



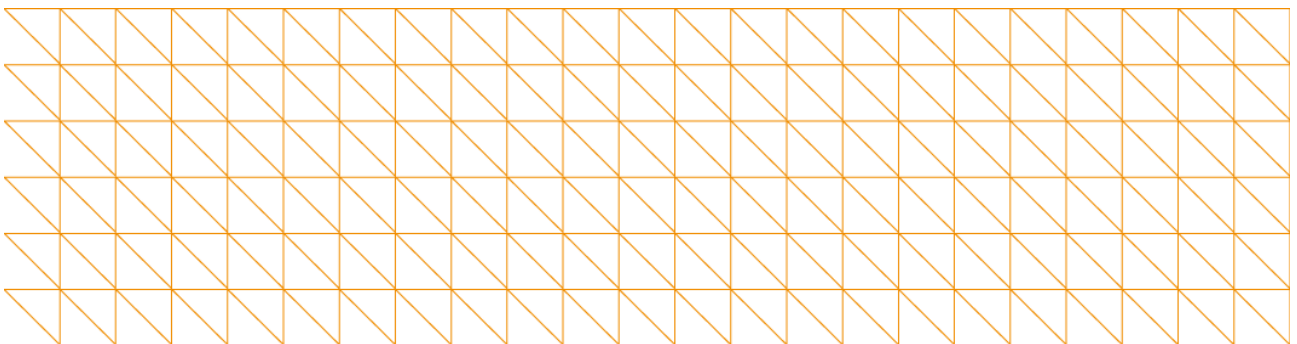
Ministry  
of Justice



HM Courts &  
Tribunals Service

# Response to the proposal on the provision of court and tribunal services in the South East region

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Ministry  
of Justice



HM Courts &  
Tribunals Service

## **Response to the proposal on the provision of court and tribunal services in the South East region**

**Response to consultation carried out by HM Courts & Tribunals Service, part of the Ministry of Justice. This information is also available at <https://consult.justice.gov.uk/>**



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## Introduction and contact details

This is the response to the consultation paper, *'Proposal on the provision of court and tribunal services in the South East region'*.

It covers:

- 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, 1<sup>st</sup> floor**

**102 Petty France**  
**London SW1H 9AJ**

**Telephone: 0161 240 5021**

**Fax: 0870 761 7768**

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

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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 published. This included proposals to close 20 courts and tribunals in the South East and information on plans to integrate a further six courts and tribunals in the 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 set out 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 520 consultation responses and a petition including over 60 signatures were received for the South East region. As the Delivery Director responsible for managing the operations of HM Courts & Tribunals Service in the South East 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 20 courts and tribunals in the South East region. 14 sites will close as proposed in the consultation, with a further six taking place but with changes to the original proposal. These changes, many suggested by respondents, include the establishment of suitable alternative venues, such as the use of local civic buildings, or 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 to 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

Court utilisation data was included within the national consultation to provide an indication of current usage of each court proposed for closure. A number of consultation responses questioned the accuracy of some of the data. The information has been checked and inaccuracies in respect of some of the courts in the South East have been identified. I am sorry that there were data inaccuracies. However, in every case, revised data does not affect the substance of the rationale behind closure. Where appropriate, this response refers to identified data issues.

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 am also committed to 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.

**Paul Harris**  
**Delivery Director**  
**HM Courts & Tribunals Service South East**



## Background

The consultation paper 'Proposal on the provision of court and tribunal services in the South East 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 meet the needs of the local community; 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 and tribunals<sup>1</sup>:

- Aylesbury Magistrates' Court, County Court and Family Court
- Basildon Social Security and Child Support Tribunal (Acorn House)
- Bedford and Mid Beds Magistrates' Court and Family Court and Bedford County Court and Family Court
- Bicester Magistrates' Court and Family Court
- Bury St Edmunds Magistrates' Court and Family court and Bury St Edmunds Crown Court
- Chichester Combined Court (Crown and County)
- Chichester Magistrates' Court
- Colchester County Court and Family Court (Falkland House)
- Colchester County Court Offices (Norfolk House)
- Dartford Magistrates' Court
- Dover Magistrates' Court
- Eastbourne Magistrates' Court, County Court and Family Court
- Harlow Magistrates' Court
- King's Lynn County and Family Court
- Lowestoft Magistrates' Court, County Court and Family Court
- Redhill Magistrates' Court and Family Court and Reigate County Court and Family Court
- St Albans County Court
- Tunbridge Wells County and Family Court
- Watford Magistrates' Court and Family Court
- West Berkshire (Newbury) 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 and tribunals 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 keeping 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.

The current status of each integration in the South East is South East Region is set out below.

**Aylesbury Crown Court within Aylesbury Magistrate's and County and Family Court Building**

This integration will be undertaken so long as it is cost effective to do so. A final decision will be made following the publication of this response.

**Bury St Edmunds Employment Tribunal within Bury St Edmunds County Court**

Completed April 2015.

**Cambridge Social Security and Child Support Tribunal within Cambridge Civil Justice Centre and Cambridge Magistrates' Court**

Completed May 2015.

**Cambridge Residential Property Tribunal Service within Cambridge Civil Justice Centre**

Completed October 2015.

**Norwich Employment Tribunal within Norwich Magistrates' Court**

It stated in the consultation that the Norwich Employment Tribunal had already been integrated into Norwich Magistrates' Court; in fact, this was only a temporary arrangement. HM Courts & Tribunals Service are currently exploring the possibility of using other alternative Ministry of Justice venues in the Norwich area for the Employment Tribunal and is confident that a long term solution will be identified shortly.

**Southend County Court and Family Court within Southend Crown and Magistrates' Court**

A review of court business in Southend is underway; this integration will be undertaken so long as there are cost and customer service benefits associated with moving County Court business to the Crown and magistrates' Court building.

The consultation closed on 8 October 2015 and this report summarises the responses, including how the consultation process influenced the final shape/further development of the policy/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.

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<sup>1</sup> 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.

## Summary of responses

### Summary of responses on the proposal on the provision of court and tribunal services in the South East region

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

A total of 520 individual responses to South East region consultation paper were received. Of these:

- 130 were from members of the public
- 104 were from professional users
- 103 were from magistrates
- 68 were from other public sector bodies
- 36 were from members of the judiciary
- 25 were from members of staff
- 22 were from criminal justice partners
- 12 were from Members of Parliament
- 12 were from others
- eight were from a union or staff group

Of the responses received, 46 related to the region as a whole. Of these, 30 were opposed nine were supportive and seven were neutral of the proposals.

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

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

The following points were raised;

- the estate is under used and utilisation should be increased
- in the current financial climate it is important that efficiencies are made where possible
- availability and cost of transport to alternative venues is an important factor as is access to justice
- flawed data in the consultation paper and impact assessment

### **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.

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

### **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.

## Decision

After careful consideration, the Lord Chancellor has decided the following courts will close, albeit with changes to the original proposals in the consultation. Work will either move to an alternative HM Courts & Tribunals Service site or a decision has been taken to establish suitable local alternative provision, in some cases, before a court will close:

- Bury St. Edmunds Magistrates' Court and Family Court and Bury St. Edmunds Crown Court
- Chichester Combined Court (Crown and County)
- Eastbourne Magistrates' Court, County Court and Family Court
- Tunbridge Wells County Court and Family Court

The following courts will close. We have identified alternative venues to receive the workloads in order to reduce the impact of the closure on court users:

- Aylesbury Magistrates' Court, County Court and Family Court
- King's Lynn County Court and Family Court

The following courts will close as proposed:

- Basildon Social Security and Child Support Tribunal (Acorn House)
- Bedford and Mid Beds Magistrates' Court and Family Court and Bedford County Court and Family Court
- Bicester Magistrates' Court and Family Court
- Chichester Magistrates' Court
- Colchester County Court and Family Court
- Colchester County Court Offices
- Dartford Magistrates' Court
- Dover Magistrates' Court
- Harlow Magistrates' Court
- Lowestoft Magistrates' Court, County Court and Family Court
- Redhill Magistrates' Court and Family Court and Reigate County Court and Family Court
- St Albans County Court
- Watford Magistrates' Court and Family Court
- West Berkshire (Newbury) Magistrates' Court

## Responses to individual proposals

### Aylesbury Magistrates' Court, County Court and Family Court

The Lord Chancellor has decided to close Aylesbury Magistrates' Court, County Court and Family Court.

The option of providing occasional magistrates' court or county court hearings and/or providing video links from the current courthouse in Aylesbury will be considered as part of implementation of the decision. The courthouse will be used to relocate Aylesbury Crown Court.

A total of 29 responses were received in relation to Aylesbury Magistrates' Court, County Court and Family Court. Of these:

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

Of the responses, none were supportive of the closure proposal; however, four were neutral on the basis that they understood the difficulties faced by Aylesbury Crown Court remaining in their current building. The main themes raised were:

- access to justice
- utilisation of existing building and operational efficiency
- alternative provision

### Access to justice

Many respondents raised concerns around the increase in travel time and costs resulting from transferring the workload.

Respondents to the consultation included local authorities and parish councils whose main remarks were about travel difficulties either for their clients or staff. Some of the other comments received were:

"We do not believe you have taken into account the substantial travel costs which some court users could face. You mention the £71.30 rail journey from Aylesbury to Milton Keynes via London, which we doubt anyone would take, but even so a £6.00

return bus ticket to Milton Keynes or Wycombe, or £9.10 rail ticket to Wycombe, would have a big impact on an Aylesbury defendant on benefits.” (Councillors)

“We are also concerned about the potential impact on court proceedings (and trials in particular) if defendants, complainants, witnesses and other court users fail to attend or arrive late because of the cost, travel times and distances involved - particular for those who have to use public transport, or where no public transport is available - delaying justice at a time when we are being encouraged to make courts more efficient. Inevitably, such delays would not reflect well on court performance.” (Buckinghamshire Bench Chair on behalf of the Buckinghamshire Bench)

“LOCAL JUSTICE is at risk. How is it possible for a Magistrate to dispense local justice in Milton Keynes when they live or work in Aylesbury or High Wycombe? They are not familiar with the area, the roads, the shops, the people. It is the same in all other areas where Courts are due to disappear. I agree with the proposal to utilise other existing buildings and convert them into Courts.....I am not totally opposed to closing elderly and inadequate buildings but I am vehemently opposed to the gradual decline in local justice. The whole basis of the Magistracy should focus on local justice and that is slowly being eroded due to financial considerations. It is entirely unacceptable.” (Magistrate)

“I am most concerned about the possibilities of dramatic increases in travel time for my constituents. Should services be moved to High Wycombe or Milton Keynes, I fear that a great deal of additional cost and travel will be endured by Buckingham constituency residents which could be avoided if the Magistrates’ Court were to remain in Aylesbury.” (Member of Parliament)

“I believe that the assessment by your department underestimates the difficulties that this will cause for defendants and witnesses and the consequent risk is that more cases will have to be adjourned or will even collapse completely.” (Member of Parliament)

The staff in the County Court recognises the need for alternative accommodation to be provided in respect of the existing Crown Court building but it is our belief that it is possible and would provide better customer service for a County Court presence to be retained within Aylesbury Town Centre. It is our belief that local access to justice should be maintained. Aylesbury is the County Town of Buckinghamshire and a local presence should be retained.” (Aylesbury County Court Staff)

HM Courts & Tribunal Service is committed to ensuring that it continues to provide court and tribunal users with effective access to justice while finding ways to do so in a way that reduces costs alongside its efforts to improve the efficiency of the justice system as a whole. It should be noted that Buckinghamshire already has a single bench of magistrates covering the whole of the county and there will be no requirement for changes to existing Local Justice Areas.

HM Courts & Tribunals Service acknowledge and accept that some people will need to travel further to reach court. People infrequently need to attend court and of those, only a small proportion would use public transport to reach court.

Almost all journeys to the proposed new locations can be undertaken in under an hour. It is accepted that there will be additional travel time in respect of journeys by public transport, however that alone cannot be a reason to retain the court.

New digital technology systems will allow more users to access and communicate with the court on-line and expansion of the video linking facilities will remove the need for some users attending court. This is especially so where there are cases that affect vulnerable witnesses or children. All of these advances should mean fewer people needing to physically attend court in the future.

### **Operational efficiency**

During the 2014-15 financial year Aylesbury Magistrates' Court, County Court and Family Court was utilised for approximately 14% of its capacity.

There were no specific responses to the utilisation rate of the Aylesbury Magistrates' Court, County Court and Family Court although it was questioned why more use was not made of it. Many respondents accepted that it would be appropriate to re-house the Aylesbury Crown Court, which is currently in a leasehold Grade II listed building, which is not fit for purpose as a Crown Court.

"We have been made aware that Aylesbury Courthouse is currently underused, and we question why more use has not been made of its courts. However, we do recognise that the Crown Court needs to be relocated due to its lack of facilities and lack of general maintenance over the years." (Local Councillors)

"We recognise the need to move Aylesbury Crown Court from its current location and support its integration into the Aylesbury Magistrates', County and Family court building. The Magistrates' Court Building in Aylesbury has not been fully utilised for some time, however, the decision not to maintain custody facilities has necessitated the movement of work to other local courts rather than a lack of demand per se. The efficiency reviews have highlighted the need for a more integrated courts service with shared facilities and we would support the creation of a multi-purpose law centre where Crown Court cases were prioritised but with the option to use any non-utilised courts for cases from the lower, coroners or tribunal courts. The facilities within the Crown Court such as video links could also be used by local witnesses in order to avoid unnecessary travel to Milton Keynes and High Wycombe Magistrates' courts. High Wycombe and Milton Keynes' Magistrates' Courts would currently be able to receive cases transferred from Aylesbury but this is dependent upon sufficient courts remaining available in the future to accommodate the additional workload." (Magistrates' Association, Buckinghamshire Branch)

The work currently dealt with by Aylesbury Magistrates' Court, County Court and Family Court can be accommodated at other locations in the county. The courts at High Wycombe and Milton Keynes offer good facilities for court users.

HM Courts & Tribunals Service considers that the redistribution of work will increase utilisation across the estate and allow the receiving courts to be more responsive and flexible when listing cases. It will also allow savings to be made.

The suggestions of providing occasional magistrates' court or county court hearings at Aylesbury or providing video links from Aylesbury will be considered as part of implementation of the decision.

### **Alternative provision of services**

Some respondents commented on the supply of an alternative provision. Many respondents were of the view that as Aylesbury is the county town of Buckinghamshire the courts should remain there.



“The utilisation of other buildings, civic or otherwise, for hearings would greatly alleviate the problem and keep justice more local. Magistrates’ expenses would also be kept to a minimum, as their travel costs would be lower. Making use of video links would provide similar benefits. Now that plans for single justice sittings appear to be going ahead, this would also help with the administration of their sittings. We have seen the benefits of video links in prisons and for Special Measures. We now need to extend this technology for wider use.” (Magistrate)

“We do not wish to see Aylesbury Magistrates’ Court closed but hearings should be heard on a regular basis by arrangement with the Crown Court, and/or on an occasional basis when there is spare capacity. Alternatively, a multi-purpose magistrates’ courtroom could be reserved at Walton Street, which could also be suitable for Youth and Family, and other non-criminal case such as the coroner’s court and selected county court matters.” (Aylesbury Town Council and other councils)

An increase in the use of video links and digital technology should be welcomed to improve efficiency and costs of the criminal justice system. However, it should not become an excuse to close or remove local courts. While technology has a place and role to play in the administration of justice it would not always be appropriate for trials to be conducted by video in distant locations.” (Police and Crime Commissioner for Thames Valley)

HM Courts & Tribunals Service will ensure that the suggestions made regarding providing occasional magistrates’ court or county court hearings at Aylesbury Crown Court or other buildings is fully explored in its implementation plans. HM Courts & Tribunal service will also consider the option of providing video links from Aylesbury, additionally or as an alternative.

## **Decision**

All the points raised have been analysed and following careful consideration; the Lord Chancellor has decided to close Aylesbury Magistrates’ Court, County Court and Family Court. Upon closure the magistrates work will move to High Wycombe Magistrates’ Court and Milton Keynes Magistrates’ Courts, the civil work to Milton Keynes County Court. Family work will also be issued at Milton Keynes County and Family Court and allocated to family hearing centres in accordance with the principles of the Single Family Court. The option of providing occasional magistrates’ court or county court hearings and/or providing video links from Aylesbury will be considered as part of the implementation of the decision.

## **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 Aylesbury Magistrates’ Court, County Court and Family 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.

### **Basildon Social Security and Child Support Tribunal (Acorn House)**

The Lord Chancellor has decided to close Basildon Social Security and Child Support Tribunal (Acorn House). The workload will move to Basildon Combined Court and Southend Magistrates' Court and Family Court.

