



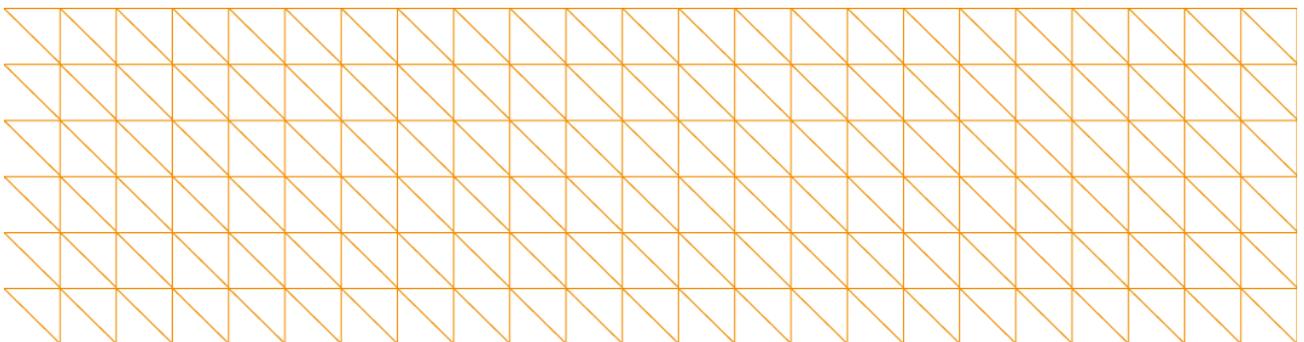
Ministry  
of Justice



HM Courts &  
Tribunals Service

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

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





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## Introduction and contact details

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

It will cover:

- the background to the consultation
- a summary of the responses to the consultation
- detailed responses to the points raised.
- next steps following this consultation.

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

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This report is also available at **[www.gov.uk/moj](http://www.gov.uk/moj)**

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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 launched which put forward proposals to close 11 courts and tribunals (and set out plans to integrate eight courts and tribunals) in the South West region.

Working together with the judiciary, we want to reform our services so that they better meet the needs of a modern society. The consultation put forward proposals to make changes to our estate where buildings are no longer fit for purpose, where usage is low and where sites no longer provide value for money.

A total of 174 consultation responses and one petition which included 500 signatures were received for the South West region. As the Delivery Director responsible for managing the operations of HM Courts & Tribunals Service in the South West 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 10 courts and tribunals in the South West region. One site has been retained.

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.

In the South West region there are a number of closures that will only take place once enabling works have been undertaken at the sites that will be receiving the work. These works will ensure the receiving sites have sufficient capacity to absorb additional workload whilst maintaining the facilities required for our court and tribunal users.

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 and in consultation with the Regional Trade Union.

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

**Sandra Aston**  
**Delivery Director**  
**HM Courts & Tribunals Service South West**

## Background

The consultation paper 'Proposal on the provision of court and tribunal services in the South West region' was published on 16 July 2015. It invited comments from everyone with an interest in local justice with its primary aim to ensure that courts and tribunals continue to be aligned to workload; that communities continue to have access to buildings where they need to attend, and that suitable alternative methods are available where they don't.

This consultation proposed the closure of the following courts and tribunals: <sup>1</sup>

- Barnstaple Crown Court
- Bath Magistrates' and County Court and Family Court or North Avon (Yate) Magistrates' Court<sup>2</sup>
- Bournemouth Magistrates' Court
- Cheltenham Rivershill House Tribunal
- Chippenham Magistrates' Court, Civil Court and Family Court
- Dorchester Crown Court
- Fareham Magistrates' Court
- Gloucester Magistrates' Court
- Stroud Magistrates' Court
- Torquay Magistrates' Court

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 proposals 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.

<sup>2</sup> The capacity of Bristol Magistrates is such that it is only able to receive work from one of the two courts, therefore the proposal is to close either Bath Law Courts or North Avon (Yate) Magistrates.

## **Integrations**

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

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

### **Aldershot and Farnham County Court and Arcade Chambers (Aldershot Tribunal) to be integrated within Aldershot Magistrates' Court**

This integration took place in November 2015

### **Plymouth St Catherine's House (Plymouth Tribunal) to be integrated within Plymouth Combined and Plymouth Magistrates' Court**

Enabling works are required in Plymouth Magistrates' Court to facilitate this integration. No date has been set for integration.

### **Southampton Western Range and Barrack Block to be integrated within Southampton Magistrates' Court**

Enabling works are required in Southampton Magistrates' Court to facilitate this integration. No date has been set for this integration.

### **Taunton Blackdown House (Taunton Tribunal) to be integrated within Taunton Deane Magistrates' Court**

Enabling works are required in Taunton Magistrates' Court to facilitate this integration. No date has been set for this integration.

### **The Crescent Centre (Bristol Tribunal) to be integrated within Bristol Civil Justice Centre**

Work is ongoing on this project. Full integration is expected by end of February 2016.

### **Weymouth and Dorchester Combined Court offices to be integrated within Weymouth Magistrates' Court**

Work is underway on this project. Full integration is expected by end March 2016.

### **Yeovil County Court to be integrated within South Somerset and Mendip Magistrates' Court (Yeovil)**

Enabling works are required in Yeovil Magistrates' Court to facilitate this integration. No date has been set for this integration

## Summary of responses

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

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

A total of 174 individual responses to the South West consultation paper were received. Of these:

- 52 were from magistrates
- 31 were from members of the public
- 25 were from professional users
- 21 were from members of the judiciary
- 18 were from other public sector bodies
- 16 were from criminal justice partners
- six were from a union/staff group
- five were from Members of Parliament

Of the responses received 18 related to the region as a whole. Of these six were supportive, two were neutral and ten were unsupportive of the proposals as set out in the consultation document.

The following points were raised;

“We understand why there should be a rationalisation of the court estate. The present number of buildings are underutilised... The current resources are spread too thinly and are at breaking point.” (Magistrates Bench)

“Experience has shown that the harder it becomes for a victim or witness to attend court, the less likely they are to do so. In closing courts and increasing distances, travel costs and travel time, non-attendance could rise. This is true for all witnesses including police officers and also for the CPS lawyers attending court to prosecute cases, so while the Courts Service will save money, other agency costs will rise.” (Local Constabulary)

“PCS do not agree with the proposals in relation to the South West... We do not accept that the receiving courts have capacity to take all the work without causing further delays.” (Public and Commercial Services Union)

“Councillors are in agreement that access to justice needs to remain local. The current court house is in poor state of repair and we suggest other local public buildings could be utilised for some activities including the civic offices.” (Farnham Borough Council)

“The closure of the proposed locations would have an impact upon GEOAmey’s staffing levels. By moving away from the previous minimum staffing requirement at each court we delivered significant cost reductions and value for money to The Ministry of Justice. A reduced staff base would make it more difficult to implement our dynamic staffing solution. In some instances this will affect our ability to fulfil our current contractual obligations in terms of the timely delivery and return of prisoners into custody.” (GEOAmey, Prison Escort and Custody service)

These points, together with all other responses that have been received, have been considered in the remaining sections of this document under each court.

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

A full list of respondents is at Annex A.

### **County Court utilisation**

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

### **Operating Costs**

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

## Decision

After careful consideration, the Lord Chancellor has decided to retain the following court;

- Bath Magistrates' Court, County Court and Family Court

The following courts will close as proposed;

- Barnstaple Crown Court
- Bournemouth Magistrates' Court
- Cheltenham Rivershill House Tribunal
- Chippenham Magistrates' Court, Civil Court and Family Court
- Dorchester Crown Court
- Fareham Magistrates' Court
- Gloucester Magistrates' Court
- North Avon (Yate) Magistrates' Court
- Stroud Magistrates' Court
- Torquay Magistrates' Court

## Response to individual proposals

### Barnstaple Crown Court

The Lord Chancellor has decided that Barnstaple Crown Court should be closed and its work moved to Exeter Crown Court.

A total of six responses were received in relation to Barnstaple Crown Court. Of these:

- two were from criminal justice partners
- two were from professional users
- one was from a member of the public
- one was a union/staff group

Of these responses three were neutral and recognised that the closure of Barnstaple Crown Court would have minimal impact, whilst the other three responses were opposed.

### Access to Justice

Barnstaple Crown Court is located on the edge of Barnstaple Town Centre and it is 45 miles by car from Barnstaple to Exeter Crown Court. Public transport by bus is difficult however there is a regular rail service from Barnstaple to Exeter.

Travel time by train is approximately one hour 15 minutes and the cost of a return ticket is approximately £10.00. Journey time by car is approximately one hour 15 minutes. Exeter Crown Court is located within Exeter City Centre and is a 10 minute walk from Exeter Central Rail Station.

“...if Barnstaple Crown Court closes, court users would need to travel for over two hours by public transport to reach Exeter Combined Court instead. That is unacceptable and unduly arduous, particularly for individuals on low incomes, those with mobility issues, and those living in rural parts of the county...” (The Law Society)

Whilst HM Courts & Tribunals Service accepts 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, for the majority of people however the closure of Barnstaple Crown Court will have little impact. There have been no regular sittings since early 2012. All Crown Court hearings have taken place in Exeter Crown Court. In exceptional cases, hearings can be scheduled to start later to allow for travel difficulties from more remote rural areas such as North Devon; this would be considered on a case by case basis.

### Value for Money

Barnstaple Crown Court sits in a magistrates' courtroom within Barnstaple Magistrates' Court. The courthouse at Barnstaple forms part of a leasehold building. The Crown Court has not sat at Barnstaple since early 2012 and as such there are no operating costs for the financial year 2014 - 15 for Barnstaple Crown Court. When Crown Court hearings did take place in Barnstaple,

courtroom staff and judiciary travelled from Exeter as neither were permanently based in Barnstaple.

Closure of Barnstaple Crown Court will not result in a reduction in buildings or a reduction in running costs; it will however enable the development of the current magistrates' court building. The court room currently used for Crown Court work will be reconfigured for multi-jurisdictional work thereby improving facilities for court users.

### **Operational Efficiency**

Barnstaple Crown Court is one of three crown courts in Devon. It currently operates as a satellite venue of Exeter Crown Court. There have been no crown court sittings at Barnstaple Crown Court during the last three financial years and there is no ongoing operational need to make use of the court on a regular basis.

“In relation to Barnstaple Crown Court this is held in a Magistrates court room which is only used two weeks a year. We agree moving the Crown Court makes sense in terms of efficiency. It is our view this change will have a very limited impact.” (Police & Crime Commissioner, Devon, Cornwall and the Isles of Scilly)

“We can understand that this appears to make sense in terms of efficiency. It is the view of the police that we anticipate this having limited impact.” (Head of Criminal Justice, Devon and Cornwall Constabulary)

We need to move towards an estate with buildings which are larger and facilitate the more efficient and flexible listing of court business whilst also giving users more certainty when their cases will be heard.

“The consultation paper states that no sittings have taken place at Barnstaple since early 2012. However our members report that this is inaccurate and that trials have already been listed to take place at Barnstaple in March 2016 due to a backlog in work at Exeter.” (The Law Society)

There have been no crown court sittings at Barnstaple Crown Court during the last three financial years. However, a series of trials relating to one defendant are listed to take place between November 2015 and March 2016, these are being listed at Barnstaple due to the individual circumstances of the case. This is a unique situation and not an indication of an ongoing operational requirement to retain Barnstaple Crown Court, following these trials there will be no ongoing operational need to list crown court cases at Barnstaple.

### **Alternative Provision of Services**

No suggestions regarding alternative provision of services have been made in the consultation responses. HM Courts & Tribunals Service will still retain a presence at Barnstaple. The magistrates' court and county court premises in Barnstaple will have video conferencing facilities that could be used by victims and witnesses to give evidence at crown court hearings without the need to travel.

## **Decision**

All the points raised by respondents to the consultation have been analysed and following careful consideration, the Lord Chancellor has decided to close Barnstaple Crown Court and move the workload to Exeter Crown Court.

## **Implementation**

There are a number of factors to consider before Barnstaple 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.

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

The Lord Chancellor has decided that Bath Magistrates' Court, County Court and Family Court should be retained.

A total of 48 responses were received which related to Bath Magistrates' Court, County Court and Family Court. Of these

- 17 were from members of the public
- 12 were from magistrates
- 12 were from professional users
- two were from members of the judiciary
- two were from other public sector bodies
- one was from a criminal justice partner
- one was from a Member of Parliament
- one was from a union/staff group

Of these responses two were in support of the proposals, whilst 45 were opposed and one was neutral.

