

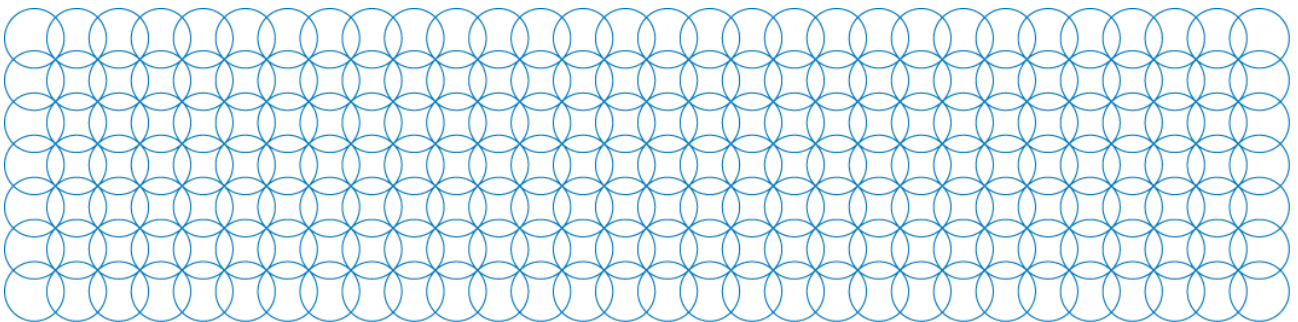


Ministry  
of Justice

# Proposal on the future of Neath Magistrates' Court

This consultation begins on 26 September 2013

This consultation ends on 7 November 2013



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**Ministry  
of Justice**

## **Proposal on the future of Neath Magistrates' Court**

**A consultation produced by the Ministry of Justice. It is also available on the Ministry of Justice website at [www.justice.gov.uk](http://www.justice.gov.uk)**

## About this consultation

- To:** This consultation is aimed at court users, partners, magistrates, judiciary, staff and other parties with an interest in the provision of local justice arrangements in Neath and Port Talbot and for HM Courts and Tribunals Service Wales
- Duration:** From 26 September 2013 to 7 November 2013
- Enquiries (including requests for the paper in an alternative format) to:** Mark Elias  
HM Courts and Tribunals Service Wales  
Wales Support Unit  
2<sup>nd</sup> Floor, Cardiff and Vale Magistrates' Court  
Fitzalan Place  
Cardiff CF24 0RZ
- Tel: 029 2046 7761  
Email: [mark.elias@hmcts.gsi.gov.uk](mailto:mark.elias@hmcts.gsi.gov.uk)
- How to respond:** Please send your response by 7 November 2013 to:
- Mark Elias  
HM Courts and Tribunals Service Wales  
Wales Support Unit  
2<sup>nd</sup> Floor, Cardiff and Vale Magistrates' Court  
Fitzalan Place  
Cardiff CF24 0RZ
- Tel: 029 2046 7761  
Email: [mark.elias@hmcts.gsi.gov.uk](mailto:mark.elias@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 is due to be published by 21 November 2013 at: [www.justice.gov.uk](http://www.justice.gov.uk)

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## Foreword

HM Courts and Tribunals Service is committed to running an efficient and effective courts and tribunals system, which enables the rule of law to be upheld, and provides access to justice for all. As part of our commitment to continue the reform of our estate, HM Courts and Tribunals Service is consulting on whether Neath Magistrates' Court should transfer its work and staff to nearby Swansea Magistrates' Court. This will provide better value for money for the taxpayer, whilst still delivering a quality service for court users.

This site is in an area of significant redevelopment by Neath Port Talbot County Borough Council following their securing of European and Welsh Government funding to regenerate the town. HM Courts and Tribunals Service have not been able to identify or secure another viable or affordable site within the town's boundaries.

This would require the merger of the Neath and Port Talbot and Swansea Magistrates' Benches.

