



**Ministry  
of Justice**



**HM Courts  
& Tribunals  
Service**

# **Response to consultation on proposed changes to listing arrangements for Bedfordshire & Hertfordshire Magistrates' Courts**

## **Hertfordshire Listing Arrangements**

**A response produced on behalf of the Justices' Issues Groups of  
Hertfordshire by HM Courts & Tribunals Service, part of the Ministry of Justice**

**Date: 10<sup>th</sup> February 2014**

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- Proposed listing pattern changes in Hertfordshire
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## Introduction

This document is the post-consultation report for the consultation paper, “Consultation on proposed changes to listing arrangements for Bedfordshire & Hertfordshire Magistrates’ Courts” issued on behalf of the Hertfordshire Justices’ Issue Group.

It will cover:

- the background to the report;
- a summary of the responses to the consultation;
- conclusions to the proposals in the consultation paper; and
- the next steps following this consultation.

Further copies of this response and the consultation paper can be obtained by contacting:

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(Please enter “**Bedfordshire & Hertfordshire Listing Consultation**” in the subject field)

## Foreword

The Justices' Issues Groups (JIGs) for Bedfordshire and Hertfordshire and Her Majesty's Courts and Tribunals Service are committed to delivering speedy summary justice by running an efficient, effective and accessible courts system which delivers timely justice in accessible buildings with suitable facilities for all court users. The JIGs & HMCTS keep under continuous review how best to achieve this objective and that of judicial independence within the resources available.

The JIGs have responsibility, under section 30 Courts Act 2003 and directions given by the Lord Chancellor, to determine listing policies for the distribution of work within their Local Justice Areas (LJAs). The legislation and directions enable the JIG to agree that cases can be listed in a court outside of their LJAs for purposes such as:

- the consolidation of cases for the same prosecutor;
- enabling efficient management of all court accommodation;
- ensuring an efficient distribution of work between local justice areas;
- taking account of the needs of witnesses;
- consolidating cases raising similar issues;
- the need to deal with cases of a specialist nature

The proposals set out in the consultation paper were to centralise:

- Bedfordshire adult and youth crime, local authority civil (non-family) and crime cases and probation cases at Luton Magistrates' Court
- Bedfordshire family work at Luton County Court and Bedford Shire Hall
- Hertfordshire adult and youth crime requiring services of duty solicitor and probation services at St Albans Magistrates' Court and Stevenage Magistrates' Court
- Hertfordshire family work at Watford County Court and Hertford Shire Hall
- Road traffic work at either i) a single courthouse within the cluster of Bedfordshire and Hertfordshire or ii) at county level in Luton and Stevenage/Watford

In addition, we sought views about whether the geographical local justice arrangements for Hertfordshire remain appropriate for the listing and distribution of work into the future; and whether there are other alternatives that should be considered.

## **Summary of Decisions of the Justices' Issues Groups**

Following consideration of the responses to the consultation and the guiding principles of listing set out in the directions, the JIGs have reached the following decisions:

- Bedfordshire adult and youth crime, local authority civil (non-family) and crime cases and probation cases should be listed at Luton Magistrates' Court (although consideration will be given to listing local authority civil work at Bedford if councils can consolidate their work into a suitable list);
- Bedfordshire family work, including maintenance, will be listed at Luton County Court and Bedford Shire Hall under the single family court;
- Hertfordshire adult, SDVC, local authority and youth crime requiring services of duty solicitor and probation services and trials will be listed at St Albans Magistrates' Court and Stevenage Magistrates' Court. (Consideration will be given to listing local authority civil work at Hertford and Watford if councils can consolidate their work into a suitable list);
- Fluctuations in work between the two Hertfordshire local justice areas can be managed by the listing of work from the Welwyn/ Hatfield/Borehamwood area in Stevenage, rather than St Albans, if needed
- Hertfordshire family work will be listed at Watford County / Magistrates' Court and Hertford Shire Hall;
- Road traffic work will be listed at Watford Magistrates' Court for Hertfordshire and Luton Magistrates' Court for Bedfordshire
- Cases involving defendants or witnesses from the Sandy and Biggleswade area of Bedfordshire may be tried at Stevenage Magistrates' Court;
- In the light of the agreements to provide a level of flexibility in listing across the two LJAs within Hertfordshire, the JIG has determined that there is currently no need to further consider merger of the LJAs.