The Member of Parliament for Bath, Ben Howlett secured a debate in the House of Commons about the closure of courts and tribunal services across the UK. The MP also attended the court to meet staff and judiciary following the launch of the consultation and is strongly against the proposed closure.

The Bath and North East Somerset (BANES) Council, held a public scrutiny day to review the proposals for closure.

The closure of Bath Magistrates' Court, County Court and Family Court is interdependent on the closure of North Avon (Yate) Magistrates' Court. Only one of these venues can close due to the capacity at the receiving court, Bristol Magistrates' Court.

### **Access to Justice**

Bath Magistrates' Court, Bath County Court and Bath Family Court are co-located in The Bath Law Courts. The magistrates' court is one of four magistrates' courts in Somerset and deals with criminal business in adult and youth cases. The county court and family court is one of four county courts in Somerset. The jurisdiction of the court covers the city of Bath and the surrounding rural area.

The proposal was to close Bath Law Courts and transfer the magistrates' workload to Bristol Magistrates' Court and the county court and family workload to Bristol Civil and Family Justice Centre. Both buildings are situated in the centre of Bristol approximately 13 miles from Bath. There are good public transport and road links between Bath and Bristol.

All of the responses made reference to access to justice issues.

“Bath is an important regional centre for the 180,000 residents of North East Somerset who are used to travelling into the city but who would find it burdensome, expensive and very much more difficult to get into the centre of Bristol.” (Member of the public)

“The statistical data on travelling time between Bath Law Courts and Bristol Courts is totally inaccurate given the level of daily traffic congestion and is a misleading analysis.” (Member of the public)

“I am concerned about the impact of the proposals on the most vulnerable members of society who may feel precluded from the Justice System...The analysis does not take account of the significant travel difficulties faced by people living in rural areas.” (Member of the public)

“The impact will be most acutely felt on the most vulnerable people in Bath and North East Somerset. This includes youths who will find it very difficult to get to Bristol from Bath whatever the transport connections are....” (Solicitor)

“I believe these proposals will reduce access to justice in general and will have a disproportionately greater impact on some groups in society...With the closure of the civil courts in Bath and/or Chippenham, the current proposals will condemn parties seeking justice to journeys of 45 miles or more each way and to greatly increased travelling time and expense.” (Civil litigator)

“Moving all cases to Bristol would increase costs by all Bath based solicitors requiring to travel further...and pay for expensive parking...This cost to the public purse would be significant...The closure of Bath Court may be a cost saving exercise for the state but does not adhere to the right to a fair trial for vulnerable clients in the local area...who would not have reasonable and fair access.” (Solicitor representing Stone King)

“Bath and NE Somerset ...comprises the largest city in the east of the region and a rural area which is poorly served by public transport. Travel ...is much more difficult than would appear from the model...congestion...frequently results in a car journey time of 90 minutes and is never less than one hour...the demands of attempting to travel to Bristol would result in increased emotional, organisational and financial stress for already fractured and fraught families.” (Somerset Magistrates’ Bench)

There was a strong feeling in the large number of responses that though the cities of Bristol and Bath are only 13 miles apart, times and costs for travel between the two were not accurately reflected in the consultation document. There is concern that the journey between the two cities is expensive and time consuming, particularly during peak commuting times. A significant number of court users would be unable or unwilling to attend hearings in Bristol. There were also access to justice issues raised in the consultation responses in respect of North Avon (Yate) Magistrates’ Court, however the numbers were smaller. The population potentially impacted by the closure of Bath Law Courts is significantly greater than that affected by the closure of North Avon (Yate) Magistrates’ Court. The Bath Law Courts currently serves a city population of approximately 95,000 and a substantial rural area for which it is the natural transport hub. North Avon (Yate) Magistrates’ Court served a much smaller population of approximately 30,000 though it also has a rural catchment area within South Gloucestershire.

Bath is a multi-jurisdictional centre dealing with magistrates’ criminal work, family work and civil work. North Avon Magistrates’ Court only deals with magistrates’ criminal work. The multi-jurisdictional nature of the work at Bath combined with the greater flexibility of the building and

court rooms would support the retention of Bath Law Courts over that of North Avon Magistrates' Court.

### **Value for Money**

Bath Magistrates' Court was built in 1989 and is in a good state of repair. It has a total of five courtrooms of which four are magistrates' courtrooms and one is a civil court room. Some rooms are capable of multi jurisdictional hearings. The court has separate waiting rooms for prosecution and defence witnesses. It also has video link facilities for use by witnesses giving evidence but it does not have a prison video link. The building is freehold and the 2014-15 operating costs were approximately £433,000.

There was a consistent theme throughout the responses of praise for the current level of facilities available at Bath Law Courts.

"BLC provides not just Criminal Courts but also Family, Youth and County Courts."  
(Member of the public)

"Facilities for witnesses and victims are excellent with a secure, self contained waiting area and a recently refurbished live link facility proximate to the witness waiting area....The cells and secure areas within the court building are in good condition and have been used for special operations when cell areas in other courts...have been deemed 'unsuitable'.  
(Member of the public)

"Bath is the established court centre for the surrounding population...Disposing of Bath Court would deprive HMCTS of a quality building which, longer term, offers good value for money...The cells and secure areas are good." (Solicitor representing Ennis Jones)

"Bath Magistrates' Court has been very successful and efficient as the main traffic court for the area." (Criminal defence lawyer)

"A building that houses the courts has received investment and is a building that works well and offers flexibility..." (Solicitor representing Stone King)

"Excellent, relatively new facilities currently function extremely well in Bath...It has in-court presentation screens in three courtrooms, the boiler system was replaced last years and the public toilets have been upgraded and are DDA compliant." (Somerset Magistrates' Bench)

"Having just invested in a new boiler system for the building, how can closing it represent a sound financial decision if all that investment is thrown away a few months after it had been expended." (Magistrate)

Bath Law Courts is a relatively modern flexible multi-jurisdictional venue. It is a freehold building in a desirable location and as such is a valuable asset. As mentioned previously the decision to close Bath Law Courts needs to be considered alongside any decision to close North Avon (Yate) Magistrates' Court. Only one of the two buildings can be closed due to Bristol Magistrates' Court only having the capacity to absorb workload from one of these courts.

Though the capital receipt from Bath would be significantly higher than that for North Avon (Yate) Magistrates' Court, and could enable a more substantial investment in court reform, HM Courts & Tribunals Service is mindful that the decision to close cannot be based solely on the value for money argument.

## Operational Efficiency

Bath Law Courts has five courtrooms and is capable of sitting up to 1240 days per year (at 248 days per courtroom). In the financial year 2014-15 Bath Law Courts (Magistrates' and County) was utilised for approximately 46% of its current capacity.

A number of responses made reference to operational efficiency.

"I anticipate this will give rise to a substantial increase in people failing to attend court, resulting in delay to court process together with the extensive additional costs due to arrest warrants." (Member of the public)

"If Chippenham closes there is a large field of work in West Wiltshire that would naturally fall to Bath from Chippenham, Melksham, Trowbridge and Frome, rather than go to Swindon or Salisbury." (Member of the public)

"The needs of the disadvantaged have not been properly taken into account, which will result in more warrants." (Member of the public)

"In summary... the work of the justice system would be impeded because crucial agencies such as the Probation Service would not be on hand at Bristol for Bath defendants... There would be an increased likelihood of defendants and witnesses not appearing in court or absconding..." (Bath & North East Somerset Council)

"65% of those we surveyed said it would impact a decision to attend." (Citizens' Advice BANES)

"This proposal appears to relate more to the costs and opportunities of current assets rather than seeking to put in place a more efficient, effective system of local justice." (BANES Council)

"Many defendants will not manage to get to their court hearings. This will result in Bail Act Offences for non attendance at court and when they are sentenced for this the prison population will increase." (Criminal defence lawyer)

The utilisation at Bath Law Courts is low and the workload could be absorbed in Bristol Magistrates' Court and Bristol Civil & Family Justice Centre. However Bath needs to be considered as an either or option together with North Avon (Yate) Magistrates' Court. The utilisation rate at Bath is significantly higher than the utilisation rate in North Avon (Yate) Magistrates' Court. In addition the condition of the building and the flexibility of the multi-jurisdictional hearing rooms would suggest that Bath Law Courts should be retained in preference to North Avon (Yate) Magistrates' Court. Bath would also be able to accommodate work from the west of Wiltshire following the closure of Chippenham Law Courts.

## Alternative Provision of Services

Several responses made reference to potential alternative provision of services.

"The guildhall was suggested on a number of occasions as a possible alternative for some facilities. Other suggestions include The Forum, Bath Pavilion and the Bath One Stop Shop, which already provides access to a range of council services." (MP)

“Due to central location both to Somerset and Wiltshire, Bath could easily take on extra court work from Chippenham and Yate...Whilst a video link may work for a prisoner to save the travel to court that person has already been through the court system. There are very few instances where a video link would be a substitute to the actual court experience.”  
(Member of the public)

“Technology is a problem for many vulnerable people. However, the use of other civic buildings could be useful but unlikely to deliver significant savings for the Service.”  
(Member of the public)

“Theoretically the use of other public or civil buildings seems a possibility, but how this would work seems insurmountable if it is considered how the courts are presently secured. The new computer technology leading to a paperless courtroom is in its infancy and not without its problems.” (Member of the public)

“In summary... it is likely that some Bath magistrates would not be prepared to sit in Bristol, leading to a reduction in the bench having local knowledge of Bath. We see only limited scope for use of digital channels...and these should be tested for usability before other mechanisms are removed. We are not aware of local buildings that would serve the same purpose as the present courthouse without considerable expenditure on security and disruption to other users..”(Bath & North East Somerset Council)

“Many of our clients don’t have access to computers at home so non face to face contact can be more intimidating.” (Sian Francis, Citizens’ Advice BANES)

“There is a real opportunity for Bath court to be used as a community justice hub.”  
(Solicitor)

“We must recognise that there is a much greater emphasis on alternative dispute resolution...Nevertheless there will always be...a requirement for local and convenient hearing centres where trials can be conducted...the judges seeing and hearing the witnesses in person – something which must be facilitated and encouraged.” (Civil litigator)

“I am concerned ...at the impact on capacity and efficiency at Bristol Civil Justice Centre. Bristol is already absorbing additional tribunal work and undergoing works to accommodate that. There are insufficient sitting days to accommodate civil and family workload already and I do not think that Bristol would have the physical capacity to absorb an extra DJ in an additional court room. ” (Barrister)

“One of our main sentencing objectives is to prevent further offending. We believe that personal contact between magistrates and offenders in the formal setting of a courtroom is the best way of achieving desistance and allowing interested parties to see justice being done...If Bath were to be closed...and the use of remote video links to be extended...new locations would need to be set up with staff trained...Extra cost would be incurred and expenditure...lost. Holding hearings in civil or other non-court buildings would also cause problems. (Somerset Magistrates’ Bench)

Though there was an acceptance that alternative provision might be possible, the responses confirmed that the facilities currently available in Bath were of an excellent standard and could in fact be used to better effect by taking work from other courts that may close following this consultation.

## **Decision**

All the points raised by respondents to the consultation have been analysed and following careful consideration, the Lord Chancellor has decided to retain Bath Magistrates' Court, County Court and Family Court.

## **Bournemouth Magistrates' Court**

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

A total of 14 responses were received which related to Bournemouth Magistrates' Court. Of these

- four were from members of the judiciary
- four were from criminal justice partners
- three were from professional users
- one was from a member of the public
- one was from a magistrate
- one was from a union/staff group

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

## **Access to Justice**

Bournemouth Magistrates' Court is one of three magistrates' courts in Dorset. The court deals with criminal business in adult and youth cases, and mainly serves the population of East Dorset.

Bournemouth Magistrates' Court will close and the workload will be transferred to Poole Magistrates' Court. Poole Magistrates' Court is situated six miles away. There are regular bus and train services between the two towns. The bus service is frequent with buses running every 15 minutes. Travel time by bus is approximately 20 minutes and travel by train takes approximately 15 minutes. The cost of a return rail ticket is approximately £4.00. There are bus stops located close to the courthouse at Poole and the main train station is approximately 20 minutes walk. In addition Parkstone station (a small station on the main Bournemouth to Poole line) is approximately 10 minutes walk.

