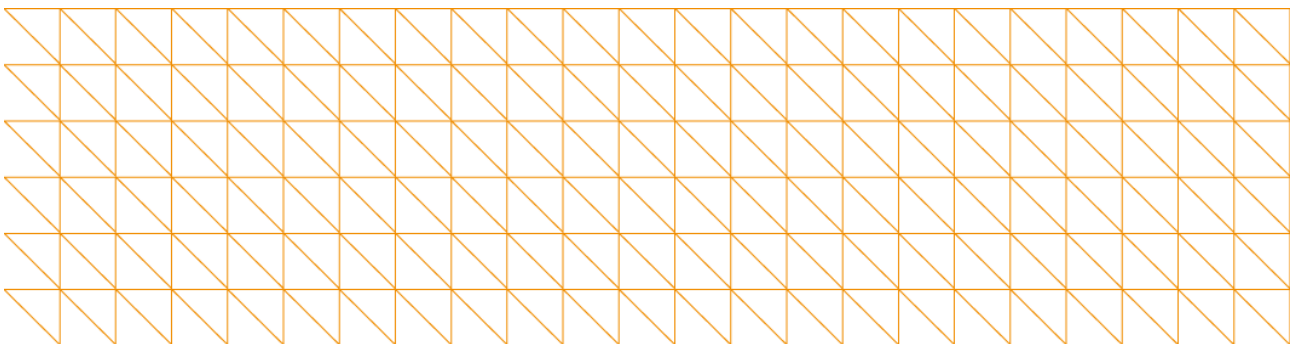




Ministry
of Justice

Response to the proposal on the future of Spalding Magistrates' Court

25 November 2014





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of Justice**

Response to the proposal on the future of Spalding Magistrates' Court

Response to consultation carried out by the Ministry of Justice.

This information is also available on the Ministry of Justice website: www.justice.gov.uk

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Introduction and contact details

This is the response to the consultation paper 'Proposal on the future of Spalding Magistrates' Court', which was published on 1 July 2014.

It will cover:

- the background to the report;
- a summary of the responses to the report and the specific questions raised in the consultation; and
- the next steps following this consultation.

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

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This report is also available on the Ministry's website: www.justice.gov.uk.

Alternative format versions of this publication can be requested from HM Courts & Tribunals Service, **telephone: 0121 681 3246**

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.

Background

The consultation paper 'Proposal on the future of Spalding Magistrates' Court' was published on 1 July 2014. It invited comments on the proposal to close Spalding Magistrates' Court.

Following a fire and security assessment in July 2012, which found that the cells were significantly below standard and the custodial facilities were unusable, all custodial cases which were listed and heard at Spalding Magistrates' Court were transferred to Grantham Magistrates' Court. Further to this, and as a consequence of the drop in the criminal workload in Lincolnshire, Spalding has not listed any other cases since January 2014, and all the remaining non-custodial work is now dealt with at Boston Magistrates' Court.

The consultation on the future of Spalding Magistrates' Court closed on 12 August 2014, and this report summarises the responses and the next steps.

The Impact Assessment accompanying the consultation was updated to take account of evidence provided by stakeholders during the six-week consultation period. The updated Impact Assessment is attached at **Annex A**.

Summary of responses

The consultation paper invited responses to the following questions:

1. What comments would you like to make about the proposed closure of Spalding Magistrates' Court?
2. Please describe any particular impacts that should be taken into account and why.
3. Will the closure of Spalding Magistrates' Court have a direct impact on you? If so, please provide additional details.

A total of 42 responses to the consultation paper were received. Of these:

- Five were from County Councillors
- Seven were from stakeholders/solicitors.
- Two were from members of the Judiciary
- Thirteen were from magistrates
- Three were from HM Courts & Tribunals Service staff
- One was from a MP
- One was from another Government Body
- Four were from Parish Councils
- Five were from Members of the Public
- One was from Spalding and District Civic Society

A full list of respondents can be found at **Annex B**.

Of the 42 responses, 14 were supportive of the closure proposal for Spalding Magistrates' Court, 27 were opposed and one was neutral.

The majority of the responses focused on: the importance of access to local justice; travel times and routes across a rural county; the condition of the building; the capacity of Boston Magistrates' Court to absorb the additional workload; and the accuracy of the data contained in the consultation paper.

Of the overall responses; 14 were supportive of the closure proposal for Spalding Magistrates' Court, the main themes being:

- The building is not fit for purpose and does not provide the required standards for safety, security or privacy that are required of a modern court building.
- The facilities at Boston Magistrates' Court are of a higher and more suitable standard and allow more efficient listing of cases.
- No cases have been listed at Spalding Magistrates' Court since January 2014 and no customer complaints have been received about this arrangement.

- The production and collection of detainees has become more timely and efficient due to the reduction in sites.

27 responses were opposed to the proposed closure, the main themes being:

- Inadequate public transportation in a rural community.
- Reduced access to and provision of local justice.
- Questioning the financial impacts and the poor condition of the building.
- The negative impact on business delivery at Boston Magistrates' Court.
- Questioning the accuracy of the data detailed in the consultation.

These and the remainder of the responses raised are considered in the sections overleaf.

All the consultation responses have been fully reviewed and, following careful consideration, the Lord Chancellor has decided to close Spalding Magistrates' Court

Responses to specific points

1. Transport links in rural areas

A number of responses commented upon the increase in travel time and cost as a result of transferring the cases from Spalding to Boston Magistrates' Court.

