

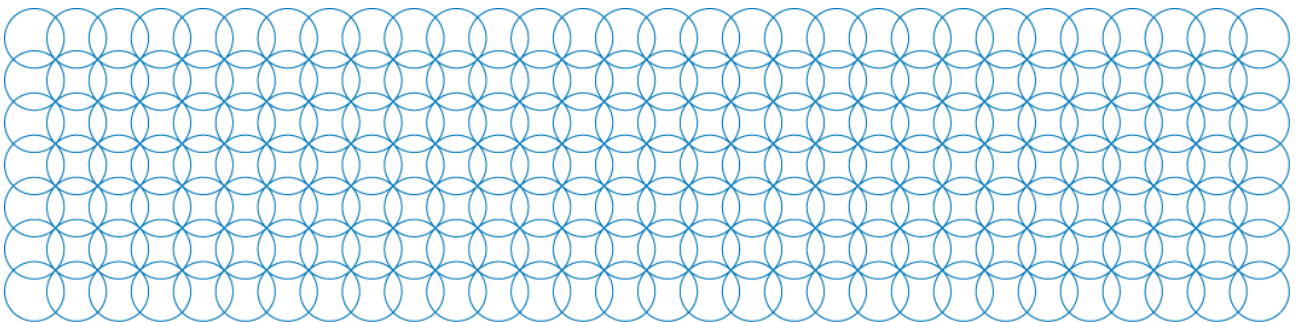


Ministry
of Justice

Proposal on the future of magistrates' courts in Gwent: Abergavenny Magistrates' Court and Caerphilly Magistrates' Court

This consultation begins on 9 June 2014

This consultation ends on 21 July 2014





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Proposal on the future of magistrates' courts in Gwent: Abergavenny Magistrates' Court and Caerphilly 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

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 Gwent and for HM Courts & Tribunals Service Wales
- Duration:** From 09/06/2014 to 21/07/2014
- Enquiries (including requests for the paper in an alternative format) to:** HM Courts & Tribunals Service Wales Consultation
Wales Support Unit
2nd Floor, Cardiff and Vale Magistrates' Court
Fitzalan Place
Cardiff CF24 0RZ
- Tel: 029 2046 7761
Email: HMCTSWalesConsultation@hmcts.gsi.gov.uk
- How to respond:** Please send your response by 21 July 2014 to:
- HM Courts & Tribunals Service Wales Consultation
Wales Support Unit
2nd Floor, Cardiff and Vale Magistrates' Court
Fitzalan Place
Cardiff CF24 0RZ
- Tel: 029 2046 7761
Email: HMCTSWalesConsultation@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 at: <https://consult.justice.gov.uk/digital-communications/gwent-magistrates-courts-proposals-for-the-future/>

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Foreword

HM Courts & 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 continuous evaluation of our estate, HM Courts & Tribunals Service is consulting on the future of Abergavenny Magistrates' Court and Caerphilly Magistrates' Court and whether their work should be transferred to the nearby Newport Magistrates' Court and Cwmbran Magistrates' Courts within the Gwent Local Justice Area. Abergavenny Magistrates' Court and Caerphilly Magistrates' Court would then close. This will provide better value for money for the taxpayer; dispose of estate that is surplus to capacity; and improve service delivery whilst maintaining a quality service for court users.

Abergavenny, Caerphilly, Cwmbran and Newport are the only magistrates' courts in Gwent, which is a single Local Justice Area so no bench merger would be necessary as a result of these proposals. HM Courts & Tribunals Service is obliged to balance the needs of local court users with the need to make the best possible use of taxpayers' money in the effective running of the courts. The amount of criminal business across Gwent means that it is no longer economically viable to maintain magistrates' court sittings in four separate locations across the Local Justice Area.

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 Gwent community.

Abergavenny Magistrates' Court

Abergavenny Magistrates' Court is in need of restoration and HM Courts & Tribunals Service would incur considerable costs in making necessary repairs. It is proposed that Abergavenny Magistrates' Court closes and the workload is absorbed by the other two magistrates' courts in Gwent - Cwmbran and Newport. The average utilisation of the court across the whole of 2013/14 was 21%.

Caerphilly Magistrates' Court

Caerphilly Magistrates' Court is in need of restoration and HM Courts & Tribunals would incur considerable costs in making necessary repairs. It is proposed that Caerphilly Magistrates' Court closes and the workload is absorbed by the other two magistrates' courts in Gwent - Cwmbran and Newport. The average utilisation of the court across the whole of 2013/14 was 48%.

