to the low workload emanating from these areas. The journey from Neath to Swansea is approximately nine miles, easily accessible by bus, train and road.

"If the proposals go ahead there will be greatly increased and unacceptable costs for all court users. Travel times by public transport from the villages at the upper ends of Neath, Afon and Tawe valleys would be unacceptably long and complicated." [Mrs M Rees JP]

"It is not only a question of defendant attending court, youth courts would expect and can require that parents should be present for hearings. Families, lone parents etc with school age children would have a very limited time frame in which it is possible for them to get children to school and then get to court. Why would HMCTS be expecting parents not to send their children to school in order to ensure they attend court? Has there been a relevant impact assessment on the social costs of this proposal?" [Mr R Ward, Neath Port Talbot Youth Offending Team]

"Neath court serves a widely dispersed and very diverse population. It is an area of social deprivation where the dependence on public transport is high. Bus services from the outlying regions are both sporadic and unreliable. They are also subject to frequent delays caused by poor infrastructure and adverse weather conditions." [Neath Port Talbot Magistrates]

HM Courts & Tribunals Service accepts that there will be occasions where parents who need to attend court have to make arrangements for the care of their children before and after school. Currently, exceptions to the ability to attend court at a particular time may be considered on representations made on a case-by-case basis and may be addressed through the listing processes. It is intended that this will be continued when the workload transfers to Swansea Magistrates' Court.

Port Talbot, Neath and Swansea are on the main London Paddington to Swansea rail line. Those having to access other public services such as major hospitals will need to undertake similar journeys. Most members of the community do not need to regularly attend a magistrates' court.

"Local cases should be heard by local magistrates who know the area in a local venue." [B and P W Jones]

"Closing the Neath court will mean that the strong ties between the criminal justice system and the communities serviced by the court will be irretrievably lost, potentially to the detriment of local Justices." [Ms L Fleet, West Glamorgan Magistrates Association]

Cases will continue to be heard by local justices, both by those from Neath Port Talbot and from Swansea. HM Courts & Tribunals Service will want to retain appropriate links, if possible, as will other agencies, and the closure of Neath Magistrates' Court should not change that position.

2. Alternative Venues in Neath

A number of responses raised alternative suggestions of where the court could be re-housed or sites acquired to retain a Magistrates' Court within Neath Port Talbot.

"I have already voiced my support in principle, for the regeneration of Neath Town Centre. I can see that the objections, in the main, do not wish to jeopardise this, nor does there seem to be any particular concern over the loss of the existing buildings. The concern is over the loss of the service and that is a worry I share." [Suzy Davies AM]

"Neath Port Talbot has a population of 138,000 people not an insignificant population who want the local justice system to remain local." [Councillor J Rogers BEM JP]

"The town centre regeneration plans are important but should be seen as an opportunity to provide modern fit for purpose magistrates courts facilities at a different location in Neath rather than closing the service altogether." [Councillor A Llewellyn]

"I must initially express my huge disappointment that the proposal that has been issued for consultation only includes two options. I am aware that other options have been considered but were not included in this consultation document and that those alternative options be reconsidered." [David Rees AM]

"There is a fourth option, namely to retain the Port Talbot Magistrates Court, Ceramic Way. That too was not considered at all by those who compiled the consultation paper and the impact assessment." [Neath Port Talbot Magistrates]

"There is a strong suspicion amongst trade unionists that the Cabinet Office and Treasury are dictating the terms on this issue. There does not appear to be a serious attempt to keep the court in the local area." [DTUS, PCS Union]

"In fact until September the local MPs, AMs, Councillors, Magistrates, Solicitors, Police, and court staff were all under the impression that on demolition of the current Neath courthouse building all court business would be transferred to a remodelled county court which would utilize (sic) the cells in the adjacent Police station. The money for this had been allocated from European and Welsh budgets. None of the stakeholders involved in creating this alternative have been involved in any consultation to remove this third option from discussion. It is not known where the £1.4m allocated has gone." [Mrs E Davis JP]

For several years HM Courts & Tribunals Service have been aware of the Council's regeneration plans. During the intervening years HM Courts & Tribunals continued to have informal discussions with the Council about potential options to relocate Neath Magistrates' Court within the locality. Alternative sites offered by the Council that were in shared accommodation, such as the Civic Centre, were discounted due to the lack of secure facilities and flow throughout the site. The Council had identified at least one other site early in their regeneration plans for a new building. The estimated costs of a new build were between £6m and £11m.