Neath Magistrates' Court commenced operations from its current site in 1977 and requires significant (£1.3m) investment for maintenance work to replace the roof, windows and some structural repairs including within the custody suite.

During 2012/13 use of the courtrooms at the court was approximately 57%.

Swansea Magistrates' Court is situated nine miles away from Neath Magistrates' Court. It is a modern, purpose built courthouse with good transport links, excellent facilities and is Equality Act compliant. It will result in improved court utilisation of 77% at Swansea Magistrates' Court.

This proposal aims to ensure our court estate is used more efficiently and the closure of the court would offer HM Courts and Tribunals Service savings of around £220k a year. 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 on the Neath and Port Talbot community.

Luigi Strinati  
Delivery Director

## Executive summary

Neath Magistrates' Court opened at its current site in 1977 and deals with all aspects of criminal business and some family work. The building requires significant maintenance work estimated at £1.3m of investment, which HM Courts and Tribunals Service are having difficulty to justify spending when there is no evidence to support that continuing to operate from Neath Magistrates' Court delivers value for money for the taxpayer.

In addition, the site is currently within an area of significant redevelopment identified by Neath Port Talbot County Borough Council. Following their securing of European and Welsh Government funding to regenerate the town the Council now wish to purchase the land and demolish the courthouse building. HM Courts and Tribunals Service have been unable to identify a suitable or affordable alternative within the town or in the immediate surroundings.

This consultation recommends the closure of Neath Magistrates' Court, the merger of Neath and Port Talbot and Swansea Magistrates' Benches and the transferring of staff and the majority of work to Swansea Magistrates' Court, which is geographically nine miles away. Swansea Magistrates' Court has the capability, subject to some minor refurbishment work, to absorb the workload, it is a modern building with very good facilities and has excellent transport links to Neath and Port Talbot.

The move to Swansea would, therefore, deliver cost savings and allow the Council to complete its regeneration of the town.



## Introduction

This paper sets out for consultation the proposal on the future of Neath Magistrates' Court, including the closure of the building and relocation of the criminal workload to Swansea Magistrates' Court; and the bench mergers of Neath and Port Talbot and Swansea.

The consultation is aimed at court users, magistracy, judiciary, staff and others with an interest in the provision of local justice arrangements in Neath, Port Talbot, Swansea and more generally within HM Courts and Tribunals Service Wales.

A Welsh language version of this consultation paper is available at [www.justice.gov.uk](http://www.justice.gov.uk).

An Impact Assessment, which indicates the groups that are likely to be particularly affected, is attached. Comments on the Impact Assessment are welcome.

Copies of the consultation paper are being made available to:

Peter Hain MP (Neath)  
Sian James MP (Swansea East)  
Geraint Davies MP (Swansea West)  
Dr Hywel Francis MP (Aberavon)

Gwenda Thomas AM/MP (Neath)  
Mike Hedges AM/MP (Swansea East)  
Julie James AM/MP (Swansea West)  
David Rees AM/MP (Aberavon)

Suzy Davies AM (South Wales West)  
Peter Black (South Wales West)  
Byron Davies (South Wales West)  
Bethan Jenkins (South Wales West)

Peter Vaughan, South Wales Chief Constable  
Alun Michael, Police and Crime Commissioner, South Wales

Ed Beltrami, Chief Crown Prosecutor, Wales

Lord Justice Gross, Senior Presiding Judge for England and Wales  
Mr Justice Griffith Williams, senior Presiding Judge of the Wales Circuit  
His Honour Judge Keith Thomas, Resident Judge at the Crown Court at Swansea and Recorder of Swansea  
His Honour Judge Tom Crowther QC, Magistrates' Liaison Judge for South Wales  
Senior District Judge, Chief Magistrate Howard Riddle  
Mrs Anne Curran, Regional Tribunals Judge  
Philip Rogers, Coroner, Neath and Port Talbot