Many of the responses made reference to access to justice issues:

"I am sure that travelling from outlying areas, particularly by public transport, will be a significant issue for some victims and witnesses" (Dorset Police and Crime Commissioner)

"Transferring business to Poole would for the majority of professional and other Court users within the conurbation mean increased cost and travel time raising serious concerns over access to justice for those accused of an offence, victims and witnesses" (Bournemouth and District Law Society)

"An attempt has been made to predict the potential increase in cost and journey time of the proposed changes but this is too simplistic....Many of those using the family court have very limited means and access to transport and any increase is likely to have a disproportionate effect"(Chair of Dorset Family Panel)

Whilst HM Courts & Tribunals Service acknowledges and accepts that some people will need to travel further to reach Poole Magistrates' Court and for some the journey may be more difficult

than the journey to Bournemouth, the excellent regular transport links between Bournemouth and Poole should ensure reasonable journey times are possible for a significant proportion of court users. The relatively short travel time and the retention of significant HM Courts & Tribunals Service sites in both Bournemouth (Bournemouth Combined Court) and Poole will ensure access to justice is maintained in East Dorset.

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.

HM Courts & Tribunals Service accepts that the closure of Bournemouth Magistrates' Court may impact some people more than others, however we must have due regard to ensure our estate is used to deliver justice efficiently and effectively.

### **Value for Money**

The operating costs for Bournemouth Magistrates' Court for 2014-15 were approximately £386,000. Bournemouth Magistrates' Court dates back to 1912 and extensions to the building were added in the 1960s. It has six courtrooms, two of which have secure docks and two are fitted with prison video links.

The overall condition of the building is very poor and it requires significant investment in both structure and infrastructure. The heating, lighting and electrical systems are dated and in need of updating or replacing. On the external structure, marble cladding has started to come away from the building and will need to be repaired and replaced. In summary it does not provide the modern, fit for purpose facilities that our customers expect and is not compliant with the Equality Act 2010.

A number of responses accepted that the condition of Bournemouth Magistrates' Court was poor however there were also concerns about value for money and the potential works required in Poole Magistrates' Court to accommodate the additional work.

"The fabric of the building is in poor repair, though it is fair to say that the court rooms and other public areas are serviceable. If sufficient resources were put in to Poole Magistrates' Court (PMC), then a move to that site would be possible, depending on what other jurisdictions were to use PMC."(District Judge)

"There is no doubt that Bournemouth Magistrates Court (BMC) is in very poor state of repair but the alternatives need to be costed more accurately and the level of work needed to make them realistic options needs to be assessed in much more detail...With substantial work and ignoring access issues it might be possible to accommodate Bournemouth magistrates work in Poole..." (Chair of Dorset Family Panel)

"[while] It is agreed the BMC requires considerable works to improve it to a proper standard. The proposed transfer of work from BMC to Poole Magistrates' Court ("PMC") would create considerable difficulties...It would seem that the enabling works will be substantial...and would be likely to interfere with the running of Bournemouth Crown and County Court (BCCC) and PMC."(Combined response from Judiciary; Judges and Magistrates)

"There is little argument over the proposals to close Bournemouth Magistrates Court which is a poor facility and would appear uneconomical to invest to bring up to the required standard. But I do have a number of concerns over the proposal to simply move the workload to Poole Magistrates Court..."(Dorset Police and Crime Commissioner)

It was acknowledged through a number of responses that Bournemouth Magistrates Court is in a particularly bad state of repair. The current estimate for backlog maintenance is approximately £517,000.

HM Courts & Tribunals Service needs to reduce the cost of its estate and reinvest the savings in court reform. The proximity of Poole Magistrates' Court to Bournemouth Magistrates' Court and the capacity of Poole Magistrates' Court to absorb the workload from Bournemouth Magistrates' Court enables us to reduce our estate and benefit from the capital receipt.

The level of enabling works required at Poole to facilitate the closure has been considered as part of the decision making process. All enabling works will be completed at Poole before any work is relocated from Bournemouth Magistrates' Court.

The large population centres of Poole and Bournemouth would still retain two significant size venues within their boundaries, Bournemouth Combined Court and Poole Magistrates' Court.

### **Operational Efficiency**

Bournemouth Magistrates' Court has six courtrooms and is capable of sitting up to 1,488 days per year (at 248 days per courtroom). In the financial year 2014 -15 the court was utilised for approximately 52% of its capacity.

Utilisation rates at Bournemouth are low, however some of the responses raised concerns over the capacity of Poole Magistrates' Court to receive the work from Bournemouth Magistrates' Court and offered some alternative proposals on how the work could be relocated.

“a significant lack of parking for court staff, the judiciary, and court users...a combination of participants in criminal, family and tribunal work using the same entrance...a reduction from 13 cells at BMC to 5 serviceable cells in PMC with poor cell access to the courts...disabled access and access generally...necessary enabling works to provide accommodation for Courts, conference rooms, CPS, Probation and witness rooms...” (Combined response from Judiciary, Judges and Magistrates)

“The justices cannot be accommodated in the Poole Law Courts (with or without the Tribunal)...However, if a solution which would be less expensive, at least in the short term, is sought, I would propose moving some or all of the area's civil and/or family work to Poole.” (District Tribunal Judge)

We are looking to remove excess capacity from our estate whilst maintaining access to justice and value for money for the tax payer. Many of our buildings are ageing and in need of extensive maintenance. We need to reduce our reliance on these buildings and where it is difficult and expensive to either improve or to upgrade them we should seek to remove these buildings from our estate.

Poole Magistrates' Courts will be subject to enabling works including work on the cells to ensure the building is fit for purpose before the workload is moved from Bournemouth Magistrates' Court.

Bournemouth Magistrates' Court currently has more court room capacity than the workload would require, and therefore has a low court room utilisation figure. Moving the work to Poole which has fewer court rooms will ensure the appropriate number of courtrooms are available for the workload, and will result in an increase in courtroom utilisation.

A full review of the listing practices will be undertaken to ensure efficient use is made of the available courtrooms in Poole Magistrates' Court. The reduction in courtroom numbers will also reduce pressure on partner agencies such as the Police and Crown Prosecution Service as they will be required to attend/cover fewer courts.

A number of responses suggested an alternative solution to moving the work out of Bournemouth Magistrates' Court.

"...there are a number of people...who wonder whether the Bournemouth Combined Court Centre (BCCC)...would be a more suitable venue for all the criminal work in Bournemouth...The Family & Civil work could be dealt with at PMC."(District Judge)

"We propose the building of a Family/Civil/Tribunal hearing centre adjacent to BCCC. This would allow the closing of BMC and PMC..."(Combined response from Judiciary; Judges and Magistrates)

The option of providing new facilities at Bournemouth Combined Court may well become part of the long term strategy, but it is not achievable in the short term and would require a significant capital investment. However the alternative proposal for reallocation of workload into jurisdictionally split venues could be further investigated when the review of listing practices takes place.

### **Alternative Provision of Services**

As part of the consultation response suggestions were made regarding alternative provision of services.

"The idea of temporary hearing centres using public buildings should be investigated. Mobile courts should also be considered as a means of providing access to justice in less serious cases." (Combined response from Judiciary; Judges and Magistrates)

HM Courts and Tribunals Service will retain a presence in Bournemouth at the Bournemouth Combined Court Centre. Video linking facilities are available at Bournemouth Combined Court should they be required.

### **Other**

The Coroner's Court currently sub-let part of Bournemouth Magistrates' Court building. HM Courts & Tribunals Service will work with the Coroner's Court to ensure any contractual obligations regarding the current lease are fulfilled.

### **Decision**

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

### **Implementation**

Consultation with the regional trade union on staffing impacts will take place over the coming months. There are a number of factors to consider before Bournemouth 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.

### **Cheltenham Rivershill House Tribunal**

The Lord Chancellor has decided that Cheltenham Rivershill House Tribunal should be closed and its work moved to Gloucester County Court.

A total of three responses were received in relation to Cheltenham Rivershill House Tribunal. Of these

- one was from another public sector body
- one was from a union/staff group
- one was from the judiciary

Of these responses one was in favour and two were opposed to the proposals.

### **Access to Justice**

Cheltenham Rivershill House will be closed and all hearings will be moved to Gloucester County Court. Gloucester County Court is situated nine miles from Cheltenham, public transport links between Cheltenham and Gloucester are good. There is a frequent train and bus service.

“The Department’s own figures demonstrate that 48% of potential users will have a public transport journey of over 2 hours to access justice with none being able to access justice within an hour.” (Public and Commercial Services union)

“To close this tribunal would undermine local justice, as 48 per cent of court users would need to travel for over two hours to reach the alternative venue in Gloucester.” (The Law Society)

Whilst 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, for the majority of people the closure will have little impact. It should also be noted that approximately 65% of the cases currently heard at Rivershill House actually originate from Gloucester so relocating this work to Gloucester will benefit many people who would currently be required to attend Cheltenham Rivershill House Tribunal.

There also remains the possibility of using Cheltenham Magistrates’ Court for a hearing should there be an exceptional requirement to do so.

### **Value for Money**

The operating costs for Cheltenham Rivershill House Tribunal for 2014-15 are £128,000. The building is in a poor condition and requires significant expenditure to bring it up to acceptable standards. There are two tribunal hearing rooms on the second floor of the multi purpose building. There are no staff or judiciary permanently based on site. The standard of the accommodation is poor.

The hearing rooms are located on the second floor and access is available via a lift. Should the lift not be operational, there is no evacuation route for wheelchair users or those with accessibility issues. As this is predominantly a Social Security & Child Support (SSCS) tribunal hearing venue, access for users with disabilities is essential.

Gloucester County Court is a modern building with excellent facilities including access for tribunal users with disabilities. Closure of Cheltenham Rivershill House will allow tribunal hearings to take place in a larger purpose built, secure building.

Some enabling works would be required in Gloucester County Court to create a purpose built additional tribunal hearing room.

### **Operational Efficiency**

Rivershill House is a hearing venue and no staff are permanently based on site. Staff based in Gloucester are deployed to Rivershill House to support tribunal hearings.

“it is proposed to move to Gloucester County Court with the provision of 2 rooms..... The only caveat is whether 2 hearing rooms at the County Court would be sufficient if appeal volumes were to rise....If there is to be shared use, two rooms are likely to be insufficient.....There is no objection in principle to this move, subject to the above issues.”  
(Regional Tribunals Judge)

The current utilisation rate at Rivershill House is very low (approximately 21%) and does not justify keeping the tribunal open. Moving the workload to a significantly better equipped and more flexible facility in Gloucester will improve efficiency and make better use of current resources.

### **Alternative Provision of Services**

No alternative provision of services suggestions have been made in the consultation responses.

### **Decision**

All the points raised by respondents to the consultation have been analysed and following careful consideration, the Lord Chancellor has decided to close Cheltenham Rivershill House Tribunal and move the workload to Gloucester County Court.

### **Implementation**

Consultation with the regional trade union on staffing impacts will take place over the coming months. There are a number of factors to consider before Cheltenham Rivershill House Tribunal can. Attached with this document is an indicative timetable for implementation. Please note this timetable is subject to change as the programme progresses.

## **Chippenham Magistrates' Court, Civil Court and Family Court**

The Lord Chancellor has decided that Chippenham Magistrates' Court, Civil Court and Family Court should be closed and all work moved to Swindon Magistrates' Court and Swindon Combined Court.

A total of 30 responses were received which related to Chippenham Magistrates' Court, Civil Court and Family Court. Of these

- seven were from professional users
- six were from members of the judiciary
- six were from magistrates
- five were from members of the public
- two were from criminal justice partners
- two were from other public sector bodies
- one was from a member of staff
- one was from a union/staff group

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

### **Access to Justice**

Chippenham Law Courts accommodates both Chippenham Magistrates' Court which is one of three magistrates' courts in Wiltshire, and Chippenham and Trowbridge County Court which is one of three county courts in Wiltshire. It deals with criminal court business in adult and youth courts, Social Security and Child Support (SSCS) Tribunal hearings, civil money claims, housing possessions and contested hearings in divorce cases.

The proposal was that all work dealt with at Chippenham Law Courts be moved to Swindon Magistrates' and Combined Courts situated 22 miles away. Rail links are particularly good as both Swindon and Chippenham are on the London line. Travel by rail takes approximately 20 minutes and travel by bus is approximately 1 hour 15 minutes. The cost of a return rail ticket is approximately £10.00. Travel by car takes approximately 40 minutes. However consultation responses also suggested some work might be better dealt with at courts such as Bath or Salisbury. These options will be further investigated as the implementation plan is developed.

All of the responses except one made reference to access to justice issues.