Closure of Abergavenny Magistrates' Court and Caerphilly Magistrates' Court would enable better utilisation of our estate in the Gwent area by disposing of buildings that are surplus to the capacity required to deliver justice efficiently and effectively.

Luigi Strinati
Delivery Director

Executive summary

This consultation proposes the closure of both Abergavenny Magistrates' Court and Caerphilly Magistrates' Court; as both are in Gwent, where there is only one Local Justice Area, there are no bench mergers to consider.

This proposal aims to ensure that the HM Courts & Tribunals Service court estate is used more efficiently with the associated efficiency and economies of scale that closing Abergavenny Magistrates' Court and Caerphilly Magistrates' Court would bring. The closure of these courts would offer HM Courts & Tribunals Service a total saving of around £80,000 a year. More information on savings can be found in the Impact Assessment.

The closure of Abergavenny Magistrates' Court and Caerphilly Magistrates' Court and consequential move to Newport Magistrates' Court and Cwmbran Magistrates' Court would deliver much improved facilities for court users and magistrates, allowing access to the modern, fit for purpose Equality Act 2010 compliance new build at Newport.

Introduction

This paper sets out for consultation the proposal on the future of Abergavenny Magistrates' Court and Caerphilly Magistrates' Court, including the closure of the buildings and the work being absorbed by the remaining two courts in Gwent namely, Newport Magistrates' Court and Cwmbran Magistrates' Court.

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

A Welsh language version of this consultation paper is available at www.justice.gov.uk.

An Impact Assessment assumes that CPS, Probation, Police, Youth Offending Service, PECS, Court users and Judiciary are not likely to be particularly affected. The proposals are unlikely to lead to additional costs or savings for businesses, charities or the voluntary sector. An Impact Assessment is attached.

Comments on the Impact Assessment are also welcomed.

Copies of the consultation paper are being sent to:

Paul Murphy MP (Torfaen)
Jessica Morden MP (Newport East)
David Davies MP (Monmouth)
Christopher Evans MP (Islwyn)
Nick Smith MP (Blaenau Gwent)
Paul Flynn MP (Newport West)

Lynne Neagle AM (Torfaen)
Rosemary Butler AM (Newport West)
John Griffiths AM (Newport East)
Jocelyn Davies AM (South Wales East)
Lindsay Whittle AM (South Wales East)
William Graham AM (South Wales East)
Mohammad Asghar AM (South Wales East)
Gwyn R Price AM (Islwyn)
Nick Ramsey AM (Monmouth)
Jeff Cuthbert AM (Caerphilly)

Jeff Farrar, Gwent Chief Constable
Ian Johnston, Police and Crime Commissioner, Gwent

Ed Beltrami, Chief Crown Prosecutor, Wales

Lord Justice Gross, Senior Presiding Judge for England and Wales
Mr Justice Wyn Williams, Senior Presiding Judge of the Wales Circuit
Her Honour Judge Eleri Rees, Resident Judge at the Crown Court at Newport and Recorder of Cardiff
His Honour Judge Daniel Williams, Magistrates' Liaison Judge for Gwent
Senior District Judge, Chief Magistrate Howard Riddle

Mrs Anne Curran, Regional Tribunals Judge

David Bowen, Coroner, Gwent

John Fassenfelt, Chairman of Magistrates' Association
Mrs Penny Reeves JP, Gwent Bench Chair
Miss Zoe Scott JP, Family Panel Bench Chair
Lady Diana Hayman-Joyce, Youth Panel Chair

Simon Boyle, Lord Lieutenant of Gwent
Mrs GA Sheddick, High Sheriff of Gwent

Michaela Rogers, Youth Offending Services Caerphilly
Liz Banaszak, Youth Offending Service Newport
Jason O'Brien, Youth Offending Service Torfaen and Monmouth

Steve Cross, Governor of HM Prison Cardiff
Darren Hughes, Governor of HM Prison Usk/Prescoed

Stuart Barnett, PECs

Sarah Payne, Director, NOMS Wales

Gillian Baranski, CAFCASS Cymru

Ruth Fenby, GEO Amey

Paul Davies, Legal Aid Authority

Lowri Morgan, Wales Law Society

Paul Lewis Leader of the Bar

Bob Bright, Newport County Council
Harry Andrews, Caerphilly County Borough Council
Peter Fox, Monmouthshire County Council
Bob Wellington, Torfaen County Council
Hedley McCarthy, Blaenau Gwent

HM Courts & Tribunals magistrates' staff at the Crown Court at Newport
Chris Hall, RTUS