The Hertfordshire JIG is satisfied that these arrangements provide court hearings in courthouses with suitable facilities within a reasonable commuting distance for all court users. The arrangements will make the most efficient use of court and justice agency resources to maximise effectiveness and timeliness of hearings.

A summary of the responses and the Hertfordshire JIG's rationale is set out in the rest of this document.

## **Rationale**

The proposals put forward look to the future and how, within resource allocations, we can best deliver justice in a suitable environment whilst maximising effectiveness and timeliness of hearings. The proposed sittings allocation is consistent with HMCTS, CPS and probation staffing levels. The reduction in courts should enable the CPS to direct sufficient resources to court preparation with the aim of improving effectiveness of hearings.

The consultation was precipitated by reductions in workloads (particularly trials) and the JIGs commitment to improve the delivery of timely and effective justice to defendants and witnesses through better utilisation of diminishing CJS agency resources. In addition the JIG has had regard to the commitment of the Ministry of Justice to maximise the use of digital technology, and the need to support the creation of a single family court within Bedfordshire and Hertfordshire.

The uncertainties of our clientele and workload are such that listing is considered an art rather than a science – the constant movement requiring the ability to list as many courts as possible on one site, to create the greatest flexibility and better chance of being able to provide full and effective court lists. The schedule we propose provides the optimum for our allocation. Both Bedfordshire and Hertfordshire have seen significant reductions in trials – 15% in Hertfordshire and 23% in Bedfordshire and this requires a significant adjustment to our current listing practices given the reduced number of courts required. The benefits of the ability to list more than one trial court on a day are obvious: it increases the ability to safely double-list, as work can be moved around up to and including on the day - something not possible when trial courts are split across sites. Single trial courts are inherently risky – which is why we either double-list and risk ineffective hearings because both trials are effective and the court cannot deal with both; or single-list and risk ineffective and cracked hearings which create unproductive time for magistrates, legal advisers and prosecutors - as well as delay in listing of other trials. We also need to be able to regularly accommodate custody trials and multi-day trials - something that is also difficult across split sites. The JIG is committed to listing cases in a way which provides an high level of certainty that cases will proceed on the day, properly supported by legal advice and probation services; and that provision is made to support victims and witnesses in accord with the Code of Practice for Victims of Crime.

Of course, all of this needs to be balanced with the issues of attendance, accessibility and facilities for defendants and witnesses - something which as local judiciary we are well placed to assess. The challenge is to put in place a schedule within the number of court



sessions allowed which will maintain or improve the timeliness and effectiveness of trials that we currently enjoy.

The JIG having considered the representations on the consultation is satisfied that the proposals to list cases in centralised courthouses, with good facilities, within the LJA provides a good balance of accessibility and flexibility maximising effective use of courthouse and agency resources to enable the delivery of timely justice to witnesses and defendants.

However, the JIG is clear that the listing changes should not be regarded as irreversible; and have recommended that the new arrangements should be reviewed by its successor body, the Cluster-based Judicial Business Group (JBG), at the end of 2014, in particular to examine their impact on witness and defendant attendance levels and our effective, ineffective and cracked trial rates.

## Statistical Summary of Responses

In total, 71 responses to the consultation were received, although one was subsequently withdrawn as the respondent had interpreted the consultation questions incorrectly.

Of the 70:

- 3 commented upon the whole proposals (i.e. both Bedfordshire & Hertfordshire);
- 37 commented upon the Bedfordshire proposals only; and
- 30 commented upon the Hertfordshire proposals only (listing and LJA).

Of the 70:

- 22 were supportive of the revised listing proposals (including most of the key criminal justice agencies who responded);
- 35 were not;
- 11 expressed both negative and positive feedback about the proposals; and
- 2 expressed no view about the listing plans at all (focusing solely on LJA issues).

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Of the 40 responses which commented upon the Bedfordshire proposals:

- 9 were supportive;
- 27 were not; and
- 4 expressed both negative and positive feedback about the proposals.

Of the 33 responses which commented upon the Hertfordshire proposals:

- 15 were supportive;
- 11 were not; and
- 5 were 'mixed' responses (expressing both negative and positive points about the listing proposals); and
- 2 expressed negative feedback about the single LJA suggestion only.