Three responses were received relating to Basildon Social Security and Child Support Tribunal (Acorn House). Of these:

- one was from a member of the judiciary
- one was from a member of the public
- one was from a union or staff group

All three responses opposed the proposals.

HM Courts & Tribunals Service would like to apologise for an error in the consultation document. During the 2014-15 financial year, Basildon Social Security and Child Support Tribunal was used at approximately 28% of its capacity, not 42% as published in the consultation document which was based on the incorrect number of hearing rooms.

#### **Access to justice**

There was one comment on the transport arrangements and impact on court users.

"I don't agree that disabled people from the Basildon area should have to travel all the way to Southend-on Sea for their tribunals. I think they should be seen at Basildon Crown Court. Many people suffering for either mental health disabilities and/or physical disabilities struggle to travel long distances to tribunals so all tribunals should be held in the local area. Also unless travelling costs are reimbursed many would find it difficult to fund the extra travel costs." (Member of the public)

There is already an existing Social Security and Child Support (SSCS) tribunal hearing venue based in the Basildon Combined Court and that it is proposed for the future that work be allocated to the appropriate venue based on where the appellant lives. In addition, appellants in SSCS tribunal hearings can claim their travel costs.

HM Courts & Tribunals Service acknowledge and accept that some people may need to travel further to reach their nearest tribunal hearing centre and for some the journey, if made by public transport, may be over an hour. We are mindful of the infrequency with which people need to attend courts and tribunals and the small proportion of people that would use public transport to reach the tribunal hearing centre.

#### **Operational efficiency**

For 2014-15 Basildon Social Security and Child Support Tribunal was used to approximately 28% of its capacity.

One respondent expressed concerns about the capacity and the suitability of one of the proposed receiving sites.

"The rooms at the county court are not adapted for Tribunal Users and in many cases are unsuitable with the furniture layout and structure. Acorn House is a purpose built facility, which has modern furniture and facilities compared to the county court...With

the closure of Norfolk House [Colchester County Court Offices] there will be a need to move SSCS work elsewhere. Acorn House is ideally placed to absorb this with its extra hearing rooms. You should also bear in mind that Norfolk House was used for interlocutory work by SSCS (only set up this year) in a purpose built room and so this will have to be allocated elsewhere.” (Magistrate)

The current use of Basildon Social Security and Child Support Tribunal (Acorn House) does not justify keeping this separate tribunal hearing venue. The proposed receiving courts can absorb the workload without any enabling works. Southend Magistrates’ Court and Family Court will require enabling works so that it can also accommodate work from Southend County and Family Court.

Since the consultation was published HM Courts & Tribunals Service has had to stop using Acorn House as a hearing venue due to concerns about fire safety. Following a fire risk assessment, HM Courts & Tribunals Service was advised that it could not guarantee the safe evacuation of disabled persons from the building in the event of an emergency and that the fire evacuation procedures were not suitable because there was only a single means of escape from the fourth floor of the building. In July 2015, a decision was taken to not continue using Acorn House as a hearing venue.

The workload from Basildon Social Security and Child Support Tribunal has been transferred to Basildon Combined Court and Southend Magistrates’ and Family Court. A few cases requiring a medical room have been transferred to Colchester County and Family Court.

### **Value for money**

The operating costs for Basildon Social Security and Child Support Tribunal (Acorn House) were approximately £168,000 in 2014-15.

One respondent has commented on the creation of an additional hearing room in 2013.

“Only in 2013, an additional hearing room was placed at the venue allowing it to have 3 Tribunal hearing rooms in place at the same time. Prior to the down turn of social security work in 2014-15, the venue was often very busy with most rooms occupied throughout the week.” (Magistrate)

HM Courts & Tribunals Service accepts that there was a previous requirement for additional hearing capacity in the Social Security and Child Support Tribunal. There is now a need to review the estate in line with the current workload requirements. There is capacity across the estate in Essex to accommodate the tribunal hearings and allow HM Courts & Tribunals Service to vacate the leasehold property at Acorn House. The concerns raised at the Fire Risk Assessment have also been taken into account.

### **Decision**

All the points raised by respondents to the consultation have been analysed and following careful consideration, the Lord Chancellor has decided to close Basildon Social Security and Child Support Tribunal (Acorn House). The workload will be moved to Basildon Combined Court and Southend Magistrates’ Court and Family Court.

## **Implementation**

Tribunal hearings have already been moved from Acorn House, and an implementation plan will now be developed to formally vacate the building. Attached with this document is an indicative timetable for implementation. Please note this timetable is subject to change as the programme progresses.

## **Bedford and Mid Beds Magistrates' Court and Family Court and Bedford County Court and Family Court**

The Lord Chancellor has decided to close Bedford and Mid Beds Magistrates' Court and Family Court and Bedford County Court and Family Court. The magistrates' court work will move to Luton Magistrates' Court. The family and county court hearing work will move to Bedford Employment Tribunal and the administration will move to Luton County and Family Court.

27 responses to the consultation paper were received. Of these:

- six were from members of staff
- four were from members of the judiciary
- four were from magistrates
- four were from professional court users
- four were from other public sector bodies
- two were from members of the public
- two were from union or staff groups
- one was from a Member of Parliament

Of the overall responses, one was supportive, two were neutral but had concerns and the remainder were opposed to the closure proposal. The main themes raised were:

- access to justice and increased cost of transport
- challenges to the accuracy of the consultation document
- utilisation of existing building
- alternative provision

HM Courts & Tribunals Service would like to apologise for an error in the consultation document. The proposal stated that the Bedford Employment Tribunal building is freehold. This should have stated that the Bedford and Mid Bedford Magistrates' Court and Family Court and Bedford County Court and Family Court is freehold. The Bedford Employment Tribunal building is leasehold.

### **Access to justice**

The following is a selection of comments that were made by respondents:

"I maintain that the proposal to close Bedford Magistrates' Court is unnecessary, ill-conceived and will result in slower administration of justice, it will also result in inconvenience to many court users, including victims of crime, witnesses, Bedfordshire police and the Probation Service and will result in the dilution of efficient local justice." (Member of Parliament)

"Our research shows there is concern about relocating the courts outside of Bedford may incur increased costs which some, often the most dependant, would be unable to afford thereby unreasonably restricting the access to justice." (Bedford & District Citizens Advice)

“The JBG does not seek to argue against the closure of the building for criminal work. The small amount of criminal work currently listed at Bedford can readily be accommodated at Luton with some work dealt with under the single justice procedure.” (Beds and Herts Judicial business group)

“The decision was made in 2014 to list all magistrates’ criminal work for Bedfordshire in Luton Magistrates’ Court. It is very unfortunate that the County town no longer provides local criminal justice, requiring witnesses and the public to travel to see that justice is done. There is no public transport from the east of the county (e.g. Biggleswade and Sandy...) to Luton and a journey from this area to Luton by car in the rush hour takes over an hour, which disadvantages those with children, particularly women who are victims of domestic violence, whose cases are now heard in Luton. I would urge you to consider the provision of criminal cases in Bedford for this group.” (Magistrate)

“We are particularly concerned for court users on the lowest levels of income, most of who do not have access to a vehicle and would have to rely on public transport. We are concerned that such people will not have the means to pay the cost of public transport to and from court, nor can they afford to pay the childcare costs related to attendance. In the end we fear many will simply not attend court, report crimes or use the courts when they feel so isolated. This is entirely at odds with one of the main stated principles behind the proposals - that of ensuring access to justice.” (Bedfordshire Law Society)

Respondents from local authorities also highlighted the impact that closure will have on their resources if work is transferred to Luton.

HM Courts & Tribunals Service acknowledges and accept that some people will need to travel further to reach their nearest court and for some, there will be some increased travel costs. 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 reach court. The proposal is for county court and family court hearings to be heard in Bedford so travel times and costs for these court users will remain the same.

### **Accommodation**

There were several challenges to the accuracy contained in the consultation document concerning accommodation at the Shire Hall and the receiving courts, together with observations about works to the building.

A judicial post holder commented that there is insufficient capacity at the Bedford Employment Tribunal to accommodate family and county court hearing work on the basis that it is “currently inadequate, in its current form, for the conducting of employment tribunal hearings.”

“We are not commenting on facilities at Luton, save to say that there is insufficient room for all work and hearings in Bedford to be transferred there; County Court and Family Court hearings from Luton are regularly listed at Bedford for precisely this reason.” (Magistrate)

“Bedford Employment Tribunal building is too small to take civil & family hearings and will not provide appropriate facilities for more difficult cases. Moving the Employment Tribunal to Shire Hall in Bedford, currently housing Magistrates’, Civil & Family Courts, to increase courtroom utilization could save money rather than the reverse.” (Public and Commercial Services Trade Union)

Other respondents expressed similar concerns about the suitability of Bedford Employment Tribunal to receive the existing family and civil hearings without extensive enabling works being required.

It was acknowledged in the consultation document, that enabling works would be required at the Bedford Employment Tribunals. The facilities that are available at the proposed receiving locations, Luton Magistrates' Court and Bedford Employment Tribunal are easier to adapt than those at Shire Hall and would require less work for them to meet the needs of modern day users.

HM Courts & Tribunals Service needs to reduce its reliance on buildings with poor facilities and to remove from the estate buildings that are difficult and expensive either to improve or to upgrade. The age of Shire Hall and its Grade II listed status means it is not easy to bring up to acceptable standards, particularly in relation to digital working, whereas the receiving buildings do not provide HM Courts & Tribunals Service with that type of challenge.

### **Operational efficiency**

During the 2014-15 financial year, Bedford and Mid Beds Magistrates' Court and Family Court and Bedford County Court and Family Court was used at approximately 16% of its capacity.

Responses received challenged the utilisation rate:

"How was the figure of 16% arrived at? My colleagues and I believe this figure to be misleading and incorrect. The figure is partially artificial simply because the centralisation of criminal work to Luton was a conscious management decision. Therefore the court's capacity to conduct hearings was dramatically reduced. If the figure is only 16% it is because of management decisions, not because of natural occurrence i.e. a reduction in crime levels. The 2 County and Family Court hearing rooms are used practically all week and their capacity is around 60%" (Member of staff)

This theme was commented on by many respondents, including a Member of Parliament, who believes that the process to close the Shire Hall Courts follow on from previous listing arrangements, which now sees 98% of Bedford's magistrates' court cases, heard at Luton Magistrates' Court.

Utilisation figures were calculated using 2014-15 sitting hours workload data from the HM Courts & Tribunals Service performance database for magistrates' and county courts as a share of total hearing room capacity. Capacity is based on an assumption of 248 sitting days per year and five hours per day for each room.

This proposal, to transfer magistrates' court work to Luton Magistrates' Court and the family and county hearings to Bedford Employment Tribunal will enable HM Courts & Tribunals Service to be more responsive and flexible to workload and listing of cases, meeting user and workflow demands more effectively.

The redistribution of work would result in increased court utilisation, more efficient and effective disposal of business and allow for savings to be made. It will enable the reduction of underused estate and provide good facilities for all users whilst retaining access to justice.

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

## Value for money

The operating costs for Bedford and Mid Beds Magistrates' Court and Family Court and Bedford County Court and Family Court for 2014-15 were approximately £428,000. Some respondents mentioned previous expenditure on the courthouse.

"Although it is currently under used but has had huge amount of public funds spent on it in the last few years and, therefore, if closed, would be such a waste."  
(Magistrate)

HM Courts & Tribunals Service acknowledges there has previously been significant expenditure on Shire Hall. In the financial year 2011-12, £292,000 was spent on roof and wall repair works. The building has been maintained to ensure it remained operable and compliant with health and safety requirements. As mentioned in the consultation document, it is not easy to adapt the building to bring it up to modern standards and there are, therefore, limitations to its use. In addition, there are ongoing maintenance requirements. This would require further significant investment if the building was retained.

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

## Alternative provision of services

There were some suggestions that more work should be moved into Shire Hall in order to increase its utilisation and allow it to remain open.

"Would it be more practical to continue to use (Shire Hall, Bedford) as a family and county court for now...Is it worth moving the tribunal work to the courthouse and closing the tribunals building. This would save the cost of building works to modify the tribunal building to cater for the needs of the family court...I accept that even with Tribunal work Bedford court may still be underused. A solution could be to explore renting another floor at Cresta House in Luton and moving all Bedford's work into there...But I accept that from a business point of view keeping Bedford open may not be viable...The Magistrates' Court at Luton may also be an option. Courtrooms 6 & 7 could be converted back into courtrooms." (Member of staff)

"Move ET and Huntington Administration to Shire Hall, relocate Bedford County and Family Court to the ET building....Spend money to upgrade Magistrates' Court side at Shire Hall" (Member of staff)

HM Courts & Tribunals Service considers that the significant investment that would be required to provide the appropriate facilities at Shire Hall means that this is not a viable option. The proposed receiving buildings for the work provide better facilities and can accommodate the work with some enabling work required at Bedford Employment Tribunal.

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



## **Decision**

All the points raised by respondents to the consultation have been analysed and following careful consideration, the Lord Chancellor has decided to close Bedford and Mid Beds Magistrates' Court and Family Court and Bedford County Court and Family Court and to transfer the magistrates' court work to Luton Magistrates' Court and the family and county court hearings to Bedford Employment Tribunal. The administration for the family court and county court will move to Luton County and Family 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 Bedford and Mid Beds Magistrates' Court and Family Court and Bedford County Court and Family 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.

## **Bicester Magistrates' Court and Family Court**

The Lord Chancellor has decided to close Bicester Magistrates' Court and Family Court with the workload moving primarily to Oxford Combined Court. Banbury Magistrates' Court, County Court and Family Court will also be considered as an alternative venue for listing of cases where appropriate.

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

- two were from professional court users
- two were from magistrates
- one was from a criminal justice partner
- one was from a member of the public
- one was from a Member of Parliament
- one was received from a member of staff
- one was from a union or staff group

Of these responses, one was in support of the proposals, seven were opposed and one was neutral. The main themes raised were:

- access to justice
- utilisation of existing building and operational efficiency
- alternative provision

### **Access to justice**

Although Oxford Combined Court has been proposed as the receiving court, some respondents have suggested that Banbury Magistrates' Court, County Court and Family Court should also be used as a receiving court. This is located 19 miles from Bicester.

"Problems with Oxford's infrastructure means it is difficult to reach by car, taking journey times far outside the suggested 1 hour and train travel, is for the most vulnerable prohibitively expensive. Bus travel for the North of the county is very time consuming and takes journey times from Banbury, the main northern population centre far outside the target of 1 hour" (Local Solicitors)

"There are three Magistrates' Courts in the Thames Valley that are earmarked for closure; Aylesbury, Bicester and Newbury I have no problem with the closure of the buildings themselves. They are badly maintained and their run down and generally scruffy appearance is detrimental to the seriousness of the function they perform. What does concern me is that the function is being moved away from the three towns (& Crime Commissioner for Thames Valley)

"On occasion victims and perpetrators will need to use the same public transport. In the case of Bicester this is quite likely given the limited options of travel. I do not think this is something that should be encouraged...I cannot agree that the journey by car is approximately 20 minutes between Bicester and Oxford. There are occasions at

peak times in the day where this time will increase fourfold. Moreover, not everyone will have access to a car” (Member of Parliament)

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. We are mindful of the infrequency with which people need to attend court and the small proportion of people that would use public transport to reach court. However in response to the concerns raised, Banbury Magistrates’ Court, County Court and Family Court will now also be considered as an alternative venue for cases to be heard.

### **Operational efficiency**

The utilisation figure of 11% provided in the Bicester Magistrates’ Court and Family Court consultation proposal used sitting hours workload data as a share of total court room capacity. HM Courts & Tribunals Service is aware that judges sometimes use chambers and informal rooms to hear county court work and this may not be recorded in the workload data for the court. A number of responses highlighted that work heard in county court chambers and informal hearings rooms should also be considered as part of the overall usage of the court before any final decisions are made. Supplementary data on judicial work held in chambers and informal rooms was therefore considered in addition to the published utilisation figure before a final decision was made regarding Bicester Magistrates’ Court and Family Court.

One respondent has opposed the proposal on the grounds that it would impact on waiting times for family cases in Oxfordshire.

“There is not the capacity to close our Court and I will provide a recent example. On Thursday 10<sup>th</sup> September one of my private law Children Act hearing has been listed for a final hearing before the Magistrates. When we arrived the legal adviser confirmed that the single Court sitting that day had 2 private law cases listed for 5 hours and an emergency care case listed for 3 hours. ... The care case took precedence and both children act final hearings were not able to be heard.” (Solicitor)

Bicester Magistrates’ Court and Family Court has two courtrooms. Oxford Combined Court has two courtrooms and five hearing rooms for civil and family work and it is proposed that an additional courtroom and hearing room will be created at Oxford Combined Court. A larger courthouse with more courtrooms and hearing rooms can facilitate more flexible and efficient listing of cases and give court users more certainty of when their case will be heard. Oxford Combined Court also provides a more suitable environment for family court hearings. In addition Banbury Magistrates’ Court, County Court and Family Court will also be considered as an alternative venue for cases to be listed where appropriate.