One option that was given detailed consideration was the option to relocate Neath County Court, which would have required the access and use of the custody suite in the nearby Police station. This option was expected to be funded by the local Council to offset the necessary enabling works. The costs for enabling the Magistrates' Court to relocate to the County Court were estimated at £1.46m and is no longer affordable or feasible. However, these plans would have also necessitated the re-housing of the County Court to Port Talbot Justice Centre, which was estimated in late 2012 to be at a cost of at least £285k. There is extensive occupation of HM Courts & Tribunals Service Enforcement staff at the Port Talbot Civil Justice Centre and there is an increasing centralisation of their work at this location. HM Courts & Tribunals Service wishes to retain the building for this use and a significant tribunal and family workload at this stage. This joint utilisation of the building is to be encouraged as it facilitates more efficient conduct of court and tribunal business.

In deciding options to consult on the future of Neath Magistrates' Court, HM Courts & Tribunals Service has to have due regard to ensure its estate is utilised to deliver justice efficiently and effectively, while providing value for money to the public purse. Taking account of the workload emanating from Neath and the low utilisation of nearby Swansea, anything other than merging Neath Port Talbot and Swansea could not be seen to represent good value for money.

3. Merging of Local Justice Areas and Impact to Magistrates

The consultation covered the merger of the Neath and Port Talbot Local Justice Area and the Swansea Local Justice Area and therefore a number of comments were made about the impact of the Benches merging. A further concern was that recruiting and retaining magistrates' from Neath Port Talbot may become a problem.

"I would welcome my colleagues from Neath with courtesy but the logistics of the transfer and merger; especially with regard chairmanship of the bench and bench committees would mean a great amount of upheaval not only for our Neath colleagues but for the administrative legal staff." [Ms G A Scannell MBE]

"Neath Port Talbot and Swansea have different cultures; the practicalities of merger will not be as easy as it is made out in the impact assessment." [Ms G Bond JP]

"The merger of the Swansea and Neath Magistrates' Benches could also have a deleterious effect on the administration of justice itself." [Gwenda Thomas AM]

"The impact statement issued with the papers regarding the closure of Neath Magistrates Court mentions (economic rationale for intervention) that Government also intervenes for equity ("fairness") reasons and it would be interesting to know how this fairness is applied to the member of the public if the Neath and Port Talbot areas, as their access to a local court service is not, for a number of economic and time factors, being treated fairly or equally." [Mrs G Norton JP]

"A merged bench with Swansea may pose a barrier to recruiting magistrates from the full range of communities in Neath Port Talbot in the future because of the lack of connection to and identity with Swansea. Diversity in terms of community representation may therefore be compromised which will reinforce the inevitable disconnection between the criminal justice system and local accountability and reparation." [Mrs L Fleet, West Glamorgan Magistrates Association]

Justices are appointed to represent the diversity of the population in the community, and to judge cases dispassionately, ensuring that they deliver justice fairly. The local Lord Chancellor's Advisory Committee on Justices of the Peace will be able to address any under-representation of justices in terms of diversity and may, if necessary, target a recruitment campaign to ensure that this is achieved.

"Despite extensive and wide ranging enquiries, I have been unable to identify any individual or stakeholder ("interested party") who has had any pre consultation discussion about the proposal to relocate work to Swansea Magistrates' court and merge the local Justice area of Neath Port Talbot and Swansea. This causes me great concern." [Mrs J Jenkins JP MBE]

'Pre-consultation' discussions are not a usual feature in respect of any proposals to close court buildings. Consultations on court closures are approved by Ministers, and HM Courts & Tribunals Service would not generally be prepared to pre-empt a Minister's decision in this respect. The consultation exercise was the opportunity to respond with views and any additional information that consultees wanted to be taken into account.

Another concern raised by magistrates from both the Neath Port Talbot and Swansea benches was the potential for a reduction in sittings days if the benches merged.