"I believe that the defendants will fail to attend court more often, on the basis that the defendants of the Chippenham area will not travel to Swindon approximately 25 miles (from court)..." (Associate Prosecutor)

"The proposals will mean it will be very difficult for Defendants to get to Court. If they are delayed or do not attend this will cause delays and cancellations which will waste court time and will increase costs." (Member of the public)

“...the method used to calculate travelling distances to court centres is seemingly generic and does not take in to consideration the cost, availability and frequency of local public transport links.” (Police and Crime Commissioner for Wiltshire)

“It is a round trip of more than 100 miles from some towns in the western and south western fringes of the Chippenham catchment area to Swindon. Many people do not have access to a car and getting to court on time will become impossible....Bus travel to Swindon from Trowbridge involves two buses...The journey (minimum) takes 1 hour 27 minutes.” (Wiltshire Magistrates’ bench response)

“The geographical area served by these Courts is poorly served by public transport: if parties are to travel to Swindon...they are likely to be disadvantaged in terms of time and cost, even to the point of not being able to access the Courts at all...” (District Judge)

“This is a rural area and many of our clients will struggle to get to Court in Swindon. Most of our clients do not have a car or access to one. The bus from Trowbridge to Swindon...would take at least 90 minutes, travel would take even longer for those people who have to first get in to Trowbridge.” (Local Solicitor)

Whilst HM Courts & Tribunals Service accepts 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, for the majority of people the closure will have little impact. We are mindful of the infrequency with which people need to attend court and the small proportion of people who would use public transport to reach court.

The rural nature of Wiltshire will undoubtedly bring travelling difficulties, the travel time data indicated that even before closure 42% of the population was over one hour from the court by public transport. Post closure this figure rises to 66% for travel by public transport, however 96% will remain within one hour’s travel of a court by car.

Access to justice is not just about proximity to a court. The changes we are making to our service will mean fewer people needing to physically go to a court. We are committed to providing alternatives to travel for example through making better use of technology including video conferencing and exploring the use of other civic buildings for certain types of hearings. This will help ensure users should not have to make excessively long or difficult journeys to attend hearings.

### **Value for Money**

The building was constructed in the 1990s and is in a good condition throughout. There are no security or health and safety issues. It is a freehold building and the operating costs for 2014-2015 were approximately £459,000. This operating cost has been revised since the figure quoted in the Consultation document. This is to adjust for one-off refunds and prepayments in 2014-15 for some costs such as service charges and facilities management costs.

Some responses raised concerns about value for money.

“As a relatively modern and purpose built facility, the annual running costs are modest and any savings in moving the facilities to Swindon, would be insignificant compared to the cost and disadvantage to Court users.” (Local Solicitor)

“Closure of the court in Chippenham would render it uneconomic for west Wiltshire solicitors to represent their clients at court hearings in Swindon. The use of counsel based

in Swindon would become inevitable, thereby restricting clients' choice and incurring additional fees in preparation of an unfamiliar client's case for hearing." (Goughs Lawyers LLB)

"There are three Magistrates' Courts in Wiltshire....the oldest and most expensive to run is Swindon – it would minimise cost to close this Court as opposed to Chippenham...The real estate value of the Swindon Court is very considerably higher than that of Chippenham." (Magistrate)

"In the short and medium term the proposal is seriously flawed and closure of Chippenham will bring minimal savings and the quality of justice will suffer seriously..." (Magistrate)

"...I would be surprised if there are any significant financial benefits which would justify the impact on local justice that the closure would cause." (Judiciary)

"By cutting costs in one area –i.e. running costs of buildings etc, you are increasing costs in other areas by introducing delays and inefficiencies..." (Member of the public)

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. The closure and sale of Chippenham Law Courts would allow us to reduce the current and future cost of running the estate and to maximise the capital receipt from Chippenham Law Courts for reinvestment in HM Courts & Tribunals Service. We will commission a full evaluation of Chippenham Law Courts in order to optimise disposal strategies and route to market.

Our proposals are not based solely on capital receipts but also upon realising savings in operating costs, and ensuring efficiencies associated with increased utilisation can be achieved elsewhere.

Enabling works are required at Swindon to accommodate the workload from Chippenham. The level of enabling works required has been considered as part of the decision making process. All necessary enabling works will be conducted before the relocation of work so that Swindon Combined Court is able to take the additional workload.

HM Courts & Tribunals Service accepts that the closure of Chippenham Law Courts may impact some people more than others, including those with local businesses. However, we must have due regard to ensure our estate is utilised to deliver justice efficiently and effectively while providing value for money.

It is not possible to quantify any potential increase in costs to other bodies - there may equally be efficiencies when all activity occurs at one site negating the need for extensive travel between sites.

We have considered the impacts of proposals on our stakeholders and criminal and noncriminal justice partners as part of the decision making process. We will continue to work closely with stakeholders and justice partners during implementation.

### **Operational Efficiency**

Chippenham Magistrates' Court has four courtrooms and is capable of sitting up to 992 days per year. (248 days per courtroom) In the financial year 2014-15 Chippenham Law Courts (County, Family, Tribunals and Magistrates') were utilised for approximately 40% of their capacity. All weekend remand courts for North Wiltshire already sit at Swindon Magistrates' Court.

Concerns were raised as to the accuracy of the utilisation figures and the capacity of Swindon to absorb the work from Chippenham.

“It would be very interesting to know how the alleged 40% user figure is calculated---it may stem from the flawed collection of sitting times...” (Judiciary)

Utilisation figures are calculated using 2014-15 sitting hours workload data from the HM Courts & Tribunals Service performance database (OPT) for crown, 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 5 hours per day for each room. Tribunal utilisation figures are based on manual returns of workload data from the HM Courts & Tribunals Service Performance, Analysis and Reporting team.

In the case of Chippenham the figure quoted relates to work recorded against all jurisdictions in all four hearing rooms.

“It is unlikely that the work from Chippenham, across all jurisdictions, can be absorbed into current crime, youth, family and civil lists in Swindon. Put simply, there is not enough space in Swindon, between the two buildings, even for the current work. The proposal recognises that there will be a need for enabling works to be done, but these are not detailed.” (Judiciary)

“The increased volume of trials listings at those courts that remain open will in our view have an unavoidable significant and detrimental impact on those victims and witnesses attending proceedings...High volumes of witnesses will [be] difficult to accommodate and support to an appropriate level.” (Witness Support)

“We do not think that the existing workload can be accommodated in the two remaining courthouses even with the addition of extra space.” (Wiltshire Magistrates' bench response)

“To create a facility in an already cramped unfit building in Swindon which is earmarked for demolition as part of the civic centre redevelopment with far inferior facilities is flawed.” (Judiciary)

Many responses suggested a better solution would be to build a new multi-jurisdictional building in Swindon which would then be capable of dealing with all the work from both Swindon and Chippenham.

“Swindon Town Council voted in favour of an extensive programme of regeneration of the town centre and beyond...Part of this will involve the acquisition and demolition by the council of the 2 existing court buildings...The council have possible sites available for a new court centre to be situated in one building...The council have asked us to provide details of what size building we will require.” (Judiciary)

The Local Authority in Swindon is keen to redevelop the whole area to include the existing court...so to spend money on an unnecessary and temporary alteration to the present building would be money wasted.” (Judiciary)

“All in all, it would be counter-productive and a retrograde step to try to squeeze everything into the facilities which are already inadequate. Instead it makes every sense to take the ...opportunity of negotiating with Swindon Borough Council to achieve a flexible, multi-purpose Justice Centre for North Wiltshire.” (Judiciary)

We acknowledge that enabling work is required in Swindon Combined Court to improve facilities and increase capacity. We also accept that the building at Swindon does not have the same standard of facilities as Chippenham, however the works at Swindon will improve these facilities.

Swindon is the largest population centre in Wiltshire. The population of the Borough of Swindon is approximately 200,000. This sizable population drives the highest workload in the county and the corresponding court room requirement in Swindon is significantly higher than that in Chippenham. By closing Chippenham and retaining Swindon we are ensuring we retain a HM Courts & Tribunals Service venue close to the source of the most significant proportion of the workload from North Wiltshire.

A further suggestion from the consultation, which will be investigated, is the possibility that some of the work from Chippenham could be moved to Salisbury Law Courts or Bath Law Courts both of which have capacity and provide links to Trowbridge, Westbury, and Warminster which are significant sized towns in Wiltshire. In addition, a full review of listing practices will be undertaken at Swindon to ensure more effective and flexible use of both staff and judicial time.

Consultation responses also highlighted the plans Swindon Borough Council has for redeveloping the centre of Swindon including the land where the courts currently sit. Any future opportunities that could benefit HM Courts & Tribunals Service will be carefully considered to ensure the most efficient and effective service is provided in Swindon.

### **Alternative Provision of Services**

No alternative provision of service suggestions have been made in the consultation responses. There were however a number of responses that mentioned the need for such provision if the closure takes place or expressed reservation about court proceedings taking place in other buildings.

“The use of other civic or public buildings is not appropriate in my view...Some increase use of video conferencing could be considered, but there is still a need for a remote venue...” (Barrister and Mediator)

“...remote access such as video links could be of benefit for certain types of hearing...” (Magistrate)

“Increased availability of Live Links and Virtual Courts would be welcomed and would appear to address transport difficulties and could provide a more appropriate service for victims and witnesses... The use of public buildings for hearings for low level cases is also a pragmatic solution.” (Police and Crime Commissioner for Wiltshire)

We recognise that video links and digital working will not cover all cases and that there will be a need for some hearings to be in person, however HM Courts & Tribunals Service will work towards trying to accommodate digital ways of working wherever possible to reduce the need for physical attendance at court.

We will look to explore whether we can appropriately make use of civic buildings for certain types of hearings as well as investigating the potential for using video facilities to allow court users to give evidence from remote locations.

## **Decision**

All the points raised by respondents to the consultation have been analysed and following careful consideration, the Lord Chancellor has decided to close Chippenham Law Courts and move the workload to Swindon Magistrates' Court and Swindon Combined Court.

## **Implementation**

Consultation with the regional trade union on staffing impacts will take place over the coming months. There are a number of factors to consider before Chippenham Law 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.

## **Dorchester Crown Court**

The Lord Chancellor has decided that Dorchester Crown Court should be closed and its work moved to Bournemouth Combined Court.

A total of 13 responses were received which related to Dorchester Crown Court. Of these

- five were from members of the public
- four were from members of the judiciary
- two were from professional users
- one was from a criminal justice partner
- one was from a union/staff group

Of these responses one was in support of the proposals, whilst 10 were opposed and two were neutral.

## **Access to Justice**

Dorchester Crown Court is one of two crown courts in Dorset. It is a one courtroom centre and its listing is currently administered from Bournemouth Combined Court. The proposal is to move all work from Dorchester Crown Court to Bournemouth Combined Court which is situated 32 miles away.

The road links between Dorchester and Bournemouth are good with travel time by car taking approximately 50 minutes. Dorchester and Bournemouth are linked by rail which offers a regular service during the week. Journey time by rail is approximately 45 minutes, the bus journey between Dorchester and Bournemouth takes approximately one hour.

All of the consultation responses made reference to access to justice issues, highlighting the seasonal traffic issues which can see journey times double or treble in the Dorset area, and the pressures during peak commuting times.

“A further factor is that during the holiday season the main east/west road through Dorset, the A35, becomes heavily congested. What may take 50 minutes on a clear run can easily take twice or even treble that time during summer months.” (Judiciary)

“It is our view that the journey times given in the CD are unrepresentative of achievable times during commuting hours.” “...the closure and removal of all Crown Court work to BCCC would pose substantial (and often insurmountable) difficulties for jurors, witnesses and defendants in terms of travel. It would essentially preclude many citizens of west and north Dorset from being able to act as jurors.” (Judiciary)

“I am strongly opposed to the above proposal as I think the travelling time and cost of travel between Weymouth and Bournemouth are such that court users would be put to great expense and inconvenience by the proposed closure.” (Member of the public)

“Jurors, witnesses (particularly children and vulnerable adults) will have to travel for hours and hours to get to court. This proposal will make their ordeal unbearable. (Member of the Public)

HM Courts & Tribunals Service accepts 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 two hours. We are however, 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.

Whilst we accepted that public transport in the Dorset area is not as good as it might be, we do not believe that the travel times for the majority of people will be unreasonably long.

In exceptional cases start times of hearings may be delayed to allow later attendance due to travel difficulties but this would be considered on a case by case basis. Video link facilities are also available at Weymouth Magistrates' Court, eight miles from Dorchester, which could be used by victims and witnesses to give evidence and avoid the necessity of travel to Bournemouth.

### **Value for Money**

"In sum, while the idea of saving £319,000 a year might be attractive, the Dorchester Crown Court provides value for money, is efficient, is accessible, and provides access to justice...." (Member of the Public)

The operating costs for Dorchester Crown Court for 2014-15 were approximately £321,000. The accommodation and facilities at Dorchester Crown Court are poor and there are security risks. The jurors' retiring room is separate from the main court area and is located on the opposite side of the building which requires jurors to cross a public waiting area for people visiting the council offices and the court. This poses security risks for both staff and jurors. The building also has limited access for wheelchair users.

