



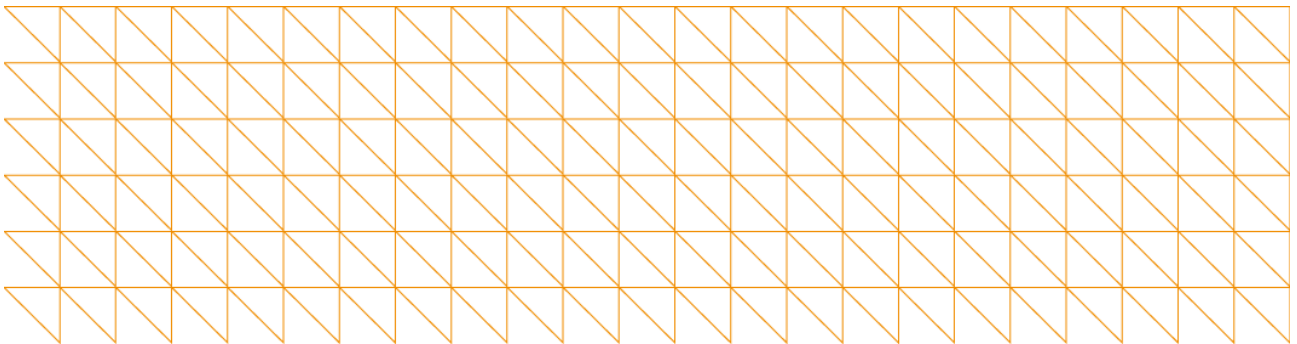
Ministry
of Justice



HM Courts &
Tribunals Service

Response to the proposal on the provision of court and tribunal services in the Midlands region

This response is published on 11 February 2016





Ministry
of Justice



HM Courts &
Tribunals Service

Response to the proposal on the provision of court and tribunal services in the Midlands region

Response to consultation carried out by HM Courts & Tribunals Service, part of the Ministry of Justice. This information is also available at www.gov.uk/moj

Contents

Introduction and contact details	3
Foreword	4
Background	5
Summary of responses	8
Decision	10
Responses to individual proposals	11
Consultation principles	91
Annex A – List of respondents	92

Introduction and contact details

This document is the post-consultation report for the consultation paper, '*Proposal on the provision of court and tribunal services in the Midlands region*'.

It will cover:

- the background to the consultation
- a summary of the responses to the consultation
- detailed points in reply
- next steps

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

HM Courts & Tribunals Service
Post Point 1.13, 1st Floor
102 Petty France
London SW1H 9AJ

Telephone: 0161 240 5021

Email: estatesconsultation@hmcts.gsi.gov.uk

This report is also available at www.gov.uk/moj

Alternative format versions of this publication can be requested from the contact details above.

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.

Foreword

On the 16 July 2015 the national consultation on the provision of court and tribunal estate in England and Wales was launched and put forward proposals to close 14 courts (and integrate four courts) in the Midlands region.

Working with the judiciary, we want to reform our services so that they better meet the needs of the public in the modern age. The consultation put forward proposals to make changes to our estate where buildings are no longer able to provide a modern service due to poor facilities, where usage is low and where sites no longer provide value for money.

A total of 413 consultation responses and three petitions including over 2700 signatures were received for the Midlands region. As the Delivery Director responsible for managing the operations of HM Courts & Tribunals Service in the Midlands region I am very grateful to everyone for taking the time to provide their views on our proposals and help us to reach the best solutions. It is clear from the responses that our courts and tribunals continue to be valued by society and that it is important to maintain effective access to justice.

The Lord Chancellor has agreed to close 14 courts and tribunals in the Midlands region. 11 sites will close as proposed in the consultation, with a further three taking place but with changes to the original proposal. These changes, many suggested by respondents, include the use of different venues in the HM Courts & Tribunals Service estate to those originally proposed. Further details are included on a court-by-court basis in the summary of responses

The decision to close a court or tribunal will mean that in some cases court users will need travel further to attend court. We have modified some of our plans using the local knowledge provided in responses to the consultation, to reduce the travel time impact to court users. We will continue to investigate and develop alternative ways for users to access our services to improve access to justice.

Staff and judiciary who work hard to deliver our justice system will obviously be affected by these changes. I am committed to working closely with the judiciary on the implementation of these changes. I will also be supporting our staff through these changes and ensuring the transition to the new arrangements takes place in a fair and transparent manner inline with the Managing Organisation Change Framework (MOCF) and in consultation with the Departmental Trade Union.

Attached with this document is an indicative timetable for implementation. Please note this timetable is subject to change as the programme progresses.

Lucy Garrod

**Delivery Director
HM Courts & Tribunals Service Midlands**

Background

The consultation paper proposal on the provision of court and tribunal services in the Midlands region was published on 16 July 2015. It invited comments from anyone with an interest in local justice to ensure that courts and tribunals continue to be aligned to workload; that communities continue to have access to court buildings where they need to attend or through alternative methods; and that cases are heard in buildings with suitable facilities.

This consultation proposed the closure of the following courts:

- Birmingham Youth Court
- Burton-upon-Trent Magistrates' Court
- Buxton Magistrates' and County Court
- Corby Magistrates' Court
- Grantham Magistrates' Court
- Hinckley Magistrates' Court
- Kettering County Court
- Kettering Magistrates' Court
- Sandwell Magistrates' Court
- Shrewsbury Magistrates' Court
- Skegness Magistrates' Court
- Solihull Magistrates' Court
- Stafford Magistrates' Court
- Worksop Magistrates' Court

Integrations

To provide users with an overview of all proposed change to the estate, the consultation also included information on where HM Courts & Tribunals Service plan to integrate courts within the same town or city. Local stakeholders will be notified of these changes when they take place.

An integration is when HM Courts & Tribunals Service moves work to allow jurisdictions to operate from fewer locations in a local area. This allows the closure of a building or buildings while retaining local jurisdictions, with a limited impact on service provision. Integrations are managed by HM Courts & Tribunals Service operational leads as part of the normal running of the business.

In addition to the proposed closures in this consultation the following integrations will be taking place or are already underway in the Midlands region:

Chesterfield County Court to be integrated within Chesterfield Magistrates' Court (Chesterfield Justice Centre)

Chesterfield County Court co-located into the Chesterfield Magistrates' Court building in Tipton Lane, Chesterfield in January 2015. This has provided increased flexibility and improved utilisation of the HM Courts & Tribunals Service estate. The co-location has had minimal impact on court users. The building is now referred to as Chesterfield Justice Centre.

Chesterfield Tribunal (St Mary's Court) to be integrated within Chesterfield Magistrates' Court (Chesterfield Justice Centre)

The enabling works at Chesterfield Justice Centre were completed in November 2015, and the co-location of Chesterfield Social Security and Child Support (SSCS) Tribunal has taken place. The co-location has had minimal impact on court users as the buildings are very close to each other and facilities at the Justice Centre are far better for all court users. This has provided increased flexibility and improved utilisation of HM Courts & Tribunals Service estate.

Hereford County Court and Family to be integrated within Hereford Magistrates' Court

Hereford County Court and Family Court moved into Hereford Magistrates' Court at the end of March 2015. The co-location has had minimal impact on court users. This has provided increased flexibility and improved utilisation of HM Courts & Tribunals Service estate, reduced ongoing running costs but maintained local service to court and tribunal users.

Telford County Court and Family Court to be integrated within Telford Magistrates' Court

The centralisation of workload and court hearings in one location in Telford would provide increased flexibility and allow improved utilisation of the court and tribunal estate. These changes will have minimal impact on court users as both court centres are of similar standard and are located next to each other. The integration is planned for summer 2017.

The consultation closed on 8 October 2015 and this report summarises the responses, including how the consultation process influenced the proposal consulted upon.

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.

¹ reference in this document to magistrates' courts, county courts, crown courts and combined courts refers to buildings (a singular structure providing the physical hearing rooms for criminal, civil, family and tribunal cases) which house that activity in a particular location. Strictly, legislation provides that there is a single crown court, county court and family court.

County court utilisation

The county court utilisation figures provided in the site by site consultation proposals used sitting hour's workload data as a share of total court room capacity. HM Courts & Tribunals Service is aware that some county courts occasionally use chambers and informal rooms to hear county court work and this may not be recorded in the workload data for some of these courts. A number of responses highlighted that work heard in county court chambers should also be considered as part of the overall usage of the court, therefore supplementary data on judicial work held in chambers and informal rooms was considered before final decisions were made.

Operating costs

The operating costs included in this document have been updated from those published in July. They have been adjusted to reflect current prices.

Summary of responses

Summary of responses on the proposal for the provision of court and tribunal services in the Midlands region

The majority of consultees responded to proposals on specific courts rather than the whole regional consultation document.

A total of 413 individual responses to the Midlands region consultation paper were received. Of these:

- 204 were from Members of the public
- 93 were from magistrates
- 35 were from other public sector bodies
- 22 were from professional users
- 15 were from members of staff
- 13 were from members of the judiciary
- 13 were from others
- 11 were from criminal justice partners
- four were from Members of Parliament
- three were from a union or staff group

Of the responses received 17 related to the region as a whole. Of these responses six were supportive, three were neutral and the remainder were unsupportive of the proposals as set out in the consultation document.

A stakeholder list of all respondents is at **Annex A**.

Some respondents commented on more than one proposal and so their views have been considered for each of the sites mentioned within their response.

The following points were raised:

“I do not think it would be a good idea to have something so confidential and personal hosted in a civic building.” (Solicitor)

“The MA agrees efficiencies and increased access for certain individuals in certain situations could make use of technology (the use of video link is a good example) or alternative venues, but this should not distract from ensuring that court closures preserve access to justice for all while maximising the use of existing resources.” (Magistrate)

“The review seems to take no heed whatsoever of the particular difficulties of a Large Rural County.” (Magistrate)

“PCS believes the proposals are driven by the need to save money and to realise capital assets.” (Public and Commercial Services Union)

“The consultation paper relies heavily on the figures taken from utilisation statistics of the various courts and tribunals hearing rooms.” (Regional Employment Judge)

These points and the rest of the responses are considered in the remaining sections of the document for each court.

Decision

After careful consideration, the Lord Chancellor has decided the following courts will close, though with changes to the original proposals in the consultation. We have identified alternative venues to receive the workloads in order to reduce the impact of the closure on court users. Further details are included on a court-by-court basis in the responses to individual proposals.

- Buxton Magistrates' Court and County Court
- Grantham Magistrates' Court
- Hinckley Magistrates' Court

The following courts will close as proposed:

- Birmingham Youth Court
- Burton-upon-Trent Magistrates' Court
- Corby Magistrates' Court
- Kettering County Court
- Kettering Magistrates' Court
- Sandwell Magistrates' Court
- Shrewsbury Magistrates' Court
- Skegness Magistrates' Court
- Solihull Magistrates' Court
- Stafford Magistrates' Court
- Worksop Magistrates' Court

Responses to individual proposals

Birmingham Youth Court

The Lord Chancellor has decided that Birmingham Youth Court should be closed and its work moved to Birmingham Magistrates' Court.

A total of nine responses were received which related to Birmingham Youth Court. Of these:

- three were from criminal justice partners
- two were from professional users
- two were from magistrates
- one was from a member of the judiciary
- one was from a union or staff group

Of these responses, none were supportive of the closure proposal; however two were neutral on the basis of the under use of Birmingham Youth Court.

Responses to specific themes

Birmingham Youth Court was purpose built in 1928 and has been extended on subsequent occasions. There are six court rooms, none of which have secure docks; and only three of which have direct access to the custody area.

There is no van dock at Birmingham Youth Court; this results in cellular vehicles having to park in the street to collect and deliver defendants in custody. This exposes escort agency staff to the risk of injury from the prisoners and interference by members of the public.

The adjacent Birmingham Magistrates' Court building contains 21 court rooms, four of which have full security docks and five more have docks with direct cell access. The 23 cells are split into two locations providing for some segregation. There is a secure van dock leading directly into the custody suite.

During the financial year 2014-15, Birmingham Youth Court was used to approximately 35% of its capacity; this work can be comfortably absorbed within Birmingham Magistrates' Court.

Access to justice and accommodation issues

A number of responses commented upon access to justice and the suitability of the main magistrates' court building to accommodate youth cases.

"This will require considerable enabling works to accommodate the level of youth facilities needed and that are presently available in the current youth court building." (Deputy Chair of Birmingham Youth Court)

"Whilst the separate Youth Court building does have disadvantages, these are very considerably outweighed by the benefit of a building which for criminal work on the relevant days is used solely for youth court work. There are

reasonable video link facilities in the building which are essential for any contested youth court case. The cells house only youths. The courtrooms are designed specifically for youth court hearings. This is to be contrasted with the position should all youth court work be transferred to the Victoria Law Courts building. The video link facilities there are very poor. The rooms are bare and shabby with one in a basement area and the other close to a noisy outside door in constant use. Many of courtrooms are not suitable for youth court use. Those that are have no access to the cells so that any youth taken into custody from those courtrooms would have to be led in handcuffs through public areas. The risk of a breach of Section 31 of the CYPA 1933 is high.” (Judicial Lead for Youth Justice.)

“The consultation is not clear as to the detailed proposals for use of the (adult) magistrates’ court building, such as to indicate whether it is proposed that a separate entrance for youth defendants will be provided or how it is proposed that youth and adult defendants are segregated. The same concerns arise in relation to the housing of youths in the court cells.” (Birmingham Law Society) and (Solicitor)

“This will have only a minor impact on the force, defendants, victims and witnesses, as Birmingham Magistrates’ Court is very close to the Youth Courts. It also removes the issue of walking remand prisoners into the Youth Court building as is current practice. We are not opposed to the proposal.” (West Midlands Police)

“We have a lot of ‘in house duties’ and assessments to conduct in the cells in accordance with safeguarding youths. This would be extremely difficult for us to do effectively if we were “off-site.” (Birmingham Youth Offending Team)

A number of responses commented on the adequacy of the receiving site to create facilities that are appropriate to deal with youth court work, both on bail and in custody. It is recognised that there would need to be a programme of building work to alter the cell accommodation and interview facilities. These alterations would ensure that any youths in custody would be delivered to a private area that the public do not have access to; with improved evacuation procedures and they would facilitate the separation of adults from youths that are in custody.

There would also have to be consideration of the appropriate courts to list youth matters in; access to cells and the less formal environment that is required to hear youth cases.

The underuse of the receiving site at Birmingham Magistrates’ Court offers the opportunity to make efficiencies while still providing access to justice. Larger buildings can facilitate more flexible and efficient listing of cases and give users more certainty of when their case will be heard.

HM Courts & Tribunals Service acknowledges that the video link booths at the Birmingham Magistrates’ Court would benefit from soundproofing. HM Courts & Tribunals Service will consider enhancing these facilities in the future.

HM Courts & Tribunals Service will continue to retain appropriate links with other agencies such as Witness Support, Victim Support, Crown Prosecution Service and the Youth Offending Team, to ensure that the closure of Birmingham Youth Court does not unduly impact access to justice. Consideration will be given to the accommodation needs of the Youth Offending Team.

HM Courts & Tribunals Service are aware of its obligations to comply with s.31 Children and Young Persons Act and will have regard to both those and those detailed at s.47 of the act in identifying enabling works to house the youth work within Birmingham Magistrates' Court. Compliance with these obligations does not require a separate youth court building or separate entrances but does require HM Courts & Tribunals Service to give careful consideration to the facilities provided to comply with the statutory requirement for non-association.

We are also aware of our international obligations and our need to comply with these when dealing with cases involving young people.

Operational efficiency

"The reason why capacity is only 35% is because of the decision to reduce youth courts to three days each week. Trials are now listed too far in the future. The result is that, on occasion, several trials are listed on a particular day, often leading to some trials having to be rearranged to a later date. It also causes a problem with multi-day trials as they cannot be heard without a gap of one or two days if a weekend intervenes. This is poor practice when dealing with young people, be they defendants or witnesses." (Deputy Chair of Birmingham Youth Court)

Youth work has diminished significantly in recent years and listing on only three days each week reflects the much reduced levels of work. Our staff and judiciary are a valuable resource and by locating them into one venue we will create listing flexibility, improve efficiency and productivity which will all lead to an improvement in service delivery and ultimately make savings. HM Courts & Tribunals Service needs to move towards an estate with buildings which facilitate more efficient and flexible listing of youth court business whilst also giving court users more certainty over when their case will be heard. This will also allow us to ensure we fully maximise our court sessions. Movement of work to allow for this will provide an opportunity for greater throughput of cases, improving the delivery of service to our court users.

Operating costs

"While combining all resources in one location would enable some cost efficiencies to be delivered with no additional travel required by court users, there are nevertheless cost and time implications if this location is able to offer good quality accommodation and facilities for those using the court. The principal efficiency savings relate to keeping the building open. However, the staff cost is unlikely to be significantly reduced as they will be needed wherever the courts sessions are held." (Birmingham Law Society and Solicitor)

The 2014-2015 operating costs² of Birmingham Youth Court were approximately £248,000.

² Annual running costs associated with the building being proposed for exit based on the 2014-15 financial accounting data for HM Courts & Tribunals Service and include rents, variable costs (such as printing and postage), fixed costs (such as rates and service charges) and semi-variable costs (such as telecoms and maintenance). This reflects the most up to date actual financial information available. Running costs do not include other costs such as staff costs (such as staff salaries), PFI charges, judicial costs (such as judicial salaries), trial costs (such as payment to jurors) or noneconomic costs (such as depreciation)."

Staff that operate the courts at the youth court are currently based at Birmingham Magistrates' Court and attend the youth court site when required. In future they will no longer be required to deal with the challenges that working at more than one site brings.

HM Courts & Tribunals Service will have the ability to create listing flexibility when all staff and judicial resources are based in one building. It will improve efficiency and overall productivity; and ultimately reduce delay and improve performance.

If we continue to operate as we do now, a third of our budget would be spent on the estate alone. This limits our ability to invest in alternative ways of making justice accessible.

Alternative provision

One response suggested sharing the use of the court buildings outside of standard court hours; in view of anticipated future reduction due to new ways of working.

“While the MA appreciates that some courthouses may have to shut, it would encourage consideration of shared-use activities and events such as opening concourse areas outside normal court operating times (evenings/weekends) to other users to maximise the effective use of resources.” (Magistrates Association)

There would be security implications with this suggestion, but is one that HM Courts & Tribunals service will seek expert advice upon.

In an increasingly digital age, users will not always need to attend hearings in person. We have already established alternative ways users can interact with our services and we are looking to expand and improve these provisions to provide better quality and choice than is currently available. HM Courts & Tribunals Service will also investigate making better use of technology including video conferencing.

Value for money

Some responses raised concerns about value for money.

“While the cells in the present Youth Court building may require refurbishing, we believe that this could be considerably cheaper and more cost effective than the changes needed to VLC.” (Deputy Chair of Birmingham Youth Court)

“It is not accepted that closure of the Youth court building to youth work will provide a saving to HMCTS if it is intended that the building will remain within the HMCTS estate and continue to be used for tribunal work.” (President of Birmingham Law Society and Solicitor)

HM Courts & Tribunals Service needs to reduce the cost of its estate. The operating costs for Birmingham Youth Court for 2014-15 were approximately £248,000. The close proximity of the receiving court with appropriate enabling works would ensure that Birmingham Magistrates' Court is better used, to deliver justice efficiently and effectively while providing value for money to the public purse.

The Birmingham Youth Court building is owned by the Ministry of Justice. While the points raised about the future use of the building have been noted, they were not specifically within the scope of this consultation which focused on the future of the building as a Youth Court.

During last year it was necessary to move Social Security and Child Support (SSCS) tribunal hearings, on a temporary basis, into Birmingham Youth Court. This interim measure forms

part of a wider Birmingham estates strategy; and is not intended as a long term use of this building. Under current plans tribunal use should cease in 2017.

The enabling works have been surveyed and costs obtained. HM Courts & Tribunals Service considers that it is appropriate to make Birmingham Magistrates' Court a fully operable building capable of dealing with all aspects of magistrates' workload. The one off cost of the adjustments made will be balanced by the year on year savings made. HM Courts & Tribunals Service will ensure that the enabling works are completed before the workload is transferred.

Other responses

A number of other comments were received, which reflected upon case law and required obligations when accommodating youth hearings.

“There are policy, international convention (binding the UK), statutory and practical reasons why we oppose the proposals to close the Birmingham Youth court and to house youth court work in the neighbouring magistrates' court building. It is clear from the decision in R.(T) v. Secretary of State for Justice (2013) EWHC 1119 (Admin) that the UK is bound, in a very practical way by the Beijing Rules...a recognition that, because of their high vulnerability, young persons deprived of their liberty require special attention and protection and that their rights and well-being should be guaranteed during and after the period when they are deprived of their liberty...Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication ... Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status...Those Supreme Court decisions also emphasised the relevance of Articles 8 and 14 of the European Convention on Human Rights to ensuring that the State prioritises the best interests of children. These principles apply whether young persons are being detained in custody or on bail at court.” (President of Birmingham Law Society and Solicitor)

“The risk of a breach of Section 31 of the CYPA 1933 is high: I do not consider that the proposal to close the Birmingham Youth Court has taken proper note of the very significant welfare issues which would arise if all youth work were to be transferred to the Victoria Law Courts building.” (Lead for Youth Justice)

HM Courts & Tribunals Service is aware of its obligations to comply with s.31 Children and Young Persons Act and will have regard to both those and those detailed at s.47 of the Act in identifying enabling works to house the Youth work within VLC. Compliance with these obligations does not require a separate youth court building or separate entrances but does require HM Courts & Tribunals Service to give careful consideration to the facilities provided to comply with the statutory requirement for non-association.

We are also aware of our international obligations and our need to comply with these when dealing with cases involving young people.

Decision

All the points raised by respondents to the consultation have been analysed and following careful consideration, the Lord Chancellor has decided to close Birmingham Youth Court and move the workload to Birmingham Magistrates' Court.

The current utilisation of Birmingham Magistrates' Court is 56%. It can comfortably absorb the work listed and heard at Birmingham Youth Court which is operating at 35% utilisation.

Closing Birmingham Youth Court presents a saving to HM Courts & Tribunals Service and we consider it is worth investing in the accommodation adjustments required at Birmingham Magistrates' Court to enable these savings to be realised.

Implementation

Consultation with the Departmental Trade Union on staffing impacts will take place over the coming months. There are a number of factors to consider before Birmingham Youth Court can close. Attached with this document is an indicative timetable for implementation. Please note this timetable is subject to change as the programme progresses.

Burton-upon-Trent Magistrates' Court

The Lord Chancellor has decided that Burton-upon-Trent Magistrates' Court should be closed and its work moved to Derby Magistrates' Court, North Staffordshire Justice Centre and Cannock Magistrates' Court.

42 responses were received which related to Burton-upon-Trent Magistrates' Court. Of these:

- 20 were from magistrates
- seven were from other public sector bodies
- four were from professional users
- three were from Members of Parliament
- three were from members of the public
- two were from members of the judiciary
- two were from criminal justice partners
- one was from a union or staff group

Of these responses, one was in support, 36 opposed and five were neutral. The proposal is not supported; respondents raised issues in relation to the travelling and the impact this will have on court users, the impact on local justice and the inclusion of courtroom four in the utilisation calculation.

Over 2,000 signatures were submitted as part of a petition in a bid to save Burton-upon-Trent Magistrates' Court following the proposal for closure.