“Magistrates are required to sit for 26 half days, or 13 full days per year as a minimum. In order to ensure magistrates do not become de-skilled, it is in fact desirable, if possible, for them to sit for 35 to 40 sessions, or about 20 days per year. If the Neath Port Talbot Bench (approx. 70+ magistrates) were to merge with the Swansea Bench (approx. 120+ magistrates) that would create a Bench of approximately 200 magistrates. To remain active and to fulfil the terms agreed with the Lord Chancellor, 200 magistrates need 4000 magistrates days in all.” [Neath Port Talbot Magistrates]

Arrangements to plan for the closure of Neath Magistrates' Court and the merger of the Local Justice Areas of Swansea and Neath Port Talbot can now commence. This will involve the Justices' Clerk liaising with Bench Chairpersons and consulting with them on proposed listing arrangements. One of the aims will be to provide every justice with a minimum of 26 sittings. The local Lord Chancellor's Advisory Committee will keep the Bench establishment under review, but every justice will be allocated sittings. It is not anticipated that workload will reduce as a result of any closure.

The merger of the Benches (ie. Local Justice Areas) will not have any impact on the amount of work needed to be undertaken by magistrates and it is anticipated that there will be only limited direct impact to the sitting day requirements.

“Neath Magistrates warmly welcomed to integrate with Swansea.” [Mr D H Rees JP]

Justices are valued members of the judiciary and work well together for the benefit of the communities they serve wherever they are delivering justice.

4 Data

A number of respondents (22) suggested that the data in the Consultation paper and Impact Assessment was incorrect, insufficient and/or flawed.

"The proposed closure is described in a consultation paper and an Impact Assessment document. Both (were) what we might describe as "broad brush" documents. They give little details on the crucial elements that underpin the HMCTS case for closure – namely court utilisation and costs. The figures quoted are not explained, they are not itemised and cannot therefore be challenged in any meaningful way." [Mr P Davies, Retired JP]

"The impact assessment is riddled with contradictory statements and incorrect 'facts and figures'. Its credibility is very poor". [Mrs C Wheeler]

A number of respondents also questioned the source of the data used in the Impact Assessment.

"We suggest that the data on local geography and populations contained within the IA is incomplete and/or flawed. The population of Neath Port Talbot stands at 137,100 (2011 census) with a population density of 311 people per square kilometre. This is over twice the density population for Wales." [Neath Port Talbot Magistrates]

"There is a concern about access in its broadest sense. We believe that calculations in the impact assessment are flawed and fail to take account some of the realities for victims, defendants and their families and supporters. The figures assume that people needing to attend court currently live close to the existing courthouse." [Mr R Merrill, Neath Port Talbot Council for Voluntary Service]

The Impact Assessment particularly took account of the maximum extra journey that those attending the Swansea Magistrates' Court would have, once the Neath Magistrates' Court closed. Although it is acknowledged that travel times for some attending court will increase, everyone within Neath Port Talbot will be able to travel to Swansea within an hour, by car.

For those using public transport, 65% will have a travel time of less than one hour and 91% less than 90 minutes. For most of the population there is not a regular need to attend the magistrates' court.

While the population was fully considered, workload figures and court utilisation data indicates that Neath Magistrates' Court was under utilised at 57%. In deciding where best to relocate this workload, considering a neighbouring court nine miles away that was also under utilised at 51%, allows HM Courts & Tribunals Service to facilitate more efficiently the conduct of court and tribunal business across its Swansea estate.

Some magistrates' also asked about the cost of the maintenance required on Neath Magistrates' Court if the building was not vacated.

"It is claimed that £1.3m is needed for maintenance of the present Neath Court building. This has been given without any details of how this figure was reached and what work has been proposed or required to reach this figure." [Mrs R Evans JP]

"If the building is in a state of disrepair and also needing modernisation, surely some of the cost should have been avoided by continuous maintenance and adaption when there was money available." [Mrs O Newton JP OBE]

The backlog of maintenance required at Neath Magistrates' Court included a new roof, windows and some structural repairs including within the custody suite. The lift also requires some refurbishment.

A few respondents contacted HM Courts & Tribunals Service during the consultation period regarding the six week consultation period although few specifically referred to this in their formal response.