John Fassenfelt, Chairman of Magistrates' Association  
David C Davies JP, Neath and Port Talbot Bench Chair  
Phil Jones JP, Swansea Bench Chair

Liz Perman JP, Family Panel Bench Chair

Dr D Byron Lewis, Lord Lieutenant of West Glamorgan  
Gaynor Richards, High Sheriff of West Glamorgan

Sharon Howells, Youth Offending Services

Neil Lavis, Governor of HM Prison Swansea  
Janet Wallsgrove, Governor of HM Prison Parc  
Stuart Barnett, PECs

Sarah Payne, NOMS Wales

Gillian Baranski, CAFCASS Cymru

Ruth Fenby, GEO Amey

Paul Davies, Legal Aid Authority

Lowri Morgan, Wales Law Society

Greg Bull QC, Leader of the Bar

Jack Straw, Neath Port Talbot County Borough Council  
Steven Phillips, Swansea County Council

HM Courts and Tribunal staff at Neath and Port Talbot Magistrates' Court  
HM Courts and Tribunals staff at Swansea Magistrates' Court  
Bill Harle, DTUS

Carwyn Jones, First Minister, Welsh Government  
Theodore Huckle QC, Counsel General, Welsh Government  
Derek Jones CB, Secretary of State, Wales  
June Milligan, Local Government and Communities, Welsh Government

One Voice Wales, Representative Group for Community Councils  
Victim Support, Wales

This list is not meant to be exhaustive or exclusive and responses are welcomed from anyone with an interest in or views on the subject covered by this paper.

## The proposals

Neath Magistrates' Court is the only Magistrates' Court in Neath and Port Talbot. It deals with the full range of criminal business and has occasional sittings of Family Proceedings and tribunals.

The accommodation at Neath Magistrates' Court is in need of repair and HM Courts and Tribunals would incur considerable costs in making necessary repairs over the next two years. It is proposed that Neath Magistrates' Court closes and the criminal workload and staff move to Swansea Magistrates' Court. A small amount of enabling work in Swansea Magistrates' Court will be required and the move will be further facilitated by the transfer of Swansea Family Proceedings hearings from Swansea Magistrates' Court to Swansea Civil Justice Centre.

The majority of Neath and Port Talbot Family Proceedings hearings already take place at Neath and Port Talbot County Court and we propose to move all Neath and Port Talbot Family Proceedings to Neath and Port Talbot County Court where no enabling work will be required to achieve this. Tribunal hearings will move to other HM Courts and Tribunals Service estate within Neath and Port Talbot.

The alternative courts offer HM Courts and Tribunals Service users good quality facilities. Swansea Magistrates' Court will deal with only criminal work. Port Talbot Justice Centre is a new purpose built courts and tribunals' centre and will deal with tribunals' work and some civil and family work.

Closure of the court would enable better utilisation of our estate in the area. This is the only Magistrates' Court in the Neath and Port Talbot Local Justice Area and a merger with Swansea Local Justice Area would be required as part of this consultation.

The 2012/13 operating costs of Neath Magistrates' Court were £570,000.

### Workload

Neath Magistrates' Court has three magistrates' courtrooms, it deals with a range of hearings but two of the three courts are used exclusively for criminal work and the third is used occasionally for Family Proceedings hearings and tribunals. Coroner and traffic commissioner hearings are also heard when the court is not in use.

For the financial year 2012/13 the court was used for 2,191 hours of Magistrates' Court work, including 89 hours of Family Proceedings work.

### Accommodation

Neath Magistrates' Court opened in 1977 and has ongoing maintenance issues. The accommodation includes three magistrates' courtrooms, and five cells, with three retiring rooms. There is disabled access to the front and rear of the building and there is also a lift to the first floor where the courtrooms are based. A recent inspection of the lift has

identified that there are repairs required, although it remains operational. In addition, the lift may require significant expenditure or replacement in the future. There is no disabled prisoner access from the cells to the courtrooms and defendants are unloaded and loaded from vehicles in a small insecure yard adjacent to the building which presents a security risk.