Access to justice

Burton-upon-Trent Magistrates' Court is one of four magistrates' courts in Staffordshire, the others being located in Cannock, Stafford and Newcastle-under-Lyme. The court is used for youth, adult and family hearings. There is no cell accommodation within the court house. Police cells are used in the adjacent police station. The court has separate waiting facilities for prosecution witnesses but no dedicated facilities for defence witnesses; provisions can be made upon request. There are access issues in parts of the building for people with disabilities, including the main body of courtroom one, the witness box and in the public seating area.

Burton-upon-Trent Magistrates' Court is within walking distance from the town centre and the railway station. Transportation is good with regular bus services to local towns.

Comments in relation to the impact on court users included:

“Burton Court has well established links for all court users at present. The travel information quoted in the proposal document bears no relationship to the reality of transport available to all other proposed location. This exacerbated by the rural nature of our local justice area (LJA) and the added difficulties this raises, in particular, with poor rural transport connections. All court users would

face significant difficulties in time and extra expense if they had to travel to Cannock, Newcastle-under-Lyme or South Derbyshire Magistrates' Court." (South East Staffordshire Bench)

"I dispute the journey time to Cannock from Burton by bus, having tested out the journey, it took 2 hrs 10 mins from Union Street bus stop in the centre of Burton, and this includes the 10-15 minute walk from Cannock bus station." (Reverend, Diocese of Lichfield, Church of England)

The consultation document confirmed that travel time information and public transport costs were provided as a guide only; it was acknowledged that they were subject to change. HM Courts & Tribunals Service will take these into consideration. The receiving court will in the first instance be determined by the geographical location of the offence. For some court users, journey times may increase significantly.

"The less well-off, who rely on public transport, will be denied access to justice because it is just too much for them to have to travel." (Magistrate South East Staffordshire Bench)

"Travel options from Burton to the replacement courts raises serious concerns in terms of victim and witness safety. It will not be uncommon for (say) a defendant on bail and a victim to be travelling on the same public transport at the same time." (Member of Parliament)

"It is unrealistic to expect local people in Burton to travel to court in Cannock and Newcastle-under-Lyme, the majority of witnesses and defendants are on modest incomes as elsewhere in the County, public transport links are poor, unreliable and relatively expensive." (Resident Judge and Recorder of Stafford)

"The effect of the Government's proposals would be to make it impossible for a large section of the local community to gain access to justice, simply because they are physically incapable of reaching the location of their hearing. To put it another way, the Government's proposal is discriminatory against those with disabilities." (Member of Parliament)

"I note that the user's geographical 'location' will be taken into account, if these proposals do go ahead, I would urge you to ensure that constituents from Lichfield, Burntwood and Barton are allocated Cannock Magistrates' Court. They should not be expected to travel to Derby or to North Staffordshire Justice Centre. Constituents from Barton will already have a longer journey if the Burton upon Trent magistrates' Court does close and should not have to travel any further than Cannock." (Member of Parliament)

For cases arising in and around Burton-upon-Trent itself, the receiving court will be Derby. Those cases arising in and around Lichfield will transfer to Cannock; and those from the Uttoxeter area will transfer to North Staffs Justice Centre (Newcastle-under-Lyme). HM Courts & Tribunals Service will further refine these plans for implementation to make sure that the impact is kept to a minimum. Some of the lengthier journeys commented upon should rarely be necessary

The possibility of parties to a case travelling by the same public transport is one that exists at present. In these circumstances and if a party is concerned for their safety, the court may consider applications to make representation by alternative means. Indeed, for those court users who anticipate they will experience problems in travelling to alternative court venues, the court will consider applications to conduct business with the court by alternative means, where possible.

Attending court is rare for the majority of society. Whilst HM Courts & Tribunals Service acknowledge and accept that some people will need to travel further and may incur increased travel time and cost, for the vast majority of the population the closure will have little or no impact.

Litigants and witnesses involved in civil matters have been travelling from Burton-upon-Trent and the surrounding catchment areas for many years to attend hearings in Derby and Stoke-on-Trent Combined Court Centres. Parties arrive on time and HM Courts & Tribunals Service has received no complaints about start times or travel difficulties caused by this listing practice.

In addition to the above, public law family cases from Burton-upon-Trent and the surrounding catchment areas are also heard in Derby, Stafford and Stoke-on-Trent. These cases involve some of the most vulnerable people who are in receipt of benefits and who can have mental health, alcohol and drug related problems. This type of case also requires solicitors and numerous linked agencies to attend court for example, The Children and Family Court Advisory and Support Service (CAFCASS), Local Authorities and voluntary support workers. Parties generally arrive on time and HM Courts & Tribunals Service has had no complaints or issues raised.

Burton-upon Trent deals with the centralised private prosecution workload (DVLA, TV licensing) for the county, which represents 50% of the total workload, attendance at which is not always necessary. Since centralised work was introduced we have not been advised of any adverse impact this may have had on individuals.

HM Courts & Tribunals Service plans to improve access to justice with better use of technology. Delivering access to justice does not always mean providing physical access to a building. In an increasingly technological age, the public expect to be able to engage with services through a variety of channels and an increasing number prefer to do that digitally. In some cases, they do not always want or need to attend in person. We are currently rolling out a programme of IT products which includes allowing defendants to enter their plea online.

We already have examples where police officers give evidence over a live link, witness, victims and defendants attending hearings over video links; and utilisation rates of these types of digital products continue to increase. A programme to renew the department's video link equipment and related infrastructure will lead to a more reliable system being available to court users. We will continue to explore all options to ensure victims and witnesses are not unduly affected.

"The proposals regarding the provision of courts and tribunal services in the West Midlands may negatively impact on us, specifically the closure of Stafford and Burton upon Trent Magistrates' Courts if the alternative provisions which are outlined in the proposal are not implemented effectively locally...It is therefore vital that the alternative ways of accessing the system, which do not require individuals to attend the court in person or allows them to access it remotely (e.g. via video link etc) are effectively implemented." (Staffordshire County Council)

"I note that the user's geographical 'location' will be taken into account, if these proposals do go ahead, I would urge you to ensure that constituents from Lichfield, Burntwood and Barton are allocated Cannock Magistrates' Court. They should not be expected to travel to Derby or to North Staffordshire Justice Centre. Constituents from Barton will already have a longer journey if the

Burton upon Trent magistrates' Court does close and should not have to travel any further than Cannock." (Member of Parliament)

Comments received in relation to local justice included:

"Local Justice – this is a key principle that underpins the work in the magistrates' court, the concept of local justice seems to have disappeared of the list of priorities and the concept of 'LOCAL' is getting boarder, if it is mentioned at all. The new proposals stretch LOCAL further and too far." (Magistrates' Association)

"Justice and finance do not go hand in hand. Economic justice is not justice. Magistrates need to know the society they work with. Nothing beats local justice dealing with local people." (Magistrate Deputy Chair South East Staffordshire Bench)

"If we had to choose, we would opt to retain Burton rather than Stafford, because it cuts off the provision of justice to such a huge swathe of the county, with very substantial logistical problems arising; and the Central/South West bench still have Cannock." (Lord Lieutenant of Staffordshire)

"Above all else, the justice system is about people, about actions, consequences and accountability. A court building is a fixed centre and symbol of the importance and gravity of those matters and the need for human interaction and respect of the administration of the law... It would be hard not to agree with a public perception that online dealings or ad-hoc courts was a further 'softening' of the approach to offending." (Chair, Central and South West Staffordshire Bench)

The use of technology is further supported by Staffordshire Police:

"Local justice can be achieved without the requirement of a formal singular use court building and any closure must be accompanied by the provision by an acceptable local provision of technological alternatives." (Staffordshire Police)

The expanding IT enabled options will make it easier for court users to get access to justice. Going to court can be very stressful, especially for vulnerable people. We are transforming the systems so that fewer people will need to physically go to court. For suitable cases, where a hearing is required and to ensure that access to justice is maintained, we are committed to providing alternative ways to access our services including the use of other civic or public buildings in appropriate cases.

Justices are valued members of the judiciary and work well together for the benefit of the communities they serve, wherever they are delivering justice. HM Courts & Tribunals Service will continue to retain links with partners and agencies to ensure the closure of Burton-upon-Trent Magistrates' Court does not unduly impact on access to justice. Reform of the HM Courts & Tribunals Service estate is not intended to distance either magistrates or court users from local communities; and local support systems will still be available to those people involved in the court system.

Concern regarding the movement of work to Cannock was highlighted as a further issue following recent experience during the police cell refurbishment, comments included:

"During a recent major refurbishment, lasting 3 months, temporary arrangements were put in place for the reallocation of work. This caused problems for court users, especially for injured parties, witnesses and

advocates, when their particular cases involved having to go to Cannock with extended journey times and added expense.” (South East Staffordshire Bench)

Burton-upon-Trent Magistrates’ Court relies on Staffordshire Police for the use of custody facilities and there have been occasions when this accommodation has been withdrawn. For example, the cells were closed for refurbishment between September and December 2014. The lack of on site custody facilities is a cause for concern. The use of police cell facilities was removed from Stafford Magistrates’ Court several years ago which has had a significant influence on the types of cases that could be listed and therefore the use of that building. This court is also included within HM Courts & Tribunals Service estates reform proposals.

Staffordshire Police response to the consultation included;

“Currently PECS utilise a significant amount of cell capacity within the police custody facility at Burton on a daily basis as a natural consequence of the immediately adjacent court and there being no suitable secure facility within the court. There are risk management issues with this situation i.e. they are PECS/HMCTS prisoners but being held in police managed facilities the ultimate responsibility, should adverse incident occur, is not clear.”
(Staffordshire Police)

The closure of the court building would resolve this.

Value for money

The operating costs for Burton-upon-Trent Magistrates’ Court were approximately £198,000 in 2014-15.

Some respondents raised that benefits were not provided by HM Courts & Tribunals Service; and that no analysis was provided in terms of value for money. Others raised concern that there would be increased costs to court users, and other organisations such as the Crown Prosecution Service (CPS) and the Police and to HM Courts & Tribunals Service due to increased travel claims by magistrates.

Comments received in relation to value for money included:

“The proposals will have an adverse affect on local Staffordshire businesses those associated with the courts particularly local solicitors or advocates, with either them losing business or having to transfer additional costs on to their clients.” (Police and Crime Commissioner)

“It is not acceptable for the Ministry of Justice to claim savings to public expenditure when the reality of what it is doing is to transfer costs to other agencies, victims of crime, witnesses and other professionals who are part of the legal process.” (Burton and East Staffordshire Liberal Democrats)

To enable efficiency in the longer term, HM Courts & Tribunals Service need to increase the efficient use of its estate wherever possible irrespective of current administrative boundaries. The way in which justice is administered is also changing and we are already seeing the impact this has on our partner agencies. For example, the single justice procedure mitigates the need for prosecutors to attend; and use of out of court disposals has significantly reduced the volume of cases coming before the court.

“Within Staffordshire the use of out of court disposal is currently being trialled with up to one third of cases being considered for the outcome. This forms part

of the wider transformations in relation to the dealing with offenders within the local communities and restorative justice.....Out of court disposals now constitutes one third of all offences brought to justice and as a result a significant stream of business traditionally dealt with by the courts and other Criminal Justice Partners has now ceased...expanding the current criteria for an offer of an Out of Court Disposal should be considered.” (Staffordshire’s Police and Crime Commissioner)

Changes to the way in which we access justice through the use of digital channels, the use of alternative venues, out of court disposals and restorative justice will reduce the number of cases going before the court. This in turn will lessen the financial impact for all those involved in the justice system.

HM Courts & Tribunals Service is committed to ensuring the traditions of the court system are maintained; however, court attendance is time consuming and is often an inefficient process for all those involved. A more proportionate approach to dealing with less serious cases would reduce wasted time and allow the more complex and serious cases to go before the court; enhancing confidence in the administration of justice.

Respondents also highlighted the concern over the actual benefits that may be achieved.

“There are implicit extra costs in terms of movement of business from Burton which I am sure can be used to demonstrate that savings are unlikely to be used.” (Magistrate)

“The court building in Burton is listed and would be extremely difficult to sell or use for some other purpose.” (Magistrate, Deputy Chair of the South East Staffordshire Bench)

We need to reduce the current day to day costs of running and maintaining our estate by increasing the utilisation of our remaining courts. Our estate is a major asset and there are buildings that are underused and do not provide the flexibility required in future.

Burton-upon-Trent Magistrates’ Court is part Grade II listed, with the original building being built in 1910. An extension was built in 1991 to provide two courtrooms. The facilities are outdated and whilst cell accommodation is available it is dependent upon the police.

Operational efficiency

The utilisation rate for 2014-15 (including courtroom four) was approximately 51%. This included a 12 week period when the cells at Burton-upon-Trent Magistrates’ Court were closed. Closure of the cells did not affect the overall utilisation of Burton as work was exchanged with another court. We apologise for not making this clear in the consultation document. There was significant debate and concern regarding the inclusion of courtroom four in calculations provided by HM Courts & Tribunals Service as part of the consultation.

Respondents also expressed concern about the movement of work to other courts.

“Court 4 was an advocates’ room before being turned into a ‘temporary court’ to handle an increase in family work. The room was converted into a court when Burton’s County Court closed – approximately two to three years ago – to accommodate the anticipated extra family work. It is rarely used because of its small size. Owing to its size the room could be utilised more effectively by changing its function. It is misleading to count the room as a court in the figures for the capacity at Burton.” (South East Staffordshire Bench)

“Burton has three court rooms and one small annex which is only used when absolutely necessary. It is not even on listed or signposted in the building itself.” (Member of Parliament)

HM Courts & Tribunals Service recognise courtroom four as a functioning courtroom. It is capable of holding hearings and should therefore be included in the calculations. The room measures 6.45m by 3.95m and is a well presented hearing room which provides the same facilities as other hearing rooms across our estate. The court signage for court four is the same as those displayed for courts one, two and three.

During the past 10 years, workload in the magistrates' court has continued to decline. Due to the reduction in cases being brought to court, decisions were made by the Judicial Issues Group to centralise certain types of work including motoring and private prosecutions. Burton-upon Trent Magistrates' Court workload increased as a result of this centralised work. The introduction of the single justice procedure will change the way that both motoring and private prosecution work is dealt with in the future, and the removal of this work from a courtroom will reduce the usage at Burton-upon Trent Magistrates' Court further.

There is a finite amount of work for our courthouses to undertake, current data indicates that we do not have sufficient workload to utilise all of our courtrooms in all of our buildings each day.

In relation to the use of Derby Magistrates' Court, comments included:

“The proposal, as I understand it, is that the work is shared between Derby, Cannock and the North Staffs Justice Centre. Geographically, Derby is by far the closest Magistrates' Court when considering 'Access to Justice', but I anticipate knock on effects if Burton cases go there e.g. with the police forces (Staffordshire/Derbyshire) and different CPS areas, and presumably if Burton cases migrate to Derby they would potentially be sent to the Crown Court at Derby rather than to Stafford, which could significantly affect each court.”
(Resident Judge, Stoke Crown Court)

We will make decisions on where hearings will be listed taking in account the location of the offence. Cases currently sent to the Crown Court at Stafford can continue to be sent to Stafford. We will liaise with other criminal justice partners and any decisions in relation to workload will be taken by the local Judicial Business Group.

Respondents commented on the potential impact on performance by closing Burton-upon Trent Magistrates' Court.

“The success of Police Lead Prosecutions provides opportunities to be explored along with a change in hours for the courts which would see them opening later and at weekends to provide more flexibility and availability for victims and witnesses. It has been the experience of the Police that the court at Burton appears to have a culture of finalising business early afternoon which limits the case listing opportunities and often leads to police charged offenders being held in custody for unnecessary, extended periods of time.”
(Staffordshire Police)

HM Courts & Tribunals Service is committed to ensuring impacts are minimised and will use technology wherever possible to provide alternate ways to access the service allowing victims and witnesses to testify remotely, removing the need for them to attend a court building. Already victims and witnesses have been able to give evidence from other countries.

In relation to increases in defendants' non-attendance, generally, the experience is that there is rarely any direct correlation between the distance defendants have to travel to court and failure to attend and should not unduly influence the decision.

“Closure of the two courts (Stafford and Burton) will also have a knock on effect on the CCC in Hanley as a ‘overflow’ court space would not be available in Stafford or Burton, primarily for the DFJ and the DJ (MC) as well as for longer cases. Using excess capacity in the Newcastle under Lyme Court is not acceptable except in extremis as the facilities there are also unsuitable for court users in family courts – consultation space and privacy being paramount. Currently plans are submitted for modifications to Court 6 at the CCC that will significantly improve accommodation there and it is hoped that the provision of overflow courts at the Tribunal Building in Hanley (the AIT) will continue to be available...However, the closure of Burton Court would have a positive impact on Cafcass, social workers and advocates who would not have to divide up their time between so many hearing centres.” (Chair Staffordshire Family Panel)

“The proposals do not consider the emotional impact on the families who use the Burton upon Trent Court – this can include families whose children are being adopted. This is a highly sensitive area of work and to expect people to make long journeys by public transport for very contentious hearings is not in line with the welfare of the families.” (Cafcass)

Family hearings currently take place in a number of locations within Staffordshire which includes Stafford and Burton-upon-Trent. We will undertake a review of listing arrangements for family hearings. Stafford Combined Court will provide sufficient capacity for all hearings currently taking place at both Stafford Magistrates' and the Combined Court. Further details in relation to the impact of Stafford Magistrates' Court closure will be detailed within the separate Stafford response.

Litigants and witnesses involved in civil matters including fast track and multi-track cases have been travelling from Burton-upon-Trent and the surrounding catchment areas for many years to attend hearings in Derby, Stoke on Trent and Stafford. Fast track cases are listed at 10:00am and multi-track cases are listed at 10:30am.

Alternative provision of services

Responses proposed that Stafford Magistrates' Court should close Burton-upon Trent Magistrates' Court remain open:

“The current proposals have not been thought out properly and instead of closing courts where there is little demand, you have proposed (in the case of Burton and Cannock) to close the court where there is the demand and transfer it to a court that has less usage and spare capacity. I suggest you instead close Cannock Magistrates' Court and retain and extend Burton.” (Solicitor)

We have insufficient work to retain all magistrates' courts within Staffordshire. The utilisation at Burton-upon-Trent is approximately 51% whereas the utilisation at Cannock is significantly higher at approximately 76%.

Cannock Magistrates' Court is a three court room building; all courts are used on a daily basis. Cannock is a modern building in a good state of repair. The court has eight cells on site which link directly to courts one and two and makes for a preferred longer term option for HM Courts & Tribunals Service.

Another response raised concerns about “pop-up” courts and the lack of security that might represent.

We firstly have to consider whether other occasional/ad-hoc courts will be necessary. Should there be a need and attendance at a hearing is required, other suitable civic or public buildings could be considered in appropriate cases. Significant benefits could be gained particularly for victims and witnesses who may be provided with options to give evidence using video link from a non-court environment.

Two responses provided options for alternative venues, at Queen Street Community Centre and the local Town Hall. The community centre in particular provides a level of security alongside a range of facilities.

If required, in exceptional circumstances, HM Courts & Tribunals Service would consider using rooms in other civic buildings. However the current workload figures indicate that the work from Burton-upon-Trent can be comfortably accommodated within our remaining estate. If the workload should increase then HM Courts & Tribunals Service will consider options of sourcing suitable rooms in civic buildings.

Decision

All the points raised by respondents to the consultation have been analysed and following careful consideration, the Lord Chancellor has decided to close Burton-upon-Trent Magistrates' Court and move the work to Derby Magistrates' Court, North Staffordshire Justice Centre and Cannock Magistrates' Court.

Implementation

A full Impact Assessment will be undertaken to ensure court users' needs are considered and all actions necessary actions will be taken to minimise or mitigate any adverse impacts on them.

A review of Local Justice Areas will form part of implementation.

Consultation with the Departmental Trade Union on staffing impacts will take place over the coming months. There are a number of factors to consider before Burton-upon-Trent Magistrates' Court can close. Attached with this document is an indicative timetable for implementation. Please note this timetable is subject to change as the programme progresses.

.

Buxton Magistrates' and County Court

The Lord Chancellor has decided that Buxton Magistrates' and County Court should be closed and its work moved to Justice Centre and Stockport Magistrates' and County Courts. Consideration will also be given to some family public law (care work) being moved to Manchester Civil Justice Centre.

A total of 77 responses were received which related to Buxton Magistrates' and County Court. Of these:

- 35 were from magistrates
- 22 were from members of the public
- five were from other public sector bodies
- five were from professional users
- three were from criminal justice partners
- two were from members of the judiciary
- two were from others
- one was from a Member of Parliament
- one was from a member of staff
- one was from a union or staff group

Of these responses three were in support of the proposals, whilst 71 were opposed and three were neutral responses.

Access to justice

Buxton Magistrates' and County Court is located in the town centre and has good train and bus links. The court is approximately 25 miles from the originally proposed receiving court, Chesterfield Magistrates', County and Family Court (Chesterfield Justice Centre). The journey time by car is approximately 50 minutes. However bus and train journeys are much longer. For many court users, particularly in and around Glossop and the north of Buxton, Stockport represents a better alternative as a receiving court.

A number of responses commented upon access to justice issues and the increase in travel times and cost if cases were to be transferred from Buxton to Chesterfield Justice Centre. Comments included:

"Such a journey would be especially difficult for anyone travelling from the Glossop area. The significant cost of the journey would disproportionately affect those on low incomes." (Volunteer for Victim Support)

"The time to travel from Buxton to Chesterfield is indeed about 50 minutes by car, however this does not take into consideration the fact that a good proportion of Buxton's work comes from the North West of the county - Wharley Bridge, New Mills, Hayfield and Glossop. Neither does it take into consideration that many court users (and that includes defendants, victims and witnesses) do

not own cars and are on limited resources.” (Chairman of the Northern Derbyshire Bench)

“The Chesterfield Magistrates Court and Family Court is within reasonable proximity on roads which are not unduly busy. There is a convenient bus service running at comparatively regular intervals and at a reasonable cost.” (The Osbourne Group)

HM Courts & Tribunals Service appreciates that the closure of Buxton Magistrates’ and County Court could impact on those court users that reside in the more remote areas. While it is true that there may be some difficult public transport journeys from those areas to Chesterfield, this is not a reason on its own for the retention of the court at Buxton. Although the travel time could be more than an hour from the more remote areas, regard has to be given to the infrequency that those residents attend court and the proportion of people that would use public transport. Attending court is rare for the majority of society, compared to other services which they use and travel to more regularly such as places of further education and employment, airports and hospitals.

Buxton Magistrates’ Court is situated approximately 25 miles away from Chesterfield Justice Centre; a travel time by car of 50 minutes each way and a bus journey of 60 minutes each way. The travel cost by bus is £6.30 return. The journey time by train is approximately two hours and 15 minutes each way. This does not include any additional journey time or expense for court users travelling from the more remote catchment areas of the court.

Adverse weather conditions were also raised. This can affect all parts of the country and on occasion prevent travel. On these occasions court cases are adjourned and re-listed when the weather conditions subside.

There is no evidence to support the opinion that longer journeys would be a disincentive to victims and witnesses attending court. To ensure that access to justice is maintained, particularly in the more rural locations, we are committed to providing alternative ways for users to access our services. The video link facility will remain in the Buxton Citizens Advice Bureau and can be used by victims and witnesses to prevent the requirement of a physical presence in court.

Litigants and witnesses involved in civil matters have been travelling from Buxton and the surrounding catchment areas for many years to attend hearings in Chesterfield, Derby and Nottingham. Parties arrive on time and HM Courts & Tribunals Service has received no complaints about start times or travel difficulties caused by this listing practise.