Bournemouth Combined Court is a modern, purpose built court centre containing five Crown Court courtrooms. No enabling works would be required to accommodate the workload from Dorchester Crown Court.

### **Operational Efficiency**

Dorchester Crown Court has one courtroom which is available for 248 days per year. In the financial year 2014-15, Dorchester Crown Court was utilised for approximately 67% of its capacity. Combining the workload in one location would improve efficiency and enable savings to be made.

"The extent to which a court room is occupied depends in part upon the allocation of sitting days. For example we understand that the limited allocation of sitting days to the Dorchester Crown Court has the consequence that the court is not occupied to its available capacity" (Judiciary)

"The attempt to suggest that the Court is under-used because there is little work is wrong. It is only allotted a certain number of sitting days per year." (Member of the public)

"The proposed closure of DCC without any replacement Crown Court in the area will considerably reduce the public's access to justice in West Dorset and parts of North Dorset and adversely affect the efficiency of Bournemouth Combined Court Centre." (Judiciary)

The sitting day allocation for Dorchester Crown Court is based on workload receipts, whilst it is not suggested the utilisation rate at Dorchester is particularly low the lack of flexibility in a single court centre can create inefficiencies in listing practices. 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.

The ability to list the work in a significantly larger more modern crown court will ensure better use is made of staff and judicial time. Bournemouth Crown Court is a five court centre currently operating at approximately 52% of its capacity. The listing of work for Dorchester Crown Court is already administered from Bournemouth and the ability to now list all Dorset Crown Court work in Bournemouth will improve the court room utilisation. The current listing pattern at Bournemouth Crown Court only uses three of the five available crown courts for crown court work. A thorough review of listing practices will be undertaken prior to any relocation of hearings.

### **Alternative Provision of Services**

No suggestions regarding alternative provision of services have been made in the consultation responses. However it should be noted that HM Courts & Tribunals Service will retain a presence in Weymouth eight miles from Dorchester. The magistrates' and county court in Weymouth has video link facilities that could be used for victims and witnesses to give evidence at crown court hearings in Bournemouth.

### **Decision**

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

### **Implementation**

Consultation with the regional trade union on staffing impacts will take place over the coming months. There are a number of factors to consider before Dorchester 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.

## **Fareham Magistrates' Court**

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

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

- four were from magistrates
- one was from a criminal justice partner
- one was from a member of the judiciary
- two were from public sector bodies
- one was from a union/staff group

Of these responses five were opposed to the proposals and four were neutral.

## **Access to Justice**

Fareham Magistrates' Court is one of five magistrates' courts in Hampshire. The court deals with criminal court business in the adult and youth courts. Fareham Magistrates' Court is a hearing only venue and no court staff permanently based on site.

All hearings from Fareham Magistrates' Court will be moved to Portsmouth Magistrates' Court which is located nine miles away in the centre of Portsmouth.

Many of the responses made reference to access to justice issues and queried the calculation of travel times used in the consultation document.

“Although we have an understanding of the need for Courts and Tribunals Services to save money and make the service more efficient, we fear that local access to justice for Fareham and Gosport residents will be compromised.” (Fareham Borough Council)

“Cost of using public transport and the timescales allocated to both car and public transport journeys are wildly optimistic.....It is the impact on the local population, on access to justice for all and particularly on vulnerable court users which concerns us most.” (South Hampshire Magistrates')

“I understand the pressures that Her Majesty's Court and Tribunal Service is under to reduce the costs of the estate and rationalise expenditure in order to invest in modernisation of the service. I also understand the desire to retain a degree of local access to justice and would encourage HMCTS to strive to retain a local focus wherever possible.” (Police and Crime Commissioner for Hampshire & Isle of Wight)

HM Courts & Tribunals Service acknowledges and accepts that some people will need to travel further to reach their nearest court. In the case of Fareham however the additional journey to Portsmouth is only 9 miles and is well served by transport links by road and rail. The travel time data demonstrates that even after closure 95% of the local population will be within 30 minutes of their nearest court.

Access to justice is not just about proximity to a court. If we are able to 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 we will be creating a system that is fairer and faster for all.

### Value for Money

Fareham Magistrates' Court was constructed in 1994 and the condition is generally poor. The court is not fully compliant with the Equality Act 2010. The roof requires significant investment due to persistent leaks. Disabled access for the public is reliant on a lift that directly accesses the magistrates' secure area. The heating system is old and unreliable and in the last financial year it failed, resulting in Fareham Magistrates' Court having to temporarily close and move all its work to Portsmouth Magistrates' Court while temporary repairs were carried out.

The 2014-15 operating costs of Fareham Magistrates' Court were approximately £282,000.

Some responses raised concerns about the condition of the Portsmouth Magistrates' Court building and the need to ensure that suitable accommodation would be provided for youth court work at Portsmouth.

"The state of disrepair in Portsmouth is a disgrace. Not only in the public areas both inside and out but throughout the entire building.....I understand that work on the roof is underway but what is required is a root & branch refurbishment of the entire building and its infrastructure to facilitate the proposed increased usage suggested in the consultation document." (Magistrate)

"As mentioned the extent of what are described in the consultation document as enabling works to provide facilities in Portsmouth for Youth Court work would be considerable. The Fareham court house could certainly not be closed until all enabling works were completed as there would be breaches otherwise of the requirements to provide separate cell and court accommodation for young people.....From my reading of the financial costs/benefits in the impact assessment and the consultation paper itself, the exercise appears to me to have the look of a 'quick fix'." (District Judge)

"You further state that "some enabling works would be required in Portsmouth Magistrates Court to ensure facilities are suitable for youth court proceedings". We believe this to be a gross understatement, the building requiring significant enabling works and this, combined with the cost of moving the Fareham business to Portsmouth and the preparation and presentation of Fareham Court House for sale, would entirely off-set any immediate financial gain." (South Hampshire Magistrates')

The proposed receiving court, Portsmouth Magistrates' Court, is a much larger site situated in the centre of Portsmouth. The building infrastructure is in better condition and offers improved facilities for court users. We acknowledge that Portsmouth Magistrates' Court is not a particularly modern building however consolidating the workload into a single site where there is capacity will bring greater flexibility in listing, increased efficiency and save on running costs. The enabling works would provide a completely self contained youth court facility that would be able to hear all custody and non custody cases for South and South East Hampshire.

The level of enabling works required has been considered as part of the decision making process. All enabling works will be conducted before the permanent relocation of work to ensure the facilities at Portsmouth are to the required standard.

## **Operational Efficiency**

Fareham Magistrates' Court has four courtrooms and is capable of sitting up to 992 days per year (248 days per courtroom). In 2014-15 the court was utilised for only approximately 43% of its capacity.

".....why are we closed 2 days a week, its due to a lack of work. Why is there a lack of work? Because the Police are not prosecuting people in accordance with the Sentencing Guidelines." (Magistrate)

The prosecuting policy of the police is outside the scope of this consultation. The proposals included in the consultation are based on current and projected workloads.

"The case for closure of the Fareham court house (which serves – with the exception of overnight custody cases – as the magistrates' court for the South Hampshire Local Justice Area (LJA) and as the Youth Court for the South and South East Hampshire Combined Youth Panel) is, in my view, unassailable in terms of the efficient dispatch of court business..." (District Judge)

We need to reduce our reliance on buildings with poor facilities that are difficult and expensive to improve or upgrade. We also need to move towards an estate with buildings which are larger, flexible and more efficient.

Portsmouth Magistrates' Court is an eight courtroom centre currently operating at approximately 51% of its capacity. Combining the workload of Fareham Magistrates' Court and Portsmouth Magistrates' Court would lead to court utilisation levels increasing to more acceptable levels and improved efficiency. It would enable all magistrates' court work for South and South East Hampshire to be dealt with in one venue.

## **Alternative Provision of Services**

"Consideration should therefore be given to closing Isle of Wight and utilising video link hearings and transport to allow cases to be heard on the mainland (thereby retaining Fareham along with Portsmouth)." (Legal Adviser)

The Isle of Wight Law Courts was not included in this consultation primarily due to access to justice and the current need to maintain a presence on the island. Though some alternative provision could be arranged there will inevitably be a requirement at some stage for attendance at some court hearings. Travel from the Isle of Wight to mainland courts could be particularly difficult, involving journeys by car or bus on the island followed by a ferry and further car or bus journey on the mainland.

As part of the consultation response a suggestion was made to use local authority buildings.

"There are options to use Fareham's Civic Offices or share buildings with community safety partners in relation to low level criminal cases and/or administrative functions bearing in mind that, at present, Fareham Courts are only being used for non-custodial cases, so there would be no significant security problems. Would there be funding available to facilitate increased security and accessibility measures?" (Fareham Borough Council)

The options of sharing accommodation with other agencies are acknowledged and will be explored as part of the considerations for local alternative provision.

## **Decision**

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

HM Courts & Tribunals Service will work with Fareham Borough Council to explore alternative local access to court provision through video links in civic buildings. Further announcements will be made about this once detailed plans have been decided.

## **Implementation**

Consultation with the regional trade union on staffing impacts will take place over the coming months. There are a number of factors to consider before Fareham 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.

## **Gloucester Magistrates' Court**

The Lord Chancellor has decided that Gloucester Magistrates' Court should close and its work be moved to Cheltenham Magistrates' Court and Gloucester County Court

A total of 31 responses were received which related to Gloucester Magistrates' Court. Of these

- 18 were from magistrates
- three were from members of the public
- three were from other public sector bodies
- three were from professional users
- one was from a criminal justice partner
- one was from an Member of Parliament
- one was from a member of the judiciary
- one was from a union/staff group

Of these responses four were in support of the proposals, whilst 25 were opposed and two were neutral.

There was press/media interest in this proposal with articles appearing in Stroud Life, the Gloucester Citizen and on BBC Radio Gloucester.

## **Access to Justice**

Gloucester Magistrates' Court is one of four magistrates' courts in the HM Courts & Tribunals Service administrative area of Gloucestershire (although there are three courts within the local justice area, the fourth court, North Avon, is a separate local justice area within the county of South Gloucestershire). The court deals with criminal court business in adult and youth courts as well as family hearings. Gloucester Magistrates' Court is a hearing only venue and there are no staff permanently based on site.

All hearings from Gloucester Magistrates' Court will be moved to Cheltenham Magistrates' Court which is situated nine miles away, or to Gloucester County Court, situated nearby. Public transport links between Gloucester and Cheltenham are good. There is a frequent train and bus service.

The majority of responses made reference to access to justice issues.

"To ask victims and witnesses and even defendants who are, after all innocent until proven guilty, to travel for over 2 hours and then wait around in the crowded area is simply wrong, especially as members of all these groups are often low paid or on benefits and vulnerable." (Judiciary)

"The county of Gloucestershire is split in two by the River Severn. As a result, travelling time from the Forest of Dean (west of river) via the bridge to Cheltenham (east of river) is lengthy, and would impact most heavily on those court users whose only option is to use public transport." (Gloucestershire Branch of the Magistrates' Association)

“It is noted that the travel times from Gloucester to Cheltenham have been considered in assessing the likely impact of the proposed changes, however this fails to take into account the clients which are travelling from more remote areas and are limited to public transport.”  
(Solicitors)

“Gloucestershire is a large rural county, transport is difficult from areas such as Forest of Dean and to not have a Family Court housed within the county would be unthinkable.”  
(Magistrates’ Family Panel)

“I am keen to help the Ministry of Justice achieve its goals, but worried that their solution will worsen the provision of, and access to justice.” (Member of Parliament)

Whilst HM Courts & Tribunals Service acknowledges and accepts that some people will need to travel further to reach their nearest court, for the majority of people the closure of Gloucester Magistrates’ Court will have little effect. Only approximately 8% of the criminal magistrates work for the Gloucester local justice area was dealt with in Gloucester Magistrates’ in 2014-2015 with 74% being dealt with in Cheltenham Magistrates Court which is the only Magistrates court in the local justice area that has cell capacity.

Access to justice is not just about proximity to a court. To ensure that access to justice is maintained, even in more rural locations, we are committed to providing alternative ways for users to access our services for example through making better use of technology, including video conferencing, and exploring whether we can appropriately make use of civic buildings for certain types of hearing.

“...the loss of experienced Magistrates, which would occur if we lose our Family Court, would be detrimental to the judicial service within which many of us have served for a considerable period of time.” (Gloucestershire Family Panel)

Gloucester has a single bench of magistrates for the county and no changes are proposed to this arrangement. Magistrates will still be invited to sit on the full range of work within the county.