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While not the main focus of the consultation, the document also invited views on whether the current geographical LJAs remain appropriate to the workload or whether there would be merit in creating a single LJA within Hertfordshire. Out of the 70 responses received:

- 6 were in favour of a single LJA
- 16 were against a single LJA and felt that the two current LJAs were appropriate;
- 47 made no comment; and
- 1 expressed inconclusive views.

## Detailed analysis and comment upon responses relating to proposed listing pattern changes in Hertfordshire

The consultation set out the following proposals for Hertfordshire:

**St Albans Magistrates' Court** – to operate as a centre for listing of

- West & Central Hertfordshire adult and youth crime prosecuted by the CPS
- Central Hertfordshire local authority crime and civil (non family) proceedings
- West & Central Hertfordshire breach proceedings instituted by the National Probation Service or Youth Offending Service

**Stevenage Magistrates' Court** - to operate as a centre for listing of

- Hertfordshire adult and youth crime prosecuted by the CPS
- local authority crime and civil (non-family) proceedings
- breach proceedings instituted by the National Probation Service or Youth Offending Service

**Watford Magistrates' Court** – to expand its role as a centre for bulk processing of low attender private prosecution cases for Hertfordshire and potentially Bedfordshire.

**Hertford Magistrates' Court** – to operate as a co-located single family court providing suitable accommodation and the flexibility to move family cases between tiers of judiciary (including magistrates) as needed; there would be no crime workload routinely listed there.

**Hatfield Magistrates Court** – Hatfield to continue to deal with overnight custody cases for the whole county, including by videolink from two Police Stations - Watford and Hoddesdon.

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Of the 15 responses which were in support of revised listing plans:

- 3 were from criminal justice agencies (including the CPS, Herts Police and Herts Probation);
- 3 were from local authorities/local authority representatives;
- 8 were from magistrates/magistrate representatives, (including in principle support from the West & Central Herts Bench Management Committee and the Herts Branch of the Magistrates' Association); and
- 1 was from an 'other' agency (namely CAFCASS).

The responses which were in support of revised listing plans acknowledged the limitations on available resources and the need to make better use of courtroom and judicial time. Some respondents made constructive comments and practical suggestions in relation to specific types of business, (such as the scheduling of local authority lists, family courts, and the start times/loadings of PSR sessions), and these will be taken into account when finalizing the revised listing pattern for Hertfordshire.

Of the 11 responses which were not in support of the proposals:

- 3 were from local authorities/local authority representatives;
- 6 were from magistrates/magistrate representatives;
- 1 was from 'others' (namely the local trades union representative); and
- 1 was received from staff.

The responses which were not in support of the suggested listing changes raised a number of common concerns and/or issues about the proposals, namely:

- 'Congestion' in the listing of local authority business, leading to overloaded and/or late finishing sessions;
- Implications for victims and witnesses, in particular increased costs/inconvenience (if required to attend);
- Travel and transport implications for defendants, leading to an increased likelihood of non-attendance and the consequential impact on court business;
- Travel and transport implications for magistrates and the consequential impact on court business and judicial diversity, competence and recruitment;
- Travel and transport implications for legal advisers; and
- The loss of local justice.

One 'mixed' response also raised a number of practical issues relating to the support and care of witnesses in the county and queried the suggestion that Watford no longer remains a trial court.

## **General**

An initial general point to make is that centralising business in fewer venues inevitably results in some people needing to travel further to reach court. The guiding principles contained in the directions under section 30 of the Courts Act 2003 acknowledge that locality of the court to either the offence, offender or witness, whilst important, is not the sole consideration in making decisions to facilitate efficient use of court time and the delivery of justice. In a great number of cases there is no need to attend court at all (for example minor road traffic offences).

However, it should be noted that Hertfordshire has already centralised overnight custody cases at Hatfield and listing of CJSSS, SDVC, remand, sentencing and probation work at St Albans and Stevenage. Following centralisation, attendance rates were kept under review and there was no evidence of an increase in failure to appear on the part of defendants. There is consequently no evidence to suggest that the move of all trial work into these centres should have an adverse impact. The main decisions in relation to Hertfordshire are to list:

- all trials for N&E Hertfordshire at Stevenage, rather than at Hertford and Stevenage
- all trials for W&C Hertfordshire at St Albans, rather than at St Albans and Watford.
- family work at Hertford and Watford as part of the single family court.