In addition to the above, public law family cases from Buxton and the surrounding catchment areas are also heard in Chesterfield, Derby and Nottingham as well as Buxton. These cases involve some of our most vulnerable people who are in receipt of benefits and who can have mental health, drink and drug related problems. This type of case also requires solicitors and numerous linked agencies to attend court for example, CAF/CASS, Local Authorities and voluntary support workers. Parties generally arrive on time and HM Courts & Tribunals Service has had no complaints or issues raised.

HM Courts & Tribunals Service accepts that the journey to Stockport and Manchester from the northern areas of High Peak is direct and therefore quicker and less convoluted. Stockport Magistrates’ Court and County Court was included in the North West regional proposals and following the consultation the court will be remain open and will receive some work from Buxton Magistrates’ and County Court.

HM Courts & Tribunals Service will, where possible, consider on a case by case basis requests for more flexible start and end times for court hearings and continue to explore the possible use of video links for those court users for whom increased journey times may be problematic. There are video link facilities installed within the Citizens Advice Bureau in Buxton, and HM Courts & Tribunals Service will continue to support the provision of this service.

It is accepted that longer journeys may incur increased costs but these will be outweighed by the savings and efficiencies achieved by locating our resources and reducing the size of the HM Courts & Tribunals Service estate.

Inaccurate information in the consultation paper

HM Courts & Tribunals Service received numerous responses regarding inaccuracies within the consultation paper.

“the court building is not fully compliant with the Equality Act 2010....access to the courtrooms is via two flights of stairs -this is incorrect as a new service lift was installed six years ago and the building is fully compliant with the Equality Act.” (Chairman of the Northern Derbyshire Bench)

“there are two consultation rooms...the overall condition of these rooms is poor-The two consultation rooms were rebuilt three years ago and are of a high standard.” (Magistrate)

“there is one waiting room....so desired segregation of parties cannot be achieved”-this is incorrect as a separate entrance and room for witnesses was installed three years ago.” (Chairman of the Northern Derbyshire Bench)

“The utilisation of the court house is quoted as 27%- but details are given of 12 sessions a week out of a possible 20, with additional fortnightly and monthly sessions.” (Magistrate)

“...although there is in fact a publically accessible lift, this is provided to the rear of the building. The prospect on entering through the main entrance to the court is a flight of stairs and the information desk is several flights up and, from recollection, inaccessible from the lift. In our view this is not an acceptable provision. We are also aware that areas of the premises stand permanently empty and others are severely underutilised. Clearly there is the need for some action.” (Members of the public)

HM Courts & Tribunals Service has stated that the court has no public lift, when in fact it does. There are two lifts at the court, one is a public lift which takes parties to the first floor court rooms; and another smaller “platform” lift which is used by our magistrates. We did not state that there was no access for our disabled users; but did state that wheelchair users can access the building using the magistrates lift, as opposed to the public lift. As soon as we identified the error had been made HM Courts & Tribunals Service wrote to the MP and to recipients of the consultation and apologised for making this mistake. HM Courts & Tribunals Service regrets this error however this is not a reason to keep the court open.

The building is not compliant with the Equality Act 2010. A fully compliant building allows access to all floors and all public facilities to all disabled people. Our disabled court users cannot access the second floor, where the court counter and office are located. Whilst not solely for this reason, it does mean that the building is not compliant with the Equality Act 2010.

The consultation document does describe the consultation rooms as 'poor'. In financial year 2011-12 HM Courts & Tribunals Service made improvements to the facilities at Buxton by converting a utility area into a witness waiting room and the cell area into consultation rooms. However the rooms are very small and cramped. They fall short of the standard required by HM Courts & Tribunals Service and of those provided in court buildings across the country.

There is only one designated witness waiting room in the building so when there is more than one party for example, in a family matter, the desired segregation of parties cannot be achieved.

The utilisation figures in the consultation paper are correct. The consultation document explains how the utilisation figure is calculated. Utilisation figures are calculated using 2014-15 sitting hours data as a proportion of the total courtroom capacity. Capacity is based on 248 sitting days per annum and five hours per day per courtroom. Inevitably utilisation figures will be lower than the average scheduling would suggest as sittings reduce at certain times of the year and sitting hours can often fall short of five hours per day. Buxton Magistrates' and County Court does sit every day, but not always for full days and not using both court rooms.

The building is under used (approximately 27%) and the workload currently generated does not require increased sittings.

Value for money

The operating costs for Buxton Magistrates' and County Court for 2014-15 were approximately £90,000.

Some responses raised concerns about value for money.

"Closure of the court may save a relatively small amount of money each year, however, the result would be yet another public building standing empty in a town which is trying to regenerate." (Crown Prosecution Service, East Midlands)

"If the Magistrates' and County Courts are to be released, then there is a real prospect that, working with DCC and its museum service and with local community groups, an entire building block could be brought into reuse." (The Osbourne Group)

"You point out correctly that the building is held on a lease which is due to expire 2030. That means that HM Courts & Tribunals Service will not make a capital sum by selling the building and I understand that the rent is nominal so there will be little saving there." (Member of the public)

Any increase in magistrates' expenses would be offset by better listing arrangements and maintaining magistrates' competencies. The magistrates who are booked will be better used and will frequently sit full sessions as opposed to short sittings; and hear a more varied caseload.

HM Courts & Tribunals Service acknowledges that the tenure on Buxton Magistrates' and County Court is leasehold and therefore no capital gain would be achieved by closing the court. Financial savings will be found in fixed and semi-variable costs listed above; and from the efficiencies in operating from fewer sites.

A national programme is underway to renew the department's video link equipment and related infrastructure and this will lead to a more reliable system being available to court users. HM Courts & Tribunals Service will explore using modern technology, not just to make the justice system more accessible but to reduce the costs of the whole justice system. This will be achieved by not requiring extensive transportation of prisoners for bail hearings, or the police to take full days off their priority work to sit in a court room. Progress towards a modernised service is already being made. Wi-Fi and digital screens have been introduced into many court buildings and a digital case management system for the administration of criminal cases is well under way.

The proposals contained in the consultation provide for an opportunity to enhance service delivery, improve performance and provide staff development opportunities. HM Courts & Tribunals Service regularly assesses and adjusts available resources to meet the ever changing business demands.

HM Courts & Tribunals Service has to have due regard to make sure its estate is used to deliver justice efficiently and effectively while providing value for money to the public purse.

Operational efficiency

The current utilisation rate at Buxton Magistrates' and County Court is very low (approximately 27%) and does not justify keeping the court open. The receiving courts can absorb the workload from Buxton without any enabling works. Chesterfield Justice Centre is a modern private finance initiative (PFI) purpose built court building, which offers excellent quality facilities.

"Any cases currently at Buxton where defendants are found guilty and sentenced to custodial sentence are ably dealt with by the current and long standing partner arrangement with the local Derbyshire Police service attending and removing the prisoner to their upgraded cell facilities very close to the Buxton Court house to be detained whilst the PECS provider progresses to a suitable detention facility as ordered by the court. On average utilised once per month." (Buxton Court Staff)

"Members of the courts in Buxton both Magistrates and County will find it very difficult to continue in employment if the courts are closed. It is a remote location the magistrates court at Glossop closed some years ago so a large area has no court...Members live locally and would find it impossible to travel to Derby or Chesterfield. Roads are often difficult in winter and public transport disrupted some members have caring responsibilities which will make long days travelling difficult." (Public and Commercial Services union)

"The principals behind the proposals contained in the consultation paper are ones which should be supported in the interests of efficiency and financial economy." (The Osbourne Group)

"The court is massively underused; I'm in full favour of the court being closed in The High peak in Buxton Derbyshire." (Member of the public)

Larger buildings can facilitate more flexible and efficient listing of cases and give users more certainty of when their case will be heard.

Our staff and judiciary are one of our most valuable resources. By locating them in fewer sites we will create listing flexibility and improve efficiency and productivity. All this will lead to an improvement in service delivery - reducing delay, providing swifter access to justice and speedier case conclusion. This also reduces the impact on our linked agencies such as

Prisoner Escort Custody Services (PECS) and Police, who are not normally in attendance, but are currently required to attend Buxton to collect defendants that have been given a custodial sentence.

The impact upon any staff will, as always be closely managed by HM Courts & Tribunals Service. Impact assessments will be completed for all staff, and will include the assessment of impacts on equalities, which will highlight any issues that may require further consideration. These procedures are fundamental standard practices carried out by HM Courts & Tribunals Service when managing any organisational or business change.

Alternative provision of services

We have received several suggestions for alternative provision of services.

“A video link in Buxton and Glossop for witnesses and perhaps some defendants who are not at risk of custody, would be a good idea.” (freelance journalist)

“By using a civic building as a courthouse in Buxton, then the obvious solution is to continue to use the existing court building, which is leased at a peppercorn rent from Derbyshire County Council already. The total cost, of any alternative local scheme would be far higher than staying in the existing, well equipped building!” (Magistrate, Northern Derbyshire Bench)

“There may be other possibilities in the High peak area by working with the Local Authority to provide a movable facility that could operate in different areas of the High Peak.” (Member of the public)

“County Court hearing rooms are not difficult to set up. No secure facilities are required. All that is needed by way of accommodation is an adequately sized and arranged room with appropriate entrances and exits. There would need to be provision for recording and security which should not be beyond the wit of man. Judges would require an internet connection for online access to legal materials – which the imminent new judicial laptops should make much easier.” (Designated Civil Judge for Nottinghamshire, Derbyshire and Lincolnshire)

HM Courts & Tribunals Service has already established alternative ways in which users can access our services. We are looking to expand these provisions to provide more choice than is currently available, through making better use of technology, including video conferencing and exploring use of civic buildings to progress towards a more modern, flexible service.

HM Courts & Tribunals Service appreciates that not all members of the public have personal access to IT. However, these facilities are available in local libraries, internet cafes and Citizen Advice Bureaus.

A number of responses commented to the effect that Stockport or other courts in the North West would provide a better alternative for users, particularly in and around Glossop, than Chesterfield.

“If Buxton court has the close then it would be better if court users were able to access Stockport or Tameside Magistrates courts as these are much closer to Buxton than Chesterfield.” (Magistrate, Northern Derbyshire)

“Given that all High Peak train lines run into Manchester – it would make sense to look at a North West option, specifically either Stockport or Manchester.”
(Director of Legal Services, Derbyshire County Council)

“if you do proceed with the closure, then I ask that a proper study is done into the alternatives. The suggestion of Chesterfield simply will not work!. A more workable solution would be to abandon the closure of Stockport and then use that facility to service both Buxton and Macclesfield where closures are also proposed, and indeed Tameside.” (Member of Parliament)

In the light of the Lord Chancellor’s decision to retain Stockport Magistrates’ and County Court, cases generated from the north of the county such as Glossop, Hadfield, New Mills and Whaley Bridge will be heard in the North West Region to enable less expensive and more direct, shorter journeys.

Stockport Magistrates’ and County Court is a purpose built building opened in 1989, has 11 court/hearing rooms and the building complies with the Equality Act 2010. During the financial year 2014-15 Stockport Magistrates’ and County Court was utilised at approximately 54% of its capacity and had also been considered for closure within this consultation in the North West Region.

Decision

All the points raised by respondents to the consultation have been analysed and following careful consideration, the Lord Chancellor has decided to close Buxton Magistrates’ and County Court and move the workload to Chesterfield Justice Centre and Stockport Magistrates’ and County Courts. Consideration will also be given to some family public law (care work) being moved to Manchester Civil Justice Centre.

Across the Civil and Family jurisdictions, cases from Buxton and the surrounding catchment areas are already being heard at Chesterfield, Derby and Nottingham. We will expand on this current practise to achieve essential improvements to our service.

Implementation

Consultation with the Departmental Trade Union on staffing impacts will take place over the coming months. There are a number of factors to consider before Buxton Magistrates’ and County Court can. Attached with this document is an indicative timetable for implementation. Please note this timetable is subject to change as the programme progresses.

Corby Magistrates' Court

The Lord Chancellor has decided that Corby Magistrates' Court should be closed and its work moved to Wellingborough Magistrates' Court.

A total of 187 responses were received which related to Corby Magistrates' Court. Of these:

- 161 were from members of the public
- 13 were from magistrates
- seven were from other public sector bodies
- two were from criminal justice partners
- one was from a member of the judiciary
- one was from a Member of Parliament
- one was from a professional user
- one was from a union or staff group

All responses received, with the exception of one, were opposed to the proposals.

A petition was submitted containing over 500 signatures opposing the closure of Corby Magistrates' Court on the grounds of access to justice.

Access to justice

Corby Magistrates' Court is situated within the central business district of Corby. There are frequent bus services and trains between Wellingborough and Corby. The distance between the court buildings is approximately 17 miles and the journey time is approximately 30 minutes by car. The train journey is approximately 20 minutes and an Open Return Ticket costs £11.80 at the time of publishing the consultation. Buses run every 30 minutes and take approximately one hour 15 minutes.

Several of the responses received made reference to issues around access to justice; referring to the increase in time and expense in travelling to Wellingborough Magistrates' Court.

"The town has concerns regarding the travel times to and from court for the most vulnerable groups in our community. For example the travel data is shown from Corby to Wellingborough, but no travel data is shown for travel for people who need to travel to Corby from outlying villages and then onto Wellingborough. Overall this could be a very significant journey for those on the lowest incomes." (Raunds Town Council)

"I would again reiterate my concern that many of my constituents simply would not be able to access court proceedings at Wellingborough Magistrates' Court, as proposed, owing to the rural nature of my constituency and a lack of public transport." (Member of Parliament)

“There is a chance that many good experienced magistrates will be lost if the proposals go ahead.” (Magistrate)

“How much it costs to take transport must be taken into consideration too; £11.60 is nearly two hours wages for those on Minimum wage. This is particularly expensive if someone has to lose time at work as well in order to be a witness/go to court.” (Member of the public)

“Police officers incurring additional travelling time to give evidence (Corby again will have a noticeable impact on officer time spent.” (East Midlands Criminal Justice Service)

Many responses reflect that the journey times to Wellingborough are too long and that the cost of travel could be a disincentive to attend court hearings, particularly for victims and witnesses. There is no evidence to support the opinion that longer journeys would be a disincentive to victims and witnesses attending court. The costs of travel for victims and witnesses of crime can be claimed, subject to the regulations. Likewise, if a defendant were acquitted following hearing then travel costs can be claimed, subject to the similar regulations. To ensure that access to justice is maintained, particularly in the more rural locations, we are committed to providing alternative ways for users to access our services.

HM Courts & Tribunals Service has sourced travel information from some neighbouring villages to Corby to assess the potential impact for court users in remote areas. The information has been provided directly from the bus service operator.

Greetham	60 minutes	£14.30
Oundle	31 minutes	£6.90
Great Oakly	26 minutes	£7.50
Brigstock	21 minutes	£2.15

There is currently no public transport from Easton on-the-Hill to Corby and HM Courts & Tribunals Service accepts that there is therefore no direct public transport service from Eastern on the Hill to Wellingborough. There is however a service in operation from Corby to Wellingborough.

The impact on the majority of court users regarding access to justice and journey times is not considered to be unreasonable or prohibitive in accessing the court in Wellingborough. HM Courts & Tribunals Service will, where possible, consider on a case by case basis, requests for flexible start times for court hearings. We will also explore further use of video links for those court users for whom increased journey times might be problematic.

HM Courts & Tribunals Service acknowledge and accept that the closure of Corby Magistrates' Court will mean that some people will need to travel further to reach their nearest court; and for some the journey, if made by public transport, may be over an hour. However for the majority of people the closure will have little impact given the infrequency with which people need to attend court and the small proportion of people who would use public transport to reach court.

Litigants and witnesses involved in civil cases travel from Corby and the surrounding catchment areas to attend hearings in Wellingborough and Northampton, and have done so for many years. Parties arrive on time and HM Courts & Tribunals Service has received no complaints about start times or travel difficulties caused by this listing practise.

In addition to the above, public law family cases from Corby and the surrounding catchment areas are also heard in Northampton. These cases involve some of our most vulnerable people who are in receipt of benefits and who can have mental health, drink and drug related problems. Parties generally arrive on time and HM Courts & Tribunals Service has had no complaints or issues raised. This type of case also requires solicitors and numerous linked agencies to attend court for example, Children and Family Court Advisory and Support Service, local authorities and voluntary support workers.

HM Courts & Tribunals Service needs to enable efficiency in the longer term. In an increasingly digital age, users will not always need to attend hearings in person. We have already established alternative ways users can access our services. We are looking to expand these provisions to provide more choice than is currently available, making better use of technology, including video conferencing, and exploring use of civic buildings for certain types of hearing.

HM Courts & Tribunals Service acknowledges and appreciates that not all members of the public have personal access to IT. However, these facilities are available in local libraries, internet cafes and Citizen Advice Bureaus.

HM Courts & Tribunals Service cannot force continuation of service of magistrates. When the pool is depleted, for example following retirement, recruitment campaigns take place and are frequently oversubscribed. The magistrates of Corby will continue to be involved in decisions about members within their local communities. Estates reform is not intended to distance either magistrates or court users from local communities; local support systems will still be available to those people involved in the court system. Some responses expressed concerns around increased failures to attend court.

“Defendants may increase their criminal records by ‘failure to attend’ offences and costs to the Police will increase as more warrants are issued. The absence of victims and/or witnesses will mean more cases have to be withdrawn or adjourned, causing further delay and hindering the delivery of justice.” (Bench Chairman of Corby Magistrates’ Court supported by 32 members of the bench)

Historically there has been little direct correlation between the distances defendants have to travel to court and any failures to attend. There are regular recorded instances of failure to attend due to ill health, intoxication or drug related problems but not travelling difficulties. Usually defendants on bail appear as required and there is little evidence to suggest that when defendants have to travel longer distances they fail to do so.

To ensure that access to justice is maintained, particularly in the more rural locations, we are committed to providing alternative ways for users to access our services.

There were some concerns raised in respect of the growing population in Corby.

“This magistrates court is needed to serve this end of the County. With the growing population and rising costs more members of the public could end up being summonsed for non-payment of rent, council tax etc, it’s bad enough driving to Corby without having to try and go further, with no public transport suitable.” (Member of the public)

“Corby is a growing community with new facilities. People should receive justice locally within their town from local people who understand its issues.” (Member of the public)

Northampton has experienced a population growth of 11.3% between the years 2004 and 2013 (Centre for Cities data in 2015), which is one of the ten highest in the UK. HM Courts & Tribunals Service does not consider that this should impact upon the proposal to close Corby Magistrates' Court. In conjunction with addressing the estate we are looking to modernise our practices, use more digital products that reduce physical attendance at court and adopt more streamlined ways of working which will result in using our estate more intelligently and flexibly to reduce running costs.

One comment made highlights that the two courts that we intend to retain are in close proximity of each other.

"The closure of (Corby and Kettering Magistrates') Courts will mean the only Courts in the County of Northamptonshire will be in Northampton and Wellingborough and they are fairly close together geographically." (Corby Borough Council)

HM Courts & Tribunals Service appreciates that the two remaining courts in Northampton are relatively close together. We consider that this will further assist in creating listing flexibility and allow the courts to operate in parallel. This will allow us to maximise our judicial and staff resources and provide a more stream lined, uninterrupted service.

Many responses reflect upon the need to use local magistrates to hear local cases.

"The whole purpose of local justice is that it can be delivered to local people by local people." (Magistrate)

"Magistrates when appointed are appointed to their local area where they have knowledge and an understanding of the local demographics. This means they can then apply a common sense approach when sentencing defendants." (Member of the public)

Access to local justice will be maintained in that the magistrates currently hearing cases from Corby will sit in Wellingborough and/or Northampton. All magistrates in the county are given the option to specify their 'home' court and any other courts where they would be willing to sit. This is necessary to allow magistrates the ability to maintain their competences by providing wider opportunities to secure sufficient sittings; and because certain types of cases are not dealt with in every court, restricting the type of work a magistrate hears if sitting in only one location.

Some responses commented on the inability of the Wellingborough Magistrates' Court to absorb the workload from Corby Magistrates' Court.

"The approach proposed in the consultation document entirely fails to address the difficulties currently being experienced by our colleagues in the Family and Civil jurisdictions. Pressure on court space in these jurisdictions is intense already and this situation will only be worsened by the proposed closures." (Wellingborough Bench Chairman)

"It will leave Northamptonshire with inadequate capacity to meet current workloads in Criminal, Family and Youth Courts and will impact on the most vulnerable and disadvantaged in Society. The closures actively go against the concept of local justice." (Member of the public)

Wellingborough Magistrates' Court has three court rooms and sits three courts, two days per week. Corby Magistrates' Court has two court rooms and sits two courts two days per week. Kettering Magistrates' Court also has two court rooms and sits two days per week. If the courts continued to operate separately there is a total requirement of 14 court rooms per

week. We consider that this requirement will reduce when caseload and lists are merged and further efficiencies gained.

HM Courts & Tribunals Service considers that the workload from Corby Magistrates' Court and Kettering Magistrates' Court can be readily accommodated at Wellingborough Magistrates' Court.

The Judicial Business Group (JBG) will engage with local stakeholders to consider the need for the merger of Local Justice Areas. Justices are valued members of the judiciary and work well together for the benefit of the communities they serve wherever they are delivering justice. HM Courts & Tribunals Service will continue to retain appropriate links with other agencies such as Witness Support, Victim Support, Crown Prosecution Service and Probation to make sure that the closure of Corby Magistrates' Court does not unduly impact on access to justice.

Value for money

The operating costs for Corby Magistrates' Court for 2014-15 were approximately £54,000. These operating costs have been revised from those published in the consultation documents to adjust for one-off refunds and prepayments in 2014-15 for some costs such as service charges and facilities management costs.

Although the closure will provide savings for HM Courts & Tribunals Service, it is felt by some respondents that magistrates' travel costs will increase and could impact on other organisations such as the Police.

“Corby Borough Council regularly uses Corby Magistrates' Court, Kettering Magistrates' Court and Kettering County Court in relation to different types of proceedings and to close these courts will have a financial impact on a number of departments of the Council, and hence the tax payer.” (Corby Borough Council)

“The question has been asked if this exercise is more to do with a valuable piece of property rather than the criminal justice system. Because the reality is that the real savings will be very little, if any, when the true costs associated with the move and the ongoing additional impact costs are taken into consideration.” (Brigstock Parish Council)

“Local Magistrates have said they have serious concerns that the closure of Corby Magistrates Court would undoubtedly result in additional costs for Justices to travel to Wellingborough.” (Northamptonshire Magistrates' Association)

Magistrates sitting in future will find they frequently sit full sessions, as opposed to the short sittings experienced currently at Corby Magistrates' Court, providing better value for money.

Any increase in magistrates' expenses would be offset by better listing arrangements and maintaining magistrates' competencies. The magistrates who are booked will be better used and will frequently sit full sessions as opposed to short sittings; and hear a more varied caseload.

“There is no economic case for closing the Corby court, which costs only £80,000 per year to run with the court operating two days a week.” (Northamptonshire County Council)

“Although an annual running cost of £80,000 is given this would not be the saving if the court was closed, there are additional cost. Additional resources would be required at Wellingborough. Additional police and other officials time required when having to travel from the Corby area to Wellingborough.”
(Brigstock Parish Council)

No staff based at Corby Magistrates’ Court. The current arrangements for operating the courts in Corby involve legal advisors travelling from Northampton. There will be no additional staff requirements in the event that the Corby Magistrates’ Court closes since the legal advisors previously required to sit at Corby will operate from Wellingborough.