Carwyn Jones, First Minister, Welsh Government
Theodore Huckle QC, Counsel General, Welsh Government
Rt Hon David Jones MP, Secretary of State, Wales
June Milligan, Director General for Local Government and Communities, Welsh Government

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

However, 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

Gwent

Gwent has four magistrates' courts – Abergavenny, Caerphilly, Cwmbran and Newport. They deal with the full range of criminal and family proceedings. Although the police generally bail defendants in first hearing cases to appear at the local magistrates' court, it is usual practice that trials are listed at any court in Gwent, irrespective of where the offence was committed. Business is shared around the courts based on type of work because this has been the most effective way of making best use of facilities.

It is proposed that Abergavenny Magistrates' Court and Caerphilly Magistrates' Court close and the workload is absorbed by the other two magistrates' courts in Gwent - Cwmbran and Newport. HM Courts & Tribunals Service operates flexibly and it could be possible to jointly utilise any spare capacity at the Crown Court at Newport.

This proposal would enable HM Courts & Tribunals Service to reduce under used, surplus estate and provide better facilities for all users in larger centres while retaining access to justice in Gwent. This would result in increased utilisation; provide more efficient and effective disposal of criminal business; and provide improved value for money to the tax payer; while not creating more difficult or challenging travel arrangements for our users than current listing practices require of court users in Gwent.

Gwent is one Local Justice Area so no bench mergers would be required.

Workload

Abergavenny Magistrates' Court

Abergavenny Magistrates' Court has two available magistrates' courtrooms with limited capability since the building does not have the benefit of a custody suite to enable the listing of custody cases or those where a custodial outcome is possible. The average utilisation of the court across the whole of 2013/14 was 21%. However, since Newport Magistrates' Court, opened on 30 September 2013, the Local Justices' Issue Group has decided not to utilise Abergavenny for criminal work and no work has been heard there since.

This court was retained under the Court Estate Reform Programme (CERP) announced in December 2010. This was due to inadequacies of the then Newport Magistrates' Court. However, it was stated in the decision announcement of the 2010 CERP programme that once a new courthouse was provided, the position would be reviewed, including the decision to consult on whether the court should close.

The 2013/14 operating costs (excluding staff and judicial costs) for Abergavenny Magistrates' Court were £70,000 with a projected saving of £30,000.

Caerphilly Magistrates' Court

Caerphilly Magistrates' Court has three courtrooms, with only two courts currently operational due to ceiling damage which requires investment for repairs. The courthouse deals with a range of criminal hearings but most custody work has now relocated to

Newport Magistrates' Court. The average utilisation of the court across the whole of 2013/14 was 48%, but since Newport Magistrates' court opened on 30 September this court is only open two days a week. On an annualised basis, the utilisation between October 2013 and March 2014 was 22%.

The 2013/14 operating costs (excluding staff and judicial costs) for Caerphilly Magistrates' Court were £130,000 with a projected saving of £50,000.

Accommodation

Abergavenny Magistrates' Court

Abergavenny Magistrates' Court opened in 1965 and despite several refurbishments is not a modern fit for purpose building. The standard of accommodation at Abergavenny is poor. There are two magistrates' courtrooms, with two retiring rooms. The site does not deal with custody cases as there are no cells or secure docks on site; and since the end of 2013 at the direction of the Judicial Issues Group no work has been listed there. There are good public waiting areas and consultation rooms. The Witness Service co-ordinators accommodation has no secure means of escape that could be used if an emergency were to occur and witness waiting facilities in general are limited. There is a disabled lift access at the building and also a separate lift for staff, magistracy and judiciary at the rear of the building. The building requires approximately £210,000 of investment for maintenance work to upgrade the public lift, replace the boiler, the front porch and power doors plus resurfacing the car park.

Caerphilly Magistrates' Court

Caerphilly Magistrates' Court was purpose built in 1960 and underwent minor refurbishment in 2010/11, which included some decorative work and flooring. The court has three magistrates' courtrooms of which only two are currently operational; nine secure cells (although one is not currently operational); and secure docks in Courts 1 and 2. Witness Services have a secure area and can arrange for vulnerable witnesses to enter the building via the rear staff/magistrates' entrance, which has security implications and has to be carefully managed. In addition to the size of public areas, and security issues in some of this area, the fire alarm system is inadequate as there is no interface between the court system and the cells system. There is no fire detection equipment in the actual cells, only in the circulation area. The cell area requires a significant amount of investment, currently estimated at £1.2m, for maintenance work as the custody area is non compliant with current PECs regulations (number and style of cells; welfare facilities for GeoAmey staff). In addition repairs to the Court 1 ceiling and air handling unit in the custody area are required and there are general decoration and maintenance updates needed especially in court 3 where damp is a major problem.