Research commissioned by the Ministry of Justice in 2010 (through an independent Omnibus survey) looked into the frequency of use of court services and the transport used to get there. It found that 87% had not visited a court of any kind for any purpose in the last five years. Of those who had, 65% had used their own transport or were taken by a friend or family member. Only 18% had used public transport. This does not mean that travel distances and public transport times should be disregarded, just put into perspective.

Court users, as a result of previous listing decisions, are already used to working in the courthouses across the LJAs and, consequently, we can find no evidence of adverse impact that would be severe or disproportionate for one group more than another; and there is no evidence to suggest discrimination on the basis of protected characteristics. There will be a specific financial impact on those court users who may, before the listing changes, have been able to walk, cycle or bus to a particular court - but this is regarded as reasonable, both because of the limited number of court users likely to be in this position and the actual costs involved.

Some comments were also made about the difficulty some people, particularly witnesses, may have in getting to court for a 10am hearing. Having considered the issue, the JIG is satisfied that the travel times by car or public transport to Stevenage or St Albans from

across the county are reasonable, particularly given the flexibility to list cases at either 10am or 2pm.

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In terms of the specific themes raised by the respondents, our responses are as follows:

### ***Local Authority Lists***

It should be noted that council tax cases for each council are listed once per month. The amount of court time required is small for liability orders (10 mins), but the pull on resources is substantial as there are often many people who attend and are interviewed by staff in advance of the hearing, so almost all matters are resolved out of court. Because the amount of court time is minimal these cases have to vie for court time with other business and this can mean a wait, particularly if 'competing' with CJSSS cases or trials.

Whilst the JIG is satisfied that it would not be unreasonable for people to travel to Stevenage and St Albans for these hearings, we will be looking to co-ordinate these case with the other local authority prosecutions in specific sessions so that they have their own half day minimum allocation. It would be possible to accommodate some of this at Hertford Shire Hall, although we would still wish to list cases likely to require a duty solicitor or probation assistance in the central sites. Ongoing dialogue with all local authorities concerned continues and HMCTS is confident that appropriate listing arrangements can be put in place.

### ***Victims & Witnesses***

The general concerns about the potential impact on victims and witnesses arising out of the proposals mainly related to travel times and costs. Defendants and witnesses are already travelling to St Albans and Stevenage and the JIG is satisfied that travel times are not unreasonable. Some witnesses will travel less as a result of the changes and others more, but all within acceptable distance for limited number of hearings. The listing proposals are intended to improve the prospect of trials being effective at first hearing for benefit of witnesses and defendants alike.

It should be noted that travel costs incurred by victims and witnesses to attend court to give evidence are paid by the CPS. There are limits as to what can be claimed, but bus and train fares (standard fare) are normally paid in full. Travel by private vehicle is paid at a rate by mile and taxi fares are allowed for those who are infirm or have a disability where public transport is not accessible.

In addition to the general concerns, the Witness Service also raised a number of practical points about the advantages of Watford as a trials court, the potential impact on the witness

service volunteers and the facilities that would be available for victims and witnesses, (particularly the quality and capacity of the witness suites at St Albans and Stevenage), should the proposals be implemented:

- Watford Magistrates' Court - the number of trial courts across W&C Herts are now such that running trials at both Watford and St Albans is creating inefficient use of court time. One courtroom at Watford is needed to assist the County Court so that the single family court can be accommodated locally. Whilst the other two courts could be used for trials, it is not possible to list custody work at Watford given the lack of cell accommodation and gaoler provision. It would be prohibitively costly to introduce this and would also be disruptive to an already busy police custody centre. Using the two courts for trials would also displace private prosecution work etc elsewhere away from court administration. St Albans would become the focal point for Witness Service volunteers, solicitors and probation to support the court and clients.
- We value the support that Witness Service volunteers provide and have been assured that HMCTS will be working closely with local Victim Support managers during implementation planning to minimize the impact on the existing volunteer team as far as possible.
- Facilities - the points about the facilities at St Albans and Stevenage are noted and HMCTS will work with the Witness Service over coming months to address priority needs and ensure that the witness facilities at these locations are as required. It should also be noted that there is a videolink witness room on the ground floor at St Albans, which has a secure area and can be accessed via the judicial corridor by agreement and this will meet the standards set in the Code of Practice. Watford vulnerable witness suite and videolink is planned to remain in place for use either for special measures or for general witness use.