HM Courts & Tribunals Service will explore using modern technology not just to make the justice system more accessible but to reduce the costs of the whole justice system by not requiring extensive transportation of prisoners for bailing hearings, or the police to take full days off their priority work to sit in a courtroom.

“Money spent on Corby over last 5 years: Roof repairs; new computer network links for TSJ; air conditioning just been added and the courtrooms are in good condition. Fourteen cell refurbishment in adjacent Police station.”
(Northamptonshire Magistrates’ Association)

The building has been maintained to the standard required to ensure the court remained operable and compliant with health and safety requirements. HM Courts & Tribunals Service cannot allow a building to fall into disrepair. There have been occasions when there have been leaks in the roof and repairs have been required. The air handling units have also been replaced. This was a legal requirement and we have complied with this regulation. New network links were installed to enable the court to operate in line with other courts and linked agencies.

“We have been informed that Wellingborough is rented to HMCTS on a peppercorn rent. It does not seem wise to plan to transfer court business to a location which may not be permanently available.” (Bench Chairman of Corby Magistrates’ Court supported by 32 members of the bench)

HM Courts & Tribunals Service pays no rent on Wellingborough Magistrates’ Court; and the lease on the building does not expire until 31 March 2120. The operating costs for Wellingborough are approximately £55,000.

Corby Magistrates’ Court is a freehold building and the savings made from the sale of this building will be reinvested into HM Courts & Tribunals Service modernisation.

HM Courts & Tribunals Service estate is both costly and underused. Last year, a third of its buildings sat empty for more than half of their available hearing time. Corby Magistrates’ Court was used to approximately 33% of its capacity during 2014-15. The combining of the workload from Kettering Magistrates’ Court and Corby Magistrates’ Court into Wellingborough will result in the court rooms at Wellingborough Magistrates’ Court being almost fully occupied.

Operational efficiency

“Case loads figures have been manipulated by HMCTS by recently only listing Trials at Corby and then only for two days a week, when other matters are regularly listed on the other available days at other courthouses.” (Northamptonshire Branch of the Magistrates’ Association)

The building is unoccupied save for two days per week when the court sits. The current utilisation rate at Corby Magistrates' Court is low and does not justify keeping the court open. The maximum capacity is calculated by multiplying the number of courtrooms per jurisdiction by five hours per day and 248 working days in the year. All utilisation figures for all courts were calculated using this method. The receiving court in Wellingborough can absorb the workload from Corby Magistrates' Court with some minor enabling works (minor decorations and removals), it's utilisation being approximately 31% in 2014-15. Combining the workload to one location would improve efficiency and enable savings to be made.

"The swiftness of the justice system must be of paramount importance to HMCTS. Delays in the current system, exacerbated by inefficient processes taking place in the unfit for purpose court estates, have a detrimental impact upon victim and witnesses."(Police & Crime Commissioner)

The combining of the workload from Kettering Magistrates' Court and Corby Magistrates' Court into Wellingborough will result in the court rooms at Wellingborough Magistrates' Court being almost fully occupied, providing maximum value for the tax payer. Larger, well equipped buildings can facilitate more flexible and efficient listing of cases and give users more certainty of when their case will be heard.

HM Courts & Tribunals Service estate is a major asset and there are buildings that are underused. We are proposing to close the less efficient, poor quality buildings and maximise the use of those that are more efficient and better equipped.

Alternative provision of services

Many responses offer suggestions of alternative provision of services, each of the suggestions raised have been considered.

"We do anticipate issues associated with travel and potential costs related to this, particularly in the more rural locations. We would strongly advocate that these risks should be mitigated through more effective use of digital technology (Live Links for instance) in order to minimise the requirement for the physical presence of the witness. This will require further development work but we believe is an investment that will be essential in order to achieve the transformation of the service." (East Midlands Regional Criminal Justice Service)

"Corby court rooms are very dated and need some modernisation, particularly allowing for video linking to prisons to deal with those in custody- I am also on the independent monitoring board at HMP Peterborough and see the detrimental effects that transport in prison vans has. Maybe there is a compromise that can be struck and the council offices could be adapted in some way or the court kept open until the possible new police station between Corby and Kettering is opened and then that used as a court as well?" (Magistrate)

"Wellingborough Court has three courtrooms with good retiring rooms and better facilities for parties and their legal representatives. Use of this courthouse as a family centre would enable the FPC to sit with a District Judge and a Circuit Judge, or two District Judges, and transfer the work between them. The Northamptonshire Family Panel believes that Wellingborough Magistrates Court should be used as a family centre and that the proposed

closures of Kettering and Corby courts should therefore be reconsidered.”
(Chair Northamptonshire Magistrates Family Panel.)

“No information has been given about investigations made with Corby Council or East Midlands Council about use of their premises if the actual court building in Corby needs to close.” (Member of the public)

The current utilisation figures do not demonstrate a requirement to source alternative venues and the low use of the receiving site at Wellingborough Magistrates’ Court offers the opportunity to make efficiencies while still providing access to justice. The workload dictates the resource requirements; and currently HM Courts & Tribunals Service considers that Wellingborough can absorb the work from Corby and Kettering. If the workload should increase then HM Courts & Tribunals Service will consider options of sourcing suitable rooms in civic buildings. However currently there is no requirement.

The enabling works planned for Northampton Combined Court Centre include the provision of an additional multi functional court room to support family, civil and tribunal hearings. HM Courts & Tribunals Service needs to move towards an estate with buildings which facilitate the more efficient and flexible listing of court and tribunal hearings. This will enable us to react to any fluctuation of caseload within any of the jurisdictions.

HM Courts & Tribunals Service will extend its use of modern technology to make the justice system more accessible and reduce the need for people to physically attend court.

Decision

All the points raised by respondents to the consultation have been analysed and following careful consideration, the Lord Chancellor has decided to close Corby Magistrates’ Court and move the workload to Wellingborough Magistrates’ Court.

Implementation

There are a number of factors to consider before Corby Magistrates’ Court can close. Attached with this document is an indicative timetable for implementation. Please note this timetable is subject to change as the programme progresses.

The Judicial Business Group (JBG) will undertake local stakeholder engagement to consider the need for the merger of Local Justice Areas.

Grantham Magistrates' Court

The Lord Chancellor has decided that Grantham Magistrates' Court should be closed and its work moved to Lincoln Magistrates' Court and Lincoln County Court.

A total of 38 responses to the Grantham consultation paper were received. Of these:

- 12 were from magistrates
- five were from members of the public
- four were from members of the judiciary
- four were from members of staff
- four were from other public sector bodies
- four were from professional users
- three were from criminal justice partners
- one was from a Member of Parliament
- one was from a union or staff group

34 of the responses were opposed to the proposals for Grantham Magistrate's Court, whilst two were supportive and two neutral.

The majority of the responses focused on:

- access to local justice and travel times
- alternative provision
- operational efficiency

A petition with over 300 signatures opposing closure was also submitted.

Access to justice

Grantham Magistrates' Court is located 30 miles away from Lincoln Magistrates' and County Courts. The journey by car takes approximately 50 minutes and there is a bus and train service to Lincoln serving the surrounding catchment areas, with travel costing a maximum of £14.60 for an anytime return ticket by train. The trains run hourly and the journey takes an average of one hour 15 minutes each way.

Many of the responses made reference to access to justice issues and the increase in travel time and cost as a result of transferring cases from Grantham to Lincoln Magistrates' and County Courts. Comments focused on the rural nature of the county, the provision of public transport and fears of delay. Comments included:

"Whereas now 89% of people can reach the court within 30 minutes, under the proposals this is reduced to 4%. With public transport 33% can reach the court

within 2 hours but this is increased to 78%. 2 hours is an unacceptable amount of time to take to reach court.” (UK Association of Part Time Judges).

“Witnesses will be put off from attending court to give evidence because of the distances involved in attending the next local court, and may find themselves sharing limited public transport with the perpetrators against whom they are to give evidence.” (Solicitor).

“The removal of the county court provision will leave significant numbers of people unable to access justice and without provision. For example, with eviction cases, if clients are given an eviction notice and have a reasonable case to present as an alternative and stay the eviction, but there is not a court sitting in Grantham before the eviction date (not unlikely given that there are only one or two sittings a month at present), then their only option is to go to another court.” (Citizens Advice Bureau).

HM Courts & Tribunals Service appreciates that the closure of Grantham Magistrates’ Court will impact on those court users that reside in the more remote areas of Lincolnshire. While there may be some difficult public transport journeys from these areas to Lincoln, this is not a reason on its own for the retention of the court at Grantham. Although the travel time can be more than an hour from the more remote areas of the county, this must be considered in the context of the low workload originating in these areas and the infrequency that those residents would need to attend court, together with the proportion of people that would use public transport to attend court. People that live in rural communities frequently have to travel for services, which they use and travel to more regularly than attending a court hearing such as schools, places of further education and employment, airports and hospitals.

HM Courts & Tribunals Service will, where possible, consider on a case by case basis the location of court hearings taking into consideration any request made for reasonable adjustments by court users. If beneficial to the court user, HM Courts & Tribunals Service will consider transferring cases to Nottingham Justice Centre which is approximately 40 minutes by train from Grantham. The journey by car is approximately 50 minutes to both sites.

HM Courts & Tribunals Service plans to provide for better access to justice by making use of modern technology, including extending the current use of video links and on line plea. Delivering access to justice does not always mean providing access to a purpose built facility.

We are committed to providing alternatives to travel. The changes in the way we work will also impact on the way we operate in that we will see fewer cases going into a formal court room. Many straightforward cases do not need face to face hearings; these should be reserved for the most complex cases. We know that in an increasing technological age, the public expect to be able to engage with services through a variety of channels and an increasing number prefer to do that digitally. In some cases, they do not always need to attend in person.

There are occasions when matters require judicial intervention and parties are required to attend court. In these cases, court users who anticipate that they will experience problems in travelling to alternative court venues, can apply to conduct business with the court by alternative means where possible. HM Courts & Tribunals Service will also consider on a case by case basis, requests for flexible start times for court hearings.

Litigants and witnesses involved in civil cases have been travelling from Grantham and the surrounding catchment areas for many years to attend hearings in Lincoln Magistrates’ and County Court. Parties arrive on time and HM Courts & Tribunals Service has received no complaints about start times or travel difficulties caused by this listing practise.

In addition to the above, complex public law family cases from Grantham and the surrounding catchment areas are also heard in Lincoln Magistrates' and County Court. These cases involve some of our most vulnerable people who are in receipt of benefits and who can have mental health, alcohol and drug related problems. Parties generally arrive on time and HM Courts & Tribunals Service has had no complaints or issues raised. This type of case also requires solicitors and numerous linked agencies to attend court for example, CAFCASS, local authorities and voluntary support workers.

One response raised concerns about the ability of a court user to access justice quickly, for example, to suspend an eviction order. This situation occurs under current arrangements as the county court sits infrequently at Grantham. As now, users would have to process their application and attend the necessary hearing at Lincoln Magistrates' and County Court.

Historically there has been little direct correlation between the distances defendants have to travel to court and any failures to attend. There are regular recorded instances of failure to attend due to ill health, intoxication or drug related problems but not travelling difficulties. Usually defendants on bail appear as required and there is little evidence to suggest that when defendants have to travel longer distances they fail to do so.

Some responses reflect that the journey times to Lincoln are too long and that the cost of travel could be a disincentive to attend court hearings, particularly for victims and witnesses of crime. There is no evidence to support the opinion that longer journeys would be a disincentive to victims and witnesses attending court. The costs of travel for victims and witnesses of crime can be claimed, subject to the regulations. Likewise, if a defendant were acquitted following hearing then travel costs can be claimed, subject to the similar regulations. To ensure that access to justice is maintained, particularly in the more rural locations, we are committed to providing alternative ways for users to access our services.

We need to respect the traditions of our court system, yet court attendance is a time consuming and often inefficient process for everyone involved. A more proportionate approach to court attendance would eliminate wasted time and enhance confidence in the administration of justice. We have a duty to offer more convenient, less intimidating ways for citizens to interact with the justice system whilst maintaining the authority of the court for serious cases. For example through making better use of video conferencing and exploring whether we can appropriately make use of civic buildings for certain types of hearings.

There are provisions in place to enable some categories of victims and witnesses (such as children, vulnerable adults and victims of sexual assault) to give evidence using screens, in private or by video link without having to come to court, but we are looking to expand these provisions to include all witnesses and to provide more choice than is currently the case. In addition to this we already have examples of where police officers give evidence over the live link from police stations. A programme to renew the department's video link equipment and related infrastructure will lead to a more reliable system being available to court users.

The possibility of parties to a case travelling to court on the same public transport is one that exists at present. In these circumstances and if a party is concerned for their safety, the court may consider applications to make representation by alternative means.

Access to local justice will be maintained in that the magistrates currently hearing cases from Grantham will sit in Lincoln Magistrates' and County Court. All magistrates in the county are given the option to specify their 'home' court and any other courts where they would be willing to sit. This is necessary to allow magistrates the ability to maintain their competences by providing wider opportunities to secure sufficient sittings; and because certain types of

cases are not dealt with in every court, restricting the type of work a magistrate hears if sitting in only one location.

Travel time information and public transport costs were provided as a guide only and it was acknowledged that they are subject to change.

Alternative provision of services

In an increasingly digital age, users will not always need to attend hearings in person; and whilst we have already established alternative ways users can interact with our services, we are looking to expand these provisions to provide more choice than is currently available. For example through making better use of technology, including video conferencing, and exploring use of civic buildings for certain types of hearing.

Several responses set out comments around alternative provisions, including:

“We recognise the need to make efficiencies and that these proposals will enable this to happen. We also recognise that with advances in technology this provides an opportunity to review the way court services are delivered and managed...The use of video linkage and digital technology for accessing and streamlining legal processes is supported.” (North Kesteven District Council).

“Lincolnshire County Council would welcome discussion in respect of alternatives which might include (1) Utilising shared buildings. The Consultation Document states that the Government is committed to using civic and other public buildings for hearings and in some minor cases that may be acceptable. It cannot be in all cases, especially those where secure accommodation is needed or a defendant is remanded into custody and requires prison transfer. (2) Opportunities created with developing technology which will enable digital/remote courts, a particular challenge in rural locations. Lincolnshire County Council are a progressive authority that is keen to harness new technology for the good of all; and (3) Changing jurisdictions and how criminal justice is delivered.” (Leader of Lincolnshire County Council)

“The changes arising from this consultation will allow us more freedom to make best use of technology such as video link and virtual remand courts. Further, a number of East Midlands forces are considering and/or planning rationalisation of their estate, this consultation mirrors some of these plans.” (East Midlands Criminal Justice Service)

HM Courts & Tribunals Service would look to relocate any useable equipment into other buildings to create further efficiencies. Prison court video link equipment currently located in Grantham and Skegness therefore could be moved to Boston and Lincoln if required.

HM Courts & Tribunals Service will explore using modern technology not just to make the justice system more accessible but to reduce the costs of the whole justice system by not requiring extensive transportation of prisoners for bail hearings, or the police to take full days off their priority work to sit in a courtroom. Within Lincolnshire, Live Links are being piloted to allow police officers to give evidence and make requests for warrants direct from a police station.

Current utilisation figures do not demonstrate a requirement to source alternative venues. The workload dictates the resource requirements; and currently HM Courts & Tribunals Service considers that Lincoln Magistrates' and County Court can absorb the work from Grantham Magistrates' Court. If the workload should increase then HM Courts & Tribunals Service will consider options such as using suitable rooms in civic buildings.

We are building a justice system which is simpler, swifter and more efficient. By using modern technology we can meet the needs of everyone who uses our services now and in the future.

Value for money

The operating costs for Grantham Magistrates' Court for 2014-15 were approximately £240,000.

Some responses made comment about value for money.

"The costs proposed to be saved will be outweighed by the increased cost of transporting prisoners 40 miles away in Lincoln on warrants and will place further burden upon an already overstretched police force." (Solicitor).

"The costs for operating Grantham were based on the court being open five days a week with more staff – this has now been reduced with the building only being open 7 days out of 10 (unless a member of the senior management decide to work there on a "closed" day incurring the extra cost of employing security on those day." (Anonymous)

"HMCTS states that closing Grantham will save £237,000. This seems excessive given that the building is freehold and some additional security and ushers would be required at Lincoln to cover extra courts even allowing for heating, electricity and maintenance." (Adult and Youth Panel Grantham Court)

Benefits will be achieved by locating all resources into one venue economies of scale will be made. Staff who currently travel to Grantham to operate the courts when they are sitting will remain in Lincoln. In addition to this we will create listing flexibility, improve efficiency and overall productivity. Any increase in sessions in Lincoln, which already sits daily, will be minimal; and cost considerably less than the savings in operating Grantham.

Magistrates who are booked will be better used and will frequently sit full sessions as opposed to short sittings at Grantham Magistrates' Court, therefore creating better value for money.

Operational efficiency

The current utilisation rate is very low (approximately 24%) despite being open for seven days in every ten. This does not justify keeping the court open. The receiving courts, Lincoln Magistrates' and County Courts have a combined utilisation rate of approximately 53% and can absorb the workload from Grantham without any enabling works. They provide excellent facilities, operate the full range of hearings for crime, family, civil and tribunal sessions and the majority of the county's staff are based at the Lincoln courts.

The current utilisation of Grantham Magistrates' Court does not represent good value for money for the tax payer. By closing this court, we will reduce current and future costs of running the estate.

A number of responses commented on time spent travelling for court staff, police officers and Magistrates, including:

"The paper does reflect that efficiencies are needed, and it is appreciated that the existing Court facilities need to be reviewed, and keeping buildings open

that are no longer fit for purpose, or beyond economical repair, then it is understood why they are being closed.” (North Kesteven District Council)

“In the large rural county of Lincolnshire reduction to two hearing centres with consequent issues as to travel time and affordability is unacceptable. However underused dedicated court buildings in Grantham and Skegness are a luxury. For County Court work, where secure facilities are not needed, sittings can and should take place in a suitable part of another public building.” (Judiciary)

“There will be a noticeable impact on attendance times at court if Grantham and Stamford Officers are travelling to Lincoln and Skegness officers are travelling to Boston court (in reference to Lincolnshire Police). In times of reduced staffing numbers this will require careful and detailed planning as regards the minimum staffing levels and the ability to maintain an effective response capability to our communities.” (Several respondents used these exact words (Lincolnshire County Bench Management Team and Magistrates Association)

We will provide better access to justice if we reduce the cost of our estate and reinvest the savings together with income from the sale of that estate in improving digital access, and improving the accessibility and facilities in our remaining, core court and tribunal facilities. We are also working with local police forces to improve video link facilities between the court room and the police station to lessen the impact of officers giving evidence in court.

The underuse of the receiving sites offers the opportunity to make efficiencies while still providing access to justice. Larger buildings can facilitate more flexible and efficient listing of cases and give users more certainty of when their case will be heard.

No HM Courts & Tribunals Service staff are currently based at Grantham Magistrates' Court following the centralisation of the administrative office functions in Lincoln. Our staff and judiciary are a valuable resource. By locating them in one venue we will create listing flexibility and improve efficiency and productivity. All this will lead to an improvement in service delivery and ultimately reduce delay. HM Courts & Tribunals Service is here to provide a service to the public and by taking this approach we will reduce delay and provide swifter access to justice and speedier case conclusion.

HM Courts & Tribunals Service will continue to retain appropriate links with other agencies such as Witness Support, Victim Support, Crown Prosecution Service and Probation to make sure that the closure of Grantham Magistrates' Court does not unduly impact on access to justice.

Decision

All the points raised by respondents to the consultation have been analysed and following careful consideration; the Lord Chancellor has decided to close Grantham Magistrates' Court and move the workload principally to Lincoln Magistrates' Court, Lincoln County Court, with provision for cases to be dealt with at Nottingham Justice Centre where appropriate.

Implementation

There are a number of factors to consider before Grantham Magistrates' Court can close. Attached with this document is an indicative timetable for implementation. Please note this timetable is subject to change as the programme progresses.

Hinckley Magistrates' Court

The Lord Chancellor has decided that Hinckley Magistrates' Court should be closed and its work moved to Leicester Magistrates' Court. Court users will also have the option of using Nuneaton Magistrates Court to address any access to justice issues.

A total of nine responses were received which related to Hinckley Magistrates' Court. Of these:

- two were from magistrates
- two were from members of the public
- two were from other public sector bodies
- one was from a criminal justice partner
- one was from a member of staff
- one was from a union or staff group

Of these responses four were in support of the proposals, whilst five were opposed. None were neutral.

Hinckley Magistrates' Court is one of three magistrates' courts within the Leicestershire and Rutland area, Leicester and Loughborough being the two other centres.

Hinckley Magistrates' Court has three courtrooms, supported by five cells, two of which link directly to a courtroom with a secure dock. Utilisation is very low at approximately 21% with the court sitting on two days per week. Workload has continued to decline in recent years despite the transfer of work from Coalville Magistrates' Court in July 2011.

Leicester Magistrates' Court has 10 courtrooms, with seven having direct links to cells and has sufficient capacity to absorb the workload from Hinckley Magistrates' Court.

Access to justice

Some responses questioned the impact on local justice that the closure of Hinckley Magistrates' Court could have on the local community. These included:

"The successful functioning of Magistrates' Court since the 12th century has been due to local people understanding the local area. Leicester and Hinckley are very different communities. The estimated travel times are unrealistic."
(Leicestershire Law Society)

"If you have not got access to a car, the train service from Hinckley is an hourly one not half-hourly as stated and if you live in one of the outlying villages getting to Leicester court is quite difficult. The train station is not close to the Magistrates Court and would present a challenge to anyone with walking difficulties. The bus service to Leicester is not regular. A number of people who attend court are on benefits so that transport costs in attending." (Hinckley Home Bench)

HM Courts & Tribunals Service acknowledges and accepts that some people will need to travel further to reach their nearest court; and that for some, the journey by public transport

may be over an hour. However, for the majority of people the closure will have little impact given the infrequency with which people need to attend court and the small proportion of people would use public transport to reach court.

At the times when we would expect court users to travel by train, the service is approximately half hourly returning to an hourly service at other times of the day.

The overall changes we are making to our service will mean fewer people needing to physically go to a court. Using modern technology, we will make access to justice easier.

Justices are valued members of the judiciary and work well together for the benefit of the communities they serve wherever they are delivering justice. Cases will continue to be heard by magistrates appointed to the Leicestershire and Rutland Local Justice Area.

To ensure that access to justice is maintained, even in more rural locations, we are committed to providing alternative ways for users to access our services, including, where appropriate, the use of other civic buildings.

The 'first time' Hinckley criminal hearings have taken place at Leicester Magistrates' Court since 2010, and the provision under the Duty Solicitor scheme has taken the increased workload into account. Currently only trials for the county and council tax cases are heard at Hinckley Magistrates' Court.

In addition to this, court users in Hinckley and the surrounding catchment areas that are involved in Civil and Family matters, have their cases heard at Leicester Magistrates' Court and Leicester Combined Court. There have been no complaints reported from the court or court users in respect of late arrivals or inability to attend due to lengthy journey times. There is no evidence to suggest that non attendances will be increased if the additional work from Hinckley also moves to Leicester.

For those court users who anticipate that they will experience problems in travelling to alternative court venues, the courts will consider applications to conduct business with the court by alternative means, where possible. In exceptional cases start times of hearings may be delayed to allow later attendance due to travel difficulties but this would be considered on a case by case basis.

Value for money

The operating costs for Hinckley Magistrates' Court for 2014-15 were approximately £243,000.

It was felt by some respondents that those savings would be in fact become liabilities to other organisations such as the Crown Prosecution Service and Hinckley and Bosworth Borough Council.