"I believe that the 'consultation process' has been fundamentally flawed as a result of it being truncated and restricted to a 6 week period." [Mr P D Llewellyn JP]

With regards to the appropriateness of the 6 week consultation period for this proposal, HM Courts & Tribunals Service is confident that a 6 week consultation is sufficient. In July 2013 the Courts Minister issued a Written Ministerial Statement that announced that future consultations on proposed court and tribunal closures would, in most instances, run for six weeks. This view is supported by the number of responses, 63, which were received. A copy of the consultation was made available to the stakeholders listed on page six of the consultation paper. In addition the consultation paper and Impact Assessment were published on the Ministry of Justice website.

"Requests of a number of HMCTS Wales senior managers to discuss the proposal to 'merge the local justice areas of Swansea and Neath Port Talbot' have been met with an emphatic 'no'. The message from HMCTS has been that all matters to do with the implementation of the proposal could not and would not be discussed until after the Ministers decision; and that, until that time, it is 'business as usual.'" [Neath Port Talbot Magistrates]

The consultation, which was web based with stakeholders alerted by email and notices placed in the public area at both Neath and Swansea Magistrates' Courts, and the final decision on the future of Neath Magistrates' Court were subject to Ministerial approval and it would not be appropriate to commence plans on proposals unless and until a decision were made. Discussions about a transition plan can now take place

5. Workload and Utilisation

Neath Magistrates' Court is the only magistrates' court within the Neath Port Talbot Local Justice Area.

During 2012/13 Neath Magistrates' Court dealt with 8,691 completed cases and utilisation was 57%. This includes family and tribunal work which from 1 January will be redirected to Swansea Civil Justice Centre and Port Talbot Justice Centre.

A number of consultees (nine) suggested that Swansea Magistrates' Court may not have sufficient capacity to receive the work.

"In Swansea and Neath Port Talbot crime is rising despite an overall decrease in South Wales. In Neath Port Talbot it has risen by almost 4% closing court facilities in Neath would mean that the court at Swansea may not be able to cope." [Mr P J Jones JP]

As set out in the Consultation paper, Neath is currently utilised at 57%, with Swansea at 51%. The combined workloads of Swansea and Neath Courts indicate an utilisation against the current capacity at Swansea of about 80%.

"....the Civil Justice Centre does not yet have the proposed two extra courts necessary to accommodate this work. They are not yet built." [Mrs C Wheeler DL JP BSc (Hon) M.Ed]

HM Courts & Tribunals Service have considered how best to utilise its estate to separate wherever possible the different jurisdictions of work. There are separate plans to provide more hearing accommodation within the Swansea Civil Justice Centre, which will ensure that all family and civil work is relocated to that centre or to other HM Courts & Tribunals Service accommodation before the closure of Neath Magistrates' Court takes effect, in order to create additional capacity for criminal work at Swansea Magistrates' Court.

A number of respondents stated that the reason for the decrease in utilisation at Neath Magistrates' Court was the move of the Traffic and TV Licensing work that took place in January 2013.

"Had Neath retained its Traffic work and its TV Licensing work then the utilisation figures would show at least 62.5% in a 3 court building." [Mrs M Rees JP]

"We must ask why traffic and TV work was removed on 1 January 2013, because it is this that has reduced court utilisation figures in Neath and so strengthened the case for HMCTS proposals whilst rationalising work by these means may appear to be a good idea it has overloaded Cardiff Court as well as reducing the apparent court utilisation figure for Neath Port Talbot." [Mr D Herbert JP]

At 62.5% utilisation Neath Magistrates' Court would still be significantly below our optimum operating utilisation of 80%. HM Courts & Tribunals Service acknowledges that utilisation has decreased in Neath in part due to the removal of Traffic and TV licensing work. However, the venues for listing of Traffic and TV Licensing work were changed in January 2013 as a result of a decision taken locally by the Justices' Clerk. This was unrelated to the Consultation on the future of Neath Magistrates' Court. Traffic work is being centralised in all regions as a result of Government policy, bringing efficiencies, including the facilitation of the introduction of police led prosecutions in such cases. Centralising therefore has little impact on those who attend court. Importantly, defendants who plead 'not guilty' or need to

attend Court are offered a hearing in the court area where the alleged offence took place. By comparison, television licence prosecutions do not require as much court time, and in such cases they, too, may be transferred to the defendant's local court.