### ***Defendants***

Defendants are already travelling to St Albans and Stevenage from across the county. The listing proposals are intended to improve the prospect of trials being effective at first hearing for benefit of defendants and witnesses alike. The centralisation of trials at centres with probation support will enable the probation service to assist the court immediately following conviction in many cases reducing adjournments.

### **Magistrates**

It is accepted that some magistrates may incur additional travelling costs as a result of these changes; however they should not be financially disadvantaged as the Justices' Allowances Regulations 1976 allows for reimbursement of travelling costs incurred in the performance of justice's duties. Magistrates are not expected to sit in courts outside of their current LJA but they often volunteer to do so.

One respondent also thought it was "*wrong to dump private prosecutions and traffic courts on magistrates in one area of the county*". The intention behind the proposals to centralise traffic work is to ensure more effective listing of traffic business and enable the single traffic prosecution team to focus prosecutor resources on one location. HMCTS also notes that the West & Central Bench Management Committee actually favours "*Watford as the county venue for Hertfordshire road traffic work*". The JIG encourages magistrates from across the county to sit in these courts to maintain their competence.

### **Legal Advisers**

There are regular discussions between legal advisers and line managers about where it is reasonable for staff to work. As legal advisers are regarded as being of a 'mobile grade' they can be expected to travel up to 1.5 hours to work. All sites within Hertfordshire are within that radius. However, rotas seek to reduce travel time and costs whilst providing a range of work. Nationally set contractual terms are outside the remit of this consultation. HMCTS will be engaging with staff during implementation planning to minimize the impact on the existing legal team as far as possible.

### **Local justice**

The provision of summary justice for a small geographical area is increasingly atypical when compared with the national picture. It is also in contrast to the provision of other jurisdictions where users of Crown, County and Family Proceedings Courts travel greater distances. With Hertfordshire bordering London it is common for people to commute long distances to work each day. Local justice is no longer achieved solely by having a court in every town or borough. For people today the concept of what is local goes far beyond what was considered local in the past. Vastly improved methods of communication and transport have changed the way we live our lives.

### **Family**

Responses on the whole welcomed the move to the creation of the single family court, with magistrates sitting co-terminously with other judiciary. Decisions on listing arrangements for short and final hearings across the two sites are being taken forward and will involve consideration of accessibility and continuity of case-managers and judiciary.



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## **Implementation**

There are a number of practical steps to implement the revised listing arrangements for June 2014. Key stakeholders will be fully involved in this process.

## **Analysis and comment of views expressed about LJA changes in Hertfordshire**

**Local Justice Areas (LJAs) within Hertfordshire** – while not the main focus of the consultation, this paper also invited views on whether the current geographical LJAs remain appropriate to the workload or whether there would be merit in the Hertfordshire JIG and HMCTS reviewing and consulting on a change in the geographical jurisdiction of LJAs within Hertfordshire.

Professional court users such as CPS, probation and the police saw value in the flexibility in listing which would result from the creation of a single LJA for Hertfordshire.

Responses from magistrates were largely against the creation of a single LJA and the consequent merger of the Benches, principally because of the expectation that magistrates would be required to sit in all courthouses and because of the impact on management of the Bench which had settled following the previous mergers in 2012.

The JIG, having considered the proposed benefits around flexible listing, determined that proper use of the directions could facilitate the same end in the light of previous decisions taken by the Group - and consequently there was no immediate need to move to the creation of a single LJA for Hertfordshire. The Group was satisfied that, in principle, all courthouses could properly accommodate bulk lists and agreed that, for the time being, police led road traffic prosecutions could be heard at Watford and DVLA Continuous Insurance Enforcement work at Stevenage.

In addition, the Group was content that where there were fluctuations in work across the LJA work could be moved across courthouses, enabling Welwyn/Hatfield and Borehamwood cases to be heard at Stevenage if necessary, given its ease of access.

The JIG also agreed that the small number of cases involving defendants or witnesses from the Sandy / Biggleswade area of Bedfordshire could be listed at Stevenage, if that would be of benefit to defendants or witnesses.