Some respondents commented that Bicester is a town that is undergoing growth. Whilst HM Courts & Tribunals Service acknowledges this, it should be noted that Bicester Magistrates’ Court and Family Court is currently only used for family court hearing work and that there is sufficient capacity in the two other magistrates’ courts in the county to deal with the criminal workload. It is anticipated that new digital technology systems will allow more users to access and communicate with the court online and expansion of the video linking facilities will remove the necessity of some users attending court. This is especially so where there are cases that affect vulnerable witnesses or children. All of these advances should mean that fewer people will need to physically attend court in the future.

## Value for money

The operating costs for Bicester Magistrates' Court and Family Court were approximately £58,000 in 2014-15.

Respondents made the following comments:

"Magistrates, District Judges and Circuit Judges sit in Bicester very regularly not just short hearings but final hearings and fact finding hearings. It is the seat of training for Magistrates and contains administrative offices as well, these functions could not be absorbed by other courts and so money would need to be spent building extra courts and administrative offices. We do not believe this would be economic."(Local Solicitors)

"The cost savings accruing to the MoJ (HM Courts and Tribunals Service) will be outweighed by the additional costs to policing. If police officers, victims and witnesses are all able to take part effectively in court cases by video link and other digital technology then much of the problem can be removed. However, at present I am not confident that we can progress to a court system in which only the magistrates, lawyers and defendants are actually present" (Police & Crime Commissioner for Thames Valley).

In the proposal, HM Courts & Tribunals Service acknowledged that enabling works will be required at Oxford Combined Court to create additional hearing capacity. This will provide a more appropriate hearing room environment particularly for the circuit judge level family work which is currently heard at Bicester Magistrates' Court and Family Court. There will be no requirement for enabling works to provide further administrative office space. Alternative magistrates' training facilities are available at courthouses in Banbury, High Wycombe and Reading.

HM Courts & Tribunals Service has to have due regard to ensure its estate is utilised to deliver justice efficiently and effectively while providing value for money to the public purse. If we continue as we are, a third of our budget would be spent on the estate. This limits our ability to invest in alternative ways of making justice accessible.

## Alternative provision of services

There were some suggestions from respondents regarding alternative provision of services.

"What does concern me is that the function is being moved away...There is no need for this, as there are alternative sites, e.g. town halls and Council Chambers, in all three locations that can easily be used as courts with little or no expense" (Police & Crime Commissioner for Thames Valley)

"A proportion of cases currently heard at Bicester could be transferred to Banbury....where appropriate it could be beneficial to consider using other locations in the town for cases, such as The Garth on London Road or a hotel" (Member of Parliament)

Although Banbury Magistrates' Court, County Court and Family Court was not included in the proposal as a receiving court, listing cases into this court will be considered where appropriate.

HM Courts & Tribunals Service will also consider proposals for the use of other public or civic buildings to provide services including video link facilities.

## **Decision**

All the points raised by respondents to the consultation have been analysed and following careful consideration, the Lord Chancellor has decided to close Bicester Magistrates' Court and Family Court and move the workload primarily to Oxford Combined Court. Banbury Magistrates' Court, County Court and Family Court will also be considered as an alternative venue where appropriate

## **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 Bicester Magistrates' Court and Family 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.

## **Bury St Edmunds Magistrates' Court and Family Court and Bury St Edmunds Crown Court**

The Lord Chancellor has decided Bury St Edmunds Magistrates' and Family Court will close once suitable local alternative provision is established.

The Lord Chancellor has decided that Bury St Edmunds Crown Court should close. The Crown Court has not been used for some considerable time as there is sufficient capacity and excellent facilities at Ipswich Crown Court.

A total of 132 responses to the consultation paper were received relating to Bury St Edmunds Magistrates' Court and Family Court and Bury St Edmunds Crown Court. Of these:

- 57 were from members of the public
- 25 were from magistrates
- 18 were from another public sector bodies
- 14 were from professional users
- five were from others
- four were from criminal justice partners
- four were from a member of the judiciary
- three were from union or staff groups
- one was from a Member of Parliament
- one was from a staff member

One of the responses was supportive of the proposals, nine were neutral and all others were opposed. Almost all responses related specifically to Bury St Edmunds Magistrates' Court and Family Court. One response also mentioned Bury St Edmunds Crown Court.

The main themes raised by respondents were:

- transport links and access to justice
- utilisation of existing building and operational efficiency
- alternative provision

HM Courts & Tribunals Service would like to apologise for an error in the consultation document. During the 2014-15 financial year, Bury St Edmunds Magistrates' Court and Family Court was used to approximately 59% of its capacity. This figure differs from the figure of 44% quoted in the consultation document.

In addition there was a mistake in the consultation document. We stated that there is a regular train service between Bury St Edmunds and Norwich. It has been pointed out that this journey requires a change of trains at either Ely or Stowmarket and we apologise for this error.

## Access to justice

The main concerns raised in the responses were transport and access to justice issues, with some responses making particular reference to the journey from West Suffolk to Ipswich and Norwich. There were also a number of comments in relation to the rural nature of the county and the limited road and rail links across the county.

“The fact Suffolk is a large rural County will mean (if Bury St Edmunds Court closes) long and expensive journey times from the West of the County to Ipswich which is in the South East of the county.” (Magistrate)

“The consultation seems almost blasé about the distances and travel times involved in getting to the other court centres and seem ignorant of the fact that Norfolk, Suffolk and Cambridgeshire are rural areas with poor public transport.” (Local Solicitors)

“To cite train journeys (and bus when available) is assuming that people are starting out from the court they would have used which is not the case as people will travel from home. This could be from Haverhill for example, at the most west of Suffolk, the car journey could be as much as 90 minutes at peak time. There are no trains and buses can take 2 hours 35 minutes or 3 hours 51 minutes.” (Member of the public)

“As I’m sure you are aware, the proposed reduction to a single court will leave many of my constituents isolated, particularly those in the west of Suffolk. There are concerns in several areas such as transport, connectivity, victim safety and representation... Given the size and rural nature of my constituency, and Suffolk generally, the financial burden and inconvenience placed on court users will be significant. Such users include defendants, victims and witnesses but also local authorities, the Anglia Revenues Partnership and other public bodies who regularly need to access the Court.” (Member of Parliament)

“Suffolk is a large rural county with completely different dynamics to urban areas of the country and court users (defendants, victims, witnesses and family members) will be disadvantaged and denied access to justice if the closure goes ahead.” (Member of the public)

A response was submitted by Cambridgeshire and District Law Society on behalf of 768 members opposing the closure on the grounds of increased costs and travel time of court users and legal service providers.

There was a request to consider Cambridge Magistrates’ and Family Court as an alternative receiving court as it is closer for some people in Suffolk.

HM Courts & Tribunals Service acknowledge that the proposals mean that some people would need to travel further to reach their nearest court. To reduce the need for court users to travel, family hearings will be accommodated in the Bury St Edmunds County Court and Employment Tribunal building (Triton House). Video conference facilities will also be provided for the benefit of vulnerable victims and witnesses in criminal cases who live near Bury St Edmunds.

## Operational efficiency

During the 2014-15 financial year, Bury St Edmunds Magistrates' Court and Family Court was used to approximately 59% of its capacity. This figure differs from the one published in the consultation document. There has been no crown court work heard at Bury St Edmunds Crown for some time.

Some responses expressed concerns about the capacity and suitability of Ipswich Magistrates' and Family Court to receive the work.

"I do not think that the five Ipswich Magistrates' Courts will be able to cope with the extra workload from both Lowestoft and Bury St Edmunds Court houses."  
(Magistrate, Retired)

"The facilities at Ipswich Court for Magistrates area already limited with a lack of discrete retiring rooms and toilet facilities. Extra courts would only exacerbate these problems." (Magistrate)

Other respondents suggested that the facilities at Ipswich Magistrates' Court were not of a good standard with many areas in need of repair. It was also suggested that there would be a lack of interview and meeting rooms.

HM Courts & Tribunals Service is confident Ipswich Magistrates' and Family Court and Norwich Magistrates' Court and Family Court offer good facilities and can absorb the workload without any enabling works. HM Courts & Tribunals Service will, however, consider the option of accommodating some magistrates' court work at the Cambridge Magistrates' and Family Court as an alternative to Ipswich before implementation.

## Value for money

The operating costs for Bury St Edmunds Magistrates' Court and Family Court and Bury St Edmunds Crown Court were approximately £275,000 for the financial year 2014-15.

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

## Alternative provision of services

Some responses referred to the possibility of using other public or civic buildings as an alternative location for the court.

"The Council has offered space to relocate the Court, could this be an alternative to closure." (Magistrate)

"In working with St Edmundsbury Borough Council it is apparent that the Public Service Village at Western Way in Bury St Edmunds could provide the court with improved accommodation that could be shared with other services when not in use. This is an excellent opportunity to deliver more cost efficient services across the board whilst ensuring that court services remain in Bury." (Member of Parliament)

Bury St Edmunds Magistrates' and Family Court will not close until suitable local alternative provision is established.



## **Decision**

The Lord Chancellor has decided to close Bury St Edmunds Magistrates' and Family Court and the workload be moved primarily to Ipswich Magistrates' Court but also to Norwich magistrates' Court. Family hearings will be accommodated at the Bury St Edmunds County Court and Employment Tribunal building (Triton House) and Cambridge Magistrates' and Family Court. Video conference facilities will be provided at the same building for the benefit of vulnerable victims and witnesses in criminal cases to negate the need for them to travel elsewhere in Suffolk.

The Lord Chancellor has decided that Bury St Edmunds Crown Court should be closed. The Crown Court has not been used for some considerable time as there is sufficient capacity and excellent facilities at Ipswich Crown 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 Bicester Bury St Edmunds Magistrates' and Family Court and Bury St Edmunds Crown 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.

### **Chichester Combined Court (Crown and County)**

The Lord Chancellor has decided that Chichester Crown Court will close and its workload will move to Lewes and Portsmouth Combined Courts once suitable local alternative provision is established.

The Lord Chancellor has decided that Chichester County and Family Court will close and the workload moved primarily to Worthing County Court and Family Court once suitable local alternative provision is established. Where appropriate, cases may also be listed in other county and family courts in Sussex located in Horsham and Brighton.

HM Courts & Tribunals Service will identify alternative arrangements for dealing with county court and family court hearings or provide video links from alternative venues in Chichester as part of implementation.

A total of 62 responses to the Chichester Combined Court consultation proposal were received. Of these:

- 14 were from members of the public
- 14 were from professional users
- 10 were from members of the judiciary
- eight were from another public sector bodies
- four were from magistrates
- four were from criminal justice partners
- four were from union or staff groups
- two were from others
- one was from a Member of Parliament
- one was from a staff member

Of the overall responses, one was supportive of the closure proposal, four were neutral but had concerns. The remainder were opposed to the closure proposal for the Chichester Combined Court, the main themes being:

- availability and cost of transport to alternative venues
- access to justice
- use and condition of existing building

There was an acceptance that the existing building is in poor condition and requires significant investment to make it fully compliant with the Equality Act 2010.

HM Courts & Tribunals Service would like to apologise for an error in the consultation document. During the 2014-15 financial year, Chichester Combined Court was used to approximately 60% of its capacity. This figure differs from the one published in the consultation document. The utilisation figure of 78% in the document relates to Chichester Crown Court only. The utilisation rate for Chichester County Court and Family Court in 2014-15 was 43%.

## Access to justice

Many of the respondents to the consultation raised concerns about the increase in travel time and cost which would result from transferring the workload of Chichester Combined Court to Portsmouth and Lewes Combined Court (and other satellite courtrooms), in respect of the Crown Court and to Worthing County and Family Court, in respect of the County Court.

“There is considerable local concern that, for many victims, the strain imposed by the proposals would lead people to abandon their claims for justice. This would not only be unjust but would also mean the poor and vulnerable members of society would not be receiving equal opportunity under the law - Many court users are in some way disadvantaged (poor, ill, vulnerable, suffering from medical or physical problems) and are thus likely to suffer more from the lengthening of the day caused by the increased travel.” (Fishbourne Parish Council)

“A significant proportion of people will be disadvantaged, and it is not good enough to blithely say that a bus or train ticket to elsewhere will cost £3, £7, £10 or whatever. This is a significant amount of money to such people, quite apart from others who may wish to attend, i.e. family members, friends, advisors etc. Nor is it good enough to refer to car journey times, as this also represents significant cost, not to mention the cost and difficulty of parking -- and the fact that many such people do not own a car anyway. Similar comments apply to the difficulty of witnesses, jurors etc., in all very significantly increasing the cost and inconvenience of using the Court service.” (Member of the public)

“If implemented these proposals will significantly diminish access to justice for defendants, witnesses and the public.” (Magistrate)

A member of the judiciary also questioned the accuracy of the travel times by car, given their experience of the the A27 and M275 which is frequently slow in rush hour. He emphasised that the increase in travel times for both car and public transport users would be unacceptable and the times quoted in the consultation document misleading.

HM Courts & Tribunals Service acknowledge and accept that the proposals mean that some people would need to travel further to reach their nearest court. We are mindful of the infrequency with which people need to attend court and the small proportion of people that would use public transport to reach court. The consultation document provided information regarding journey times between the locations of the courts using publicly available data. HM Courts & Tribunals Service accept that journey times will be affected by traffic conditions and times of travel.

Almost all journeys to the proposed new location for Chichester County Court and Family Court take less than an hour by car. It is accepted that there will be additional travel time in respect of journeys by public transport. Where appropriate, cases may also be listed in other county and family courts in Sussex located at Horsham and Brighton.

HM Courts & Tribunal Service is committed to ensuring that it continues to provide court and tribunal users with effective access to justice while seeking ways to do so at in a way that reduces costs alongside its efforts to improve the efficiency of the justice system as a whole. The introduction of technology has, and will continue to, assist that aim.

New digital technology systems will allow more users to access and communicate with the court online and expansion of the video linking facilities will remove the necessity of some

users attending court. This is especially so where there are cases that affect vulnerable witnesses or children.

All of these advances should mean that fewer people will need to physically attend court in the future. We will provide far better access to justice if we reduce the cost of our estate and reinvest the savings in improving digital access, and improving the accessibility and facilities in our remaining, core court and tribunal facilities.

### **Accommodation**

Chichester Combined Court was built in 1930 and is currently not fully compliant with the Equality Act 2010. This building is in a poor condition and requires significant expenditure to bring it up to acceptable standards, both in terms of equality legislation and for court users in general.

“The structural facilities at Chichester are grossly inadequate in their present form...all the factors under consideration, such as geography, transport and rural catchment militate in favour of complete refurbishment, or preferably replacement of the court building, to include an increase in operational courtrooms.” (Magistrate)

“The closure of Chichester courts would have a serious impact on the city and surrounding area. The buildings have been seriously neglected for several years, particularly the Crown Court, hence the need to spend money in updating.” (Magistrate)

HM Courts & Tribunals Service needs to reduce our reliance on buildings with poor facilities and to remove from the estate buildings that are difficult and expensive either to improve or to upgrade. Overall the receiving courts in the proposal have better facilities and there would be no enabling works necessary to upgrade facilities, whereas significant expenditure would be required to bring Chichester Combined Court up to an acceptable standard.

### **Operational efficiency**

During the 2014-15 financial year, Chichester Combined Court was used to approximately 60% of its capacity.

A number of respondents challenged whether the utilisation figure meant that the court was under used.

“It could certainly be appropriate to close courts with usage figures at e.g. 11% (or which are to most intents and purposes already closed). However, the Chichester courts are running close to or above average capacity. It is somewhat peculiar to say that the courts are not fully Equality Act 2010 compliant and so everyone – particularly the disabled and disadvantaged – will have to travel further.” (Member of the public)

“We have seen from reduction in court dates locally that any change has a significant impact on the court sessions, leading to delay. The combined court is working to nearly full efficiency, if we work on 80% being full efficiency, this allows for delay and extensions. I am therefore not reassured that other courts will be able to absorb all this additional work without creating significant delay and impact on victims and families, as well as offenders.” (BHCC, Children's Services)

“I believe closing Chichester Crown Court will add to the existing delays in listing cases (currently cases are being booked into May/June 2016), will add substantial

costs to Sussex Police, reduce the effective trial rate as fewer witnesses would attend court and reduce the access to gaining justice for victims.” (Member of the public)

“There is a real backlog of cases throughout the South East. Closure of this court will only make this worse. Simply opening extra courts at Portsmouth and Lewes is not the answer.” (Member of the legal profession)

A member of the judiciary observed that the data used to assess the utilisation was flawed. He challenged that during the period used to generate the data there was not a full crown court judicial complement at Chichester for seven months until December 2015. During that period time was lost, in the Crown Court, due to recorders not being available or not being suitably qualified to deal with serious sexual offences that form a large part of the caseload at Chichester.