### **Value for Money**

Gloucester Magistrates’ Court was built in 1960. All custody cases are heard at Cheltenham Magistrates’ Court which has the only court cells in the Gloucester local justice area. Facilities provided for court users are generally below standard. The court is not fully compliant with the Equality Act 2010. The building is located in the centre of a local regeneration area.

Some responses raised concerns about value for money.

“I believe that most of us on the Gloucestershire bench recognise the need for rationalisation and efficiency savings in the court estate. However, it would be nice to think that decisions would be taken on the long term needs for justice in the county and for long term efficiencies, rather than a continuing need for short term financial savings.”  
(Magistrate)

“The money that HMCTS hope to save is an illusion. More expense will be incurred in helping Cheltenham stagger through the lists.....what, in effect, HMCTS is proposing is to transfer their operating expenses onto ordinary members of the public and to the professional court users by asking them to waste more time sitting around at court doing nothing and asking court users to travel further at greater expense.....HMCTS and its

forbears when looking for “savings” have a default position which is, “lets save money and close another court”. (Judiciary)

The operating costs for Gloucester Magistrates’ Court for 2014-15 were approximately £197,000. The building is in a poor condition and requires significant expenditure to bring it up to an acceptable standard. The leasehold court building is attached to a police station but no longer has access to the police cells. All custody cases are therefore heard at Cheltenham Magistrates’ Court which has the only court cells in the Gloucester local justice area.

The estate is both costly and underused. Our proposals are not based solely on capital receipts but also upon realising savings in operating costs, and ensuring efficiencies associated with increased utilisation can be achieved elsewhere.

### **Operational Efficiency**

Gloucester Magistrates’ Court has four courtrooms and is capable of sitting up to 992 days per year (248 days per courtroom). In the financial year 2014-15 the court was utilised for approximately 16% of its capacity.

The current utilisation rate is extremely low and does not justify keeping the court open. Our estate is a major asset and there are buildings that are underused. We are proposing to close the less efficient, poor quality buildings of which Gloucester Magistrates’ Court is a prime example. There are a number of factors to consider before Gloucester Magistrates’ Court can close and a detailed implementation plan will be developed.

Several responses suggested that building a new justice centre for Gloucestershire would provide greater operational efficiencies and provide better service for the public.

“I believe a more modern, cost effective way of providing better access to justice would be to build a flexible new Justice Centre for all current courts and tribunals.” (MP)

“The most compelling solution is to build a new criminal justice centre for the county which would replace the existing magistrates’ courts and the Crown Court....Such a building could house Crown and Magistrates’ Courts, have flexible accommodation suitable for Youth and Family work and possibly include a County Court and Tribunals.”  
(Gloucestershire Magistrates’ Bench Chairman)

The HM Courts & Tribunals Service reform programme will carefully consider investment in the court estate so that it is proportionate, meets local demand and provides value for money.

“Cheltenham Magistrates’ Court is primarily used for Adult Criminal cases. Mixing Family cases with criminal cases is ill advised. (Currently, there is inadequate accommodation even to provide segregation between the attending Adult Criminal parties)” (Magistrate)

As a result of consultation responses further scoping of enabling works is being requested to create capacity in Gloucester County Court to hear all family work originating in the county. This would help ensure there is capacity in the Cheltenham Magistrates' Court to hear all criminal work, and avoid the necessity for family and criminal courts to be listed in the same building in Cheltenham. Full scoping of works and reviews of listing practices need to be undertaken to ensure capacity can be created in both Gloucester County Court and Cheltenham Magistrates' Court to enable the closures to take place.

## **Alternative Proposals**

Many consultation responses raised concerns in respect of the proposal to move family hearings from Gloucester to Cheltenham. Concerns were also raised about the capacity and suitability of the Cheltenham Magistrates' Court to accommodate this work.

“We would wish public law family proceedings hearings to remain in Gloucester using the Kimbrose Way building.....for the benefit of the parents living locally who generally do not have their own means of transport.” (Head of Legal Services, Gloucestershire County Council)

“If the ideal solution of a new purpose built Gloucestershire Courthouse is not to be forthcoming there are options to keep the Gloucestershire Family Court open either in Cheltenham Court House or in Kimbrose Way with some adaptations.” (Judiciary)

As stated earlier and as a result of the consultation responses received, scoping work is now being undertaken in respect of enabling works to provide additional hearing rooms to allow family work from Gloucester Magistrates' Court to be moved to Gloucester County Court. The provision of additional hearing rooms at Gloucester County Court to hear family work would address the concerns raised by many magistrates in respect of access to justice and the need to keep family work in Gloucester. In addition it would create capacity in Cheltenham for additional criminal sessions.

The enabling works required at Cheltenham Magistrates' Court will also improve the facilities available in Cheltenham.

## **Alternative Provision of Services**

Several consultation responses suggested that the new coroners' court in Gloucester may be a possible alternative provision of service venue. The enabling works at Gloucester County Court and Cheltenham Magistrates' Court will provide sufficient capacity to absorb the relocated work from Gloucester Magistrates' Court and Stroud Magistrates' Court. It will therefore not be necessary to source alternative hearing venues in Gloucester.

## **Decision**

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

## **Implementation**

There are a number of factors to consider before Gloucester 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.

### **North Avon (Yate) Magistrates' Court**

The Lord Chancellor has decided that North Avon (Yate) Magistrates' Court should be closed and its work moved to Bristol Magistrates' Court.

A total of 15 responses were received which related to North Avon (Yate) Magistrates' Court. Of these

- four were from magistrates
- three were from professional users
- two were from members of the public
- one was from a criminal justice partner
- one was from a member of the judiciary
- one was from a Member of Parliament
- one was from another public sector body
- one was from a member of staff
- one was from a union/staff group

Of these responses two were in support of the proposals, whilst 12 were opposed. One was neutral.

The Thornbury and Yate MP Luke Hall has made a submission to save the court Mr Hall said he felt 'very strongly' about the issue and wanted to persuade the Ministry of Justice to retain the court

The closure of North Avon (Yate) Magistrates' Court was interdependent on the proposal to close Bath Law Courts. Only one of these venues can close due to the available capacity at Bristol Magistrates' Court.

### **Access to Justice**

North Avon Magistrates' Court, which is also known as Yate Magistrates' Court, is one of four magistrates' courts in the ceremonial county area of Gloucestershire (although it is within its own administrative county of South Gloucestershire). The court deals with criminal court business in the adult and youth courts. Its jurisdiction covers part of the mainly residential/urban area of Yate but to the north it is largely rural.

All work currently dealt with at North Avon Magistrates' Court (NAMC) will be moved to Bristol Magistrates' Court which is located 11 miles away. There are good public transport links between Yate and Bristol. Travel by train takes approximately 30 minutes and a return ticket costs approximately £5.00. Travel by bus takes approximately 40 minutes. The journey time by car is approximately 30 minutes.

All of the responses made reference to access to justice issues.

“Closing NAMC will, in our opinion, place a very significant element of the population who would currently access NAMC at a very real disadvantage due to the accessibility of the court centre in Bristol from their place of residence.....Whilst it is noted that the consultation document identifies the distance between the NAMC and the Bristol Court centre as 11 miles, the time taken to access the court is vastly underestimated at 30mins. Travelling to the centre of Bristol at peak times, in sufficient time to park and access the court takes considerably longer than 30 minutes. Officer’s experience of case work that has already been transferred to the Bristol Combined Court Centre is of a travel time of a minimum of one hour.” (South Gloucestershire Council)

“Those individuals who need to travel by public transport, particularly from rural areas (a large proportion in the area), will be most affected as their journeys to court may be longer and more expensive, especially for those that need to take their children along with them.....The consultation does not seem to have taken into account the rural area with infrequent public transport, and the fact that in some cases claimants requiring multiple modes of public transport, thus increasing journey time.” (Member of Parliament)

“Travel time impacts – defendants need to be arriving at Court at 9am to seek legal advice to be ready for a 10am hearing. The 30 minutes stated to travel to and from Bristol from Yate is not realistic at these times and likely to be 1 hour travel by car plus parking.” (North Avon Magistrates’ Court Staff)

“In particular, this closure would reduce access to justice by court users living in South Gloucestershire and Gloucestershire because the proposed alternative facilities in Bristol will be more difficult to get to.....Travelling times to court would be significantly increased: Calculations of travel times have not taken into account time of day and traffic. Car journeys of over 30 minutes would be incurred by all (currently 6%). Public transport journeys of over an hour would be incurred by 54% (currently 29%)....The quoted travel time from Yate to Bristol of 30 minutes by train, 40 minutes by bus and 30 minutes by car do not reflect local experience, remembering particularly that those travelling to and from Bristol for a day in court will be doing so at peak traffic periods, and may public transport users will need to change buses or trains.” (North Avon Magistrates’ Bench combined response)

“In relation to North Avon Magistrates’ Court we would not object to the closure of that Court. It is a Court that has very poor transport links for victims and witnesses as well of course for defendants.” (Bristol Law Society)

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 however, 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.

Travel times information and public transport costs were provided as a guide only. At peak times there are two buses per hour between Yate and Bristol with timetabled journeys of approximately 30 minutes. Access to justice is also not just about proximity to a court. We are committed to providing alternatives to travel such as making better use of technology including video conferencing and exploring whether we can make use of civic buildings for video linking or certain types of hearings.

The access to justice issues raised in the responses were similar to issues identified at Bath, though the number of responses was much smaller. The closure of Bath Law Courts would affect a significantly larger population than the closure of North Avon (Yate) Magistrates’ Court. In addition

the closure of Bath with its multi-jurisdictional workload, would impact a wider proportion of society who could be involved in youth, family and civil cases as well as criminal cases.

### **Value for Money**

North Avon (Yate) Magistrates' Court was built in 1982. The building is in reasonable condition; however were the court to remain open, significant investment will be required for heating and lighting system lifecycle works. There is disabled access and the public areas are in good condition. The judicial areas are of average condition and there are no health and safety issues. The 2014-2015 operating costs of North Avon (Yate) Magistrates' Court were approximately £288,000.

Some responses raised concerns about value for money.

“The £286,000 quoted cost of running the courthouse at Yate for the last financial year is lower than for most in the area, but any cost savings resulting from the closure of the courthouse will be compromised by a range of additional costs.” (North Avon Magistrates' Bench combined response)

“Bristol is a PFI building costing a vast amount of money from the public purse, however electrical power cuts brought its workload to North Avon, which was handled. PFI buildings are costly...” (Magistrate)

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. The closure of North Avon (Yate) Magistrates Court would allow HM Courts & Tribunals Service to sell the building and re invest the sales proceeds. In addition to the value of the building there would be an ongoing reduction in costs due to a reduced number of buildings.

We will commission a full evaluation of the building in order to ensure HM Courts & Tribunals Service obtains the best advice on valuation and disposal strategies for the building.

### **Operational Efficiency**

North Avon Magistrates' Court has five courtrooms and is capable of sitting up to 1,240 days per year (at 248 days per courtroom). In the financial year 2014-15 the court was utilised for approximately 28% of its capacity.

The current utilisation rate is very low and does not justify keeping the court open. The receiving court can absorb the workload from North Avon Magistrates' Court without any enabling works. Combining the workload to one location would improve efficiency and enable savings to be made.

Several responses commented on operational efficiency.

“We understand why there should be a rationalisation of the court estate. The present number of buildings are underused (ours is only being used at 61% of capacity) and a declining workload and fewer staff, together with increased digitalisation, means that it makes sense to concentrate any resources in fewer centres.” (Bristol Magistrates' Bench response)

“The 28% utilisation figure in the consultation document is misleading. We do not believe it includes cases prosecuted by non-CPS organisations such as DVLA, DVSA, British Transport, many of which are centralised at North Avon...Based on the current sitting

programme...we calculate the utilisation figure to be 43%. (North Avon Magistrates' Bench combined response)

The data recorded reflect all sittings recorded at the court in 2014/2015 including non Crown Prosecution Service prosecutions. No Tribunals sittings figures were recorded for 2014/2015. The hours recorded reflect the hours the court rooms were actually in use. The very low utilisation rate demonstrates that there is not enough work being listed in North Avon (Yate) Magistrates' Court to make full use of the five available court rooms.

Bristol Magistrates Court is a 12 court centre currently sitting approximately at 60% of its capacity. The movement of workload from North Avon (Yate) Magistrates would increase the utilisation of the court rooms in Bristol. The move to a significantly larger, modern building would provide better services for our users, enable more flexibility in the listing of cases and allow more efficient use of staff and judicial time.

HM Courts & Tribunals Service regularly reviews trends on workloads across all jurisdictions and the proposals included in the consultation are based on current and projected workloads. Any future changes to workload would be handled through flexible use of the court capacity at that time.