The Witness Service has a room available when they are on site; and there is a video link provided in the witness room with a separate entrance. Although there are meeting rooms and offices for witness services, probation and solicitors, the public waiting area is very basic and has a narrow foyer on the first floor and these are used by both defence and prosecution witnesses.

Swansea Magistrates' Court is a six courtroom centre. During the last two years, all courtrooms have been refurbished for Equality Act compliance. There are separate waiting areas for prosecution and defence witnesses, all with their own toilet facilities, although there are video link facilities available in courtroom number two only. There is a vulnerable witness suite available with video link equipment for vulnerable and intimidated witnesses, including a disabled toilet. However, there is no disabled prisoner access from the cells to a courtroom.

## Location

Neath Magistrates' Court is located nine miles away from Swansea Magistrates' Court. There is a frequent local bus service available during the day. The three largest population centres in the catchment area for Neath Magistrates' Court are Port Talbot, Seven Sisters and Glyn Neath which have bus links via Neath and travel costs are between £4.50 and £9.00 for a return fare. Below is an initial assessment of the impact on travel times for court users.

Breakdown of Population by Travel Time	Magistrate-Criminal - Travel Times (min)			
	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%

## Staff Impact

It is envisaged that the impact on staff will be very minimal due to the close proximity of Swansea Magistrates' Court and its modern facilities.

### **Other background information**

Neath town centre is subject to a significant regeneration programme. Neath Magistrates' Court is situated in the middle of the development zone, consequently the Council have expressed interest in purchasing the Magistrates' Court building and have indicated their intention to submit a planning application, while they are currently in negotiations with HM Courts and Tribunals Service, to demolish the building should this consultation exercise conclude that we should close Neath Magistrates' Court and transfer the workload and staff to nearby Swansea Magistrates' Court.

## Questionnaire

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

- 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.**

Thank you for participating in this consultation exercise.

## About you

Please use this section to tell us about yourself

<b>Full name</b>	
<b>Job title</b> or capacity in which you are responding to this consultation exercise (e.g. member of the public etc.)	
<b>Date</b>	
<b>Company name/organisation</b> (if applicable):	
<b>Address</b>	
<b>Postcode</b>	
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.

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## Contact details/How to respond

Please send your response by 7 November 2013 to:

**Mark Elias**  
**HM Courts and Tribunals Service Wales**  
**Wales Support Unit**  
**2<sup>nd</sup> Floor, Cardiff and Vale Magistrates' Court**  
**Fitzalan Place**  
**Cardiff CF24 0RZ**

**Tel: 029 2046 7761**

**Email: [mark.elias@hmcts.gsi.gov.uk](mailto:mark.elias@hmcts.gsi.gov.uk)**

### Complaints or comments

If you have any complaints or comments about the consultation process you should contact the Ministry of Justice at the above address.

### Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available on-line at <http://www.justice.gov.uk/index.htm>.

Alternative format versions of this publication can be requested from Mark Elias, Wales Support Unit, 2<sup>nd</sup> Floor Cardiff and Vale Magistrates' Court, Fitzalan Place, Cardiff CF24 0RZ (Tel: 029 2046 7761 email: [mark.elias@hmcts.gsi.gov.uk](mailto:mark.elias@hmcts.gsi.gov.uk)).

### Publication of response

A paper summarising the responses to this consultation is due to be published by 22 November 2013. The response paper will be available on-line at <http://www.justice.gov.uk/index.htm>.

### 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**

An Impact Assessment has been published on the Ministry of Justice website ([www.justice.gov.uk](http://www.justice.gov.uk)) alongside this consultation.

## 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](http://www.cabinetoffice.gov.uk/sites/default/files/resources/Consultation-Principles.pdf)



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