“The proposals are founded upon workload data which would not justify the conclusions drawn there from even if the data were valid. In fact the data is not valid because it fails to take into account the fact that in the financial year 2014-15 Chichester has inadequate judicial sitting cover.” (Magistrate)

His Honour also pointed out that the performance measures for the review period 2014-15, Chichester Crown Court has achieved in excess of the Circuit ‘target’.

Responses were also received highlighting some operational difficulties that might arise for the police should Chichester Crown Court be closed.

HM Courts & Tribunals Service has to have due regard to ensure its estate is utilised to deliver justice efficiently and effectively while providing value for money to the public purse. HM Courts & Tribunals Service considers that smaller court house centres such as Chichester Combined Court (two crown and two county courtrooms) do not allow for optimum operational efficiency even if well utilised.

The proposal, to transfer Chichester County and Family Court workloads to Worthing County and Family Court and other county courts and family courts in Sussex will enable HM Courts & Tribunals Service to be more responsive and flexible to workload and listing of cases. The receiving courts can absorb this workload without any enabling works. This redistribution of work will result in increased court utilisation, more efficient and effective disposal of business and allow for savings to be made. Even with the closure of the crown court operation, sufficient capacity will remain in the South East to contain forecasted crown court workload.

### **Alternative provision of services**

Some respondents suggested alternative venues for hearing or for video link facilities as follows:

- The Old Courtroom at the Assembly Rooms in North Street, Chichester
- County Hall, Chichester
- video linking with police stations

HM Courts & Tribunals Service is willing to explore these options further in relation to alternative provision of service.

The courts will not close until suitable local alternative provision is established.

## **Decision**

All the points raised by respondents to the consultation have been analysed and following careful consideration, the Lord Chancellor has decided that Chichester Crown Court should be closed and move the workload to Lewes and Portsmouth Combined Courts.

The Lord Chancellor has decided that Chichester County and Family Court should close and the workload be moved primarily to Worthing County Court and Family Court. Where appropriate, cases may also be listed in other county and family courts in Sussex located in Horsham and Brighton. Suitable alternative arrangements for dealing with county court and family court hearings or providing video links from alternative venues in Chichester will also form part of implementation.

## **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 Chichester County Court and Family and Crown 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.

## Chichester Magistrates' Court

The Lord Chancellor has decided to close Chichester Magistrates' Court and transfer the workload to Worthing Magistrates' Court and Horsham Magistrates' Court.

HM Courts & Tribunals Service is considering options regarding the transfer of the Residential Property Tribunal hearings and administration.

A total of 35 responses to the Chichester Magistrates' Court consultation paper were received. Of these:

- 12 were from members of the public
- seven were from professional users
- six were from other public sector bodies
- four were from magistrates
- three were from members of the judiciary
- two were from union or staff groups
- one was from a member of staff

All respondents were opposed to the closure proposal for the Chichester Magistrates' Court, the main themes being:

- access to justice and cost of transport to alternative venues
- utilisation of existing building

### Access to justice

Respondents to the consultation raised concerns about the increase in travel time and cost which would result from transferring the workload of Chichester Magistrates' Court to Worthing Magistrates' Court and Horsham Magistrates' Courts.

"A large proportion of defendants and witnesses do not have private transport. To base court closures on the ill conceived premise that travel time by car between closed courts and their alternate will be no more than one hour fails to understand that many rely on public transport to get to court and that public transport from rural areas can often mean a combination of buses and trains with significant waiting and connection times. Many struggle to make existing court appointment times so court closures will exacerbate a problem with, inevitably, the inherent costs of needing to activate arrest warrants and having to adjourn to future dates with, almost certainly, cases not being prosecuted because witnesses are either unable or cannot be bothered to attend court." (Magistrate)

"The assessment has not adequately addressed the transport needs of court users unable to travel via rail and along the A27, many rural court users do not have easy access to transport and focusing on travel between locations along the South Coast is not representative of the demographic. Chichester courts provide a service closer to people north of the downs who are within the West Sussex jurisdiction, residents of these locations do not appear to have been considered thus far." (Anonymous)

“The evidence on travel times in the Consultation paper indicates that access to justice would be severely compromised in respect of magistrates and family workload. No consideration in the Consultation paper to the requirements of Tribunals and their users.” (Residential Property Tribunal Judiciary)

HM Courts & Tribunals Service acknowledge and accept that some people will need to travel further to reach their nearest court or tribunal. Almost all journeys to the proposed new locations will take less than an hour by car. It is accepted that there will be additional travel time in respect of journeys by public transport, however that in itself cannot be a reason for the retention of this court. We are mindful of the infrequency with which people need to attend courts and tribunals and the small proportion of people who would use public transport.

HM Courts & Tribunals Service is committed to ensuring that it continues to provide court and tribunal users with effective access to justice while seeking ways to do so in a way that reduces costs alongside efforts to improve the efficiency of the justice system as a whole. The introduction of technology has, and will continue to assist that aim.

New digital technology systems will allow more users to access and communicate with the court online and expansion of video linking facilities will remove the necessity of some users attending court. This is especially so where there are cases that affect vulnerable witnesses or children.

All of these advances should mean that fewer people will need to physically attend court in the future.

### **Operational efficiency**

During the 2014-15 financial year the utilisation rate for Chichester Magistrates' Court was approximately 41%.

A number of respondents commented on the utilisation of this building.

“The reason Chichester Magistrates court has not been used to its full potential is purely down to court scheduling which has listed remand work in Worthing and Crawley Courts only leaving Chichester and Horsham courts dealing with trial business. Not only is this not a good use of the space, it means that if a trial goes guilty or take less court time than expected the Clerk and Bench are unable to continue working by assisting colleagues from other courts as there is rarely other business in the building. Scheduling can be changed and Chichester is more than capable of handling all types of court work, including remand. A spread of work in a court house means benches can help each other, swap Magistrates should one be known to a defendant or witness and make better use of bench time should a trial crack (instead of releasing them after only half an hour of court time).” (Anonymous)

“Other courts in the region are struggling with the volume of work they have to process. It is unrealistic to expect that these courts can operate effectively and serve justice efficiently if they have to try and absorb the work of the closed courts...By transferring cases from courts earmarked for closure to courts already overburdened will inevitably mean cases will take longer to be prosecuted and, if key witnesses decide they cannot be bothered attending because of the delay (or delays if adjournments are necessary), or travel requirements (witnesses have jobs and “lives” to also be concerned about), then they may never be prosecuted. The net result is a



higher cost than at present with criminals walking free but, if nothing else; the government can then say that crime is decreasing!” (Magistrate)

Chichester Magistrates’ Court has three courtrooms. It currently has criminal workload (trials) listed in two courtrooms four days per week. The venue is also used to hear Residential Property Tribunal hearings approximately one day per week. The proposed receiving courts, Worthing Magistrates’ Court and Horsham Magistrates’ Court have the capacity to absorb this workload without the need for enabling works.

HM Courts & Tribunals Service considers that the redistribution of work will increase utilisation across its estate and allow the receiving courts to be more responsive and flexible with the listing of cases. It will also allow for savings to be made.

### **Alternative provision of services**

Some respondents made comment on the possibility of alternative provision.

“We do not have any detailed knowledge of where such additional accommodation may be found but the suggestion has been made that with the development of County Hall (North) in Horsham, and the changing role of the County Council from service provider to a commissioning organisation, suitable accommodation may become available at County Hall, Chichester.” (Member of the public)

“Both courts could be closed but a permanent base in shared space belonging to the City/District/County council could be sought as a replacement. This would retain a judicial/magisterial presence (albeit on ‘circuit’) in the area, allow a significant number of hearings to take place locally and provide a clear central point for video-conferencing in lieu of attendance at court and for Court information.” (Member of the public)

“serious consideration should be given to setting up a facility for witnesses to give evidence over video link from Chichester. An obvious location for this would be county hall. But there must be staff support for witnesses at this facility and appropriate waiting areas etc. If a simple court room was established at county hall this could also be used for simple summary only, non-imprisonable hearings, i.e. where the full facilities of a court building are not needed.” (Magistrate)

HM Courts & Tribunals Service will explore the potential to provide video link facilities in Chichester.

### **Decision**

All the points raised by respondents to the consultation have been analysed and following careful consideration, the Lord Chancellor has decided to close Chichester Magistrates’ Court and transfer the workload to Worthing and Horsham Magistrates’ Courts.

HM Courts & Tribunals Service is considering options regarding the transfer of the Residential Property Tribunal hearings and administration.

### **Implementation**

Consultation with the Department Trade Union on staffing impacts will take place over the coming months. There are a number of factors to consider before Chichester 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.

### **Colchester County Court and Family Court (Falkland House) and Colchester County Court Offices (Norfolk House)**

The Lord Chancellor has decided to close Colchester County and Family Court (Falkland House). The civil workload will be moved to Chelmsford County and Family Court and the family work allocated in accordance with Single Family Court principles. This work will be heard primarily at Chelmsford County Court and Family Court and Colchester Magistrates' Court and Family Court depending on the appropriate judicial tier for the work.

The Lord Chancellor had decided to close Colchester County Court Offices (Norfolk House). The existing Social Security and Child Support Tribunal and occasional civil hearings will be moved primarily to Chelmsford County Court and Family Court. It may be possible for occasional tribunal hearings to be held at Colchester Magistrates' Court and Family Court.

HM Courts & Tribunals Service would like to apologise for an error in the consultation document. During the 2014-15 financial year, Colchester County Court and Family Court (Falkland House) was used to approximately 23% of its capacity. This figure differs from the one published in the consultation document as the usage (approximately 58%) was based on an incorrect number of hearing rooms.

In addition there was an omission in the consultation document. The East London Tribunal Hearing Centre currently holds hearings at the Colchester County Court Offices (Norfolk House). The venue was used for 51 days by the East London Tribunal Hearing Centre during the first six months of the 2015-16 financial year. This was not mentioned in the consultation document. We are currently exploring the options for the transfer of this work.

A total of 16 responses to this consultation paper were received. Of these:

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

Of the overall responses, one was supportive, one was neutral and the remainder opposed the closure proposals, the main themes being:

- access to justice
- utilisation and condition of existing building
- value for money

#### **Access to justice**

Respondents made the following comments in respect of the proposals:

“Moving our Court to another town a 30 minute train journey away causes a barrier to the residents struggling to make ends meet and who have every intention on

attending their hearings. With many families trying to put food on the table can be a struggle without causing yet another barrier to their attempt at making positive changes in their lives.” (Colchester Borough Homes)

“The closure of Colchester as a hearing centre for civil and family cases could prevent access to justice for some living in the villages and towns surrounding Colchester due to the cost and additional time for travel. Tribunals also occasionally sit at Colchester and will need to find alternative accommodation with the same effects on their users...The complete closure affects all parties but particularly those who are on low incomes, the additional cost of travel to Chelmsford from the outlying towns and villages of north Essex could be prohibitive or take too long. The cases where this is most likely to affect people are family and housing cases. It could also cause problems for those with disabilities.” (Magistrate)

“The current proposals do not address the requirements of the employment tribunal. The employment tribunal has available one tribunal room at Colchester on fifteen days of each month, with a possibility of using two tribunal rooms for hearings, if needed...Many users are unable to travel to the main hearing centre in London due to disability and mobility issues. Others find the cost of travelling to the main hearing centre prohibitively expensive and some can find the prospect of travelling the lengthy distance difficult to combine with family responsibilities.” (Regional Employment Judge)

HM Courts & Tribunals Service acknowledge and accept that some people will need to travel further to reach their nearest court or tribunal and for some the journey, if made by public transport, may be over an hour. We are mindful of the infrequency with which people need to attend court or tribunal and the small proportion of people who would use public transport to reach court.

It should be noted that some family court hearings will continue to be held locally at Colchester Magistrates’ Court and Family Court. HM Courts & Tribunals Service will also explore holding some tribunal hearings at this venue on an occasional basis.

### **Operational efficiency**

The utilisation rate at Colchester County Court and Family Court for 2014-15 was approximately 23%. The utilisation rate at Colchester County Court Offices was approximately 26%. The Falkland House and Norfolk House buildings are both leasehold properties.

There were some concerns raised by local judiciary about accommodating the work from Colchester County Court and Family Court, both in terms of courtroom availability and judicial capacity.

It is accepted that there will be a requirement for enabling works at Chelmsford County Court and Family Court to receive the county court and tribunal workload from Colchester County Court and Family Court and Harlow Magistrates’ Court.

The expansion of Chelmsford County Court and Family Court will facilitate more flexible and efficient listing of cases and give users more certainty of when their case will be heard. The family workload will continue to be issued and allocated in accordance with the principles of the Single Family Court and this will include listing work at Colchester Magistrates’ Court and Family Court.

## **Value for money**

The operating costs for Colchester County Court and Family Court and Colchester County Court Offices were approximately £495,000 in 2014-15.

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

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

## **Alternative provision of services**

There was a suggestion that Colchester Magistrates' Court and Family Court could be used as a multi-jurisdictional hearing centre.

"It would be a better proposition to have a hearing centre in Colchester, which could be accommodated in the Magistrates Court building. This would provide better access to justice to the people of North Essex. It would also avoid the difficulty of accommodating the work from Colchester into Chelmsford which will need additional staff to cope and potentially another court room." (Magistrates)

It is proposed that Colchester Magistrates' Court and Family Court continues to be used for hearing family work and HM Courts & Tribunals Service will consider using Colchester Magistrates' Court and Family Court for occasional civil and tribunal hearings as part of the implementation of the decision.

## **Decision**

All the points raised by respondents to the consultation have been analysed and following careful consideration, the Lord Chancellor has decided to close Colchester County Court and Family Court and Colchester County Court Offices. The workload will be moved to Chelmsford County Court and Family Court and Colchester Magistrates' Court and Family 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 Colchester County Court and Family Court and Colchester County Court Offices can close. Attached with this document is an indicative timetable for implementation. Please note this timetable is subject to change as the programme progresses.

## Dartford Magistrates' Court

The Lord Chancellor has decided to close Dartford Magistrates' Court and for the workload to be moved to Chatham (Medway) Magistrates' Court.

A total of 11 responses to the Dartford Magistrates' Court proposal were received. Of these:

- seven were from magistrates
- two were from professional users
- one was from another public sector body
- one was from a union or staff group

Of the overall responses, one was supportive of the closure proposal and ten were opposed, the main themes being:

- availability of transport and access to justice
- additional costs of using public transport

### Access to justice

Respondents to the consultation raised concerns about the increase in travel times and cost which would result from transferring the workload of Dartford Magistrates' Court to Chatham (Medway) Magistrates' Court.

"85% of families live on benefits or survive on low incomes. By centralising the court work you will disadvantage people who do not have the income to pay for the increased travel costs to get to Courts in Sevenoaks and Maidstone, they would have to travel at peak times...The travel costs alone will prevent people coming to Court to answer charges, court time will be wasted, meaning more adjournments and subsequently more warrants being issued." (Magistrate)

"There are concerns throughout the judiciary that people of limited means will be pressured by the cost of coming to court into pleading guilty in inappropriate circumstances to avoid further court costs or failing to appear due to the costs of attending." (North Kent Magistrates Bench)

"Witnesses face the prospect of having to travel further to give evidence, the process of which often only takes ten or twenty minutes. The disproportionate travel time and cost is therefore likely to result in greater non-attendance....The problem of non-attendance can only be made worse by increasing the inconvenience for witnesses who are called to give evidence." (Member of staff)

Almost all journeys to the proposed new location take less than an hour by car. 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. We are mindful of the infrequency with which people need to attend court and the small proportion of people who use public transport to reach court.

New digital technology systems will allow more users to access and communicate with the court online and expansion of video linking facilities will remove the necessity of some users attending court. This is especially so where there are cases that affect vulnerable witnesses or children. The changes we are making to our service will mean fewer people needing to

physically go to a court. Using modern technology, as we do for many other services, will make access to justice easier

### **Operational efficiency**

The utilisation for Dartford Magistrates' Court for 2014-15 was approximately 30%. There were comments that the court has been deliberately under used for some time.

“Dartford has been under-utilised for many years. There seems to have been a conscious decision to move work to Medway, even when the offences were committed in the Dartford area. As a result Dartford has been starved of workload, investment, maintenance and technology for this period, resulting in the inevitable run down of the building and workload.” (North Kent Magistrates' Bench)

The Judicial Business Group is responsible for listing decisions in Kent. It should be noted that facilities at Dartford Magistrates' Court are inadequate and out of date for courts users, judiciary and staff. The work from this court can be accommodated at Chatham (Medway) Magistrates' Court which offers better accommodation and facilities for all users.