"The total proposed saving is estimate at 240K which is small given the significant adverse effect on access to justice for victim's, witnesses and defendants." (Leicestershire Law Society)

"I appreciate the need for centralisation and the resulting cost savings and efficiencies and I suggest that consideration should be given to the closure instead of Leicester courthouse. The amenities at Leicester are poor, it is crowded, has poor disabled access, it is dark and because the air conditioning has never worked since it opened it is therefore uncomfortable for all staff and court users." (Member of the public)

HM Courts & Tribunals Service needs to reduce the cost of its estate. The operating costs for Hinckley Magistrates' Court for the financial year 2014-15 were approximately £243,000 whilst utilising only 21% of its capacity. This is not good value for money.

Our estate is a major asset and there are many buildings that are underused. We are proposing to close the less efficient buildings and retain those that provide us with increased flexibility when listing, so that we can increase productivity and provide court users more certainty that once their cases are listed they will be heard. Leicester Magistrates' Court has 10 court rooms and 19 cells, seven of which have easy/direct access to the court room. In contrast Hinckley Magistrates' Court has three court rooms and five cells, two of which have easy access to the court rooms. It would not be feasible to close Leicester Magistrates' Court and list the work into Hinckley Magistrates' Court. Utilisation for Leicester Magistrates' is 62%. It can comfortably absorb the work from Hinckley Magistrates' Court.

HM Courts & Tribunals Service has to have due regard to ensure its estate is used to deliver justice efficiently and effectively while providing value for money to the public purse.

Operational efficiency

Some respondents consider that Leicester Magistrates' Court cannot accommodate the increase in workload and that it will have a negative impact on criminal performance.

"Concerns have been raised that this busy court will not be able to accommodate the case from Hinckley Magistrates' Court in addition to those already heard there. This will then have an impact in cases being listed due to the increased volume in work. This particularly concerning for those cases which impact on victims/communities." (Hinckley & Bosworth Borough Council)

"It is not believed that the effect of the closure of Hinckley would impact significantly." (East Midlands Criminal Justice Service)

"From a Witness care point of view losing Hinckley would have very little impact. In fact the impact would probably be a positive one as WCO's only need to warn 2 x Magistrates' courts rather than 3." (East Midlands Criminal Justice Service)

"Your proposals are well considered and, given the environment in which the MOJ is now operating there is, most probably, little alternative." (Lord-Lieutenant of Rutland and Chairman of the Leicestershire Advisory Committee)

The receiving court, Leicester Magistrates' Court is not fully utilised. Larger buildings can facilitate more flexible and efficient listing of cases and give users more certainty of when their case will be heard. Leicester Magistrates' Court has 10 courtrooms and has sufficient capacity to absorb the workload from Hinckley Magistrates' Court

Our staff and judiciary are one of our most valuable resources. By locating them in one venue we will create listing flexibility and improve efficiency and productivity. All this will lead to an improvement in service delivery. There are no staff supporting the court, based at Hinckley. HM Courts & Tribunals Service is here to provide a service to the public and by taking this approach we will reduce delay and provide swifter access to justice and speedier case conclusion.

We need to respect the traditions of our court system, yet court attendance is a time consuming and often inefficient process for everyone involved. A more proportionate approach to court attendance would eliminate wasted time and enhance confidence in the

administration of justice. We have a duty to offer more convenient, less intimidating ways for citizens to interact with the justice system whilst maintaining the authority of the court for serious cases.

HM Courts & Tribunals Service needs to improve the ability to use the estate flexibly across the criminal jurisdiction and across the Civil, Family and Tribunal (CFT) jurisdictions.

Decision

All the points raised by respondents to the consultation have been analysed and following careful consideration, the Lord Chancellor has decided to close Hinckley Magistrates' Court and the move the workload to Leicester Magistrates' Court. Court users will also have the option of using Nuneaton Magistrates Court to address any access to justice issues.

Implementation

Consultation with the Departmental Trade Union on staffing impacts for other staff based in Hinckley will take place over the coming months. There are a number of factors to consider before Hinckley Magistrates' Court can close. Attached with this document is an indicative timetable for implementation. Please note this timetable is subject to change as the programme progresses.

Kettering County Court

The Lord Chancellor has decided that Kettering County Court should be closed and its work moved to Northampton Combined Court.

A total of 12 responses were received which related to Kettering County Court. Of these

- four were from other public sector bodies
- two were from an members of the public
- three were from professional users
- one was from a member of the judiciary
- one was from a magistrate
- one was from a union or staff group

Of these responses one was in support of the proposals and 11 were opposed.

Access to justice

Kettering County Court was built in 1930, and has two courtrooms. The court is split over two floors and does not provide lift access between floors. The ground floor is not on one level and has a number of small steps which creates difficulties for anyone with mobility issues. Currently, for those unable to use the stairs, any hearing has to take place in a small ground floor interview room.

Kettering County Court is located approximately 20 miles from Northampton. Northampton County Court and Family Court hearing centre is in a large combined court, centrally located. It offers improved accommodation and more facilities; and there is a lift which enables access to the upper floor for those with mobility issues.

We received responses which raised concerns over access to justice due to increases in travel time and expense if cases were to be heard in Northampton instead of Kettering.

“By closing down the County Court in Kettering, members of my team will instead have to travel to Northampton. This means that, depending on the number of hearings in one day, that team member may be out of the office for at least half a day...This decision will also have a significant impact on tenants, many of who rely on public transport, and it is likely that very few will be able to attend court and represent themselves at the hearing...Tenants and Income Officers have a right to be heard and for a judge to be able to explain face to face the outcome reached.” (Kettering Borough Council)

“The closure of Kettering County Court will create mobility and access problems for litigants and witnesses who are based to the north and east of Northamptonshire. It is 40 miles to Northampton from Easton-on-the-Hill (a settlement of the NE of the county) but only 13 miles to Corby and 21 miles to Kettering.” (Judiciary in Northamptonshire)

“The issues are people accessing the courts for emergency eviction warrants. The geographical area of North East Northamptonshire to the borders of

Leicestershire and Rutland is very rural with limited public transport.”
(Community Law Service)

HM Courts & Tribunals Service accepts that some people will need to travel further and that for some, the journey if made by public transport, may be over an hour. For some residents travel time may take considerably longer but this needs to be considered in the context of the infrequency that those residents may need to attend the county court. Although travel time is a consideration, it is not a reason on its own to retain a court building. Kettering County Court building is not fit for purpose and would require major investment for the delivery of modern services.

Kettering County Court only sits two days per week. In the event of an emergency application requiring judicial intervention, parties currently travel to Northampton on the other three days. In addition to this, parties on family and complex civil matters already travel to Northampton.

In an increasingly digital age, users will not always need to attend hearings in person. Digital progress will ultimately make court users less dependant on travel to our buildings in the future.

Technology such as video conferencing and Wi-Fi are well established and we are confident we can make good use of these existing services where appropriate. Where the need for urgent applications, such as possession hearings, is required we will ensure an appropriate provision is available for face to face hearings.

Value for money

No specific reference was made to value for money.

The 2014-15 operating costs for Kettering County Court were approximately £105,000. This figure does not include staff costs (such as salaries) as there are no staff based at this court, judicial costs (such as judicial salaries), or non-economic costs (such as depreciation).

The current Kettering County Court building is 85 years old and would require major investment for the delivery of modern justice, including works to make it suitable for people with mobility issues. The very low workload and utilisation rates do not justify the level of investment required. To enable efficiency in the longer term, HM Courts & Tribunals Service needs to increase the efficient use of the estate wherever possible and to reduce the current cost of running its estate by increasing the utilisation rate of the courts.

In order for the work to be transferred to Northampton County Court and Family Court hearing centre, enabling works will be required. These include, but are not limited to, creating a multi-jurisdictional open plan office, an additional courtroom and a centralised storage facility.

Operational efficiency

The court utilisation at Kettering County Court is very low (approximately 20%). Listing is restricted with only one hearing room being available for use as only one judge can sit on any given day.

Kettering County Court is currently open and staffed for only two days of the week for District Judge hearings, the majority of which are rent and mortgage possessions. There are two rooms for District Judges but only one room is able to be used for hearings due to restricted access.

Concerns were expressed about the impact that the closure of Kettering County Court and the moving of work currently heard in Kettering to Northampton will have on operational efficiency.

“We have recently had hearings cancelled and rescheduled due to there being no judges available, as well as hearings moved to Northampton resulting in a significant impact on the tenants affected (many of whom are then unable to attend the hearing as a result).” (Kettering Borough Council)

“The delay in County Court hearings is significant. This will become acute if the County Court is closed.” (Kettering Borough Council)

“There is insufficient space in Northampton Combined Court to deal with its current workload. With civil or family cases transferred from Kettering County Court, the situation would become worse.” (Judiciary)

The low utilisation at Kettering County Court makes it more difficult to absorb any unexpected issues with judicial availability. Similarly any last minute movement of cases to alternative venues does make it more difficult for court users. HM Courts & Tribunals service believes that by moving the work to Northampton and merging the available resources, there would be a more flexible and efficient approach to listing cases resulting in fewer cancellations. Although there would be a requirement for some court users to travel further, it would be planned in advance and negate the need for changes to hearing venue which causes users difficulties when moved at short notice.

Kettering County Court is only open two days a week for hearings, the majority of which are rent and mortgage possessions. All other civil work is already heard at Northampton County Court and therefore it is existing practice for many court users from the Kettering area to travel to Northampton. There is no evidence to support the opinion that longer journeys would be a disincentive to attend hearings. There have been no reported complaints or late arrivals.

Northampton County Court and Family Court hearing centre has the capacity to take the work from Kettering. To support the future operational efficiency in Northampton, enabling works will be undertaken including the creation of an additional hearing room.

Alternative provision of services

Four of the responses received suggested an alternative provision in that Kettering Magistrates' Court should remain open and the work from Kettering County Court be transferred there, rather than to Northampton Combined Court. One response suggested possible use of a shared civic building:

“Both the Magistrates Court and the County Court are centrally located in town; so are the Borough Council's offices. The Borough council has a well-regarded, award winning, and well advanced programme of combining multiple public services in shared locations, around a customer service offer which embraces local authority, policing, probation, health, tax and voluntary sector advice services. We would like to propose to the courts service that we could facilitate the continued provision of a court presence in Kettering by joint use of the Council's estate for this purpose. The Council Chamber is capable of being used in the daytime by the court service, just as it is currently at weekends by the registrar's service for weddings, and by the Council for evening meetings and events.” (Kettering Borough Council)

The current workload figures indicate that the work from Kettering can be comfortably accommodated within our remaining estate. Should the workload increase in the future, HM Courts & Tribunals Service will consider the options of using suitable rooms in civic buildings.

Kettering Magistrates' Court is included in this consultation and is also due to close. The work from Kettering Magistrates' Court will be moved to Wellingborough Magistrates' Court which offers good quality facilities for HM Courts & Tribunals users.

In conjunction with addressing the HM Courts & Tribunals Service estate we are looking to modernise our practices and adopt more streamlined ways of working, using our estate more intelligently and flexibly to reduce running costs and to increase the multifunctional court space thereby allowing different court and tribunal jurisdictions to share locations. This will also give users more certainty around when and where their cases will be heard.

To enable efficiency in the longer term HM Courts & Tribunals Service needs to increase the efficient use of the current estate wherever possible. We also need to reduce the current cost of running our estate by increasing the utilisation rate of our remaining courts.

Decision

All the points raised by respondents to the consultation have been analysed and following careful consideration, the Lord Chancellor has decided to close Kettering County Court and move the workload to Northampton Combined Court.

The judicial resources required to hear magistrates' work are different to those required by the county court. Whilst savings on operational costs could be made by moving the county court into the magistrates' building; the desired aim to maximise the use of judicial and staff resources to improve performance would not. To this end, The Lord Chancellor has also decided to close Kettering Magistrates' Court building with its work going to Wellingborough Magistrates' Court.

Implementation

There are a number of factors to consider before Kettering County Court can close. Attached with this document is an indicative timetable for implementation. Please note this timetable is subject to change as the programme progresses.

Kettering Magistrates' Court

The Lord Chancellor has decided that Kettering Magistrates' Court should be closed and its work moved to Wellingborough Magistrates' Court.

A total of 18 responses were received which related to Kettering Magistrates' Court. Of these

- six were from magistrates
- four were from members of the public
- three were from other public sector bodies
- three were from professional users
- one was from a criminal justice partner
- one was from a union or staff group

Of these responses one was in support of the proposals, whilst 15 were opposed and two were neutral.

Access to justice

Kettering Magistrates' Court has two courtrooms and currently sits four days per week and deals with adult and youth criminal court business and Tribunal matters. Kettering Magistrates' Court is situated eight miles away from the proposed receiving court at Wellingborough. The journey time by car is approximately 20 minutes and a train journey between Kettering and Wellingborough takes less than 10 minutes.

Many responses received made reference to access to justice issues.

"The court house is the only one to have an additional secure entrance for vulnerable witnesses, leading straight in to a private suite to give separation from other witnesses and defendants. The court layout gives much better access to the disabled (public and Magistrates) than Wellingborough which has stairs to gain access to almost everywhere." (Magistrate)

"No reference has been made to Youth Courts. The closure of two Magistrates Courts will mean that separation of adult and youth criminal proceedings will be extremely difficult. Youths find travel far more of a challenge than adults in any event, both logistically and financially." (Judiciary)

"Impact for victims and witnesses from a 'local justice' perspective having to travel further to give evidence in trials or attend hearings to observe or read their victims personal statement to the court (access to justice) – victims may disengage because of this sole reason." (Criminal Justice Partner)

"Kettering is a busy court that deals with a range of adult and youth criminal matters as well as tribunal work. It has an utilisation rate of 64 per cent, which is significantly higher than the national average of 46 per cent. Kettering is also one of four magistrates' courts in Northamptonshire. If Corby and Kettering were to close, Northamptonshire would be served by just two magistrates' courts. This would place additional strain on the two remaining courts and

substantially reduce access to justice for court users, who would have to travel further to reach court.” (The Law Society)

Whilst HM Courts & Tribunals Service acknowledge and accept that some people will need to travel further to reach their nearest court, for the majority of people, the closure will have little impact. We are mindful of the infrequency with which people need to attend court and the small proportion of people who would use public transport to do so. Attending court is still rare for the majority of society.

In exceptional circumstances, for those court users who anticipate that they will experience problems with longer journey times, the courts will consider delaying the start times of individual cases to assist and relieve the stress of getting to court on time.

There is no evidence to support the opinion that longer journeys would be a disincentive to victims and witnesses attending court. To ensure that access to justice is maintained, particularly in the more rural locations, we are committed to providing alternative ways for users to access our services.

Kettering Magistrates' Court was built in 1967. The building has two courtrooms; both have a secure dock and access to five cells which are owned by the police authority. The building has two dedicated witness waiting rooms, however, this facility is not suitable for vulnerable victims and witnesses. There is no separate access to the court building for victims and witnesses and no secure van dock for defendants in custody.

Many of the buildings within HM Courts & Tribunals Service estate are aging and in need of maintenance and few of them meet the needs of everyone entirely. Wellingborough Magistrates' Court offers good quality facilities for HM Courts & Tribunals users. It has three courtrooms and nine cells, two of which have a direct and secure link to the courtroom. There is also a secure van dock for defendants in custody. The emergency exit can and has been used as a separate entrance to the building on the rare occasions that it has been necessary from users of court three. Witnesses do not have to exit the building to get to courts one and two, but they will need to pass through the general waiting area, as they do now and the respective defendants and supporters are usually in court. Witnesses or victims using this entrance are individually 'scanned' by the security officers as they will not have passed through the scanning equipment at the main door. Cases will be assessed on an individual basis and listed in courts one and two if there are any particular concerns over separation.

The under use of the receiving site at Wellingborough Magistrates' Court offers the opportunity to make efficiencies while still providing access to justice. Larger buildings can facilitate more flexible and efficient listing of cases and give users more certainty of when and where their case will be heard by locating facilities and resources in to one place.

HM Courts & Tribunals Service appreciates that the two remaining courts in Northamptonshire are relatively close together. We consider that this will further assist in creating listing flexibility and allow the cluster to operate in parallel. This will allow us to maximise our judicial and staff resources and provide a more stream lined, uninterrupted service which is not always possible when operating from many dispersed, smaller sites.

Value for money

The operating costs for Kettering Magistrates' Court for 2014-15 were approximately £109,000. These operating costs have been revised from those published in the consultation documents to adjust for one-off refunds and prepayments in 2014-15 for some costs such as service charges and facilities management costs.

The building is in a poor condition and requires significant expenditure to bring it up to acceptable standards. Facilities for victims and witnesses and the general public are inadequate.

The operating costs for Wellingborough Magistrates' Court for 2014-15 were approximately £55,000.

Some responses raised concerns about value for money.

"The court building was only fitted with new seating and video equipment last year." (Kettering Borough Council)

"The running costs of the Magistrates Court in Kettering are not very high. It makes sense to keep it open and maintain it until the replacement centre is open." (Kettering Borough Council)

Last year, as part of the Criminal Justice Efficiency Programme for court digitalisation, HM Courts & Tribunals Service installed video link equipment in both courtrooms in Kettering Magistrates' Court building at a cost of £8,100 (including VAT). This has been used to facilitate the giving of evidence without the need to travel to court by adults and youths alike; defendants, victims and witnesses. This equipment will be relocated and continue to perform this function.

The replacement of seating at this court was undertaken reusing seating from Temple Court when it was decommissioned as these were considered to be in better condition.

Operational efficiency

Some respondents raised concerns over Wellingborough Magistrates' Court having enough capacity and suitable facilities to absorb the work from Kettering Magistrates' Court.

"There are issues around the proposed transfer of business to Wellingborough over the suitability and long term future of the Wellingborough court building. These include the poor state of the buildings, the lack of direct access to cells for solicitors and the fact that remand courts have to sit until 18.00 pm to deal with prisoners." (Leader, Northamptonshire County Council)

"The increasing number of non-English speakers also exacerbates the problem as it takes much longer to hear a case via an interpreter." (Magistrate)

HM Courts & Tribunals Service reduced the days that Kettering Magistrates' Court is open because there is not enough work generated in this area to keep the court operational for more than two days per week. HM Courts & Tribunals Service considers justices as valued members of the judiciary who work well together for the benefit of the communities they serve wherever they are delivering justice.

HM Courts & Tribunals Service acknowledges that the use of interpreters increases the length of court hearings. This is the situation nationally.

The current utilisation rate is low (approximately 64%) and does not justify keeping the court open. Wellingborough Magistrates' Court can absorb the workload from Kettering with only minor enabling works being required for removals and redecoration. Combining the workload to one location would improve efficiency, increase throughput of work and enable savings to be made.

The under use of the receiving site at Wellingborough Magistrates' Court (approximately 31% utilisation) offers the opportunity to make efficiencies while still providing access to justice. Larger buildings can facilitate more flexible and efficient listing of cases and give users more certainty of when and where their case will be heard.

Alternative provision of services

One of the responses received suggested an alternative provision in that Kettering Magistrates' Court should remain open. Other responses focused on potential for use of other buildings and the pitfalls of doing so:

"I urge the MoJ to consider a wider criminal justice estate review. Alongside a review of the court estate, the MoJ should also review the current estate for police stations, custody suites, probation, CPS and HMCTS offices and other criminal justice agencies. Not only would there be significant potential for cost savings if a number of criminal justice agencies were co-located under one roof, but this would encourage better joint working and efficiency across the system as a whole." (Police and Crime Commissioner for Northamptonshire)

"We have the ability in the space available in the Municipal offices to replicate facilities that Kettering magistrates court has now, at less revenue cost than currently incurred by the HM Courts & Tribunals Service. We believe we can benefit both our organisations, and the wider community, by relocating the magistrates' court, and the county court. This will release two buildings in the HM CTS estate for sale, which in turn will assist the Council's own redevelopment plans for key sites in town." (Kettering Borough Council)

"Kettering Magistrates hold the belief that there is potential for KBC to hold certain aspect of Court work as in Civil and Tribunal hearings, relieving the work-load on the Magistrates' Court. They also seem interested in investing in technology. With regards to criminal work we would have concerns with the safety and privacy of witnesses, including vulnerable witnesses, inadequate waiting areas and this could potentially lead to witnesses feeling vulnerable and not attending hearings at all. We also feel that respect for and the dignity of the court hearing would be lost. If KBC were to host criminal matters it would undermine the seriousness of the charge for victims and witnesses as to why their case is not being heard in the Magistrates' Court." (Kettering Bench Chair)

A summary of the findings sought from Senior Officers and Police Staff within the East Midlands Forces concluded that;

"The changes arising from this consultation will allow us more freedom to make best use of technology such as video link and virtual remand courts. Further, a number of the East Midlands forces are considering and/or planning rationalisation of their estate, this consultation mirrors some of those plans." (Criminal Justice Partner)

The current utilisation figures for Kettering, Corby and Wellingborough together suggest that alternative venues are not required. Wellingborough is eight miles away from Kettering; a 20 minute car journey and less than 10 minutes by train. It is the workload that dictates the resources required and HM Courts & Tribunals Service considers that Wellingborough can absorb the work from Kettering and Corby. Should the workload increase in the future, HM Courts & Tribunals Service will consider the options of using suitable rooms in civic buildings.

In conjunction with addressing the excess capacity in the HM Courts & Tribunals Service estate we are looking to modernise our practices and adopt more streamlined ways of

working, using our estate more intelligently and flexibly to reduce running costs and to increase our multifunctional court space. We are building a justice system which is simpler, swifter and more efficient and by using modern technology we can meet the needs of everyone who uses our services now and in the future.

HM Courts & Tribunals Service appreciates that not all members of the public have personal access to IT. However, these facilities are available in local libraries, internet cafes and Citizen Advice Bureaus.

HM Courts & Tribunals service will be able to consider on a case by case basis requests for more flexible start times for court hearings where a person is experiencing travel difficulties. This consultation is not about distancing people from justice. It's about creating a system that brings justice closer, and makes it fairer and faster for all.

Decision

All the points raised by respondents to the consultation have been analysed and following careful consideration, the Lord Chancellor has decided to close Kettering Magistrates' Court and move the workload to Wellingborough Magistrates' Court.

The closure of Kettering Magistrates' Court formed part of the Courts Estates Reform Programme in 2010. It was proposed that Kettering Magistrates' Court be closed, and that the workload be transferred to Corby and Wellingborough Magistrates' Courts. The decision was made at that time to retain Kettering Magistrates' Court due to concerns that Corby and Wellingborough Magistrates' Court; whose utilisation was approximately 70% and 85% respectively, did not have the capacity to absorb the workload. Daventry and Towcester Magistrates' Courts were closed and Kettering Magistrates' Court was retained. Since then workload has continued to reduce. Wellingborough Magistrates' Court now has the capacity to absorb the workload from Kettering Magistrates' Court.

Implementation

There are a number of factors to consider before Kettering Magistrates' Court can close. Attached with this document is an indicative timetable for implementation. Please note this timetable is subject to change as the programme progresses.

Sandwell Magistrates' Court

The Lord Chancellor has decided that Sandwell Magistrates' Court should close and the work moved primarily to Walsall Magistrates' Court or to Wolverhampton and Birmingham Magistrates' Courts dependant on the geographical location of the court users.

A total of 24 responses were received which related to Sandwell Magistrates' Court. Of these

- five were from other public sector bodies
- five were from magistrates
- three were from members of the public
- three were from others
- two were from criminal justice partners
- two were from members of staff
- two were from professional users
- one was from a Member of Parliament
- one was from a union or staff group

Of these responses one was in support of the proposals, one was neutral whilst 22 were opposed.