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

### **Alternative Provision of Services**

Several responses were made in respect of alternative provision of services.

"While there are alternative community venues in all South Gloucestershire towns and many of the villages, it is difficult to see how operating remote courts there would be cheaper than doing so in Yate..." (North Avon Magistrates' Bench combined response)

"Only with a fully functioning, modern and reliable IT system that reduces reliance on paper based applications and bundles etc is it realistic to consider increased remote access or the use of alternative accommodation for hearings." (South Gloucestershire Council)

"There may be some benefit in the case of routine pre-Trial administrative hearings in order to participate in the context of significant cuts in criminal Legal Aid rates. Defence Practitioners would require grants or soft loans to acquire the necessary systems to link into the Court system" (Bristol Law Society)

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

## **Decision**

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

## **Implementation**

Consultation with the regional trade union on staffing impacts will take place over the coming months. There are a number of factors to consider before North Avon (Yate) 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.

## Stroud Magistrates' Court

The Lord Chancellor has decided that Stroud Magistrates' Court should be closed and its work moved to Cheltenham Magistrates' Court

A total of 21 responses were received which related to Stroud Magistrates' Court. Of these

- 13 were from magistrates
- three were from other public sector bodies
- two were from Members of Parliament
- one was from a criminal justice partner
- one was from a member of the judiciary
- one was from a union/staff group

Of these responses 16 were opposed to the proposals and five were neutral.

## Access to Justice

Stroud Magistrates' Court is one of four magistrates' courts in the HM Courts & Tribunals Service administrative area of Gloucestershire (although there are three courts within the local justice area, the fourth court, North Avon, is a separate local justice area within the county of South Gloucestershire). The court deals with criminal court business in the adult courts. Stroud Magistrates' Court is a hearing only venue and there are no staff permanently based on site.

All the hearings will be moved to Cheltenham Magistrates' Court, situated 14 miles away. There are frequent train and bus services between Stroud and Cheltenham. Travel time by train is approximately 40 minutes and a return ticket is approximately £6.00. Travel time by bus is approximately 45 minutes. Travel time by car is approximately 30 minutes.

All of the responses made reference to access to justice issues.

"Concerned about the potential impact on travel times for those who have to attend court and think it important to fully consider the marked increase in travel times and the impact they could potentially have on hearings in Cheltenham." (Member of Parliament)

"Gloucestershire is a predominantly rural county with restricted transport links and minimal interface between buses and trains." (Magistrate)

"Gloucestershire is a large rural county covering 3,150km<sup>2</sup>. The provision of public transport from many rural areas to Cheltenham is inadequate and often requires multiple changes. The county is divided by the River Severn. As a result journey time from the Forest of Dean to Cheltenham is lengthy, and would impact heavily on those court users whose only option is to use public transport." (Gloucestershire Magistrates' Bench Chairman)

We acknowledged that public transport connections in Gloucestershire are limited in some of the more rural areas however access to justice is not just about the proximity to a court. We are committed to providing alternatives to travel. The changes we are making will make it easier for

people to get access to justice. Going to court can be very stressful, especially for vulnerable people. We are reforming the system so that fewer people will need to physically go to court.

“The Council objects to the loss of this important local service which will have a significant impact on local people and business. For many people needing to visit the court the cost of travelling to Cheltenham would be hard to meet and the journey difficult by public transport, especially for those with access needs.” (Stroud Town Council)

HM Courts & Tribunals Service accepts that the closure of the court may impact some people more than others, including those with local businesses. However, we must have due regard to ensure our estate is utilised to deliver justice efficiently and effectively while providing value for money.

“We are also concerned that the assessment of extra travel times is flawed. For instance, quoting additional times from Yate to Bristol is over-simplistic as bus timetables and routes in the southern part of our District mean that bus connections and travel times are not a simple addition of the extra time from Yate to Bristol.” (Chief Executive Stroud District Council)

Travel times information and public transport costs were provided as a guide only. HM Courts & Tribunals Service acknowledges and accepts that in some instances people will need to travel further to reach their nearest court. This will always be a problem in the more rural areas such as Gloucestershire and we are therefore committed to ensure that access to justice is maintained, by providing alternative ways for users to access our services, including (where appropriate) the use of other civic buildings.

### **Value for Money**

Stroud Magistrates' Court was built in 1960, it has two magistrates' courtrooms but no custody cells. Stroud is a leasehold building in a poor state of repair and requires a significant amount of maintenance work. There are currently issues with both the heating and cooling systems in the building, both of which will require significant expenditure to bring them to an acceptable operating level.

The 2014-15 operating costs of Stroud Magistrates' Court were approximately £133,000.

Some responses raised concerns about value for money.

“It is fully understood that the old system is unsustainable and that there is considerable pressure on HMCTS to reduce costs and to maximise the capital receipts from the sell off of surplus estate.....these receipts are seldom realized, particularly in the short to medium term.....In addition Gloucester and Stroud courthouses, the 2 identified for closure, are leasehold and therefore no capital receipts can be expected, although it is appreciated that there is an expectation to save their annual operating costs.” (Magistrate)

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.

Though the Stroud building is leasehold the annual savings of running costs and maintenance costs would still represent a significant saving.

It is not possible to quantify any potential increase in costs to other bodies - there may equally be efficiencies in that all activity occurs at one site negating the need for extensive travel between sites. We have considered the impacts of proposals on our stakeholders and criminal justice partners and we considered these as part of the decision making process. We will continue to work closely with stakeholders and criminal justice partners during implementation.

### **Operational Efficiency**

Stroud Magistrates' Court formed part of a previous consultation for closure in 2010. Having considered the responses, the Lord Chancellor decided at that time the court should remain open. One of the significant factors in the decision to retain Stroud was the cell capacity available at the time from the police station located next to the court. This cell capacity is no longer available as the cost of leasing from the police is prohibitive.

Stroud Magistrates' Court has two courtrooms and is capable of sitting up to 496 days per year (248 days per courtroom). In 2014-15 the court was only utilised for approximately 32% of its capacity.

Concerns were raised as to the capacity of Cheltenham to absorb additional work from Stroud.

"To close two of the three courthouses in the [Local Justice Area] and to concentrate the workload in Cheltenham, a courthouse, which is barely fit for purpose...is optimistic at best and irresponsible at worst....The statement that "some minor enabling works will be necessary at Cheltenham Magistrates' Court to improve access and facilities" is disingenuous." (Magistrate)

HM Courts & Tribunals Service are planning enabling works at Cheltenham and at Gloucester County Court in order to ensure that Cheltenham Magistrates' Court can accommodate the work from Stroud. Additional capacity in the Gloucester County Court would allow all family work to remain in Gloucester, thereby reducing the requirement in Cheltenham Magistrates' Court.

Many responses suggested that a better solution would be to build a new criminal justice centre for Gloucestershire.

"The most compelling solution is to build a new criminal justice centre for the county which would replace the existing magistrates' courts and the Crown Court built in 1816, which whilst being in an imposing Grade II listed building is not adequately equipped to provide for the needs of justice in the 21<sup>st</sup> century." (Gloucestershire Magistrates' Bench Chairman)

HM Courts & Tribunals Service will carefully consider investment in the court estate so that it is proportionate, meets local demand and provides value for money.

### **Alternative Provision of Services**

Several responses provided suggestions for alternative provision of services.

"I think researching the use of the new coroner's court in Gloucester or renovating the ground floor area of Kimbrose Way, are feasible options and should be given full consideration." (Magistrate)

"If the proposed closures go ahead, we would wish to work with the court service to try and offer remote facilities e.g. accessible rooms with video links in public buildings...We would be keen to have the conversation about requirements and what we might be able to offer.

This is particularly critical for rural communities where further cuts to public transport services are likely in the next few years.” (Chief Executive Stroud District Council)

“The Constabulary is hoping to have live links connected shortly. This will allow victims, witnesses and officers to give evidence from two bases in Gloucester...” (Office of Police & Crime Commissioner and Gloucestershire Constabulary)

HM Courts & Tribunals Service will investigate the alternative provision suggestion made by Stroud 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 Stroud Magistrates’ Court and move the workload to Cheltenham Magistrates’ Court.

HM Courts & Tribunals Service will work with Stroud District Council to explore alternative local access to court provision through the use of civic buildings. Further announcements will be made about this through implementation communications.

### **Implementation**

Consultation with the regional trade union on staffing impacts will take place over the coming months. There are a number of factors to consider before Stroud 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.

## **Torquay Magistrates' Court**

The Lord Chancellor has decided that Torquay Magistrates' Court should be closed and its work be moved to Plymouth Magistrates' Court and Newton Abbot Magistrates' Court.

A total of 19 responses were received which related to Torquay Magistrates' Court.

Of these

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

Of these responses two were in support of the proposals, whilst 14 were opposed and three were neutral.

Kevin Foster has raised the closure proposal with the Justice Minister Shailesh Vara and launched a petition in the House of Commons, which received 500 signatures, to save Torquay Magistrates' Court. He also set up the petition to help residents show their support to his 'Keep Justice Local' campaign and save the services of the court.

## **Access to Justice**

Torquay Magistrates' Court is one of five magistrates' courts in Devon. The court deals with criminal court business in the adult and youth courts. All magistrates' hearings currently dealt with at Torquay Magistrates' Court will be moved to Plymouth Magistrates' Court and Newton Abbot Magistrates' Court.

Torquay Magistrates' Court is 34 miles from Plymouth Magistrates' Court and seven miles from Newton Abbot Magistrates' Court. There are frequent bus and train services between both Torquay and Plymouth and Torquay and Newton Abbot.

Many of the responses made reference to access to justice issues.

“Whilst those travelling by car may be able to reach Plymouth in a reasonable time the public transport links are poor.....The court is also close to a range of services making it easier to engage with them. I am also fearful that more cases may be lost due to witnesses not wanting to make a longer journey to give evidence....I accept that the court building is not ideal, but that for me is not a justification for moving the service out of Torquay entirely, particularly given the demands on it and the result meaning no system of local justice in Devon's second largest urban area.” (MP Torbay)

“Closure of the Court will remove the ability to administer local justice and work efficiently with other vital services who are situated within the town centre. From a TurnAround perspective it is difficult to get many of our chaotic and impoverished offenders to Court.....If people have to travel just under 2 hours on public transport they will be unlikely to attend.” (South Devon Integrated Offender Management Team – TurnAround)

“The suggested solution of moving cases to Plymouth Magistrates’ Court might be feasible for some cases, but the realities of public transport from South Devon to Plymouth make it unviable for the majority of cases. For example from Brixham it would mean one bus and two train journeys and likely require a two hour journey. This will put pressure on victim/witness attendance at court and would likely see an increase in the non-attendance of defendants resulting in more failed cases, more fail to appear warrants and reducing the support provided to our more vulnerable victims.” (Police & Crime Commissioner, Devon, Cornwall and the Isles of Scilly)

“..there will be practical difficulties for victims (many of whom have young children) in travelling to Plymouth or Exeter to give evidence, there will also be financial difficulties as many victims will be on a low income or benefits...this will therefore act as a disincentive to report domestic abuse or bring charges, or a failure to attend court, meaning that perpetrators are not punished for their acts.” (Assistant Director of Corporate and Business Services, Torbay Council)

“...the closure of either Newton Abbot or Torquay would cause hardship for local people in view of the costs of travel in a mainly rural area.” (Town Clerk, Newton Abbot Town Council)

“...I do not agree with the proposal to close Torquay Court House. This serves Torbay which has the 2<sup>nd</sup> largest urban population in Devon after Plymouth. It also serves the more rural areas of Teignbridge and South Hams. Travel between Torbay and Plymouth is extremely difficult by public transport and taxing by car. It can easily take in excess of 1.5 hours by car in some traffic conditions and over 2 hours by train and 2.5 hours by bus.” (Magistrate)

“Given the population of Torbay and the number of criminal offences committed within the area (at least half of the workload dealt with at Exeter Crown Court), it is clearly important that TMC remains open in order to deal with criminal offences committed within that area. A local Magistrates’ Court within Torquay would not only ensure that criminal cases for this area are dealt with at a local level but would also ensure that both defendants and witnesses are able to travel easily to court.” (Member of the public)

Whilst 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, for the majority of people the closure of Torquay Magistrates’ Court will have little impact. We are mindful of the infrequency with which people need to attend court and the small proportion of people who would use public transport to do so.

To ensure that access to justice is maintained, we are committed to providing alternative ways for users to access our services. In Torquay HM Courts & Tribunals Service will be retaining the Torquay and Newton Abbot County Court and the Newton Abbot Magistrates’ Court both of these facilities will contain video link equipment which would be available for use by victims and witnesses should they be required.