HM Courts & Tribunals Service needs to reduce its reliance on buildings with poor facilities and 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.

### **Value for money**

The operating costs for the courthouse were approximately £216,000 in 2014-15. These costs coupled with the increasing low utilisation of the building at 30% means that its retention would not represent value for money.

HM Courts & Tribunals Service has to have due regard to ensure its estate is utilised to deliver justice efficiently and effectively while providing value for money to the public purse. If we continue as we are, a third of our budget would be spent on the estate. This limits our ability to invest in alternative ways of making justice accessible.

### **Decision**

All the points raised by respondents to the consultation have been analysed and following careful consideration, the Lord Chancellor has decided to close Dartford Magistrates' Court and move the workload to Chatham (Medway) 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 Dartford 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.

## **Dover Magistrates' Court**

The Lord Chancellor has decided to close Dover Magistrates' Court and move the workload to Folkestone Magistrates' Court. Family Court work will be allocated to other family courts in Kent in accordance with the principles of the Single Family Court.

A total of seven responses to the Dover Magistrates' Court consultation paper were received. Of these:

- three were from professional users
- two were from a union or staff group
- one response was from an member of the public
- one was from a local magistrate

Of the responses, three were supportive of the closure proposal whilst four were opposed the main themes being:

- access to justice
- transport issues

## **Access to justice**

Respondents to the consultation made comments both for and against the closure proposals:

“There are concerns in the judiciary that people of limited means will be pressured by the cost of coming to court into pleading guilty in inappropriate circumstances to avoid further court costs or failing to appear due to the costs of attending, this has the potential to increase the use of warrants by the court and therefore increase the cost of securing attendance where it did not previously exist.” (Magistrate)

“I think it's good for it to close down because most cases either go to Folkestone courts or Canterbury courts plus Dover use to have a probation office in Dover but closed down and nearest is Folkestone so in a way it's good but only bad side would be job losses but I'm sure other local courts will take on them who loose jobs.” (Member of the public)

“The closures will prejudice the most vulnerable in society who either cannot absorb greater travel costs, are less able to access online services or may not seek access to justice if that justice is too far away or too difficult to travel to.” (Local Solicitor)

Almost all journeys to Folkestone take less than an hour by car. It is accepted that there will be additional travel time in respect of journeys by public transport, however that in itself cannot be a reason for the retention of this court.

HM Courts & Tribunals Service acknowledge and accept that some people will need to travel further to reach their nearest court and that travel times may be affected by local conditions. For example when Operation Stack is in place in Kent. 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 reach court.

HM Courts & Tribunals Service is committed to ensuring that it continues to provide court and tribunal users with effective access to justice while seeking ways to do so in a way that reduces costs alongside its efforts to improve the efficiency of the justice system as a whole. The introduction of technology has, and will continue to, assist that aim.

New digital technology systems will allow more users to access and communicate with the court online and expansion of video linking facilities will remove the necessity of some users attending court. This is especially so with cases that affect vulnerable witnesses or children. All of these advances should mean that fewer people will need to physically attend court in the future.

### **Operational efficiency**

During the 2014-15 financial year, Dover Magistrates Court was only utilised at approximately 15% of its capacity.

The East Kent Bench Chair has commented on the utilisation of the courts in East Kent.

“While any analysis of court room usage will have its limitation the statistics for the use of Dover do not seem to take account a number of factors:

- A higher level of usage than shown resulting from the displacement of the family court from Canterbury Combined Court.
- The number of courts being run in the EKB area are currently not limited by workload or number of magistrates available to cover but by the limitations on the number of Crown Prosecutors and Legal Advisers available. More courts were being run but these have been reduced due to insufficient staff.” (East Kent Bench Chair)”

It is acknowledged that Dover Magistrates’ Court is currently being temporarily used for family court hearings while Canterbury Combined Court is sitting crown courts to maximum capacity to reduce the backlog of crown court trials. This arrangement is currently under review and may continue in the short-term. The family court hearings could be heard in Folkestone Magistrates’ Court or Canterbury Magistrates’ Court if it is not possible to move the work back to Canterbury Combined Court.

The Kent Judicial Business Group is responsible for listing and decisions on the number of courts being run are based on a number of factors including the workload. In East Kent there has been a reduction in adult criminal work.

Whilst Folkestone Magistrates’ Court is also a four courtroom courthouse, the facilities available there are much better for court users with the addition of external video and prison to court video links. The movement of work from Dover Magistrates’ Court can be easily absorbed into Folkestone Magistrates’ Court without any enabling works required. Family work will be allocated to other family courts in Kent in accordance with the principles of the Single Family Court.

HM Courts & Tribunals Service needs to increase the utilisation rate of our courts and make efficient and effective use of the estate wherever possible.

### **Value for money**

The operating costs for Dover Magistrates’ Court in 2014-15 were approximately £351,000 and as previously stated only operated to approximately 15% capacity.

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



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

### **Decision**

All the points raised by respondent to the consultation have been analysed and following careful consideration, the Lord Chancellor has decided to close Dover Magistrates' Court and move the workload to Folkestone Magistrates' Court with family work being listed at the most suitable location.

### **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 Dover 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.

### **Eastbourne Magistrates' Court, County Court and Family Court**

The Lord Chancellor has decided Eastbourne Magistrates' Court, County Court and Family Court will close once suitable local alternative provision is established. The workload, including tribunal hearings, will transfer primarily to Hastings Magistrates' Court, County Court and Family Court. Work may also be transferred to other courts in Sussex such as Brighton Magistrates' Court (criminal work), Brighton Family Court (family work) and Brighton County Court (civil work) where appropriate.

As part of implementation HM Courts & Tribunals Service will identify alternative arrangements for conducting hearings or providing video links from alternative venues in the locality of Eastbourne.

A total of 21 responses to this consultation paper were received. Of these:

- five were from professional users
- four were from members of the judiciary
- four were from members of the public
- two were from magistrates
- two were from members of staff
- two were from other public sector bodies
- one was from a Member of Parliament and included views of magistrates, other public sector bodies and professional users
- one was from a union or staff group

Of the overall responses, one was supportive, two were neutral and the remainder opposed the closure proposals, the main themes being:

- access to justice
- utilisation and condition of existing building
- value for money

#### **Access to justice**

Many of the respondents to the consultation raised concerns about the increase in travel times and cost which would result from transferring the workload.

“The proposed closure of Eastbourne court will make the service seem more remote and add to the difficulties clients face when trying to access justice.” (Citizens Advice Bureau)

“Closing Eastbourne Court would mean that the only court in East Sussex would be in Hastings, on the far eastern edge of the county. It is our view that closing Eastbourne Court would target the most vulnerable and least able in our area and deny access to local justice by putting it, quite literally, beyond their reach.” (Sussex Eastern Magistrates Bench)

“If Eastbourne Court is closed this will lead to difficulties in achieving listing throughout the County. Even if Hastings Court is extended this is not an acceptable alternative since the Court is near the Eastern boundary of the County increasing travel times unacceptably for those from the Western part of the catchment area.”  
(Local Solicitors)

“Eastbourne Court is located less than 5 minutes from the train station. Hastings and Brighton are a long way from any stations and up hill. I think the travel times are wrong. If you try to drive from Eastbourne to Hastings or to Brighton it is at least an hour. Also how do people who have insufficient money to pay rent and face losing their home afford to travel from Eastbourne to Hastings. I am afraid they can not.”  
(Magistrate)

“For the last few years Hastings Borough Council has been listed at Eastbourne for criminal matters, we would welcome a return to Hastings. It will take far less time for staff to travel from Council offices to court.” (Hastings Borough Council)

Almost all journeys to the proposed new location take less than an hour by car. 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. 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 reach court.

HM Courts & Tribunals Service is committed to ensuring that it continues to provide court and tribunal users with effective access to justice while seeking ways to do so in a way that reduces costs alongside its efforts to improve efficiency of the justice system as a whole. The introduction of technology has, and will continue to assist that aim.

New digital technology systems will allow more users to access and communicate with the court online and expansion of video linking facilities will remove the necessity of some users attending court. This is especially so with cases that affect vulnerable witnesses or children.

### **Operational efficiency**

During the 2014-15 financial year, Eastbourne Magistrates' Court, County Court and Family Court was used to approximately 38% of its capacity.

A number of respondents commented on the utilisation of this building.

“It is important to note that the proposal to close Eastbourne is based on a number of serious inaccuracies and it is our view that, far from cementing access to justice, the closure of the court would deny access to many people, including the most vulnerable...The court facilities have not been described accurately and utilisation of the court is already significantly higher (around 60%) than the figure of 38% quoted. No account has been taken of the increase in utilisation of the court, for instance, for Benefits Appeal Tribunals and from 1<sup>st</sup> October 2015 when Eastbourne becomes the trial centre for all Fast Track applications in the County Court.” (Member of Parliament inclusive of views from Eastbourne Law Society, Magistrates, professional users and other public sector bodies)

“While there is no doubt usage has declined – large reduction in criminal cases coming to court because they are disposed of alternatively by the police, undue preference for magistrates sittings at Hastings of Eastbourne cases, and removal of the 1 week in 4 sittings of the circuit judge – the figure of 38% is misleading for the 2015-2016 figure is plainly very much better. My enquiries of the local delivery

managers is that they do not know where in the consultation the figure comes from.”  
(Magistrate)

“Eastbourne becomes the trial centre for all Fast Track cases in the County Court over the Sussex courts from October 2015. This means that 4 district judges will sit to hear these trials on alternate Mondays. Eastbourne was (and remains) the only courthouse capable of carrying out this function which is expected to lead to a more effective throughput of Fast Track trials and increased Sussex performance. The timeliness for the customer would be much improved.” (Court Staff)

Utilisation figures were calculated using 2014-15 sitting hours workload data from the HM Courts & Tribunals Service performance database for magistrates’ and county courts as a share of total hearing room capacity. Capacity is based on an assumption of 248 sitting days per year and five hours per day for each room.

It was mentioned in the proposal that the venue is also used to hear Social Security and Child Support Tribunal hearings. Although these hearings are not captured by the performance database they were taken into account in proposing the transfer of the work to Hastings Magistrates’ Court, County Court and Family Court.

HM Courts & Tribunals Service also acknowledges that the Coroner’s Court has used Eastbourne Magistrates’ Court, County Court and Family Court as a hearing venue approximately one day a week. This has been possible because of the spare capacity at the courthouse and is not in itself a reason to retain the court.

In order to reduce the waiting times for fast track hearings in Sussex, all fast track cases have been centralised to be heard at Eastbourne County Court on two days each month, from October 2015. This is intended as a temporary measure to deal with backlogs and to make use of the spare capacity at Eastbourne County Court. If back-to-back listing of fast tracks hearings is required in the future it is anticipated that these could be heard at Brighton County Court.

This proposal, to transfer the workload primarily to Hastings Magistrates’ Court, County Court and Family Court and to courts in Brighton, where appropriate for court users, will enable HM Courts & Tribunals Service to be more responsive and flexible to workload and listing of cases. It is accepted that enabling works will need to be carried out at Hastings Magistrates’ Court, County Court and Family Court so that it can accommodate the work both from Eastbourne Magistrates’ Court, County Court and Family Court and from Tunbridge Wells County and Family Court.

This redistribution of work would result in increased court utilisation, more efficient and effective disposal of business and allow for savings to be made. It will enable the reduction of underused estate and provide good facilities for all users.

HM Courts & Tribunals Service needs to increase the utilisation rate of the courthouses and ensure that the estate is being used efficiently and effectively.

### **Alternative provision**

Some respondents commented on other organisations and functions using Eastbourne Magistrates’ Court, County Court and Family Court to increase its utilisation.

“We consider the site has the capacity to be utilised to provide a long term sustainable court facility that could be developed to service Eastbourne and the wider area. The option of co-locating some advice services covering issues such as debt,

housing and benefits, for example, or the South East Traffic Commissioner should be explored.” (Member of Parliament)

HM Courts & Tribunals Service has already attended meetings with the Member of Parliament and local stakeholders and agreed to explore options for using council premises to hear Social Security and Child Support and possession cases if needed.

The court will not close until suitable local alternative provision is established.

### **Value for money**

The operating costs for Eastbourne Magistrates’ Court, County Court and Family Court for 2014-15 were approximately £263,000.

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

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

### **Decision**

All the points raised by respondents to the consultation have been analysed and following careful consideration, the Lord Chancellor has decided to close Eastbourne Magistrates’ Court, County Court and Family Court and to transfer the work primarily to Hastings Magistrates’ Court, County Court and Family Court. Work may also be transferred to other courts in Sussex such as Brighton Magistrates’ Court (criminal work), Brighton Family Court (family work) and Brighton County Court (civil work) where appropriate for court users.

Suitable alternative arrangements for dealing with hearings or providing video links within the locality of Eastbourne will also form part of implementation. The court will not close until suitable local alternative provision is established.

### **Implementation**

Consultation with the Departmental Trade Union side on staffing impacts will take place over the coming months. There are a number of factors to consider before Eastbourne Magistrates’ Court, County Court and Family 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.

## **Harlow Magistrates' Court**

The Lord Chancellor has decided to close Harlow Magistrates' Court and the Social Security and Child Support (SSCS) tribunals hearings being heard at this court will be moved to Chelmsford County Court and Family Court.

Since April 2014 there have been no magistrates' court work listed at Harlow Magistrates' Court. The venue has been used to hear SSCS tribunal hearings on two days per week. The proposal is to transfer this SSCS work to Chelmsford County and Family Court which has better facilities. Some enabling works would be needed at Chelmsford to accommodate the SSCS hearings and the judiciary.

The only respondent to the proposal to close Harlow Magistrates' Court was from Harlow Council who were opposed.

The following points were made in the response:

### **Access to justice**

"Harlow Council appreciates that Harlow magistrate's court is currently severely under-utilised and is currently only open for two days each week. This means that there is clearly a need to consider alternatives in order to reduce costs. However, transport links to alternative destinations are both time consuming and expensive and consideration has to be given to the accessibility of these locations for low income or vulnerable families so it may not be appropriate to expect them to travel."

"There would also be a significant impact on the customers who currently use Harlow magistrates' court. The court is very accessible to all residents and allows any customer to attend their hearings to give their point of view. Moving hearings to alternative venues would make this very prohibitive both from a financial and travel perspective."

Whilst HM Courts & Tribunals Service acknowledge and accept that some people will need to travel further for their tribunal hearing and for some the journey, if made by public transport, may be over an hour. However, we are mindful of the infrequency with which people need to attend tribunal hearings and the small proportion of people who would use public transport to reach court. It should be noted that the appellants in SSCS tribunal hearings can claim their travel costs.

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

### **Operational efficiency**

Since April 2014 there has been no magistrates' court work listed at Harlow Magistrates' Court. The venue has been used to hear SSCS work on two days per week.

During the previous Court Estate Reform Programme in 2010, Harlow Magistrates' Court was retained as a satellite court ahead of new magistrates' courts in Colchester and Chelmsford being completed. These are now fully operational and provide excellent facilities for users. There is no requirement to use Harlow Magistrates' Court to hear criminal work in Essex.

We need 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;

### **Value for money**

The operating costs for the financial year 2014-15 were approximately £103,000.

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

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

### **Alternative provision**

Harlow Council suggested that alternative venues within Harlow should be considered, for example Latton Bush. This venue was previously used for tribunal hearings, however there were some issues in relation to judicial security and health and safety.

### **Decision**

All the points raised by respondents to the consultation have been analysed and following careful consideration, the Lord Chancellor has decided to close Harlow Magistrates' Court and for the Social Security and Child Support tribunal workload to move to Chelmsford County and Family 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 Harlow 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.

## King's Lynn County Court and Family Court

The Lord Chancellor has decided to close King's Lynn County Court and Family Court and move the workload to King's Lynn Magistrates' Court and Family Court, Peterborough Combined Court and Norwich Combined Court.

A total of 34 responses was received which related to King's Lynn County Court and Family Court. Of these:

- 12 were from professional users
- eight were from staff members
- six were from members of the judiciary
- four were from members of the public
- one was from a criminal justice partner
- one was from a magistrate
- one was from another public sector body
- one was from an other

Of the overall responses one was supportive, two were neutral and the remainder opposed to the proposals, the main themes of the responses being:

- access to justice and transport issues
- utilisation of existing building and capacity of receiving courts
- alternative provision

HM Courts & Tribunals Service would like to apologise for an error in the consultation document. During the 2014-15 financial year, King's Lynn County Court and Family Court was used to approximately 22% of its capacity. This figure differs from the one published in the consultation document (approximately 34%) which was based on the incorrect number of hearing rooms.