Sandwell Magistrates' Court is one of four magistrates' courts in the Black Country; the others being at Dudley, Walsall and Wolverhampton. The court deals with criminal court business in the adult and youth courts. It has five courtrooms and utilisation is low at approximately 47%.

It was proposed that Sandwell Magistrates' Court closed and its workload transferred to Walsall Magistrates' Court, which can accommodate the additional work within its current building. However, dependant on the geographical location of court users, some work could move to Wolverhampton Magistrates' Court or Birmingham Magistrates' Court.

Sandwell Magistrates' Court is situated approximately 10 miles from Walsall Magistrates' Court. There are three trains per hour and a regular bus service. Both courts are underused – during the 2014-15 financial year, Walsall Magistrates' Court was utilised at approximately 57% of its capacity leaving enough capacity to easily absorb the work from Sandwell Magistrates' Court.

Access to justice

Sixteen out of 18 responses commented on access to local justice, the increased travel time and the cost of the travel should Sandwell Magistrates' Court close. Many commented on traffic congestion, convenience currently for agencies and practitioners located close to Sandwell Magistrates' Court, impact on witnesses travelling and the deprived economic circumstances prevailing in the area.

“The proximity of Sandwell Magistrates Court to Sandwell Council house means that the Council's legal services staff and other staff who regularly attend court are on hand at short notice. The proposed move to Walsall would

increase travel times for staff making our legal services department less efficient which inevitably have a knock on effects for the quality of the legal process in Sandwell.” (Leader of Sandwell Metropolitan Borough Council)

“DASP (Domestic Abuse Strategic Partnership) has significant concerns about the proposed closure of Sandwell Magistrates Court and the impact that this will have on victims of domestic abuse. Sandwell is the 5th most deprived borough in the UK with the highest incidence of domestic abuse in the Black Country.” (Sandwell Domestic Abuse Strategic Partnership)

“Many Witness and indeed victims tell me that to take their children to school and attend court at 10am is of a concern to them but if they had to attend Walsall or Wolverhampton (both these courts are at present taking diverted cases) they would not be able to attend and indeed afternoon courts would be impossible with children having to be picked up between 3 & 3:30pm. Witnesses are at the core of the justice system, no witnesses, no trials resulting in the guilty walking free to commit further crimes.” (Member of Parliament on behalf of constituent)

“We do not agree with the proposal. The potential closure of Sandwell Magistrates Court will greatly impact on public and victim confidence in the criminal Justice system. We understand the fiscal need but fear the loss of local Courts will lead to a rise in fail to appear at court and it will mean witnesses are disadvantaged and that hearings will have to be re-worked impacting on the listings of cases overall. The impact of additional travelling especially at peak times will have an impact of detainees that are remanded having to travel for extended times and costs associated with this, by the force when delivering detainees.” (West Midlands Police)

HM Courts & Tribunals Service acknowledge and accept that some people will need to travel further to reach their nearest court and for some the journey, if made by public transport, may be over an hour. However, for the majority of people the closure will have little impact given the infrequency with which people need to attend court and the proportion of people who would use public transport to do so. For the majority of court users the journey times are not unreasonable and this moderate increase in journey time should not prevent court users from accessing courts within the Black Country. Estimated travel times and travel costs for services around Sandwell are tabled below.

From	To	Travel time	Cost (return)	Frequency per hour
Sandwell And Dudley Train Station	Walsall Train Station	50 minutes	£6.20	3 Trains per hour
Sandwell And Dudley Train Station	Wolverhampton Train Station	Between 11 – 15 minutes	£5.40	4 trains per hour
Sandwell And Dudley Train Station	Birmingham Train Station	Between 9 – 11 minutes	£5.00	4 trains per hour

From	To	Travel time	Cost (return)	Frequency per hour
Rowley Regis Train Station	Walsall Train Station	Between 59 minutes – 1hr 6minutes	£6.20	4 trains per hour
Rowley Regis Train Station	Wolverhampton Train Station	Between 23 minutes & 34 minutes	£6.10	3 trains per hour
Rowley Regis Train Station	Birmingham Train Station	Between 15-16 minutes	£4.00	6 trains per hour

West Midlands Bus Companies operate numerous bus services from all over the Black Country. A Day Saver costs £4.20 and allows you to travel all day.

HM Courts & Tribunals Service will consider on a case by case basis requests for more flexible start times for court hearings where a person is likely to experience travel difficulties.

Travel times and public transport costs were provided as a guide only and it was acknowledged that they were subject to change. HM Courts & Tribunals Service will take this into consideration and transfer of cases will be dependant on the geographical location of the user.

A number of responses have expressed concerns about victims and witnesses attending hearings at locations, other than Sandwell. HM Courts & Tribunals Service already has provisions in place for some witnesses (children, vulnerable adults and victims of sexual assault) to give their evidence by video link, removing the need for them to physically attend court for their hearing. HM Courts & Tribunals Service are looking at expanding these facilities to include all witnesses. Wolverhampton, Walsall and Dudley Magistrates' Courts all have video link facilities that could be used. In addition, West Midlands police already use live links to give evidence into Birmingham Magistrates' Court as part of our existing IT development programme; and this will be extended across the region in due course.

There is no evidence to support the opinion that longer journeys would be a disincentive to victims and witnesses attending court. Witnesses who are required to attend a courthouse to give evidence can have the cost of their travel reimbursed. HM Courts & Tribunals service is continuing to explore the provision of IT enabled alternatives which would allow victims and witnesses to testify remotely removing the need to attend court.

HM Courts & Tribunals service already utilises video link facilities across all of its estate and is committed to increase the use of digital ways of working.

Cases from the Sandwell area will continue to be heard by magistrates appointed to the Black Country Local Justice Area. HM Courts & Tribunals Service will continue to retain appropriate links with other agencies such as IDVA, witness support, victim support, Crown Prosecution Service and Probation, to ensure that the closure of Sandwell Magistrates' Court would not unduly impact on access to justice.

The impact on staff will be closely managed by HM Courts & Tribunals Service. Impact assessments will be completed for all staff and will include the assessment of impacts on equalities, to highlight any issues that may require further consideration. These procedures

are standard practices carried out by HM Courts & Tribunals Service when managing any organisational or business change.

Two respondents referenced the new police custody suite due to open in 2016 and the transport of defendants to court.

The custody suite that is being built is intended to serve for all prisoners across the Black Country, necessitating transportation on a daily basis to Walsall, Wolverhampton and Dudley court buildings. Sandwell Magistrates' Court is indeed the closest court to this building but it does not have cell capacity to take all prisoners from the Black Country, therefore, transportation costs and transportation time remains a factor. HM Courts & Tribunals Service would, with a reduction in available courts and a need to optimise utilisation, look at how they list these cases with a view to identifying whether fewer sites could be used for remand hearings and make recommendations to the Judicial Business Group.

In an increasingly digital age, defendants who are in custody will not always need to attend hearings in person in order to access justice and whilst we have already established alternative ways users can interact with our services we are looking to expand these provisions to provide more choice than is currently available. HM Courts & Tribunals Service will explore using modern technology not just to make the justice system more accessible but to reduce the costs of the whole justice system by not requiring extensive transportation of prisoners for bail hearings.

Several respondents went on to comment on the good standard and provision of facilities at Sandwell Magistrates' Court, particularly for victims and witnesses.

The changes to our service will mean fewer people needing to physically attend a court, as we look to make better use of modern technology, in particular video link facilities for witnesses. However, for those witnesses who are required to attend court, HM Courts & Tribunals Service can confirm that all Black Country courts have separate waiting facilities. In addition Walsall Magistrates' Court also has a separate entrance for victims and witnesses, with dedicated toilet facilities.

Physical attendance at court for victims and witnesses is also negated by the video link facilities available in all Black Country courts providing for evidence to be given from other locations. A national programme is underway to renew the department's video link equipment and related infrastructure and this will lead to a more reliable system being available to court users.

Value for money

The operating costs for Sandwell Magistrates' Court for 2014-15 are approximately £411,000 per year. Some responses raised concerns about value for money.

"Sandwell Courthouse was built in 1989 as compared with the 1974 build of Walsall Courthouse which is proposed should replace the Sandwell one. Sandwell is the newest courthouse in the Black Country and is thus intrinsically superior to all the others, including Walsall, as regard facilities, condition, future life expectancy and the need for future maintenance." (Magistrate)

"If one considers the total operating costs per "home-based" magistrate or per population density then it is abundantly clear that in terms of "where the building does not provide appropriate value for the public money spent on it "

then we would not be considering Sandwell courthouse for closure.” (Black Country Magistrates Association)

HM Courts & Tribunals Service has to have due regard to ensure its estate is used to deliver justice efficiently and effectively while providing value for money to the public purse. The estate is both costly and underused. There are 460 buildings in England and Wales, costing the taxpayers £500 million per year. The way the system has developed over time means that we have four buildings in the Black Country and Sandwell that are used to less than 50% of their capacity.

Alternative provision

“Sandwell YOS [Youth Offending Service] with the Police have already invested significantly in a pre-court disposal panel to reduce number of young people entering the formal system, with significant success in terms of reoffending rates. We would be supportive of exploring how models such as the pre-court panels, or Referral Orders panels could be expanded for all but the highest risk young people to reduce the need for attendance at Court, as well as considering how Community Court models as per Hampshire’s pilot scheme might be deliverable in more diverse areas.” (Sandwell Youth Offending Service)

“The use of Dudley magistrate’s court has not been mentioned as an alternative to Walsall, yet it is closer to people living in the west and some parts of the south of the borough and travel would be easier to Dudley rather than Walsall. This does not appear to be considered. There would be even a greater detrimental impact on legal services should the court business be distributed across a number of different Courts.” (Leader of Sandwell Metropolitan Borough Council)

HM Courts & Tribunals Service plans to provide better access to justice and achieve a reduction in the cost of our estate. Delivering access to justice does not always mean providing access to a purpose built facility.

Changes to the way we work will also impact on the way we operate. We will see fewer cases going into a formal court room. Many straightforward cases do not need face to face hearings; these should be reserved for the most sensitive or complex cases.

We also know that in an increasing technological age, the public expect to be able to engage with services through a variety of channels and an increasing number prefer to do that digitally. In some cases, they do not always want or need to attend in person. We are currently rolling out a programme of IT products which include a facility to allow defendants to plead on line. Wi-Fi and digital screens have been introduced into many court buildings and a digital case management system is well underway. HM Courts & Tribunals Service will continue to drive these advancements forward to reduce the need for physical attendance in court.

The estate in the Black Country should be seen as one operating unit across existing sites. HM Courts & Tribunals Service will ensure stakeholders are considered when deciding which venue best suits requirements. HM Courts & Tribunals Service will continue to retain appropriate links with other agencies such as Independent Domestic Violence Advisor, Drugs and Substance Abuse Programme, Sandwell Youth Offending Service, witness support, victim support, Crown Prosecution Service and Probation, to ensure that the closure of Sandwell Magistrates’ Court will not unduly impact on access to justice.

Operational efficiency

A number of responses reflected negatively on the content of the consultation, suggesting inaccuracies regarding the data.

“The increase of volumes of business in recipient courts has the potential to adversely affect all practitioners by increasing in waiting times. Inefficiencies in the listing and processing of court cases, delay in the production of prisoners from police stations further a field from courts and prisons adversely impact on defence practitioners.” (Birmingham Law society)

“All the video links for Sandwell court are now being heard at Dudley Mags (since last year) and this distorts the figures as to the work load.” (Independent Domestic Violence Advisor)

“Some 18 mths ago Sandwell was the most efficient court within the Black Country and was well ahead in efficiency and productivity of the majority of the west midlands courts in general. Over the last twelve months work and staff have been deliberately moved away to support other failing courts thus giving a false and deliberate impression to show statistically that Sandwell is a failing and inefficient courthouse when in fact it was the most productive and efficient of all.” (Member of Parliament on behalf of constituent)

The consultation document quoted the utilisation figures for Walsall Magistrates’ Court of approximately 57%. This was the figure for 2013-14 when in fact it should have shown the utilisation figure for the following year in line with the other utilisation figures quoted. The utilisation figure for 2014-15 at Walsall Magistrates’ Court was lower than the previous year at approximately 52%, a difference of 5%. HM Courts & Tribunals Service apologises for this error.

Utilisation figures were calculated by assessing the workload (in hours) as a proportion of the maximum capacity of the estate. The maximum capacity is calculated by multiplying the number of courtrooms per jurisdiction by five hours per day and 248 working days in the year.

To enable efficiency in the longer term HM Courts & Tribunals Service are looking to modernise practices and adopt more streamlined ways of working, using our estate more intelligently and flexibly to reduce running costs and increase the multifunctional court space; allowing different court and tribunal jurisdictions to share locations.

The Judicial Business Group (JBG), which includes both magistrates and HM Courts & Tribunals Service officials, has authority to adapt listing practices to improve performance and service delivery. They regularly review workload and how cases are listed and have made changes over the past twelve months. The JBG will need to revisit the current listing practices in light of the closure of Sandwell Magistrates’ Court.

Work moved from Sandwell Magistrates’ Court (and all of the other courts across the Black Country) when TV licensing was centralised at Nuneaton and road traffic centralised in Birmingham. There were a number of factors that contributed to this movement of work; work had previously been listed at eight locations (with the need for eight prosecutors), volumes of work were such that one location could easily deal with the work more efficiently and both types of case attract very few attendees.

Our staff and judiciary are one of our most valuable resources. By locating them into fewer and larger centres we will create listing flexibility and improve efficiency and productivity. All

this will lead to an improvement in service delivery. HM Courts & Tribunals Service is here to provide a service to the public and by taking this approach we will reduce delay and provide swifter access to justice and speedier case conclusion.

Reducing the current and future cost of running our estate together with funds from the sale of surplus buildings, will enable us to reinvest in a more modern and efficient service.

A number of additional comments were received.

“The three courts indicated presently have entirely separate duty solicitor schemes, yet the police stations which service the court as matters stand are served by one scheme. Closure of the court brings with it the necessity to revisit the boundaries of those schemes to ensure that the firms who are members of the respective schemes are given the appropriate access to work generated.” (Birmingham Law society)

“The Magistrates courts in Walsall, Birmingham and Wolverhampton all have court IDVA’s in place and may not feel that another IDVA is necessary. This could mean that I will lose my funding and therefore my job.” (Independent Domestic Violence Advisor)

HM Courts & Tribunals Service are committed to working together with our stakeholders as we move into the implementation stage to ensure the services provided to and by all stakeholders are delivered and supported in any plans that are made for the future.

Decision

All the points raised by respondents to the consultation have been analysed and following careful consideration, the Lord Chancellor has decided to close Sandwell Magistrates’ Court and move the workload primarily to Walsall Magistrates’ Court, which can accommodate the additional work within its current building. However, dependant on the geographical location of the user, some work could move to Wolverhampton Magistrates’ Court or Birmingham Magistrates’ Court.

Implementation

Consultation with the Departmental Trade Union on staffing impacts will take place over the coming months. There are a number of factors to consider before Sandwell Magistrates’ Court can close. Attached with this document is an indicative timetable for implementation. Please note this timetable is subject to change as the programme progresses.

Shrewsbury Magistrates' Court

The Lord Chancellor has decided that Shrewsbury Magistrates' Court should be closed and its work moved to Telford Magistrates' Court.

A total of 20 responses were received which related to Shrewsbury Magistrates' Court. Of these

- six were from members of staff
- five were from magistrates
- three were from members of the public
- two were from other public sector bodies
- one was from a member of the judiciary
- one was from a Member of Parliament
- one was from a professional user
- one was from a union or staff group

Of these responses seven were in support of the proposals, whilst nine were opposed. Four were neutral.

Access to justice

Shrewsbury Magistrates' Court is one of two magistrates' courts within Shropshire, the other being Telford Magistrates' Court. Public transport is good with regular bus services to local towns and a mainline train station. Between Shrewsbury town centre and Telford buses average 40 minutes and cost £5.50 for a return journey. The journey by train is 20 minutes and costs £5.50 for a return journey. By car it takes around 20 minutes and local authority parking is available. Shrewsbury Magistrates' Court sits two days per week and hears criminal adult, civil and tribunal work.

The majority of respondents expressed concern in relation to access to justice issues referring to both increased travel times and more difficult journeys, with Shrewsbury having better links to the rest of the county. Comments include:

"If moving work to Telford Magistrates' Court is going to be a viable solution, listing will need to be managed appropriately, so that defendants and others who may find it more difficult to get to court for a morning sitting can attend in the afternoon. Many people are likely to find it difficult or impossible to get to Telford court for 9:30 and this needs to be properly accounted for."
(Magistrates' Association)

"Shrewsbury is the County town and while the move to Telford will not result in a significantly longer journey for some Shrewsbury residents, I fear for those that live further out, in north and south Shropshire, this move will impose considerable stress on their access to justice. For in some of those areas, I worry that this journey could actually rise to over an hour and I do not believe that the transport links between those areas and Telford, while of an otherwise

high standard, are sufficient to provide the ease of transport that I think is necessary.” (Member of Parliament)

Users should not have to make excessively long or difficult journeys to attend hearings, but we also know that, in an increasingly digital age, users do not always need to physically attend hearings in person in order to access the justice system. To ensure that access to justice is maintained, even in more rural locations, we are committed to providing alternative ways for users to access our services.

Many responses acknowledged and supported the need to list flexibly where journeys are difficult; and to promote use of technology such as virtual and video links, potentially from other civic buildings.

“Although court utilisation at Shrewsbury Magistrates’ Court is 28% nevertheless there are many court users who will be affected and this fact must not be forgotten. We have concerns regarding the long distance and journey time for court users from outlying parts of the county and particularly from the western side.” (Bench Chair Shropshire Magistrates)

“We all recognise that the days we had traditionally deemed to have been local justice have passed however much we might regret this. However, as the court service moves into the digital age, it does offer alternative ways of working through video links, skype etc. What is needed is a form of mobile video link which could be set up on an ad hoc basis, particularly for victims and witnesses in outlying areas of the County linked to the courthouse using the services of the court witness service. This would give additional flexibility to the possibility of accessing justice in the 21st century.” (Magistrate)

“The most vulnerable in society are often lacking access to technology although most do have mobile telephones; the use of Apps therefore provides an opportunity to access remotely. Shropshire Council would be happy to maintain a relationship with HM Courts & Tribunals Service to provide access to civic rooms within its buildings to support justice.” (Shropshire Council)

HM Courts & Tribunals Service appreciates the closure of Shrewsbury Magistrates’ Court will impact on those court users that reside in the more rural areas of Shropshire. While there may be some difficult public transport journeys from those rural locations to Telford, this is not a reason on its own for the retention of the magistrates’ court at Shrewsbury. Although the travel time can be more than an hour from the more remote areas of the County, this must be considered in the context of the low workload originating in these areas and the infrequency of those residents who would need to attend court. For the past 12 months the listing of hearings has been alternated between Telford and Shrewsbury and to date there have been no recorded adverse affects to court users.

We will, where possible, consider on a case by case basis, requests for more flexible start times for court hearings. We will also continue to explore the possible use for video links for those court users for who increased journey times may be problematic.

Utilisation figures are calculated using 2014-15 sitting hours data as a proportion of the total courtroom capacity. Capacity is based on 248 sitting days per annum and five hours per day per courtroom. Inevitably utilisation figures will be lower than the average scheduling would suggest as sittings reduce at certain times of the year and can often fall short of five hours per day.

Value for money

The operating costs for Shrewsbury Magistrates' Court during 2014-15 were approximately £290,000 operating on only two days per week. In recognition of the need to consider financial savings, responses included the following comment:

"Does the County town need a magistrates' court? This is a very emotive question and one to which one would like to answer "yes, of course it does". However, in these times of economic austerity and where public money can be saved, I would suggest the above arguments, confirm that, sadly, a long with the County Court, which Shrewsbury lost a few years ago, there is no case for the retention of a magistrates' court in Shrewsbury when there is another courthouse only 14 miles away along a fast dual carriageway and motorway (A5/M54)." (Magistrate)

In framing their response, the Shropshire Branch of the magistrates association accepted the substantial decrease and centralisation of work, underutilisation of estate, travel within the County and accommodation of the Crown Court, the Branch noted that:

"The Ministry of Justice is required to save a historically high percentage of its operational budget, and has noted that the annual operating costs of Shrewsbury magistrates' court is reporting to be £287,000 per annum. Against that backdrop and accepting that the above points form in large measure the explanation why these proposals have been made, the Branch accepts these proposals address the circumstances in Shropshire in a reasoned way. On that basis, the view of the Branch executive committee is therefore that we would not wish to argue against the proposals." (Shropshire Branch of the Magistrates' Association)

"Poor use of court buildings is not sustainable in the current economic climate." (Shropshire Council)

To enable efficiency in the longer term, HM Courts & Tribunals Service needs to increase the efficient use of its estate wherever possible irrespective of current administrative boundaries. We also need to reduce the current cost of the running of our estate by increasing the utilisation rate of our remaining courts. Our estate is a major asset and there are buildings that are underused. We are proposing to close less efficient, poor quality buildings, Shrewsbury Magistrates' Court being one such building.

The changes in the way we operate, for example the single justice procedure will allow us greater flexibility in future and to consider other accommodation outside of the formal courtroom setting. Consolidation into Telford Magistrates' Court will provide increased flexibility with the throughput and listing of cases resulting in an improved service to court users.

Operational efficiency

During the past 10 years, workload in the magistrates' court has continued to decline. The current utilisation rate at Shrewsbury Magistrates' Court is 28% and reflects the current listing practice of alternating between Shrewsbury and Telford courts. Workload for the county can be accommodated in just one of our existing buildings. The receiving court in Telford, the larger site, can readily absorb the workload from Shrewsbury Magistrates' Court, enabling savings to be made.

“If the existing Shrewsbury Magistrates’ Court is closed, I strongly support the plan to create two jury courtrooms and jury facilities in that building and to move the Crown Court there from the Shire Hall. The adverse comments about the existing courts, which are made in the consultation paper, are fully justified and are only a small part of the range of problems we face. In particular, the facilities for vulnerable witnesses and for the display for live link, prison video link and recorded evidence are very poor.” (Resident Judge, Shrewsbury Crown Court)

“Although not unanimous, by far the majority view of Shropshire magistrates is that the consultation document contains rational proposals and is a reasonable response to a difficult situation i.e. economics and the reality of government cutbacks. There is an emotional dimension and a feeling of disappointment towards the proposals resulting in the loss of the magistrates’ court from our County town but retaining a Crown Court in Shrewsbury tempers this disappointment and is essential in maintaining the support of magistrates for the proposals in the consultation document.” (Magistrate)

The Crown Court sits in Shrewsbury in the Shire Hall under a lease with Shropshire Council which expires in September 2016. Facilities are insufficient with no separate accommodation or entrance for vulnerable victims and witnesses; or defence and prosecution waiting rooms. To prevent witness interference, access is often through the Crown Court administration offices. There is no separate entrance for defendants in custody who alight the custody vehicle and are then escorted on foot through an area within the Shire Hall occupied by Shropshire Council. The courtrooms are of a poor standard and the roof leaks during periods of heavy rainfall. Significant costs would be incurred in bringing the facility up to modern day standards. The opportunity to relocate the Crown Court into the vacated Shrewsbury Magistrates’ Court building will enable HM Courts & Tribunals Service to provide much improved facilities for jurors, victims and witnesses and all other court users.