We are also scoping works to upgrade the custody facilities in Newton Abbot which would ensure a wider range of magistrates cases could be dealt with more locally.

It is already a possibility that all parties to a case could end up travelling to court by the same form of public transport. If a party to a case believes that they will travel to a court, such as Plymouth, in the same bus or train as another party and is concerned for their safety, the court may consider applications made by parties to be represented at court other than by attendance.

The impact of the proposals on different sections of society is addressed in the accompanying impact assessment.

The costs of travel for victims and witnesses of crime can be claimed subject to the regulations. Likewise, if a defendant were acquitted following hearing then travel costs can be claimed, subject to similar regulations. Plymouth already hears the weekend remand courts for Torquay so the situation of defendants being released and having to get back to Torquay is not a new one.

The retention of Torquay and Newton Abbot County Court and Newton Abbot Magistrates' Court will ensure that a HM Courts & Tribunals Service presence and therefore access to justice is maintained for the populations of the Torquay and Newton Abbott areas.

### **Value for Money**

The operating costs for Torquay Magistrates' Court for 2014-15 were approximately £108,000. The court was built in the 1930s and had an extension added in the 1970s. The condition is generally poor and investment is required to bring it up to a reasonable standard.

Some responses raised concerns about value for money.

"For Torbay the upgrading of Newton Abbot Court House is the second best option to keeping Torquay. I suggest that the expense of upgrading the Newton Abbot Courthouse so that it has adequate cells and takes all the Torquay cases will not be cost efficient....I suggest it would be better to close Newton Abbot and retain Torquay..." (Magistrate)

"...it would appear that many of the bench recognise that the Court at Torquay is not fit for purpose and would not object to its closure provided the Court facilities at Newton Abbot were upgraded to restore the cells to working order and to provide networked CCTV facilities at the Court thus making access to and dispensing of local justice possible for a wider range of work than suggested in the consultation document. Without cells, the use of Newton Abbot will be very limited and would again present hidden costs, for example all custody cases, or cases which could result in custodial sentences, would have to be dealt with in Plymouth. The provision of cells at Newton Abbot should be made a requirement of the closure of Torquay Magistrates' Court." (Bench Chairman South & West Devon Magistrates')

Custody facilities at Newton Abbot already exist but are in need of updating. HM Courts & Tribunals Service are assessing whether it would be economically viable to invest in this update, or whether as an alternative all custody cases would be heard at Plymouth Magistrates' Court as capacity is available there. No enabling works would be required at Plymouth Magistrates' Court to accommodate the workload from Torquay.

"I live in Torbay, like many of my colleagues. Therefore what may appear a saving in one way will be spent reimbursing travel costs in another." (Magistrate)

Whilst some Magistrates expenses may increase others will reduce and that this does not outweigh the reduction in running costs and the benefits of a more efficient and flexible justice system.

“Transferring these cases to Plymouth would mean a longer journey for Police Officers to present them...and if, as mentioned in the document, this meant custody facilities having to be created at Newton Abbot Magistrates’ Court, the saving indicated of £106,000 a year in terms of running costs would be lost.” (Member of Parliament)

It is not possible to quantify any potential increase in costs to other bodies - there may equally be efficiencies to be made, for example if all activity occurs at one site negating the need for extensive travel between sites. We will continue to work closely with stakeholders and criminal justice partners during implementation

### **Operational Efficiency**

Torquay Magistrates’ Court has two courtrooms and is capable of sitting up to 496 days per year (248 days per courtroom). In 2014-15 the court was utilised for approximately 62% of its capacity. All weekend remand courts for Torquay in 2014-15 were dealt with at Plymouth Magistrates’ Court.

Several responses have suggested alternative proposals for how the work from Torquay Magistrates’ Court could be relocated.

“If it is decided to close Torquay Magistrates’ Court, we would ask that HMCTS adopt the following suggestions to try and mitigate the impact of closure and provide the most practical way forward, both for effective trial management and supporting the service for vulnerable victims and witnesses.

1. That the South Devon Magistrates’ caseload is split between Exeter and Plymouth court centres in line with the Crown Court split (east of the river Dart to Exeter and west of the Dart to Plymouth).
2. Newton Abbot Magistrates’ Court is updated and utilised to accommodate many of the South Devon trials especially those involving vulnerable victims. At present this is not capable of receiving live links etc. although there is sufficient room to ensure security issues for victims and both courts could operate in tandem.
3. Accommodation is provided at the Torbay County Court building in the Willows to create a suitable TV link facility for civilian witnesses to give evidence to either Plymouth or Exeter.” (Police & Crime Commissioner, Devon, Cornwall and the Isles of Scilly)

“Most of Torquay Magistrates’ Court] criminal cases being sent to Crown Court go to Exeter and approximately half of Exeter Crown Court’s work comes from TMC.

...if Torquay Magistrates’ Court is to be closed, the obvious and sensible solution is:

1. Adopt the Crown Court geographical management and judicial boundary.
2. Divide all the Torquay and Newton Abbot Magistrates Courts’ work between Plymouth MC (for all cases originating West of the River Dart) and Exeter MC (for all cases East of the Dart), with management at Plymouth and Exeter respectively.
3. End the merger of the Torquay and Plymouth Benches and allocate the Torquay magistrates to the Exeter Bench.

4. Add to the savings by closing Newton Abbot Magistrates' Court as well as Torquay Magistrates' Court. (Judiciary)

A number of responses have suggested that work from Torquay Magistrates' Court could be split between Plymouth and Exeter. The proposal is to split the magistrates' work between Plymouth and Newton Abbot however the possibility of splitting the work between Plymouth, Exeter and Newton Abbot could be investigated if the cost of enabling works at Newton Abbot is prohibitive.

"...retain the principle of "local justice". Whereby those crimes and offences, other than serious crime, that impact upon the local community are dealt with in a local, accessible setting, with justice handed down by local magistrates..." (Torre & Upton Community Partnership)

Justices are valued members of the judiciary and work well together for the benefit of the communities they serve wherever they are delivering justice. Plymouth, Torquay and Newton Abbot Magistrates' Courts are all served by the single South and West Devon Bench. This bench will continue to hear all work arising from the Torquay area, in either Newton Abbot or Plymouth Magistrates' Courts.

### Alternative Provision of Services

As part of the consultation response suggestions were made to use local authority buildings or the county court in Torquay.

"The Council is reducing its workforce and therefore there is scope within the Town Hall to provide office space and public rooms that could be utilised as court rooms. This therefore provides a solution to HMCTS, allowing it to rationalise its assets, but mitigate against the adverse impact upon the protected characteristics by utilising the Town Hall as a Court." (Assistant Director of Corporate and Business Services, Torbay Council)

"...respondents felt that it is vital to achieve proper access to justice for the residents of Torbay if the Court is closed. This could be achieved by providing a modern secure digital facility for the public to access remotely the judiciary system in Torquay. This justice access point should be available to witnesses and defendants alike. It should enable a high quality virtual Court appearance for cross examination without the need to travel to either Newton Abbot or Plymouth....It could be for example in the Council Buildings....Video link facilities would need to include some supporting infrastructure such as waiting rooms, separate areas for defendants and witnesses etc." (Bench Chairman South & West Devon Magistrates')

"Accommodation is provided at the Torbay County Court building in the Willows to create a suitable TV link facility for civilian witnesses to give evidence..." (Head of Criminal Justice, Devon & Cornwall Constabulary)

"If not already happening, we suggest that you work closely with Torbay Council and Torbay Development Agency to identify suitable premises and opportunities. We assume that every avenue is being explored in terms of the potential use of the County Court building to offset some or all of the impact on closing the existing Magistrates' Court. We fully support the use of technology to improve access to justice." (Torre & Upton Community Partnership)

We acknowledged that not all cases will be suitable to be dealt with remotely or on line, however there will be many cases for which this is a cost effective and convenient option for the parties concerned. Newton Abbot Magistrates' Court and Torquay and Newton Abbot County Courts have video link facilities which may be utilised for appropriate cases, we will also investigate the potential use of video linking facilities which could be situated in a Torbay Council building.

### **Decision**

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

As HM Courts & Tribunals Service will be retaining buildings within the area the offer from Torbay Council to explore alternative local access will not be pursued.

### **Implementation**

Consultation with the regional trade union on staffing impacts will take place over the coming months. There are a number of factors to consider before Torquay 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 31 members of the public who responded to the consultation, the following named individuals and organisations provided a response:

Assistant Chief Constable, Devon & Cornwall Police	Deputy Leader and Chairman of Fareham's Community Safety Partnership
Associate Prosecutor, Crown Prosecution Service	District Judge Arnold, Exeter
Avon and Somerset Police	District Judge Asplin, Chippenham and Trowbridge
Avon and Somerset Police and Crime commissioner	District Judge Brookes, Salisbury
Bath & North East Somerset Council	District Judge Cronin, Swindon
Bath Magistrates Bench	District Judge Goddard, Bath
Bath Magistrates Bench Chairman	District Judge (Magistrates Court) Nicholls, Bournemouth
Ben Howlett, Member of Parliament for Bath	District Tribunal Judge Ponting, Poole
Bournemouth Legal Advisors	Family Panel Chairman of Gloucestershire
Bristol Law Society	Family Panel members, Gloucestershire
Bristol Magistrates Bench	Fareham Borough Council
Chair Dorset Family Panel	GEOAmev Prisoner Escort Custody Services UK Ltd
Chairman, Gloucestershire Branch of the Magistrates' Association	Gloucester City Council
Chairman, Somerset Magistrates' Association Bench	Gloucestershire Magistrates Youth Panel
Chippenham Town Council	Goughs Lawyers LLP
Citizens Advice Bureau	Green Square Group
Citizens Advice, Taunton	Hampshire Police & Crime Commissioner
Deputy Bench Chairman, South East Hampshire	HH Judge Blair QC, Swindon

HH Judge Bond, Designated Family Judge for Dorset, on behalf of Circuit & District Judges in Dorset

HH Judge Clark QC, Resident Judge, Truro

HH Judge Cutler CBE, Resident Judge, Winchester and Salisbury

HH Judge Gilbert QC, Resident Judge Exeter

HH Judge Johnson, Resident Judge Bournemouth and Dorchester

HH Judge Marshall, Designated Family Judge, for Wiltshire

HH Judge Mousley QC, Resident Judge, Swindon

HH Judge Tabor QC, Resident Judge Gloucester

HH Judge Thornton QC, Chief Coroner

HH Judge Wildblood QC, Designated Family Judge, for Avon, North Somerset, and Gloucester

HMCTS Staff Members

HH Judge Bromilow, Designated Family Judge for Taunton and Yeovil

Judge Parkin, Regional Tribunal Judge

Judge Curran, Regional Tribunal Judge

R Taylor, Barrister, Recorder and DDJ(Magistrates), Western Circuit

Kevin Foster, Member of Parliament for Torbay

Legal Executives

Local Journalist

Local Justice of the Peace

Local Solicitors

Luke Hall, Member of Parliament for Thornbury and Yate.

Magistrates from Somerset Bench

Neil Carmichael, Member of Parliament for Stroud valleys and the Vale

North Avon Magistrates' Bench Chairman

North Avon Magistrates' Bench Chairman, on behalf of the North Avon Bench

Police and Crime Commissioner for Devon, Cornwall and the Isles of Scilly

Police and Crime Commissioner for Gloucestershire and Gloucestershire Constabulary

Police and Crime Commissioner for Wiltshire and Swindon

Police Superintendent, Toby Davies

Practicing Barristers

Public and Commercial Services Union (PCS)

Richard Graham, Member of Parliament for Gloucester

Senior Probation Officer, Devon & Cornwall Probation Trust

Shearer & Co. Solicitors

Somerset Magistrates' Bench Chairman

South & West Devon Magistrates' Bench

South Devon Integrated Offender Management 'Turnaround'

South East Hampshire Magistrates Bench Chairman

South Gloucestershire Council

South Hampshire Magistrates' Bench  
Chairman

Southern Area Association of Law Societies

StoneKing LLP Solicitors

Stroud District Council

The Chambers of Simon Laws QC

The Insolvency Service

The Law Society for and on behalf of  
Bournemouth and District Law Society and  
Dorset Law Society

The Magistrates' Association

The Somerset Family Panel

The Steering Group of Torre & Upton  
Community Partnership

Torbay Council

Torre and Upton Community Partnership

Town Clerk, Newton Abbot Town Council

Town Clerk, Stroud Town Council

UK Association of Part time Judges

Victim Support

Voices (domestic abuse charity)

Weymouth Legal Advisors

Wiltshire Magistrates' Bench Chairman

WSP Solicitors

Young Offender Services





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