Two respondents questioned why Neath Magistrates' Court had been proposed for closure ahead of other courts.

"If the purpose of the closure of Neath court is to close with low utilisation then there are many, many courts in Wales which should be considered before Neath..." [Neath Magistrates Court staff]

"I do not believe that Neath should suffer due to the under use of Swansea Magistrates Court." [Peter Hain MP]

HM Courts & Tribunals Service acknowledges that there are a number of courthouses across Wales and England that have lower utilisation than Neath and Swansea Magistrates' Courts. However, the regeneration plans for Neath required HM Courts & Tribunals Service to evaluate specifically the continuing need for a magistrates' court within the town's boundaries. HM Courts & Tribunals Service is committed to providing an effective and efficient service to court and tribunal users, to focus resources on front line services and provide access to justice. It will continue to review the estate to ensure it meets operational requirements. Any new proposals to close courts beyond those already announced would be subject to consultation and each case taken on its own merits.

Five respondents were supportive of the transfer of work that would result from this proposal.

"I applaud the plan to use the county court for Family proceedings – a move which could have been made some years ago freeing up the Magistrates' Court building for adaption and more space for criminal work." [Mrs O Newton JP OBE]

"We all believe that Neath magistrates court no longer generates work in its own right to remain open and would welcome the transfer to Swansea." [Mr C Rees, Solicitor]

"Concentrating all of the criminal work in Swansea would make it easier to manage and would result in economies of scale and greater consistency." [Ed Beltrami, CCP]

Other criminal justice agencies are likely to experience similar results, with the provision of improved services and a reduction of public cost.

"Currently to list a trial in Swansea the earliest date available for a full day is 13 December and for Neath would be 20 December. This is 7 weeks for Swansea and 8 weeks for Neath. The government target is 6 weeks." [Neath Magistrates' Court staff]

Trial delays at both Neath and Swansea Magistrates' Courts are within acceptable tolerance levels. Bringing the business of the two courts together will, in time, bring more flexibility to list and hear cases, enabling the transfer of business from one courtroom to another, which will avoid 'downtime' when business does not progress as planned or a case takes longer than anticipated.

"Would staff be assured if no redundancies although it has been mentioned all will be accommodated in Swansea on a merger, some would worry over the future e.g. would a secondary decision be considered some time after the merger that all staff not required opening to uncertainty for staff..." [Mr K D Jones JP]

HM Courts & Tribunals staff have had details of the potential impact provided to them personally and individually. However, as they note in their response "we understand that there will be individual one to one consultations" put in place for them to work through these issues on an individual and private basis.

"A beneficial impact as it will make managing the CPS business easier and will result in better quality case management." [Ed Beltrami, CCP]

"I welcome these proposals as a positive development for Neath. Considered on its own, the argument for merging the Neath and Swansea Benches and the transfer of workload and staff to Swansea Magistrates court is convincingWhen viewed with the context of the proposed redevelopment – as it surely must – the argument is irresistible..." [Mr C Lewis, public]

A focus on where improvements can be made in the delivery of court business is a key need for all criminal justice agencies, ensuring the best possible service for victims, witnesses and other court users. The focus for HM Courts & Tribunals Service will be to provide the best possible service within available resources.

6. Accommodation

A number of respondents were concerned that there would be little room for expansion in changed circumstances in the future at Swansea. Others felt that the proposal was short sighted. Others commented on either the backlog maintenance or accommodation issues more generally.

"There will be a disproportionate affect on the most vulnerable people who attend court and require special measures in order to give evidence. At present between Neath and Swansea courts there are two courts which are enabled to use video links, this facility will be cut by 50% at a time when the HMCTS steer is to move further towards digital and virtual courts and ways of working." [Neath Magistrates' Court staff]

HM Courts & Tribunals Service is committed to providing and extending the use of video links over time. The current facilities are under-utilised and when Neath closes, HM Courts & Tribunals Service would relocate Neath's video link equipment to Swansea. The provision at Swansea will be more than adequate to deal with both the current requirements and those in the medium term

"Although this will have an impact on the workload at Swansea Magistrates court the facilities at Swansea are more user friendly than those at Neath magistrates Court, therefore the environment is better for staff, prisoners and legal visitors." [Ms A Williams, GeoAmey]

Swansea Magistrates' Court offers good facilities which in most respects will be at least as good if not better than those provided at the Neath Magistrates' Court.