HM Courts & Tribunals Service will continue to work with the judiciary to explore the use of alternative venues to ensure that the closure of Shrewsbury Magistrates’ Court would not unduly impact on access to justice and operational efficiency.

Alternative provision of services

A number of respondents suggested alternative provisions with the creation of a civil and family centre and a combined criminal centre. Comments included:

“Three years ago the family and county court work undertaken at Shrewsbury was moved to Telford County Court. HMCTS is now proposing to close this court and move the work in to Telford Magistrates’ Court alongside the criminal courts but the consultation document is unclear whether sufficient room exists. It would appear to me to have Telford as the county court and family centre and Shrewsbury as the criminal justice centre could make logistic and economic sense as it would also allow for the best use of criminal justice resources.” (Magistrate)

“Splitting the sites where criminal work is undertaken adds to the cost and resource requirements of court users and associated services and would make the road from Shrewsbury to Telford busy with personnel shuttling between the courts. Having one site creates synergy and efficiency for court users, administration and the associated services. It is my view that it would be sensible from a logistical and economic view to concentrate all criminal work, both crown court and magistrates court in one centre. This is because many resources are common on both levels of court.” (Magistrate)

HM Courts & Tribunals Service is committed to maximising the use of all available resources to increase efficiency and improve service delivery across all jurisdictions. To enable a more efficient estate we will continue to review workload and the use of our buildings. The various jurisdictions make different demands on buildings and infrastructure and whilst we understand the suggestion to create a criminal hearing centre, the practicalities of delivering this would be difficult to achieve. None of the existing court buildings in Shropshire have sufficient capacity to accommodate the entirety of the criminal workload, particularly the demand on custody facilities.

“I suggest the base for the criminal administrative team would be better located at Shrewsbury due to the daily liaison required with the judges, the magistrates court, county court and family court hearings all to be heard at the Telford court as per the consultation.” (Staff Members)

We are looking to modernise our practices through digital channels and adopt more streamlined ways of working. This could include the integration of administration to support a more efficient way of working.

“The Branch is sceptical about the extent to which use of other public buildings would prove to be practicable or cost effective.” (Shropshire Branch of the Magistrates’ Association)

We firstly have to consider whether other occasional or ad-hoc courts will be necessary. Should there be a need and attendance at a hearing is required, other suitable civic or public buildings could be used in appropriate cases. Significant benefits could be gained particularly to victims and witnesses who may be provided with options to give evidence using video from non-court environment.

Decision

All the points raised by respondents to the consultation have been analysed and following careful consideration, the Lord Chancellor has decided to close Shrewsbury Magistrates’ Court and move the workload to Telford Magistrates’ Court.

Implementation

Consultation with the Departmental Trade Union on staffing impacts will take place over the coming months. There are a number of factors to consider before Shrewsbury Magistrates’ Court can close. Attached with this document is an indicative timetable for implementation. Please note this timetable is subject to change as the programme progresses.

A respondent suggested that there should be a further consultation at the point of moving family and civil work into Telford Magistrates’ Court due to concerns regarding the capacity of all magistrates’ criminal, family and civil being undertaken within the one building. Integration is when HM Courts & Tribunals Service moves work to allow jurisdictions to operate from fewer locations in a local area. This allows the closure of a building or buildings while retaining local jurisdictions with a limited impact on service provision. Integrations are managed by HM Courts & Tribunals Service operational leads as part of the normal running of the business and local stakeholders will be notified of these changes when they take place.

Skegness Magistrates' Court

The Lord Chancellor has decided that Skegness Magistrates' Court should be closed and its work moved to Boston Magistrates' Court, County Court and Family Court hearing centre.

A total of 24 responses to the Skegness consultation paper were received. Of these:

- nine were from magistrates
- four were from other public sector bodies
- three was from a member of the judiciary
- three were from members of staff
- two were from criminal justice partners
- one was from a Member of Parliament
- one was from a member of the public
- one was from a union or staff group

Of the responses one was in support of the proposals, whilst 20 were opposed. Three were neutral.

Access to justice

Skegness Magistrates' Court is located close to the town centre and 22 miles from the proposed receiving court, Boston Magistrates', County and Family Court. There are twice hourly bus and train services from the town centre to Boston Magistrates' Court. Skegness Magistrates' Court currently sits two days a week.

Of the responses, there were a large number of comments around access to justice issues. These included:

"It may be appropriate to close under-utilised dedicated court buildings in places. However the costs of retaining a County Court presence in rural areas is small if that presence is an occasional facility in another public building." The respondent went on to say "For many the fare is unaffordable. These travel times seriously prejudice access to justice." (Judiciary).

"a solution to this is for Magistrates in Boston to adopt a Memorandum of Understanding to accommodate the travel difficulties of court users who travel more than 20 miles to court. This could include an agreement that case involving witnesses or defendants show reside more than 20 miles away are not listed before 10.30am, so as to enable them to use public transport to get to court in good time." (Member of Parliament)

HM Courts & Tribunals Service appreciates that the closure of Skegness Magistrates' Court will impact on those court users that reside in the more remote areas of Lincolnshire. While there may be some difficult public transport journeys from these areas to Boston, this is not a reason on its own for the retention of the court at Skegness. Although the travel time can be more than an hour from the more remote areas of the county, this must be considered in the context of the low workload originating in these areas. At the same time we must be realistic about the frequency with which most people need to visit a court, compared to other services

which they use and travel to more regularly such as schools, places of further education and employment, airports and hospitals. It is also the case that the court currently hears a lot of 'holiday maker' crime - such as drunken behaviour - at Skegness and many of the parties involved in these cases do not live in the area.

Court attendance is a time consuming and often inefficient process for everyone involved. A more proportionate approach to court attendance would eliminate wasted time and enhance confidence in the administration of justice. We have a duty to offer more convenient, less intimidating ways for citizens to interact with the justice system whilst maintaining the authority of the court for serious cases.

Litigants and witnesses currently involved in civil and family cases have been travelling from Skegness and the surrounding catchment areas for many years to attend hearings in Boston Magistrates, County and Family Court, and on occasion Lincoln County and Family Court. Parties arrive on time and HM Courts & Tribunals Service has received no complaints about start times or travel difficulties caused by this listing practise.

The complex civil and family matters from Skegness, Boston and surrounding catchment areas are all already listed at Lincoln County and Family Court, with a start time of 10:30am. This has been the practice for many years. The family cases involve some of our most vulnerable people who are in receipt of benefits and who can have mental health, alcohol and drug related problems. Parties in both types of work arrive on time and HM Courts & Tribunals Service has had no complaints or issues raised. This type of case also requires solicitors and numerous linked agencies to attend court for example, CAFCASS, Local Authorities and voluntary support workers.

Some responses reference the need for local justice, delivered locally.

“One of the great principles of our ever-emerging rule of law is that justice is administered as locally as possible.” (Member of Parliament)

“We are meant to be delivering local justice for local people with only courthouses this will be impossible.” (Member of Parliament)

Cases will continue to be heard by local justices who may sit at Boston or Lincoln. The booking and appointment process will not be adjusted. HM Courts & Tribunals Service will want to retain appropriate links, if possible, as will other agencies, and the closure of Skegness Magistrates' Court should not change that position.

The magistrates booked for sittings will be better utilised, hear a more varied caseload and will frequently sit full sessions as opposed to the short sittings previously experienced when sitting at Skegness Magistrates' Court - therefore creating better value for money.

Access to justice does not mean providing a courthouse in every town or city and the services provided by HM Courts & Tribunals Service are not limited to the crime jurisdiction. The speed of case outcome and the quality and efficiency of the services we provide, are important to the delivery of effective justice.

Alternative provisions of service

In an increasingly digital age, users will not always need to attend hearings in person in order to access the justice system and whilst we have already established alternative ways users can interact with our services, we are looking to expand these provisions to provide more choice than is currently available. For example through making better use of technology,

including video conferencing, and exploring whether we can appropriately make use of civic buildings for certain types of hearing.

Several responses set out comments around alternative provisions, including an acknowledgement of the need to optimise resources. The comments below are representative:

“Lincolnshire County Council would welcome discussion in respect of alternatives which might include (1) Utilising shared buildings. . (2) Opportunities created with developing technology which will enable digital/remote courts, a particular challenge in rural locations. and (3) Changing jurisdictions and how criminal justice is delivered.” (Leader of Lincolnshire County Council).

“The removal of the county court provision will leave significant numbers of people unable to access justice and without provision. Lincolnshire is poorly served by public transport, and because most of the clients we see who need help with this kind of issue are often on very low incomes, they may be unable to afford to attend alternative courts in Lincoln or Boston.” (Citizens Advice Bureau).

A national programme is underway to renew the department’s video link equipment and related infrastructure and this will lead to a more reliable system being available to court users. HM Courts & Tribunals Service will explore and extend its use of modern technology; not just to make the justice system more accessible, but to reduce the costs of the whole justice system by not requiring extensive transportation of prisoners, or the police to take full days to sit in a courtroom and to enable alternatives to physical attendance for parties in civil and family proceedings. Within Lincolnshire, Live Links are being piloted to allow police officers to give evidence and make requests for warrants direct from a police station.

We are building a justice system which is simpler, swifter and more efficient. By using modern technology we can meet the needs of everyone who uses our services now and in the future.

In exceptional circumstances start times of hearings may be delayed to allow later attendance due to travel difficulties; and this will be considered on a case by case basis.

Value for money

The operating costs for Skegness Magistrates’ Court for 2014-15 were approximately £200,000. The building is not suitable for vulnerable victims and witnesses and there is no separate access to the courthouse for victims and witnesses.

The court centre at Boston offers good facilities court users and separate access for vulnerable victims and witnesses can be provided.

Several responses made reference to costs and value for money.

“HMCTS states that closing Grantham will save £237,000/Skegness will save £198,000. This seems excessive given that the building is freehold and some additional security and ushers would be required at Lincoln/Boston to cover extra courts even allowing for heating, electricity and maintenance. It has not been possible to get exact figures for running costs from HMCTS, actual costs I believe are far lower than those quoted and any savings would be transferred to another part of the public purse.” (Magistrates)

HM Courts & Tribunals Service has to have a due regard to ensure its estate is used to deliver justice efficiently and effectively while providing value for money to the public purse. The utilisation levels at Skegness are low; two out of the three available court rooms are used for two days per fortnight. During 2014-15, the court was used at approximately 20% of its capacity.

No staff are permanently based at Skegness Magistrates' Court and staff travel from either Boston Magistrates' Court and Boston County and Family Court or Lincoln Magistrates' when required. These staff will in future remain in the courts where they are based and will no longer be required to travel to Skegness.

Our staff and judiciary are one of our most valuable resources. By locating them in fewer centres we will create listing flexibility and improve efficiency and productivity. This will also lead to an improvement in service delivery.

Reducing the size of our estate will reduce the current and future running costs, and funds from the sale of surplus buildings will allow for reinvestment in HM Courts & Tribunals Service.

Operational efficiency

The current utilisation rate is very low and does not justify keeping the court open. The receiving court, Boston Magistrates', County and Family Court has capacity to take on additional workload, since it currently operates to approximately 65% of its capacity.

Several responses made reference to operational efficiency.

"Savings will also be made not sending Magistrates i.e expenses; a saving in travel time; the actual cost of running these buildings is very expensive for the amount of usage. Also saving in security hours. The rota will be much easier to control if we just have two courts. This applies to the Magistrates rota." (Staff member)

"The Bench Management team suggested more flexibility in listing cases which was a proviso of having a single LJA. When TSJ Listing arrangements were put to the JBG earlier in the year, Senior Legal Managers advised against flexible listing, however they are now saying certain listing arrangements may be possible with no tangible change in the buildings and facilities. This included moving some cases from Boston to Grantham and holding Youth Courts at Boston (no separate waiting areas) to increase efficiency and get cases listed more quickly." (Magistrates).

We will provide better access to justice if we reduce the cost of our estate and reinvest the savings we make from the sale of that estate in improving digital access, and improving the accessibility and facilities in our remaining, core court and tribunal facilities.

Some respondents have raised concerns that performance will be impacted negatively if the workload from Skegness Magistrates' Court is absorbed at either Boston Magistrates' Court or Lincoln Magistrates' Court.

"Closing Grantham & Skegness will put additional pressure on poorly performing courts." (Magistrates)

"A great deal of time is currently wasted moving work around, sending Legal Advisors and Ushers to these courts. I believe that with the amount of staff it

would be far more efficient to have one admin Centre based in Lincoln to deal with the work.” (Staff member)

Larger buildings can facilitate more flexible and efficient listing of cases and give users more certainty of when their case will be heard. Reducing the necessity to transport files across the county and sending staff to support court hearings will allow us to time more time to be productive, list and result cases quicker; reducing delays and the risk of loss and error.

Our staff and judiciary are one of our most valuable resources. By locating them in fewer centres we will create listing flexibility and improve efficiency and productivity. This will also lead to an improvement in service delivery. HM Courts & Tribunals Service is here to provide a service to the public and by taking this approach we will reduce delay and provide swifter access to justice and speedier case conclusion.

Decision

All the points raised by respondents to the consultation have been analysed and following careful consideration, the Lord Chancellor has decided to close Skegness Magistrates' Court and move the workload to Boston Magistrates' Court, County Court and Family Court hearing centre.

Implementation

There are a number of factors to be considered before Skegness Magistrates' Court can close. Attached with this document is an indicative timetable for implementation. Please note this timetable is subject to change as the programme progresses.

Solihull Magistrates' Court

The Lord Chancellor has decided that Solihull Magistrates' Court should be closed and its work remain at Birmingham Magistrates' Court.

A total of six responses were received which related to Solihull Magistrates' Court. Of these

- two were from Members of Parliament
- one was from a member of the judiciary
- one was from a criminal justice partner
- one was from a professional user
- one was from a union or staff group

Of these responses three were opposed and three were neutral.

Solihull Magistrates' Court building is no longer used by HM Courts & Tribunals Service. Following a public consultation in 2013, due to the drop in workload, low utilisation and the benefits gained by the centralisation of listing, all magistrates' work was consolidated into Birmingham Magistrates' Court and no work has been heard at Solihull Magistrates' Court since January 2014.

It is now proposed that Solihull Magistrates' Court formally close and the work remain at Birmingham Magistrates' Court.

There were a number of constraints with the court at Solihull, including a maximum dock capacity of two defendants, no van dock which made the management and listing of custodial cases difficult, and limited facilities for victims and witnesses in that there are no separate waiting facilities for prosecution and defence witnesses. Birmingham Magistrates' Court has no such constraints.

Some respondents raised issues around access to justice and convenience of a local court.

"In effect the proposal document formalises an earlier decision to close Solihull Magistrates' Court. On behalf of our members in practice in Solihull we are bound to express that the decision to close the court and transfer its business to Birmingham and Coventry Magistrates' Courts was regrettable. The closure of the court has had a profound impact upon complainants, defendants and witnesses as well as on solicitors based in Solihull." (Birmingham Law Society)

"The criminal work has been removed from Solihull for a considerable time now (December 2013) and has had little impact. We are not opposed to the proposal." (West Midlands Police)

"The Society has not been advised of any significant concerns in relation to this proposal." (The Law Society)

The majority of cases that came before Solihull Magistrates' Court originated in the Solihull North police station area which is principally Chelmsley Wood, but also includes Smithswood, Kingshurst, and Castle Bromwich. Some of this area is in fact geographically closer to the court in Birmingham than to the court at Solihull, and the main bus link from

Chelmsley Wood to Birmingham takes the same time as the link from Chelmsley Wood to Solihull.

Since HM Courts & Tribunals Service ceased listing cases at Solihull Magistrates' Court there has been no increase in the number of defendants failing to attend court in Birmingham, or in complaints from court users.

HM Courts & Tribunals Service is continuing to explore the provision of IT enabled alternatives which would allow victims and witnesses to testify remotely, removing the need to attend court at all. Live link facilities for the giving of evidence have now been installed at a number of police stations in the West Midlands, and it is hoped that these will be expanded and made available to vulnerable and intimidated witnesses in the near future.

To ensure that access to justice is maintained, we are committed to providing alternative ways of users to access our services, including, where appropriate, the use of other civic buildings.

Operational efficiency

There were no responses relating specifically to operational efficiency. The court has not been operational since December 2013.

The proposals included in the consultation are based on current and projected workloads. Any exceptional changes to workload, such as following local riots would be handled through flexible use of the court capacity at that time.

Value for money

Solihull Magistrates' Court is a freehold property standing unused and the operational costs for the year 2014-15 were approximately £250,000.

HM Courts & Tribunals Service has to have due regard to make sure its estate is used to deliver justice efficiently and effectively while providing value for money to the public purse.

“The Magistrates' Association (MA) acknowledges the present economic climate means that the balance between providing fairness and proportionality in the justice system while maximising efficiency is more acute than ever. Local justice is a fundamental part of the system but it is also clear courthouses are a vital resource that should be utilised fully. Solihull Magistrates Court – Agree closure.” (Magistrates Association)

HM Courts & Tribunals Service needs to reduce the current and future costs of running its estate and to maximise capital receipts when possible so that future investment may be made to bring the remaining estate up to the standard required.

Alternative provision

Responses received included the suggestion to retain the court and use it as a tribunal hearing centre; and to consider occasional use of other civic buildings.

One response offered a suggestion of sharing the use of the court buildings outside of standard court hours.

“While the MA appreciates that some courthouses may have to shut, it would encourage consideration of shared-use activities and events such as opening concourse areas outside normal court operating times (evenings/weekends) to

other users to maximise the effective use of resources. It should also be pointed out that with the Transforming Summary Justice (TSJ) as well as other initiatives to reduce unnecessary delays in dealing with cases; it is possible existing utilisation figures will rise as greater efficiency reduces current 'downtime' in courts." (Magistrates' Association)

There is insufficient work generated in the area to retain a six courtroom building even with occasional alternative use of areas within it; which would necessitate the costs of security, cleaning, heat and lighting. This would not represent value for money for the taxpayer.

Solihull Magistrates' Court is a freehold property and the operational costs for the year 2014-15 were approximately £250,000. The savings made from the sale of the building will be reinvested in modernising our remaining estate and investing in technology to improve services.

Decision

All the points raised by respondents to the consultation have been analysed and following careful consideration, the Lord Chancellor has decided to close Solihull Magistrates' Court and the workload will continue to be heard at Birmingham Magistrates' Court.

Implementation

There are a number of factors to be considered before Solihull Magistrates' Court can close. Attached with this document is an indicative timetable for implementation. Please note this timetable is subject to change as the programme progresses.

Stafford Magistrates' Court

The Lord Chancellor has decided that Stafford Magistrates' Court should be closed and its work moved to Stafford Combined Court, Cannock Magistrates' Court and North Staffordshire Justice Centre.

A total of 18 responses were received which related to Stafford Magistrates' Court. Of these

- nine were from magistrates
- two were from criminal justice partners
- two were from members of the judiciary
- two were from other public sector bodies
- one was from a Member of Parliament
- one was from a professional user
- one was from a union or staff group

Of these responses 14 were opposed and four were neutral. Respondents raised issues in relation to the movement of work, in particular, for family work and the capacity and suitability of our existing estate to hear family cases.

Access to justice

Stafford Magistrates' Court is situated in the town centre. Transportation is good with regular bus services to local towns and there is a mainline train station. The majority of work undertaken at Stafford Magistrates' Court is private and police led prosecutions such as motoring offences. One out of the four courtrooms is used on a Wednesday and Thursday each week, the court is used for family hearings five days per month. There are no cell facilities at the courthouse, therefore HM Courts & Tribunals Service is unable to list any custodial criminal adult or youth work.

A number of respondents made reference to access to justice issues.

“(Journey Times) Very optimistic estimate of times again ignoring those travelling in to Stafford from the adjacent rural communities before they can even consider catching public transport to either Cannock or Newcastle.”
(Magistrate)

“..... there is still a need to provide the facility for any defendant, on request, to be heard in person to plead their case. This is fundamental to the justice system we enjoy in this country and at the heart of this there needs to be LOCAL JUSTICE. These proposals for court closures in Staffordshire are a step too far and must be resisted for all the reasons put forward by this response and the responses by Burton on Trent and Stafford Magistrates.”
(Chair North Staffordshire Bench)

Should this proposal go ahead the Judicial Business Group (JBG) would undertake local stakeholder engagement to consider the need for the merger of Local Justice Areas.

The proposals made do not preclude defendants that wish to be heard in person to plead their case. We have a once in a generation opportunity to build on the strength and

independence of our justice system to create a modern, efficient service and to make it a system that meets the expectations of court users.

Motoring cases are currently heard at both Stafford and Cannock Magistrates' Courts dealing with all initial listing of motoring cases for the whole county. The implementation of the single justice procedure will allow for new ways of working and provide an opportunity for magistrates across the county to deal with this type of work. Those defendants pleading not guilty will have an opportunity to attend the court closest to their home, in some cases this may result in a reduced journey times than those currently expected.

Magistrates are valued members of the judiciary and work well together for the benefit of the communities they serve, this happens wherever and however they deliver justice. HM Courts & Tribunals Service will continue to retain links with partners and agencies to ensure the closure of Stafford Magistrates' Court does not unduly impact on access to justice for our court users.

"Throughout this consultation document there appear an underlying assumption that the majority of people a) have access to a car b) that they could afford public transport fares. Experience has recorded many a case of defendants unable to get to either Cannock or Stafford for want of a fare. We deal with some of the most socially and financially disadvantaged members of society who simply do not have the resources nor access to anyone else who might assist. LOCAL JUSTICE!!" (Magistrate)

Whilst HM Courts & Tribunals Service acknowledges and accepts that some people may need to travel further to reach their nearest court and for some the journey, if made by public transport, may be over an hour, attending court is still rare for the majority of society.

Delivering access to justice does not always mean providing access to a building. Our plans to provide better access to justice will be achieved through a reduction in cost of our estate and reinvestment of the savings we make in improving digital access, and improving the accessibility and facilities in our remaining core court and tribunal facilities.

"We in Central and South West Staffordshire would also argue strongly for the retention of Stafford court. It is in reality a valuable asset used much more than the 16% of capacity suggested in the consultation. A figure we dispute. The court buildings have a broad role hosting a multiplicity of uses including private prosecutions and motoring, family courts, Bench meetings, County family panel meetings, JP training, staff briefing and training, MIC, advisory committee meetings and County MA executive meetings." (Central and South West Staffordshire Bench)

The 16% utilisation figure provided within the consultation document includes all criminal matters, private prosecutions and family hearings taking place within the building. Meeting and training events do not form part of the utilisation calculation nor do they in any of HM Courts & Tribunals Service estate; and retention of a building for this purpose would not represent value for money to the public purse.

"Since late 2014 I have used court 3 at Stafford Magistrates' Court for public law family work. During the period, December 2014 to January 2016, I will have sat there for 13 full weeks, in my role as Designated Family Judge for Staffordshire. Much of the work I deal with comes from the area local to Stafford and one of the two local authorities feeding into my court, has its headquarters in Stafford. My colleague, District Judge Crowe will also be sitting

there a total of four full weeks over the same period hearing similar work. I doubt whether the evidence currently relied on takes into account this additional usage, which amounts to more than one full week a month and I ask that it should do so before final decisions are made.” (Judiciary)

The courtroom currently used for family cases at Stafford Combined Court does not make effective use of the estate and is only used three out of five days per week. A review of listing practices would provide adequate capacity to accommodate those hearings currently taking place at Stafford Magistrates’ Court at Stafford Combined Court; furthermore this would contribute to increased use of that building.