Gwent

The courts absorbing the work from Abergavenny Magistrates' Court and Caerphilly Magistrates' Court are Newport Magistrates' Court and Cwmbran Magistrates' Court. Newport is a new purpose built four courtroom centre and fully compliant with the Equality Act 2010. There are separate waiting areas for prosecution and defence witnesses, each with their own toilet facilities. There is a vulnerable witness suite available with video link equipment for vulnerable and intimidated witnesses, including a disabled toilet. Cwmbran Magistrates' Court was refurbished approximately three years ago and has four courtrooms, three on the ground floor and one on the first floor. There is a separate

witness care suite and rooms for probation and solicitors. Additionally, it could be possible for magistrates' courts hearings to be scheduled to utilise any unused capacity in the Crown Court at Newport. There are no administrative staff permanently based at courts within Gwent as there is a separate administrative centre based at the Crown Court at Newport.

Although it is general practice for Gwent courts to list first hearings for bailed defendants at the most local magistrates' court, trials are listed for the first available suitable court date in any of the Gwent courthouses, irrespective of where the defendant resides. Therefore, by way of example, residents of Caerphilly could be expected to travel to Cwmbran for certain hearings, while residents of Monmouthshire could be required to travel to Newport or Caerphilly for other types of hearings. The impact of the closure of Abergavenny Magistrates' Court and Caerphilly Magistrates' Court on users of magistrates' courts facilities in Gwent are difficult to identify as it is already common practice to travel to various courthouses within Gwent for hearings. However, during the time that business has been distributed on a work-type basis there have been no complaints received about travel times.

Due to the listing practice in Gwent, it is difficult to give details of an increase or decrease in travel times – save to say that Newport, as the only city in Gwent, has better transport links. Distances from Abergavenny to Newport are 20 miles, which takes approx 32 minutes by car with Abergavenny to Cwmbran being 13.8 miles and 25 minutes by car. Caerphilly to Newport is 12.5 miles, which we estimate takes approx 30 minutes by car, with Caerphilly to Cwmbran being 17.4 miles and 38 minutes by car. The train journeys from Abergavenny to Newport would take 30 minutes and to Cwmbran would take 12 minutes. With the train journeys from Caerphilly to Newport take 39 minutes and to Cwmbran take 51 minutes. Therefore, we would not expect this increase travel time to prevent access to magistrates' court services.

Costs

Public Transport Costs and Journey Times

Journey	Type	Single	Return
Caerphilly – Newport	Bus	£3.80	£5.30
Caerphilly – Newport	Train	£9.00	£10.50
Caerphilly – Cwmbran	Bus	-	£7.50 (Explorer)
Caerphilly – Cwmbran	Train	£8.50	£8.50
Abergavenny - Newport	Bus	-	£7.50 (Explorer)

Abergavenny - Newport	Train	£8.50	£10.00
Abergavenny – Cwmbran	Bus	£6.60	£7.50 (Explorer)
Abergavenny – Cwmbran	Train	£5.90	£6.10

Please note: There are no direct buses between Caerphilly and Cwmbran or Abergavenny and Newport. For this reason, there is no fare for this journey, so customers are advised that the most cost effective option is a day 'Explorer' ticket.

Staff Impact

There are no staff based at Abergavenny Magistrates' Court or Caerphilly Magistrates' Court as there is an administrative centre which is currently based at the Crown Court at Newport. These proposals will mean staff will have fewer sites to attend across Gwent.

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 21 July 2014 to:

HM Courts & Tribunals Service Wales Consultation
Wales Support Unit
2nd Floor, Cardiff and Vale Magistrates' Court
Fitzalan Place
Cardiff
CF24 0RZ

Tel: 029 2046 7761

Email: HMCTSWalesConsultation@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 online at <https://consult.justice.gov.uk/digital-communications/gwent-magistrates-courts-proposals-for-the-future/>

Alternative format versions of this publication can be requested from [email/telephone number of sponsoring policy division].

Publication of response

A paper summarising the responses to this consultation will be published online at <https://consult.justice.gov.uk/digital-communications/gwent-magistrates-courts-proposals-for-the-future/>

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 at (<https://consult.justice.gov.uk/digital-communications/gwent-magistrates-courts-proposals-for-the-future/>) 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.

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

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