### Access to justice

"The judiciary in Norwich do not dispute that some courts will have to close but our view is that there would need to be improvements in the remaining courts and that creative use of, say council offices, in the towns affected by closures would ameliorate the effects of the closures."(Magistrates)

"Removing a hearing centre from King's Lynn will impose a financial burden on litigants in person and represented parties alike. I would submit that some of the most vulnerable members of the public will be disadvantaged to the point that there will be no access to justice for them if they are forced to travel to Norwich." (Solicitor)

"Social and geographical factors require that regular county court hearings remain available in King's Lynn, especially for housing and family lists." (Norfolk Judiciary)

"I do not agree with the proposals to close the County Court at King's Lynn because I think it is contrary to HM Courts and Tribunals Service's responsibility to provide a



fair, efficient and accessible court system. It is a devastating blow to the local area and will seriously undermine individuals' access to justice, particularly amongst the most vulnerable in the community....Access to services would not be equal because of the geography of the area. Customers would have to travel long distances to attend either Peterborough or Norwich courts in an area where there is not good public transport." (Member of Staff)

HM Courts & Tribunals Service acknowledge and accept that some people will need to travel further for civil hearings and for some the journey, if made by public transport, will significantly increase. 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 reach court.

It is envisaged that all family court hearings will be held locally at King's Lynn Magistrates' Court and Family Court and it will be possible to hold some urgent civil hearings at this venue. In addition HM Courts & Tribunals Service will provide video link facilities at King's Lynn Magistrates' Court and Family Court.

HM Courts & Tribunals Service is moving towards the use of more digital technology. This allows court users to access and communicate with the court system by online platforms, and also allows the court to use video link facilities to avoid users attending court in person.

HM Courts & Tribunals Service would be willing to consider other appropriate locations in King's Lynn to provide occasional hearings.

### **Operational efficiency**

Several respondents expressed concerns about whether the proposed receiving courts have sufficient capacity to integrate the work from King's Lynn County Court and Family Court. Members of the judiciary have raised this as an issue if a significant amount of work was moved to the Peterborough Combined Court.

Some views expressed are as follows:

"We agree with the closure of the King's Lynn County Court particularly as it is on a lease that expires in October 2016. There is space within King's Lynn Magistrates' court to accommodate the Regional Charging Order Unit and Family hearings and we believe that there is space to take further civil and tribunal work...a better alternative than sending work to Peterborough and Norwich." (Norfolk Magistrates' Bench)

"There is great concern that the facilities in Norwich are struggling to cope with the current volume of work and simply will not be able to cope with additional works within its existing building." (King's Lynn and West Norfolk Law Society)

Social and geographical factors require that regular county court hearing remain available in King's Lynn, especially for housing and family lists...A reasonable estimate of the sitting requirement to cover such work is 5 DJ or DDJ days per week....This sitting requirement could be accommodated in the present Crown Court/Magistrates building, but only if some or all of the accommodation currently used by the Crown Court on an occasional basis were given up for that purpose...Alternatively, or in the short term pending a decision about the Crown Court, adequate facilities could be provided at substantially reduced cost by using only one of the two floors presently rented by the County Court, and transferring some administrative office staff to existing HM Courts & Tribunals Service premises in King's Lynn and Norwich." (Judiciary)

HM Courts & Tribunals Service accepts that the utilisation of King's Lynn Magistrates' and Family Court should be maximised. Should there no longer be a need in the future for the court to be used for crown court hearings this will be taken into account when listing civil hearings. It should be noted, however, that the proposed receiving courts for civil hearings can receive the workload without any enabling works.

### **Value for money**

The operating costs for King's Lynn County Court and Family Court were approximately £304,000 in 2014-15.

HM Courts & Tribunals Service has to have due regard to ensure its estate is utilised to deliver justice efficiently and effectively while providing value for money to the public purse. If we continue as we are, a third of our budget would be spent on the estate. This limits our ability to invest in alternative ways of making justice accessible.

King's Lynn County Court and Family Court is a leasehold building with the lease due to expire in October 2016. All government departments are now required to provide a business case to the Government Property Unit for renewing leases or entering into new leases. There is capacity elsewhere in the estate, including in King's Lynn itself to absorb this work and this has been taken into account in the decision making process.

### **Alternative provision of services**

Several respondents commented on the use of technology and whilst accepting this may be a way forward there have been concerns expressed about the standard of broadband connection available in rural areas.

HM Courts & Tribunals Service would be willing to consider other alternative appropriate locations in King's Lynn to provide occasional hearings.

### **Decision**

All the points raised by respondents to the consultation have been analysed and following careful consideration, the Lord Chancellor has decided to close King's Lynn County Court and Family Court and move the workload to King's Lynn Magistrates' Court and Family Court, Peterborough Combined Court and Norwich Combined 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 King's Lynn County Court, Family 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.

## **Lowestoft Magistrates' Court, County Court and Family Court**

The Lord Chancellor has decided to close Lowestoft Magistrates' Court, County Court and Family Court and move the workload to Great Yarmouth Magistrates' Court and Family Court, Ipswich Magistrates' Court and Family Court and Norwich Magistrates' Court and Family Court.

In addition, HM Courts & Tribunals Service has met local stakeholders, to discuss the provision of court services in Suffolk and has undertaken to explore all alternative options.

A total of 92 responses to the consultation paper were received. Of these:

- 38 were from members of the public
- 16 were from magistrates
- 13 were from other public sector bodies
- 12 were from professional users
- five were from criminal justice partners
- four were from members of the judiciary
- two were from others
- two were from union or staff groups

Two of the respondents were in favour of the proposals, six were neutral; all the other respondents were opposed.

In addition to the above, a number of other responses referred to the provision of courts in Suffolk generally and opposed the proposals in relation to both Bury St Edmunds Magistrates' Court and Family Court and Lowestoft Magistrates' Court, County Court and Family Court.

The main themes raised by respondents were as follows:

- transport links and access to justice
- utilisation of existing building and operational efficiency
- alternative provision

### **Access to justice**

A number of respondents commented on the proposals for both Bury St Edmunds Magistrates' Court and Family Court and Lowestoft Magistrates' Court, County Court and Family Court. The responses generally cited the rural nature of Suffolk and issues with public transport although there was some acknowledgement that Great Yarmouth is a suitable alternative location for the work from Lowestoft Magistrates' Court, County Court and Family Court.

"It is difficult to oppose the closure of Lowestoft given its proximity to Great Yarmouth: the capacity of that courthouse and the real similarity between those two communities." (Magistrate)

“Suffolk is a rural county with poor and costly public transport links. Defendants who are often on low income will have difficulty getting to court and witnesses may not bother at all (I have reports of this already being said).” (Magistrate)

“In a rural area, poorly served by public transport to reduce the family and magistrates court facilities to one site in a large county will cause many problems to those having to attend courts in journey times and claims for expenses will rocket where connections cannot be made and taxis have to be used for all or part of the journey which will greatly reduce the planned savings projected in the proposed closures.” (Member of the public)

“Suffolk suffers not only from extremely poor road links but a poor public transport system.” (Solicitor)

“There is a very real concern in the local community (Lowestoft and the wider Waveney district), that the closure of the Magistrates’ Court in Lowestoft will represent a major diminution in service to the local area, and access to the justice system. Whilst those of us living in rural areas are used to travelling considerable distances in order to gain access to key services, the loss of the Magistrates’ Court in Lowestoft will place an unacceptable burden on the local community and will skew accessibility of the justice system.” (Waveney District Council)

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. 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 reach court.

New digital technology systems will allow more users to access and communicate with the court online and expansion of video linking facilities will remove the necessity of some users attending court. This is especially so with cases that affect vulnerable witnesses or children. All of these advances should mean that fewer people will need to physically attend court in the future.

We will be able to provide far better access to justice if we reduce the cost of our estate and reinvest the savings in improving digital access, and improving the accessibility and facilities in our remaining courthouses.

### **Operational efficiency**

The utilisation rate at Lowestoft Magistrates’ Court, County Court and Family Court for 2014-15 was approximately 26%. The proposed receiving courts can receive the workload without any enabling works.

There was a suggestion that Great Yarmouth Magistrates’ Court and Family Court should be closed instead.

“There have been discussions on whether Yarmouth or Lowestoft should close. At one of the meeting held at Lowestoft court house I asked the question as why you would not want to sweat the assets of Lowestoft with three court rooms that could be filled on a daily basis and instead choose to keep Yarmouth open where there would be rooms not utilised.” (Magistrate)

Lowestoft Magistrates’ Court, County Court and Family Court has four courtrooms. Great Yarmouth Magistrates’ Court and Family Court has five courtrooms, Ipswich Magistrates’ Court and Family Court has five courtrooms and Norwich Magistrates’ Court and Family

Court has seven courtrooms. The current utilisation of courts in Suffolk and Norfolk offers the opportunity to make efficiencies while still providing access to justice. Larger numbers of courtrooms can facilitate more flexible and efficient listing of cases and give users more certainty of when their case will be heard.

### **Value for Money**

The operating costs for Lowestoft Magistrates' Court, County Court and Family Court were approximately £352,000 in 2014-15 while the utilisation rate was approximately 26%.

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

### **Alternative provision of services**

One response suggested that courtrooms should be provided next to the Police Investigation Centres where there is available land.

HM Courts & Tribunals Service is working closely with criminal justice system partners including the police. There has been investment in Police Investigation Centres in Norfolk and Suffolk to provide video links to courts and these are currently being used for remand cases. In addition HM Courts & Tribunals Service has met local stakeholders, to discuss the provision of court services in Suffolk and has undertaken to explore all alternative options.

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.

### **Decision**

All the points raised by respondents to the consultation have been analysed and following careful consideration, the Lord Chancellor has decided to close Lowestoft Magistrates' Court, County Court and Family Court and move the workload to Great Yarmouth Magistrates' Court and Family Court, Ipswich Magistrates' Court and Family Court and Norwich Magistrates' Court and Family 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 Lowestoft Magistrates' Court, County Court and Family Court 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.

## **Redhill Magistrates' Court and Family Court and Reigate County Court and Family Court**

The Lord Chancellor has decided to close Redhill Magistrates' Court and Family Court.

The Lord Chancellor has decided to close Reigate County Court and Family Court with the family and county workload being primarily moved to Guildford County Court and Family Court. Early local stakeholder engagement regarding the merger of Local Justice Areas in Surrey is currently underway.

A total of 77 responses to the consultation paper were received. Of these:

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

Of the overall responses, none were supportive of the closure proposal, two were neutral and the remainder opposed. The main themes were as follows:

- access to justice and transport links
- utilisation of existing building and operational efficiency
- alternative provision

### **Access to justice**

All of the respondents to the consultation have raised concerns about the increase in travel time and cost.

“My constituency is in the East of the county and a closure of the Law Court in Redhill would mean the east of Surrey will have no court facilities. I understand that 90% of the population should be within a 1 hour train journey of their nearest court. However no part of my constituency is within a 1 hr train journey of either of the alternative Surrey Courts in Guildford or Staines. Details of journey times have been provided by magistrates but as an example the main line station of Oxted is a minimum of 1 hour 18 minutes involving 2 changes from Guildford and 3 minutes less from Staines... By road travel across the county is similarly lengthy and unreliable involving the M25 and M3.” (Member of Parliament)

“In summary Redhill is roughly half way in distance between Oxted and Guildford or Staines and as such the re-location of the court would represent a great disadvantage to court users in terms of increased travel times and costs. This is particularly notable considering that the Council is a public sector organisation which cannot afford to incur further time and costs attending court, and many of the parties to its litigation are litigants in person who may be in receipt of state benefits and also find it difficult to afford higher travel costs.” (Tandridge District Council)

“Please consider the impact this decision will have on the victims and witnesses. The ones we beg and persuade to give evidence. Will they want to travel to Guildford? No parking? Same entrance as defendants? We ask so much of the witnesses lets do them the courtesy of some parking and reasonable travel?” (Member of the public)

“Forcing our residents to travel much further afield will have potentially serious consequences, with the likelihood that more court appearances will be missed. Some of our customers lead quite chaotic lives, others are really struggling to make ends meet, especially in the current economic climate, and simply won't be able to afford to travel further afield.” (Raven Housing Trust)

“Many of our clients have low incomes: the most common cause of possession actions is the accumulation of unpaid rent. Many are vulnerable through disability or chronic illness.. People in these circumstances find attending court difficult for reasons including cost of travel, lack of childcare and fear of taking time off work. But is vital they do attend... Non attendance leaves the court little option but to grant the landlord possession.” (Citizens Advice Reigate and Banstead)

“The closure of Redhill would leave a grossly uneven distribution of courts across Surrey with two in the west and none at all in the east. At present, the provision of local justice in Surrey has a coherent shape, with each corner of an essentially triangular county catered for. Were Redhill to be closed, those in the east of the county would have good reason to feel that access to justice was being denied them.” (Magistrates' Association, Regional Response)

The Surrey Family and County Court Judges' response to consultation included 79 user travel survey questionnaires, nearly all of which indicated there would be some increase in travel costs and time if users had to attend Guildford or Staines.

There were a number of concerns raised about the impact on the magistracy in Surrey in terms of travel time and costs. There were also concerns raised about how the proposal might impact on the ability of the magistrates in Surrey to achieve the number of sitting days required and the possible detrimental impact on future recruitment of magistrates from some parts of Surrey.

Some organisations and businesses highlighted the additional cost they would incur in terms of staff time and costs to attend court in Guildford or Staines.

Some respondents queried whether it might be possible to move some work to Crawley or Croydon where this might reduce travel times and distances for court users. HM Courts & Tribunals Service is committed to ensuring that it continues to provide court and tribunal users with effective access to justice while seeking ways to do so in a way that reduces costs alongside its efforts to improve the efficiency of the justice system as a whole.

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. We are mindful of the infrequency with which people need to attend court and the small proportion of people would use public transport to reach court.

It should be noted that Redhill Magistrates' Court and Family Court already hears work for the whole of Surrey – as do the magistrates' courts based in Guildford and Staines.

In addition, listing of civil and family cases is already done centrally for the county courts and family courts based in Surrey with the work being allocated and listed in accordance with the principles of the Single Family Court and the Single County Court.

The Single County Court allows for court users to contest proceedings through any court in England and Wales and parties can request to conduct proceedings at alternative venues should these be more convenient for them. It may be that for some users courts in Greater London or Central London may be more convenient.

The option of transferring civil and family hearings to Croydon County Court and Family Court will be explored as part of the implementation.

The changes we are making to our services will mean fewer people needing to physically go to a court. Using modern technology, as we do for many other services, will make access to justice easier. New digital technology systems will allow more users to access and communicate with the court on-line and expansion of video linking facilities will remove the necessity of some users attending court. This is especially so with cases that affect vulnerable witnesses or children.

HM Courts & Tribunals Service accepts there will be an impact for magistrates in terms of costs and time and their deployment. Following the decision to close Redhill Magistrates' Court, early local stakeholder engagement regarding the merger of Local Justice Areas in Surrey will take place.

### **Accommodation**

There were a number of comments from the staff and judiciary regarding the quality of the accommodation facilities at the Law Courts in Redhill and suggestions about how they may be developed or used to generate income, for example charge for parking. There were some concerns raised about the facilities at Guildford in terms of layout and heating. It is acknowledged that the Law Courts in Redhill offer good facilities for court users.

The Guildford and Staines Courts, however, also offer good facilities and have more courtrooms, hearing rooms and waiting rooms. This means that they can be more responsive and flexible with the throughput and listing of cases.

### **Operational efficiency**

During the 2014-15 financial year, Redhill Magistrates' Court and Family Court and Reigate County Court and Family Court were used to approximately 49% of its capacity.

There were some comments relating to the utilisation figure covering both Redhill Magistrates' Court and Family Court and Reigate County Court and Family Court. There were also some concerns raised about the capacity of other courts in Surrey to absorb the workload and the impact on performance.