“Approach seems to take no account of, or perhaps ignores, the potential operational complexities whereby Staffordshire Police, Local Authorities and youth Offending and National Offender Management Services would be working outside their normal operational boundaries.” (Central and South West Staffordshire Bench)

HM Courts & Tribunals Service will continue to retain appropriate links with other agencies such as Independent Domestic Violence Advisor Drugs and Substance Abuse Programme, Youth Offending Services, witness support, victim support, Crown Prosecution Service and Probation, to ensure that the closure of Stafford Magistrates’ Court would not unduly impact on access to justice.

“I note that the “users geographical location” will be taken into account. If these proposals do go ahead, I would urge you to ensure that constituents from Lichfield, Burntwood and Barton are allocated Cannock Magistrates’ Court. They should not be expected to travel to Derby or to the North Staffordshire Justice Centre.” (Member of Parliament)

HM Courts & Tribunals Service will take the geographical location of court users into account when considering the transfer of cases.

Value for money

The operating cost for Stafford Magistrates’ Court is approximately £350,000 during 2014-15 and it was used to approximately 16% of its capacity. These operating costs have been revised from those published in the consultation documents to adjust for one-off refunds and prepayments in 2014-15 for some costs such as service charges and facilities management costs.

To enable efficiency in the longer term, HM Courts & Tribunals Service need to increase the efficient use of its estate irrespective of current administrative boundaries. We also need to reduce the current cost of the running of our estate by increasing the use of our remaining courts. Our estate is a major asset and there are buildings that are underused. We are proposing to close the less efficient, poor quality buildings. This coupled with the changes in the way we operate, for example the Single Justice Procedure, will allow us to consider other accommodation outside of the formal courtroom setting.

The facilities at Stafford Magistrates’ Court and the absence of a secure van dock or on-site custody holding facilities limits the use of the building to traffic/private prosecutions and family work only. We need to reduce our reliance on buildings with poor facilities and to remove from the estate those buildings that are difficult and expensive to upgrade.

The move to digital working provides opportunities to work in different ways. There will no longer need to be a reliance on having staff located in the same building as hearings due to better use of technology. Our proposals provide opportunities for us to utilise our estate in a

different way and explore options of cross jurisdictional working to bring greater efficiency to administrative processes.

The use of increased technology is further supported by Staffordshire Police;

“Local justice can be achieved without the requirement of a formal singular use court building and any closure must be accompanied by the provision by an acceptable local provision of technological alternatives.” (Staffordshire Police)

Operational efficiency

The current utilisation rate is very low and does not justify keeping the building open. We have sufficient estate within Staffordshire to absorb the workload and this can be achieved without any enabling works.

Concerned about family hearings in particular and in answer to the proposals for closure of Burton and Stafford Magistrates’ Court, a respondent commented;

“In order to accommodate the excess caseload created by the closure this option will require a major overhaul of the arrangements for hearing family cases in the CC. The listing at Stafford CC will inevitably need to be extended to five days per week and will require a dedicated courtroom for magistrates’ use. Facilities for families, advocates and judges will have to be significantly improved and extended.” (Chair Staffordshire Family Panel)

Combining the family workload of Stafford Magistrates’ Court and the Stafford Combined Court for family cases will lead to court utilisation levels increasing to more acceptable levels and improved efficiency and provide savings through the disposal of the building. Family hearings currently take place at Stafford Combined Court on three days each week. Concerns in relation to the impact of the proposed Burton Magistrates’ Court closure will be detailed within the separate Burton response.

“It is proposed that Stafford and Burton courts should close with the workload redistributed between Cannock, Newcastle under Lyme and (for Burton work) Derby Magistrates’ Court. Given that Cannock court is close to capacity with its existing workload, in reality this means much of the work going to North Staffordshire or Derby.” (Chair of Central and South West Staffordshire Bench)

Cannock courtroom utilisation is high, however, current figures include the Staffordshire centralised road traffic work and we are changing the way we deal with this work under the single justice provisions which will reduce our reliance on courtrooms. Any decisions on where hearings will be listed as a result of Stafford closure will be taken by the Judicial Business Group.

“I agree with the proposal to close this court, it is hugely underused and outdated. Cases can be properly dealt with at Cannock or Newcastle-under-Lyme. However, I totally oppose the notion of moving all administrative staff to Stafford Crown Court. This makes no sense as Newcastle-under-Lyme is by far the busiest court.” (Solicitor)

Stafford Magistrates’ Court building is occupied by both administrative and legal staff. HM Courts & Tribunals Service has to have due regard to ensure its estate is used in order to deliver justice efficiently and effectively whilst providing value for money to the public purse. The proposal includes suitable alternative accommodation for staff, although this would

necessitate the need for some enabling works there are longer term benefits with this approach which will provide significant savings through the disposal of a building.

Over the period of the past 10 years, workload in the magistrates' court has continued to decline. In the past we have had higher utilisation in our buildings; the reduction in cases being brought to court and the movement to more centralisation ways of working has determined the way in which we utilise our buildings. Whilst some of our courthouses may have benefited from increased workloads brought about by centralisation, others will have not. There is a finite amount of work taking place within our courthouses; we do not have sufficient workload to utilise all of our courtrooms in our buildings each day.

The absence of onsite custody facilities has, over a period of time changed the way in which the Stafford Magistrates' Court building is used. The building has limited capacity to deal with cases; this has resulted in the low usage of the building with only two court rooms out of the three sitting once per week. The decision to move family hearing to the building has slightly improved utilisation to a total of approximately 16%.

"Stafford court also currently accommodates 48 administrative staff, which the consultation document says "will be relocated to the Stafford Combined Court where some enabling work will be required to accommodate staff and storage"; we are incredulous at this statement. There are already difficulties in accommodating our small number of family legal advisers at the Combined Court, the office space requirement of an additional 48 people, with storage, are huge and would need major "enabling work" if indeed it were feasible at all, which doubt. We cannot accept this is truly a practicable option." (Chair of Central and South West Staffordshire Bench)

The relocation of workload from Stafford County Court to Stoke-on-Trent County Court has provided us with sufficient floor space in the combined court to accommodate all staff and capacity for any required storage.

Alternative provision of services

One respondent proposed that Stafford Magistrates' Court should close and Burton Magistrates' Court remain open:

"Families would not be adversely affected by this option. Currently most Family work is carried out at the combined court. It would probably be necessary to list family hearing for a further day or two each week in the combined court to accommodate the extra hearings currently taking place in the magistrates' court building. It would be necessary to find alternative accommodation for longer hearings and those displaced from the combined court by the allocation of extra criminal work; this might well necessitate moving hearings to Bennett House which would create significant travel problems for families attending hearings." (Staffordshire Family Panel)

Stafford Combined Court has four Crown Court criminal hearing rooms with sufficient capacity to accommodate the criminal sitting day allocation. Within the courthouse there is also a dedicated civil/family hearing room which is used currently by magistrates three days per week. A review of the listing arrangements would provide an opportunity to accommodate all Stafford family hearings in the Combined Court. This would ensure those families whose hearings would ordinarily take place in Stafford, could continue. The proposal relating to Burton-Upon-Trent Magistrates' Court closure will be detailed within the separate response for that court.

“There is an opportunity to make Stafford court a centre of excellence, a user friendly family law venue with a helpdesk and other support services brought together, for instance, in relation to litigants in person. This would make much better use of the modest running costs of the court and actually improve services to the public. The projected savings of £213,000 for closing Stafford court would be significantly discounted by the cost of providing alternative venue for all the current and anticipated users, if indeed, they could all be satisfactorily accommodated elsewhere. We do not believe they can.” (Central and South West Staffordshire Bench)

Following introduction of the Single Family Court, the Designated Family Centre is located in Stoke on Trent and covers the whole of Staffordshire, listing work into other hearing venues throughout the County. We have sufficient capacity at Stafford Combined Court to deal with all family cases requiring a hearing in Stafford. Stafford Magistrates’ Court has not had any significant investment in recent years and if this alternative suggestion is taken forward, it would require a major refurbishment programme and IT investment. HM Courts & Tribunals Service proposals aim to provide a reduced and sustainable estate from which to deliver our business, increase efficiency and improve our services.

“Use of ‘other premises’ for occasional/ad-hoc/‘pop up’ magistrates’ courts: As a serving magistrate I have a number of concerns, about the viability, practicality and underlying suitability of this idea Whilst it may – although again I am both sceptical and dubious – be a possible solution to occasional demand, I fail to see how this could possibly be a regular occurrence.” (Magistrate)

“There are further benefits to be had from digital technology but replacing the court system with online or video processes would diminish the justice system.” (Central and South West Staffordshire Bench)

With the introduction of new ways of working, coupled with reductions in workload we firstly have to consider whether other alternative provision will be needed. At this time there is no evidence to suggest a requirement.

Use of video links for defendants in custody, for police giving evidence and for vulnerable and intimidated witnesses is already widely and successfully used. There is no evidence to suggest that online or video interactions lessen the impact of justice; it has proved to make justice more accessible and has helped to bring cases to a speedier conclusion. It provides significant benefits for victims and witnesses giving evidence using video link from a non-court environment.

Decision

All the points raised by respondents to the consultation have been analysed and following careful consideration, the Lord Chancellor has decided to close Stafford Magistrates’ Court and move the work to Stafford Combined Court, Cannock Magistrates’ Court and North Staffordshire Justice Centre.

Implementation

Consultation with the Departmental Trade Union on staffing impacts will take place over the coming months. There are a number of factors to consider before Stafford Magistrates’ Court can close. Attached with this document is an indicative timetable for implementation. Please note this timetable is subject to change as the programme progresses.

Worksop Magistrates' Court

The Lord Chancellor has decided that Worksop Magistrates' Court should be closed and the work moved to Mansfield Magistrates' Court and County Court.

A total of eight responses were received which related to Worksop Magistrates' Court. Of these

- four were from magistrates
- one was from a Member of Parliament
- one was from a member of the judiciary
- one was from another public sector body
- one was from a union or staff group

Of these responses two were in support of the proposals, three were opposed and three were neutral.

Access to justice

Worksop Magistrates' Court is one of three Magistrates' courts in Nottinghamshire, the others being Mansfield and Nottingham. It has two courtrooms and as workload has continued to diminish, sits only occasionally on non-Crown Prosecution Service work. All criminal work for defendants in custody, or that might result in a custodial outcome, are already heard at Mansfield Courthouse due to the cells at Worksop Magistrates' Court being unfit for purpose. The court building is not fully compliant with the Equality Act 2010 due in part to unsatisfactory access for wheelchair users.

Mansfield Courthouse is a modern, purpose built building with excellent facilities. It has separate waiting rooms and is compliant with the Equality Act 2010.

Worksop Magistrates' Court is located 14 miles away from the proposed receiving court in Mansfield. The journey time by car is approximately 30 minutes. There are hourly train services between Worksop and Mansfield on a direct route taking approximately 30 minutes and costing £6.90 for an Anytime Day Return ticket. There are buses operating between Worksop and Mansfield with a travel time of approximately 40 minutes.

The following responses made reference to access to justice issues:

"The main problem, following closure, will be travelling, for defendants, to either Nottingham or Mansfield." (Magistrate)

"Please bear in mind when looking at those costs of £6, £10, £20 for a bus or train fare that many of those concerned are coming to court to face a claim for possession of their home because they are on benefit and struggle to pay the £3.70 per week towards rent arrears. The focus should be on those who do not have cars and who are dependant on public transport. Access to Justice is not dependant on ownership of a car." (Judiciary)

"Nottinghamshire Police is currently pursuing an estates rationalisation work stream to provide a fit for purpose, flexible and sustainable estate for our communities in Nottingham and Nottinghamshire. The proposed closure of the

Magistrates' court at Worksop is fully in line with this estates strategy and our plans for our estate in the area." (Chief Constable Nottinghamshire Police)

As a result of the closure of the Retford Court, the proposed closure of the Worksop Court would leave Bassetlaw District without a Court and would have a significant impact upon access to justice for residents of Bassetlaw District." (Bassetlaw District Council)

"The reduction in the number of cases being heard at Worksop Magistrates' Court disproportionately affected persons with the characteristics set out in section 4 of the Equality Act 2010 – in particular people who are elderly or disabled. To close the court would entirely remove many of those people's access to justice." (Member of Parliament)

HM Courts & Tribunals Service appreciates the history associated with the court and that the closure of Worksop Magistrates' Court will impact on those court users that reside in the more rural areas of Nottinghamshire and those that rely on the public transport network. However whilst the travel time to Mansfield Courthouse will be more than an hour for those travelling on public transport, this must be considered in the context of low utilisation, the infrequency of residents needing to attend court, the inadequate facilities and the investment required to restore and maintain Worksop Magistrates' Court. All civil and family litigants currently travel to Mansfield to have their cases heard and all custodial cases from Worksop and the surrounding catchment areas are currently being heard at Mansfield Courthouse because the cells are not fit for purpose in Worksop Magistrates' Court.

There is no evidence to support the opinion that longer journeys would be a disincentive to victims and witnesses attending court. The train and bus stations in Mansfield are next to each other and approximately a 15 minute walk to the court. To ensure that access to justice is maintained, particularly in the more rural locations, we are committed to providing alternative ways for users to access our services. The combining of workload and resources into one larger court centre will allow the court to be more responsive and flexible with the throughput and listing of cases. It will adapt to workflow demands more effectively and improve customer service.

While the closure of Worksop Magistrates' Court formed part of the Court Estates Reform Programme in 2010, it was retained at that time due to the concerns that Mansfield Courthouse did not have the capacity to absorb the combined workload from both Worksop and Retford. Since then, workload has continued to reduce and Mansfield Courthouse now has the capacity to absorb the workload from Worksop Magistrates' Court.

Value for money

The operating costs for Worksop Magistrates' Court for 2014-15 are approximately £147,000. The court has three cells which cannot be used because they are not fit for purpose. All custodial matters are listed and heard at Mansfield Courthouse with only non-imprisonable offences being held at Worksop Magistrates' Court. Severe flooding to the District Judge's room has rendered it unusable without extensive repair work and as the air conditioning in the building is not compliant with current legislation it would require significant financial investment to bring it up to acceptable standards.

Some responses received expressed concern about value for money of existing arrangements:

"In general I would agree with the proposals. The building is not up to standard and the cost of either building new or bringing the existing premises up to

standard not proportionate to the level of work that is conducted there.”
(Magistrate)

“Occasional use of a dedicated court building is unjustifiable with a substantive hearing centre only 15 miles away.” (Judiciary)

HM Courts & Tribunals Service needs to reduce the cost of its estate. Worksop Magistrates’ Court would need extensive repair and maintenance work which would require significant expenditure in addition to that already spent on the inadequate facilities. HM Courts & Tribunal Service has to have due regard to ensure its estate is used to deliver justice efficiently and effectively whilst providing value for money to the public purse.

Operational efficiency

Courtroom utilisation at Worksop during 2014-15 was approximately 34%; the building is not up to standard which prohibits its use for many types of hearing.

The proposed receiving court in Mansfield is fully compliant with health and safety regulations, has excellent accommodation facilities and is compliant with the Equality Act 2010.

Combining the workload of Worksop Magistrates’ Court and Mansfield Courthouse would lead to courtroom utilisation levels increasing and an improved, more efficient service.

Some respondents commented on operational efficiency.

“I do agree with the proposals and my reasons are as follows:- Having sat in Worksop, on a few occasions, I can understand the reasons for closure, as the courts are not up to the same standards as Mansfield or Nottingham. The courts also do not have any secure facilities and if someone is given a prison sentence to ask them, as we have done in the past, to sit outside and wait for the prison van is not acceptable. This of course limits the type of cases that can be heard in Worksop to only minor cases. There is also difficulty in having sufficient court business to warrant any members of the probation service team being present which further limits the cases that can be heard.” (Magistrate)

“The Worksop court building is grossly under-utilised; Mansfield is only 15 miles away and already services Worksop work.” (Judiciary)

“Mansfield County already experiences problems in listing cases. Civil trials can be moved or cancelled at short notice due listing difficulties. Closure of a Court, with that work to be picked up by Mansfield, would do nothing to relieve those problems and could only contribute further to them.” (Bassetlaw District Council)

To enable efficiency in the longer term, HM Courts & Tribunal Service needs to increase the efficient use of the estate wherever possible. Work listed at Worksop Magistrates’ Court has continued to decrease and Mansfield Courthouse now has the capacity to absorb the workload from Worksop without any enabling works.

There are provisions in place at Mansfield Magistrates’ Court to enable some categories of victims and witnesses, such as children, vulnerable adults and victims of sexual assault to give evidence using screens, in private, or by video link without having to come to court. Mansfield Magistrates’ Court can also provide access to segregated waiting rooms providing our users with more choice than is currently the case in Worksop Magistrates’ Court. It is the aim of HM Courts & Tribunal Service 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.

Alternative provision of services

Responses received included the following suggestions regarding the alternative provision of services.

“The alternatives would be the use of computer technology with links from a local building to Mansfield or Nottingham in a similar manner to video remand hearings.” (Magistrate)

“It would be useful to consider whether other civic or public buildings could be utilised.” (Bassetlaw District Council)

“We do anticipate issues associated with travel and potential costs related to this, particularly in the more rural locations. We would strongly advocate that these risks should be mitigated through more effective use of digital technology (Live Links for instance) in order to minimise the requirement for the physical presence of the witness. This will require further development work but we believe is an investment that will be essential in order to achieve the transformation of the service.” (Head of East Midlands Regional Criminal Justice Service)

“I have proposed a better long-term solution for Worksop and the justice system which involves reopening cells and investing in the modernisation of the court.” (Member of Parliament)

In conjunction with addressing the HM Courts & Tribunals Service estates we are looking to modernise our practices and adopt more streamlined ways of working, using our estates more intelligently and flexibly to reduce running costs and to increase the multifunctional court space. We need to move away from buildings with inadequate facilities and are difficult and expensive to either maintain or bring up to the standard required.

In an increasingly digital age, users will not always need to attend hearings in person in order to access the justice system and whilst we have already established alternative ways users can interact with our services, we are looking to expand these provisions to provide more choice than is currently available. An example of this will be through making better use of technology, including video conferencing. The current utilisation figures do not demonstrate the requirement to source alternative venues. The workload dictates the resource requirements and currently HM Courts & Tribunals Service considers that Mansfield Courthouse can absorb the work from Worksop Magistrates' Court. If the workload should increase then HM Courts & Tribunals Service will consider options of using suitable rooms in civic buildings.

Decision

All the points raised by respondents to the consultation have been analysed and following careful consideration, the Lord Chancellor has decided to close Worksop Magistrates' Court and move the remaining workload to Mansfield Magistrates' Court and County Court.

Implementation

Consultation with the Departmental Trade Union on staffing impacts will take place over the coming months. There are a number of factors to consider before Worksop Magistrates' Court can close. Attached with this document is an indicative timetable for implementation. Please note this timetable is subject to change as the programme progresses.

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.

<https://www.gov.uk/government/publications/consultation-principles-guidance>

Annex A – List of respondents

In addition to the 204 members of the public who responded to the consultation, the following named individuals and organisations provided a response:

Advice UK	Chairman of Northern Derbyshire Bench
Andrew Bingham, Member of Parliament for High Peak	Chairman, Staffordshire Branch of the Magistrates' Association
Andrew Griffiths, Member of Parliament for Burton	Chief Executive, Wyre Forest District Council
Bench Chair, Shropshire Bench	Community Safety Manager, responding on behalf of North Kesteven District Council.
Bench Chairman	
Bench Chairman, North Staffordshire Magistrates	Daniel Kawczynski, Member of Parliament for Shrewsbury
Bessettlaw District Council	Deeping St James Parish Council
Bird & Co. Solicitors	Deputy Bench Chair, Lincolnshire Magistrates
Birmingham Law Society	
Brigstock Parish Council	Deputy Chair, Black Country Magistrates' Bench
Burton and East Staffordshire Liberal Democrats	Deputy Chair, Burton upon Trent Magistrates
Buxton and High Peak Law Society	Derbyshire Branch of the Magistrates Association
Buxton Civic Association and the Buxton Group	Derbyshire County Council
Cafcass	Derbyshire Districts Citizen's Advice
Caroline Spelman, Member of Parliament for Meridian	Derbyshire law centre
Chair Black Country Branch Magistrates Association	Derbyshire Police and Crime Commissioners office
Chair Staffordshire Family Panel	East Lincolnshire Community Safety Partnership
Chair, Baswich Community Group	East Midlands Criminal Justice Service
Chair, Northamptonshire Family Panel	East Northamptonshire Council
Chairman of Corby Magistrates Bench	Elliott Bridgman Solicitors

Family Panel Chair Lincolnshire	Julian Knight, Member of Parliament for Solihull
Freelance Journalist	
GEOAmey Prisoner Escort Custody Service UK Ltd	Justice of the Peace, South East Staffordshire bench
Heather Wheeler, Member of Parliament for South Derbyshire	Keelys LLP
HH Judge Barrie, Resident Judge Shrewsbury Crown Court	Kettering Borough Council
HH Judge Burgess, Honorary Recorder for Derby	Leader of Lincolnshire County Council
HH Judge Chambers QC, Resident Judge Stafford	Leader of Northamptonshire County Council
HH Judge Glenn, Circuit Judge	Leader of Sandwell Council
HH Judge Godsmark QC, Designated Civil Judge Nottinghamshire, Derbyshire and Lincolnshire	Leicestershire Law Society
HH Judge Mayo	Lincolnshire County Bench Management Team
HH Judge Perry, Designated Family Judge, Staffordshire	Lincolnshire Police
HH Judge Rodgers, Circuit Judge	Local Councillor
High Peak Borough Council	Local Solicitors
Hinckley and Bosworth Borough Council	Lord Lieutenant of Staffordshire
HMCTS Staff	Louth Town Council
Humberside and North Lincoln Probation	Magistrate and former Chair of Telford & South Shropshire Bench
John Mann, Member of Parliament for BassettLaw	Magistrate Member of Black Country Bench Chair Black Country Youth Panel
John Spellar, Member of Parliament for Warley	Magistrate, North Derbyshire Bench
Jonas Roy Bloom	Magistrates' Association
Judge Monk, Regional Employment Judge, West Midlands	Magistrates South Lincolnshire bench
Judge Swann, Regional Employment Judge, Midlands East	Michael Fabricant, Member of Parliament for Lichfield
	Mr Justice Davis, Judicial Lead for Youth Justice
	Northamptonshire Branch of the Magistrates' Association
	Northamptonshire Judiciary

Response to the proposal on the provision of court and tribunal estate in the Midlands region

Northamptonshire Police and Crime Commissioner	Solicitor, Corby Borough Council
Oundle Town Council	South East Staffordshire Bench
Public and Commercial Services Union (PCS)	South Kesteven Citizens Advice Bureau
President Buxton & High Peak Law Society	South Kesteven District Council
Queen Street Community Centre	Staffordshire Police
Rashid & Co. Solicitors	Staffordshire Police and Crime Commissioner
Raunds Town Council	Stephen Phillips QC, Member of Parliament for Sleaford and North Hykeham
Resettlement worker	Stevens Solicitors
Sandwell Youth Offending Service	The Osborne Group
Sandwell's Domestic Abuse Strategic Partnership	Town Clerk
Secretary, Halesowen & Rowley Regis Constituency Labour Party	Victim Support
Self-employed barrister	Victoria Atkins, Member of Parliament for Louth and Horncastle
Senior Crown Prosecutor, Jennifer Fitzgerald	West Midlands Police
Shropshire Council	Women's Aid
	Proprietor of Ammeg Snack Bar



© Crown copyright 2016

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3 or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

Alternative format versions of this report are available on request from the Ministry of Justice (please see above for contact details).