It has been suggested that Swansea Magistrates' Court has poorer facilities for users with disabilities. This is not the case and this point is not accepted. Although there is no direct Equality Act 2010 access to the court from the cells, there is a managed situation at Swansea Magistrates' Court for prisoners with disabilities to access courtrooms that are Equality Act 2010 compliant.

"Increase in workloads and lack of office space for an already stretched staff." [Ms A Carman JP]

"Where are all the office staff, and legal clerks going to be housed if transfer to Swansea Magistrates court takes place? The courts will be full which will impact on the Tribunal Service which is currently held in Swansea Court?" [Mrs E W Perman JP]

The current office accommodation at Swansea is already being refurbished in order to make a larger, open plan office accommodation as we strive to make efficient and streamlined working conditions for our employees. Without the relocation of Family Proceedings and tribunal work from Swansea Magistrates' Court, it is accepted that there would not be sufficient capacity to accommodate Neath's work. HM Courts & Tribunals Service has been considering how best to use its court estate to maximise utilisation for our different users. The introduction of the Single Family Court in April 2014 also necessitated a solution to be found for putting all our family business in one court in each Designated Family Court area, Swansea being one.

"Car parking at Swansea Magistrates Court is already extremely difficult, but will become impossible with the additional courts running." [Mr R M Bradshaw JP]

It is acknowledged that the nearest car park to Swansea Magistrates' Court is expensive at between £6 and £12 per day per day. It is anticipated that justices attending will be able to use space in the court car park. Other courthouse locations, Cardiff and the Vale Magistrates' Court for example, have been able to negotiate a cheaper (£3.50/£4) all day rate with their local public car park. Consideration will now be given to ascertain if this could be replicated in Swansea.

"Digitised courts cannot work for those in remote locations where there are no police stations." [Neath Port Talbot Magistrates]

Criminal Justice organisations are working together to expand the use of video links and digital working, and it is not possible at this stage to predict what the future provision will be.

Following the closure of Barry Magistrates' Court in 2011, Cadoxton House in Barry was used to provide a Live Link to the Cardiff and Vale Magistrates' Court to enable witnesses to give evidence locally. Consideration will now be given to ascertain if this could be replicated at a site in Neath Port Talbot.

7. Hidden Costs

Although the closure might provide savings for HM Courts & Tribunals Service, it is felt by some respondents that those savings would in fact become liabilities to other organisations such as the Crown Prosecution Service, Probation and Police who would be liable for increased costs to ensure that witnesses attend court, increased travel costs for officers, as well as waiting times.

Comments also expressed concern that many defendants would simply not bother to attend Swansea and a warrant for their arrest would have to be issued.

"It is also difficult to get defendants to attend court when it is on their doorstep in relying on them travelling to another town I am sure would result in a lot more arrest warrants being executed." [Ms J Wright JP]

"The potential increase in non attendance and the listing of warrants should be considered and mitigated against to ensure performance is maintained (as measures on COMET reports)." [Mr I Barrow Wales Probation]

Anecdotally, the experience is that there is rarely any direct correlation between the distances defendants have to travel to court and any failures for them to do so. Generally, defendants bailed appear as required, and there is little evidence to suggest that when defendants have to travel longer distances they fail to do so. Defendants from the Neath Port Talbot area bailed to appear at the Crown Court already have to travel to the Crown Court centre at Swansea.

There is always the possibility that a victim and witness may use the same transport as a defendant, however long the journey may be. However, the mainline Swansea to London Paddington train service generally offers eight coaches, with five standard class carriages, which reduces the likelihood of victims and defendants meeting or having to travel in close proximity. The Victim Service, Victim Support Service and Witness Care Unit may be engaged should a victim or witness need support with any issues, including difficulties in attending court.

"Some of these [hidden costs] are directly equated to HMCTS calculations, but we believe the figures underscore....These hidden costs will impact on the local community court users such as the police and probation and certainly in local larger firms." [DTUS, PCS Union]

8. Impact on Local Economy

Observations have been made about the impact to the wider community.