“Much has been made of the utilisation /workload and the proposal declares that Redhill achieved 49% utilisation at a cost of £477,000 in 2014/5. An explanation of these figures has been sought, not least because the building houses 4 courts, only



two of which involve magistrates, but no breakdown has been provided. (In fact 49% utilisation across all four courts compares favourably with many other courts proposed for closure). The workload for a court depends very largely on the deployment of resources by HM Courts & Tribunals Service staff. If its low it's because HM Courts & Tribunals Service has made it so." (Surrey Magistrates' Association)

"RMC (Redhill Magistrates' Court) dealt with more cases in 2014-15 than either Guildford or Staines Magistrates' Court – see table 1... Consultation document quotes RMC usage in 2014/5 as 2377 hours, 49% capacity. Magistrates' rota system records from the same source but gives 2778. This changes the capacity usage to 54%." (South East Surrey Bench)

"The proposed closure will overstretch the court system in Surrey and exacerbate delays. There is already an average 15 working day backlog for routine work which would worsen if Reigate Court closed. There are already delays in the courts at Guildford with listings six to twelve months in the future." (Member of Parliament)

"It is our submission that the calculation of 49% usage for the Reigate County Court and Family Court is incorrect. It is further clear that closing Reigate would have a detrimental effect on listing and would in fact make listing less efficient. It is unlikely that the Courts would be able to hear the same number of cases in the same period of time: targets would be missed and the court users would have a worse service than currently. There would be an adverse effect on efficiency and the flexibility of listing would be significantly impacted." (Magistrate)

"The proposals to close Reigate would make it impossible for the DCJ (or any other Civil CJ) to sit in the civil centre, Guildford unless one of the full time family judges was away. For reasons explained above this is completely unacceptable and would, effectively remove the ability of Surrey to operate its civil jurisdiction (including s.9 cases at CJ level." (Magistrate)

A number of respondents to Redhill Magistrates' Court and Family Court cited the size of population per courthouse (over 550,000) as a reason not to close the court.

There are already 'county wide' cases being heard in the three magistrates' courts in Surrey and the majority of court sessions currently listed each week in Redhill includes a substantial proportion of work from the other local justice areas in Surrey. HM Courts & Tribunals Service considers that the number of court buildings needs to reflect the workload rather than the population size in order to provide value for money for the public purse.

HM Courts & Tribunals Service accepts that there will need to be careful planning of judicial itineraries and possibly flexible use of the courtrooms across the jurisdictions in the courthouses at Guildford and Staines.

This proposal, to transfer the criminal workload to Guildford and Staines Magistrates' Courts and the family and county workload primarily to Guildford County Court and Family Court, will enable HM Courts & Tribunals Service to be more responsive and flexible to workload and listing of cases.

The receiving courts in this proposal can absorb the workload without any enabling works. This redistribution of work would result in increased court utilisation, more efficient and effective disposal of business and allow for savings to be made. It will enable the reduction of underused estate across the county and provide good facilities for all users whilst retaining access to justice.

A concern was raised about the future of the Specialist Domestic Violence Court at Redhill Magistrates' Court and Family Court. The Judicial Business Group will ensure suitable arrangements are in place to transfer this work.

### **Value for money**

The operating costs for 2014-15 for Redhill Magistrates' and Family Court and Reigate County and Family Court were approximately £480,000.

HM Courts & Tribunals Service has to have due regard to ensure its estate is utilised to deliver justice efficiently and effectively while providing value for money to the public purse. HM Courts & Tribunals Service needs to reduce the cost of its estate and reinvest the savings to provide better facilities for all court users.

### **Alternative provision of services**

There were a number of comments about the potential to increase the use of technology although there were some concerns about over-reliance and ensuring that it was reliable.

"I think you should examine video link from local police stations and offices. It is used successfully from Prisons so there should be no reason why it could not be used by defendants for certain cases." (Magistrate)

Some magistrates expressed concerns about the use of a public building rather than a court as they felt it would lessen the impact of a court appearance. The Surrey Family and County Court judges indicated that they would consider using other public buildings provided they had suitable facilities.

Tandridge District Council indicated that it would be willing in principle to agree to HM Courts & Tribunals Service using part of its council offices in Oxted.

HM Court and Tribunals Service will consider the points made above and explore the viability of the option offered by Tandridge District Council.

### **Decision**

All the points raised by respondents to the consultation have been analysed and following careful consideration, the Lord Chancellor has decided to close Redhill Magistrates' Court and Family Court and Reigate County Court and Family Court and move the criminal workload to Guildford and Staines Magistrates' Court with the family and county workload being primarily moved to Guildford County Court and Family Court. Early local stakeholder engagement regarding the merger of Local Justice Areas in Surrey will take place.

### **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 the Redhill Magistrates' Court and Family Court and Reigate County Court and Family Court courts can close. Attached with this document is an indicative timetable for implementation. Please note this timetable is subject to change as the programme progresses.

## St Albans County Court

The Lord Chancellor has decided to close St Albans County Court and transfer the existing workload to Watford County Court and Family Court.

A total of 11 responses to the St Albans County Court consultation paper were received. Of these:

- three were from members of the public
- three were from members of the judiciary
- three were from professional users
- two were from other public sector bodies

Of the overall responses, none were supportive of the closure proposal, one was neutral and the remainder opposed. The main themes were:

- availability of transport
- additional costs of using public transport
- access to local justice

It was stated that there would not be enabling works required at Watford County Court and Family Court to transfer the workload. As Watford County Court and Family Court is the proposed receiving site for both St Albans County Court and Watford Magistrates' Court and Family Court, enabling works will be required to accommodate the workload from both courts. HM Courts & Tribunals Service apologises for this error in the consultation document.

## Access to justice

Several of the respondents to the consultation have commented on the difficulties for court users of moving the existing workload to Watford County Court.

"The Council is concerned about the impact on both itself and on housing tenants where a face to face hearing is required. The Council currently experiences some delays in bringing cases to local County Courts, therefore it is important that any changes lead to increased capacity to hear cases. If St Albans County Court were to be closed, the additional travel time will adversely affect court users who have limited means, and will impact significantly on Council staff time." (St Albans City and District Council)

"Clients who visit us at the St Albans District office for advice, are often desperate, and in urgent need of direct access to the county court. Often, in these really urgent cases, pending possession orders are involved. Clients need immediate court access to collect/ deliver and generally deal with the related documentation. In these situations having the facilities in Watford would be a major problem because most do not have their own transport and are unlikely to be able to afford to travel. The proposals are therefore not practical for our clients in the situation described." (Citizens Advice)

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. 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 reach court.

New digital technology systems will allow more users to access and communicate with the court on-line and expansion of video linking facilities will remove the necessity of some users attending court. All of these advances should mean that fewer people will need to physically attend court in the future.

### **Operational efficiency**

St Albans County Court is currently co-located with the St Albans Crown Court and has only one hearing room. This hearing room can be used for non-custody criminal work.

Watford County Court and Family Court currently has three courtrooms and four hearing rooms and enabling works will be carried out to create additional hearing room for the work from both St Albans County Court and Watford Magistrates' Court and Family Court. HM Courts & Tribunals Service considers that larger courts provide the opportunity to be more responsive and flexible in the listing and throughput of cases and provide a more efficient and effective service.

It has been raised that St Albans County Court is used to hear insolvency work. This work can be heard at Luton County 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 St Albans County Court and transfer the existing workload to Watford County Court and Family Court.

### **Implementation**

There are a number of factors to consider before St Albans 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.

## **Tunbridge Wells County Court and Family Court**

The Lord Chancellor has decided Tunbridge Wells County Court and Family Court will close once suitable local alternative provision is established. The civil workload will transfer to Maidstone Combined Court and Hastings County Court and the family workload to the four other family courts based in Kent. These are located at Maidstone, Chatham (Medway), Dartford and Canterbury.

A total of 41 responses to this consultation paper were received. Of these:

- 26 were from professional users
- five were from members of the judiciary
- four were from members of the public
- two were from staff members
- one was from a Member of Parliament
- one was from a magistrate
- one was from a union or staff group
- one was from an other

Of the overall responses, two were supportive of the closure proposal (with caveats), one was neutral and the remainder were opposed to the closure proposal.

The main themes raised were:

- access to justice and transport issues
- additional travelling costs for court users
- challenging the current utilisation figures for the building

HM Courts & Tribunals Service would like to apologise for an error in the consultation document. The proposal stated that the journey time from Tunbridge Wells to Canterbury is approximately 40 minutes by car. This should have stated one hour and 15 minutes.

### **Access to justice**

Many of the respondents to the consultation have raised concerns about the increase in travel time and cost which would result from transferring the civil workload from Tunbridge Wells County Court and Family Court to Maidstone Combined Court, Hastings County Court and Family Court and the family workload to other family courts in Kent.

“I do not agree with the proposals as currently set out. I do not believe that the issue of court closures has been approached in an appropriate way. I believe that the consultation should have begun by identifying the work being done in the various courts (Magistrates’, Crown, County and Family); identified the circumstances when attended hearings are necessary and when alternatives may be substituted; and then the circumstances of the litigants involved in the various proceedings and the distances which they can reasonably be expected to travel for attended hearings without compromising access to justice...While attendance at court is daunting for those unfamiliar with the courts, a hearing involving substantial travel, or a remote

hearing by telephone or video-conferencing is even more daunting, and not an appropriate mode for many types of hearings.....I would contend that, to provide proper access to justice, there should also be an analysis of the need for satellite hearing centres based upon public transport travel times in all locations where courts have previously been closed.” (Magistrate)

“It can only be measured by the particular expertise it has in a wide area which will simply not be absorbed by other Courts or systems. It would be an utterly retrograde step which I think would inevitably cause more cost and difficulty than would ever be saved.” (Solicitor)

“If services were to be relocated to another court this would hugely impact our residents from a financial aspect and may find that they fail to attend when we do all we can to encourage attendance at scheduled hearings. Many residents facing possession proceedings are already suffering financial hardship and to expect them to seek additional costs would just create additional hardship.....As a social housing provider if staff had to travel to an alternative court this would impact on officer time and the resources we have available.” (Circle Housing)

“The Courts closure will damage the community and area. Many only consider their need for a local court in time of need.....We do not realise that we have lost our ability to obtain justice safely, our basic human right, until it is gone. I understand the need to save money and there is sense to many of the closures, not this one. Tunbridge Wells is a town that is locked by gridlocked traffic at times people would go to and from court they will not be able to get from TW, or indeed, Tonbridge to Maidstone, Medway or Canterbury by public transport easily or cheaply.” (Solicitor)

“The closure of the Court would impact a number of my constituents who may not have the means to travel further afield to other courts. In particular victims of domestic abuse find the services of Tunbridge Wells County Court preferable to those of others in Maidstone, Medway, Canterbury and Hastings; the experience is less traumatic at a local court and the complexities of childcare and loss of earnings are significantly minimise.” (Member of Parliament)

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. 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 reach court.

It is accepted that there will be additional travel time in respect of journeys by public transport, however that in itself cannot be a reason for the retention of this court.

HM Courts & Tribunals Service is committed to ensuring that it continues to provide court and tribunal users with effective access to justice while seeking ways to do so at in a way that reduces costs alongside efforts to improve efficiency of the justice system as a whole. The introduction of technology has, and will continue to assist that aim.

New digital technology systems will allow more users to access and communicate with the court online and expansion of video linking facilities will remove the necessity of some users attending court. This is especially so with cases that affect vulnerable witnesses or children.

All of these advances should mean that fewer people will need to physically attend court in the future.

### **Operational efficiency**

In the consultation document we stated that during the 2014-15 financial year, Tunbridge Wells County Court and Family Court was used to approximately 17% of its capacity.

This was challenged in responses received.

“The closure is based on wrongly collected figures i.e. the cases before the Judge not including the massive number in front of District and Deputy District Judges that are heard each day. This is an unfair measure of the work done by this very busy court, in fact the figure is 83% not the 17% alleged.” (Solicitor)

“The figures used for court utilisation in the proposals are of questionable validity. For example, Tunbridge Wells, identified for closure, is cited as having a court utilisation of 17%. It is described as having two court rooms and a hearing room. When I sat in Kent, which included regular sittings in Tunbridge Wells, Tunbridge Wells had two full-time District Judges and occasional Circuit Judge sittings. It was a busy court. I suspect that Circuit Judges no longer sit at Tunbridge Wells, reducing potential utilisation to 67%. It is inconceivable to me that the work at Tunbridge Wells has diminished to occupy only half the time of one District Judge. I know that the collection of information about court utilisation is somewhat informal and generally based on recordings by ushers of time spent in rooms by litigants. It does not take account of the time a room is in use by a judge undertaking preparation and paper work which, in the case of District Judges, involves active management of cases. It also does not take account of scheduled hearings which go short on the day through settlement etc. Even allowing for the inadequacies of collection of information about utilisation, though, I find the figure for Tunbridge Wells implausible and I question the quality of the data collection about court utilisation generally.” (Magistrate)

The utilisation figure of 17% provided in the Tunbridge Wells County Court and Family Court consultation proposal used sitting hours workload data as a share of total court room capacity. HM Courts & Tribunals Service is aware that judges sometimes use chambers and informal rooms to hear county court work and this may not be recorded in the workload data for the court. A number of responses highlighted that work heard in county court chambers and informal hearings rooms should also be considered as part of the overall usage of the court before any final decisions are made. Supplementary data on judicial work held in chambers and informal rooms was therefore considered in addition to the published utilisation figure before a final decision was made regarding Tunbridge Wells County Court and Family Court.

Public law cases previously heard at Tunbridge Wells County and Family Court will in future be heard in the Designated Family Centre in Medway or its hearing venues at Canterbury, Maidstone or Dartford. The private law work has already moved to the appropriate judicial tier which has removed work from Tunbridge County Court and Family Court.

In addition the implementation of the Divorce Centre in Bury St Edmunds in 2015 has removed uncontested divorce work from Tunbridge Wells County and Family Court. The district judge sitting day allocations for 2016-17 will be reviewed to take account of these changes.

The proposal, to transfer the civil workload to Maidstone Combined Court and Hastings County Court and the family workload to one of four other family courts based in Maidstone, Chatham (Medway), Dartford and Canterbury, will enable HM Courts & Tribunals Service to be more responsive and flexible to workload and listing of cases. The receiving courts in this proposal are larger buildings and most of them can absorb this workload without the need for enabling works. It is accepted that there will be some requirement for enabling works at Hastings Magistrates' Court, County Court and Family Court. This is required because the

court will also become the receiving court for the workload from Eastbourne Magistrates' Court, County Court and Family Court.

This redistribution of work would result in increased court utilisation, more efficient and effective disposal of business and allow for savings to be made. It will enable the reduction of underused estate and provide good facilities for all users.

In addition the Single County Court allows for court users to contest proceedings through any court in England and Wales and parties can request to conduct proceedings at alternative venues should these be more convenient for them. It may be that for some court users that courts in Greater London and/or Central London may be more convenient.

### **Value for money**

The operating costs for Tunbridge Wells County Court and Family Court were approximately £468,000 in 2014-15.

HM Courts & Tribunals Service has to have due regard to ensure its estate is utilised to deliver justice efficiently and effectively while providing value for money to the public purse. If we continue as we are, a third of our budget would be spent on the estate. This limits our ability to invest in alternative ways of making justice accessible.

Tunbridge Wells County Court and Family Court is a leasehold building with the lease due to expire in September 2017. All government departments are now required to provide a business case to the Government Property Unit for renewing leases and/or entering into new leases. There is capacity elsewhere in the estate, to absorb this work and this has been taken into account in the decision making process.

### **Alternative provision of services**

Some respondents have made comment on the supply of an alternative provision.

"In some cases where financial agreements have been reached by the claimant and respondent we could advise the court accordingly preventing the need to attend the scheduled hearing...Officers also have the ability to video conference, this could be something you could consider if the allocated court is not local to the housing stock. This would significantly save officer time, we could also invite residents to join at the local housing office to reduce financial costs." (Circle Housing)

"The use of telephone or video conferencing to facilitate interlocutory and interim court hearings would greatly improve efficiency and reduce wasted time, travel and expense...Kent County Council makes significant use of the three court venues proposed for closure in Kent, namely Dartford Magistrates Court, Dover Magistrates Court and Tunbridge Wells County Court. KCC is one of the single biggest users of the courts throughout Kent. In the three years from April 2012 to July 2015, for example, 702 KCC cases were heard on 1,095 separate occasions at those three courts listed for closure alone. The vast majority of these cases involved highly sensitive child protection matters.....Given that KCC's County Hall premises are centrally located to these three courts, are an historic former assizes venue for the county of Kent, and the fact that it contains a large chamber suitable for court hearings (and which is already used for Coroners' hearings), it makes sense to propose that it be used as one of the alternative civic facilities for hearings in Kent, in the event that the existing court rooms are closed. This would save significant additional public money by reducing the travelling time and costs involved for lawyers



and witnesses to attend those hundreds of KCC cases that would otherwise be listed for hearing at the existing court venues.” (Kent County Council)

HM Courts & Tribunals Service will explore these suggestions and options for using other locations in Tunbridge Wells to provide video linking facilities and/or hearing facilities.

The court will not close until suitable local alternative provision is established.

### **Decision**

All the points raised by respondents to the consultation have been analysed and following careful consideration, the Lord Chancellor has decided to close Tunbridge Wells County Court and Family Court and to transfer the civil workload to Maidstone Combined Court and Hastings County Court and the family workload to the four other family courts based in Kent. These are located at Maidstone, Chatham (Medway), Dartford and Canterbury.