“The closure of Neath Magistrates Court is also likely to have a negative impact on other local services working in conjunction with the court. Access to Probation services, which is currently based in Neath courthouse will be affected and they will also need to redeploy their staff. I am also concerned about what upheaval and cost effect the closure will have upon the Youth Offending Service and Victim Support Services and Witness Service, who often deal with the most vulnerable in our communications.” [Peter Hain MP]

While there will be a need for some organisations to realign their services, the impacts will not always be negative. For example, the Crown Prosecution Service in Wales have commented that the merger of the Local Justice Areas appears to be sound and will assist in providing greater efficiency and flexibility around court listing.

“Although no redundancies are anticipated the relocation of criminal proceedings will still have financial consequences for the town through the loss of trade to shopkeepers and solicitors in Neath.” [Councillor A Thomas]

While it is anticipated that any impact on shopkeepers will be low, HM Courts & Tribunals Service has to be aligned to deliver its services in the most efficient and effective way.

The regeneration of Neath is also intended to create job opportunities and bring more visitors to the town centre.

9. Other responses

A number of other uncategorised comments were received.

"...Records from the 13th Century Norman times, and its castles, where Pie Powder Courts were held on fair and market days, within the castle walls that were held in Welsh towns are notable and momentous, very few towns can match.... Neath, however, has a clear record from that time, the Reeve or Mayor, and the Burgess holding this type of court within its castle walls." [Mr W G Rees JP]

"The vulnerability of GeoAmey staff at Neath Magistrates Court being put at risk of redundancy one of them being the SCO." [Ms A Williams, GeoAmey]

Every organisation will be responsible for their own staff, and this is not something for HM Courts & Tribunals to comment on. It is not envisaged that fewer defendants will be brought to the courts in custody resulting from the decision to close Neath Magistrates' Court. Organisations will as they always do work flexibly and ensure that sufficient resources are deployed.

"In Swansea there is already an issue on court days where we have seen more drunk/drug issues in the city centre on those days." [Julie Jones AM]

Every day is a court day at Swansea Magistrates' Court and at the Crown Court. Courts insist on those attending court appearing in a sober state, and no evidence has been submitted to provide a correlation between court sessions and an increase in any drink or drugs problem

Although no response was received from the Coroners' Court, HM Courts & Tribunals Service will look to offer alternative accommodation that meets their needs.

Conclusion and next steps

This document provides a detailed summary of the points raised by respondents to the consultation. These have all been fully analysed and following careful consideration the Lord Chancellor has decided to close Neath Magistrates' Court.

- The decision has been taken that Neath Magistrates' Court should close;
- That the workload should move to Swansea; and
- That the Neath Port Talbot and Swansea Local Justice Areas should merge to form the West Glamorgan Local Justice Area

As set out earlier, key points were raised about local justice; capacity and utilisation; alternative suggestions; costs; travelling implications; impact to magistrates; and impact to local businesses.

The main conclusions reached are that

- The regeneration of the town is welcomed and the Council's purchase of the Neath Magistrates' Court site should proceed
- Enabling works of an estimated £1.46m to relocate the Magistrates' Court to Neath County Court is unaffordable and does not represent best use of limited funds
- No other affordable or viable alternative location within the town's boundaries has been identified or secured
- With the proximity (nine miles) of Swansea Magistrates' Court to Neath any increased travel time would not prevent users attending the court
- HM Courts & Tribunals Service stand to make savings in relation to the accommodation and utility costs associated with Neath Magistrates' Court, estimated to be about £220k per year
- The need for HM Courts & Tribunals Service to expend £1.3 million on backlog maintenance on Neath Magistrates' Court would also be avoided
- The decision improves HM Courts & Tribunals Service's estate utilisation, which will improve and increase the utilisation at Swansea Magistrates' Court from 51% to about 80%
- Combining the workloads of the Neath and Swansea Magistrates' Courts will assist with case management and the effective listing of cases

Implementation

There are a number of factors to consider before Neath Magistrates' Court can close and a detailed implementation plan will now be delivered. Stakeholders will be informed of when the court is likely to close once the implementation plan has been developed.

Consultations with the DTUS on staffing impacts and with individual staff will now commence.

Consultation with our stakeholders who use the court's accommodation will also now commence so that they too may prepare and implement transitional delivery plans.