The court will not close until suitable local alternative provision is established.

### **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 Tunbridge Wells County Court and Family 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.

## **Watford Magistrates' Court and Family Court**

The Lord Chancellor has decided to close Watford Magistrates' Court and Family Court, the criminal work, which is centralised work from across all of Hertfordshire, will be moved to St Albans Magistrates' Court and Stevenage Magistrates' Court. The family work will move to Watford County Court and Family Court.

A total of 11 responses to the consultation paper were received. Of these:

- three were from members of the judiciary
- three were from magistrates
- three were from professional users
- one was from a staff member
- one was from a union or staff group

Of the overall responses, none were supportive of the closure, the main themes being:

- access to justice
- operational efficiency and accommodation
- value for money
- alternative provision

HM Courts & Tribunals Service wishes to apologise for an error in the consultation document. It was stated that there would not be enabling works required at Watford County Court and Family Court to transfer the workload from Watford Magistrates' Court and Family Court. As Watford County Court and Family Court is the proposed receiving site for both Watford Magistrates' Court and Family Court and St Albans County Court enabling works will be required to accommodate the workload from both courts. We apologise for this mistake in the consultation document.

### **Access to justice**

Concern was raised about the increase in travel time and cost resulting from the transfer of criminal workload from Watford Magistrates' Court to St Albans Magistrates' Court and family workload to Watford County and Family Court.

"The effect of the proposal is to make civil court users of St.Albans travel 20 miles to Watford and back, while making criminal court users of Watford travel 20 miles to St.Albans and back. This appears a pointless objective capable of causing only expense and inconvenience for court users while making no saving for HM Courts & Tribunals Service which is simply swapping the function of two rooms ten miles apart." (Magistrate)

"The time given for car travel between Watford and St. Albans (20 minutes) is very misleading, In the morning rush hour, when people are going to court for 9.30 - 10.00 a.m. the journey can take over an hour." (Magistrate)

It should be noted that the criminal work currently heard at Watford Magistrates' Court is centralised work such as road traffic and private prosecutions from across all of Hertfordshire. This work will be transferred to St Albans Magistrates' Courts and Stevenage Magistrates' Court.

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. 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 reach court. It should also be noted that the proposal is for family court hearings to be heard in Watford so travel times and costs will remain the same.

New digital technology systems will allow more users to access and communicate with the court online and expansion of video linking facilities will remove the necessity of some users attending court. All of these advances should mean that fewer people will need to physically attend court in the future.

### **Operational efficiency and accommodation**

During the 2014-15 financial year, the utilisation at Watford Magistrates' and Family Court was used to approximately 55% of its capacity.

A number of respondents commented on the capacity of Watford County and Family Court to receive the family workload.

"The 3 court rooms at Watford County Court used by circuit judges or district judges are almost always fully used. I cannot imagine they would have regular space for additional court users such as the Magistrates' family court. Currently there are delays to next February listing public law cases because of the paucity of available court rooms. It would be a dis-service to the children whose needs are the focus of family courts and lead to greater delays. The interview rooms are always in short supply and the waiting room crowded. It is extraordinary as a court user, to learn that these proposals are based on any reliable evidence." (Barrister)

"The issue is not solely about whether or not there are sufficient court rooms available, there need to be appropriate waiting rooms and facilities for confidential discussions in any court building hearing personal and sensitive matters. Currently the availability of rooms for discussions is an issue and there will be further pressure placed on these resources if more hearings are listed in these buildings,,there has to be capacity within the court buildings to accommodate all of this work as well as private law family work and civil matters. I would question the capacity of Watford County Court to absorb the listings from the Magistrates Court and St Alban's County Court." (Hertfordshire County Council)

It should also be noted that there is also an employment tribunal centre based in Watford, which is currently occasionally used for family work.

This proposal, to transfer the family work to Watford County Court and Family Court and the centralised criminal work to St Albans Magistrates' Court and Stevenage Magistrates' Court will enable HM Courts & Tribunals Service to be more responsive and flexible to workload and listing of cases.

This redistribution of work would result in increased court utilisation, more efficient and effective disposal of business and allow for savings to be made. It will enable the reduction of underused estate and provide good facilities for all users whilst retaining access to justice.

The facilities at Watford Magistrates' Court and Family Court are generally very poor for all users. The receiving courts specified in the proposal have better facilities although, as already accepted enabling works would be required at Watford County Court and Family Court.

We need to reduce our reliance on buildings with poor facilities and to remove from the estate buildings that are difficult and expensive either to improve or to upgrade.

### **Alternative provision**

There have been no firm offers or suggestions made in respect of alternative provision but one respondent did suggest that the current Watford Magistrates' Court and Family Court building should be updated and Watford County Court and Tribunals moved onto this site creating one court and tribunal site for Watford.

HM Courts & Tribunals Service considers that there is insufficient space in the building to accommodate the hearings from Watford County Court and Family Court and Watford Employment Tribunal. Watford Magistrates' Court and Family Court currently has three courtrooms. Watford County Court and Family Court has three courtrooms and four informal hearing rooms. Watford Employment Tribunals centre has 11 hearing rooms.

### **Decision**

All the points raised by respondents to the consultation have been analysed and following careful consideration, the Lord Chancellor has decided to close Watford Magistrates' Court and to move the family work to Watford County Court and Family Court and the centralised criminal work to move St Albans Magistrates' Court and Stevenage 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 Watford 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.

## **West Berkshire (Newbury) Magistrates' Court**

The Lord Chancellor has decided to close West Berkshire (Newbury) Magistrates' Court and move the workload to Reading Magistrates' Court.

A total of 16 responses to this consultation paper were received. Of these:

- four were from criminal justice partners
- three were from other public sector bodies
- three were from professional users
- two were from magistrates
- two were from others
- one was from a Member of Parliament
- one was from a staff member

Of the overall responses, one was supportive of the closure proposal and the remainder opposed the closure proposals, the main themes being:

- access to justice
- utilisation and condition of existing building
- value for money

### **Access to Justice**

There were concerns raised about travel time and access to justice by the majority of respondents.

"Any future closure will result in victims of crime who live to the west of Newbury, not to mention council officials, solicitors and police officers, undertaking an 80 mile round trip to attend court in Reading, or a 120 mile round trip to attend court in Maidenhead. ...It is unreasonable to assume that all individuals will have access to a road vehicle. The duration of a journey into Reading is likely to be in advance of two hours...this proposal has the potential to deter many young offenders from attending court, which has clear implications for the criminal justice system. What is more, many local organisations who provide vital support, may find resources to accompany defendants or witnesses to court, cost prohibitive." (Member of Parliament)

"The proposed closure of the West Berkshire Court in Newbury would result in an imbalance of Court provision in Berkshire, with a cluster of three Courts in the centre and east of the county and no Court in the west. The claimed cost savings from the closure are falsely calculated, and public funds would be required to meet increased costs in the event of closure. The closure would be entirely against the interests of all Court users and of the wider community of West Berkshire." (Berkshire Magistrates Association)

"It is the view of the Safer Communities Partnership that the closure of Newbury Magistrates Court will be detrimental to the community of West Berkshire who, under the proposal, would be required to travel to Reading or potentially Courts even further away. The Partnership do not believe that the facilities at Newbury Magistrates Court

are as inadequate as described within the consultation document and consider that the building has been allowed to deteriorate in order to lend weight to the argument that it should be now be closed” (West Berkshire Safer Communities Partnership)

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. 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 reach court.

New digital technology systems will allow more users to access and communicate with the court on-line and expansion of video linking facilities will remove the necessity of some users attending court. HM Courts & Tribunals Service has been working with West Berkshire Council to set up a video link facility from the council’s offices and this should be available in due course.

We will provide a far better service if we reduce the cost of our estate and reinvest the savings in improving digital access, and improving the accessibility and facilities in our remaining court and tribunal buildings.

### **Operational efficiency**

During the 2014-15 financial year West Berkshire (Newbury) Magistrates’ Court was used to approximately 11% of its capacity. Respondents made the following comments:

“The lack of Prisoner Escort Service provision in West Berkshire has distorted the statistics on utilisation of the Newbury courthouse. Nearly all cases where the possibility of a custodial disposal is present will be listed for Reading or Slough, our two courthouses which are served by the PES.” (Berkshire Magistrates Bench).

“There is insufficient court capacity within the county to absorb the work from West Berkshire and this will further delay the delivery of justice, especially in the Youth Court.” (Berkshire Magistrates’ Association)

“Closure of the magistrates’ court in Newbury will create further pressure on the courts in the East of the County of Berkshire and increase the delays that already exist in getting cases to court.” (Enbourne Parish Council)

“I am a Ministry of Justice employee and would like to agree with the fact that many courts are underused and badly maintained. West Berkshire Magistrates Court, Newbury is one which would benefit the estate by being closed. It is only open one day a week.... Any court business here could be maintained in Reading, approximately 18 miles away. At present many cases are already adjourned to Reading or Slough. All Custody cases are referred to the latter two courts....The closure would prove cost saving for the Ministry of Justice Estates if Newbury were to close. This would also ensure that Reading would have more resources and staffing levels.” (Member of staff)

West Berkshire (Newbury) Magistrates’ Court currently has criminal and youth work listed in two courtrooms on one day per week. HM Courts & Tribunals Service propose that this work is transferred to Reading Magistrates’ Court where it can be accommodated without any enabling works being required. Reading Magistrates’ Court has better facilities and would enable the court to be responsive and flexible with the listing of cases meeting user and workflow demands more efficiently.

This redistribution of work would result in increased court utilisation, more efficient and effective disposal of business and allow for savings to be made which can be used to improve digital access. It will enable the reduction of underused estate and provide good facilities for all users.

### **Value for money**

The operating costs for West Berkshire (Newbury) Magistrates' Court were approximately £156,000 in 2014-15.

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

### **Alternative provision of services**

The following observations were made by respondents.

“The use of a video link (or technology to this effect) would undoubtedly benefit those who live in remote, rural locations of the Newbury constituency. There have been discussions with West Berkshire Council in this regard and I would ask that this is followed up in order to prevent victims of crime from travelling great distances to seek justice. I believe it to be imperative that any such system is fully functional in advance of the proposed court closure. That said, my preference remains justice being delivered locally, not remotely.” (Member of Parliament)

“If a video link were established, say at the Council offices, it would need to be created, administered and controlled so that defendants and witnesses could be marshalled at the correct time. This would be an additional overhead and staffing cost which the Council would probably wish to pass on.” (Berkshire Magistrates Association)

“Although there is agreement in principle to provision of some kind of video link based in the Council Offices at Newbury, the idea is not sufficiently well thought through and we are unconvinced that this solution can be implemented.” (Berkshire Magistrates Bench)

HM Courts & Tribunals Service has been working with West Berkshire Council to set up a video link facility from the council's offices and we will implement this provision in due course.

### **Decision**

All the points raised by respondents to the consultation have been analysed and following careful consideration, the Lord Chancellor has decided to close West Berkshire (Newbury) Magistrates' Court and move the workload to Reading 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 West Berkshire (Newbury) 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 131 members of the public who responded to the consultation, the following named individuals and organisations provided a response:

Ashford Borough Council	Chair of Suffolk Magistrates Association
Assistant Chief Constable Norfolk Constabulary	Chichester and District Law Society
Aylesbury Vale District Council	Chichester City Council
Babergh & Mid Suffolk District Council	ChiCycle - Chichester's Cycle Campaign group
Bedford Borough Council	Chief Officer of Suffolk Probation area
Bedford Borough Labour Councillors	Circle Housing Mole Valley
Bedfordshire & Hertfordshire Judicial Business Group	Circle Housing Russet
Bedfordshire Law Society	Citizens Advice Bureau
Bench Chairman on behalf of Sussex Magistrates	City Councillor for Chichester South
Berkshire Magistrates Association	Cllr Town Mayor of Aylesbury
Berkshire Magistrates Bench Chairman	Colchester Borough Council
Brighton and Hove County Council Children's Services	Colchester Borough Homes
Buckinghamshire Branch of Magistrates Association	Coldharbour Parish Council
Buckinghamshire Magistrates Bench Chairman	Commercial Litigation Association
Bury St Edmunds Borough Council	Crown Prosecution Service
Cambridge and West Suffolk Resolution	Dacorum Borough Council
Cambridgeshire & District Law Society	Dartford Council
Car Park Team, Waveney Norse	Deputy Chair of the Suffolk Magistrates Bench
Caroline Ansell, Member of Parliament for Eastbourne	Deputy Chief Constable, Suffolk Constabulary
Chair of Clare Town Council	Designated Family Judge Roberts
	Detective Constable Berisford, Sussex Police

**Response to the proposal on the provision of court and tribunal services in the South East region**

Detective Sergeant Edwards, Sussex Police	Forest Health District Council
Detective Sergeant Hine, Cambridge Constabulary	Former High Sheriff of Suffolk
Development Consulting	GEOAmey Prisoner Escort Custody Service UK Ltd
District Judge Ayers	Hardwick Parish Council
District Judge Chaudhuri	Harlow Council
District Judge Collins	Hastings Borough Council
District Judge Cross	Hertfordshire County Council
District Judge Dawson	HH Judge Critchlow
District Judge Ellis	HH Judge Henson QC
District Judge Foss	HH Judge Moloney QC
District Judge Grand	HH Judge Parker QC
District Judge Harper	HH Judge Simpkins
District Judge Nightingale	HH Judge Tain
District Judge Robinson	HH Judge Thrope
District Judge Rodgers	HH Judge Wilding
District Judge Smith	High Sheriff of Suffolk
District Judges at Luton County Court	HMCTS Staff
Dixons Direct	Horsham District Council
East Kent Magistrates Bench Chairman	Independent Advisory Group for Suffolk
Eastbourne Borough Council	Jo Churchill, Member of Parliament for Bury St Edmunds
Eastbourne Law Society	Journalists
Essex & Suffolk Water	Family Court Judge Purchase
Exning Parish Council	Keeping Our Human Rights in Suffolk
Eye Town Council	Kent County Council
Felmersham & Radwell Parish Council	Kent Law Society
Fishbourne Parish Council	Lay Members of the Southern Residential Property Tribunal

**Response to the proposal on the provision of court and tribunal services in the South East region**

Little Oakley Parish Council	Police Detective Every
Local Barristers	Probation Service Officers
Local Magistrates	Public Heath Suffolk
Magistrates Association	Regional Employment Judge Byrne
Manningtree Town Council	Regional Employment Judge Taylor
Members of the UK Youth Parliament	Reigate and Banstead Borough Council
Newbury News Ltd	Residential Property Tribunal Judiciary
Newbury Probation office	Resolution West Sussex
Newbury South West Neighbourhood Action Group	Richard Benyon, Member of Parliament for Newbury
Newmarket Town Council	Secretary of the association of Gt Yarmouth Retired Magistrates
Newton Longville Parish Council	Shelter
Norfolk and Norwich Law Society	Solicitors
Norfolk and Suffolk Judicial Business Group	Sound Oil Plc
Norfolk Judiciary	South East Region Trade Union
Norfolk Magistrates Bench Chairman	South East Surrey Magistrates Bench
North East Suffolk Magistrates Bench Chairman	South West Surrey Magistrates
North Kent Magistrates Bench Chairman	St Albans City & District Council
Oxfordshire Magistrates Bench	Stoke Mandeville Parish Council
Public and Commercial Services Union	Suffolk Constabulary
Peter Aldous, Member of Parliament for Bury St Edmunds	Suffolk County Council
Pitstone Parish Council	Suffolk West Federation of Women's Institutes
Police and Crime Commissioner for Kent	Suffolk Youth Offending Service
Police and Crime Commissioner for Suffolk	Surrey County Council
Police and Crime Commissioner for Thames Valley	Surrey Domestic Abuse Development Group
	Sussex Police

**Response to the proposal on the provision of court and tribunal services in the South East region**

Sussex Rural Community Council	UK Association of part time Judges
Tandridge District Council	Victory Housing Trust
Taylor Properties	Waveney District Council
Tendering District Council	Waveney domestic violence and abuse forum
Thames Valley Judicial Business Group	Waverley District Council Cllr for Pakefield
The Chichester Society	Welwyn Hatfield Citizens Advice Bureau
The first Tier Tribunal (Property Chamber)	West and Central Herts Magistrates Bench
The Housing Association	West Berkshire Safer Communities Partnership
The Kent, Surrey, Sussex Community Rehabilitation Company	West Berkshire Youth Offending Team
The Very Revd Dr Frances Ward, St Edmundsbury Cathedral, Bury St Edmunds	West Norfolk Council
Tunbridge Wells, Tonbridge and District Law Society	West Sussex County Council
	Weston Turville Parish Council

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