HM Courts & Tribunals Service will continue to work closely with partner agencies to ensure that the transition is delivered.

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.

www.cabinetoffice.gov.uk/sites/default/files/resources/Consultation-Principles.pdf

Annex A – List of respondents

Peter Hain MP (Neath)

Dr Hywel Francis MP (Aberavon)

Bethan Jenkins AM (South Wales West)

Gwenda Thomas AM (Swansea East)

David Rees AM (Aberavon)

Julie James AM (Swansea West)

Suzy Davies AM (South Wales West)

David C Davies JP (Chair Neath & Port Talbot Bench)

Philip John Jones JP (Chair Swansea County Bench)

Elizabeth Perman JP (Chair West Glamorgan Family Panel Chair)

Phil Llewellyn JP (Deputy Chair Swansea Bench)

David Bentley-Miller JP

Joanna Jenkins MBE JP

Mrs Ross Evans JP

David Huw Rees JP

Mrs Roberta Parker JP

W G Rees JP

Leslie Rees JP

Kevin Jones JP

Alison Carman JP

Jennifer Wright JP

Robert Bradshaw JP

Michael Powell JP

Cllr John Rogers BEM JP

Helen Heaven JP

Georgina Ann Scannell MBE JP

Carolyn Wheeler JP

Elizabeth Davis JP

Mrs Janet Kirby JP

Mrs M Rees JP

Daron Herbert JP

Gaynor Norton JP

Gwen Bond JP

Mrs S J Bishop JP

M D B Reynolds JP

Kathleen Boyce JP

Caroline Hughes JP

Marie Elizabeth Morley JP

Caroline Probert JP

West Glamorgan Branch of the Magistrates Association

Swansea Magistrates

Neath & Port Talbot Magistrates

Peter Davies JP (Retired)

Mrs Olive Newton OBE JP (Retired)

Cllr Alan Llewellyn

Cllr Alex Thomas

Coedffranc Community Council Skewen

Cilybebyll Community Council

Clydach Community Council

Neath Port Talbot Council for Voluntary Service

Ed Beltrami, Chief Crown Prosecutor, Wales

Neath Port Talbot Youth Offending Team Management Board

Lauren Watson-Governor HM Prison Swansea

Angela Williams- GEOAmey

Wales Probation Trust

HM Courts and Tribunals staff at Neath & Port Talbot Magistrates Court

PCS Trade Union

Clive Rees & Associates Solicitors & Advocates

Philip Jones

Elizabeth Savage

Christopher Lewis

Ms C Skinner

Kelvin Hughes

Annex B

Travel times to the nearest Magistrates' court for those currently closest to Neath Magistrates' Court.

Breakdown of Population by Travel Time				
	Car		Public Transport	
	Pre-Closure	Post-Closure	Pre-Closure	Post-Closure
Population within 30 minutes	91%	85%	56%	3%
Population living between 30 and 60 minutes away	9%	15%	32%	62%
Population living between 60 and 90 minutes away	0%	0%	6%	27%
Population living between 90 and 120 minutes away	0%	0%	6%	6%
Population living more than 120 minutes away	0%	0%	0%	3%
Average Travel Time in minutes	14	25	34	59

The above estimates have been obtained from a model that has been built to assess travel times from each Lower Super Output Area (LSOA) as it would not be feasible to calculate travel times from each individual address in England & Wales. These are areas defined by the Office of National Statistics (ONS) that mostly contain 1,000-2,000 people. We therefore calculate travel times from the centre of each LSOA to each of their local courts/tribunals, in this case the magistrates' court, and weight these according to 2011 census data.

We calculate travel times by both car and public transport using the Transport Direct Journey Planner tool¹. These journeys are calculated assuming an individual goes to court to arrive at 10am and leaves again at 5pm. If there is no public transport for both the outward and return journey we assume that there is no public transport available. This is however likely to be a pessimistic view as in some cases the lack of journey could be a failure of Journey Planner to find the route.

While this modelling should give a fairly accurate representation of the travel time impact there are inevitably some limitations. We have mapped each LSOA to the court that appeared to be most appropriate. However, this is only our best estimate and may not be correct in all cases.

¹ All figures are subject to Transport Direct Terms and Conditions (www.transportdirect.info/Web2/About/TermsConditions.aspx)

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