"The shifting of cases from Spalding to Grantham and Boston represents a significant increase of travelling distances for the majority of my constituents." [The Rt Hon John Hayes MP]

"Spalding people are well served in all aspects of law and order at the building. It is wrong to expect those who are expected to attend court to travel outside the area as transport is poor." [Councillor Alan Jesson]

"Whilst travel costs are shown from Spalding to Boston, no consideration is given to those who have to travel from Long Sutton, Sutton Bridge, Bourne and Stamford." [Mr Alan Lambert JP]

"If people needing to attend court live far from Spalding there is no way, unless they have their own transport, that they would be able to easily attend Boston Court." [Cllr Angela Newton]

"Transport links from outlying villages are not as straightforward as those described in the submission." [Edmund Parish Council, Stephen Morris]

"The bus service in Lincolnshire has improved dramatically with a regular service between Boston and Spalding. I therefore see no difficulties in transferring cases. Grantham is a little more difficult to get to but still manageable. Those that live in rural areas are very adept at getting around. Car ownership is higher by necessity and also people are more willing to assist with transport." [Retired Magistrate Mrs Ashby]

HM Courts & Tribunals Service appreciates that the closure of Spalding Magistrates' Court will impact on those court users that reside in the more remote areas of Lincolnshire. While there may be some difficult public transport journeys from these areas to Boston, this is not a reason on its own for the retention of the court at Spalding. Although the travel time can be more than an hour from the more remote areas of the county, this must be considered in the context of the low workload originating in these areas and the infrequency that those residents would need to attend court.

Boston Magistrates' Court is situated 15 miles away from Spalding Magistrates' Court; a travel time by car of 25 minutes each way or a bus journey of 49 minutes each way. There is a bus service available throughout the day. The travel costs are £4.15 per single journey or £7.25 for an adult return journey. Therefore, the impact on the majority of court users regarding access to justice and journey times is not considered to be unreasonable or prevent them accessing the court in Boston. HM Courts & Tribunals Service will, where possible, consider on a case by case basis, requests for more flexible start and end times for court hearings. They will also continue to explore the possible use of video links for those court users for whom increased journey times might be problematic.

2. Access to local Justice

Some responses questioned the impact on local justice the closure of Spalding Magistrates' Court could result in.

“A person has a right to be tried by local magistrates.” [Cllr Alan Jesson]

“The Magistrates’ Court Service was designed to allow local people, in the form of JP’s to be involved in decisions regarding the punishment of criminal behaviour in their geographical area. There has always been a strong belief that local crimes should be dealt with by local people acting within the framework set down by Parliament and the Higher courts.” [Cllr Elizabeth Sneath]

“The concept and principle of Magistrates’ Courts providing ‘local summary justice’ goes out of the window.” [Magistrate, John Reynolds]

“The closure of Spalding Magistrates’ Court will mean that yet another group of county residents will find it impossible to attend court and therefore access to justice.” [Magistrate, Jonathan Duncan]

“And whatever happened to the much-touted ‘localism’ that is so important to the coalition?” [John Charlesworth, Planning Officer, Spalding and District Civic Society]

“I have seen many courthouses closed and have heard all the same arguments put forward as I am now reading. None of the closures resulted in any reduction in justice or indeed fairness.” [Retired Magistrate, Mrs Ashby]

Cases will continue to be heard by magistrates appointed to the Lincolnshire Local Justice Area. Wherever possible HM Courts & Tribunals Service will continue to retain appropriate links with other agencies such as Witness Support, Victim Support, Crown Prosecution Service and Probation, to ensure that the closure of Spalding Magistrates’ Court does not unduly impact on access to justice.

In addition to this, HM Courts & Tribunals Service is continuing to explore the provision of IT-enabled communication facilities which would allow victims and witnesses to testify remotely, removing the need to attend court at all. HM Courts & Tribunals Service already utilises video link facilities across its estate and continues to increase the use of digital ways of working.

3. Accommodation

Some of the responses received questioned the accuracy of the details in the consultation, specifically, the potential savings to be made and conflicting opinions which have been expressed about the current condition of the building.

“In recent years many £1000’s of pounds have been spent on the building. Because it is important to our town, you will have to maintain the property and it will most likely cost you more than the £40,000 you think you will save.” [Cllr Angela Newton]

“There will be no savings as the building will have to be maintained.” [Cllr Richard Fairman]

“It is likely to be more economic to keep the building in use rather than in expensive mothballs. In so doing the local community will see real justice in action.” [Mr Alan Lambert JP]

The total estates related costs for 2012/13, when the court was functional, was £88,857. The annual costs of maintaining the court building as a non-functional building are approximately £22,388. These costs consist of:-

Property rates and rent	£10,362
Security, cleaning and general maintenance	£1,400

Utilities and fuel

£10,626

Allowing for an average maintenance bill of £27,000 per year for any critical works that may arise results in a projected minimum average annual saving of £40,000.

“I disagree with the value on the building. It’s more likely to be £700,000.” [Cllr Alan Jesson]

Government estate is independently valued on a five-year cycle. The market value of the Spalding Magistrates’ Court building has been assessed at £200,000 by an independent valuation agency. This figure is not set by HM Courts & Tribunals Service.

“If we accept that Spalding Court is not going to receive prisoners, then a huge tranche of the Management criticism of the building is immediately removed. For example the £300,000 figure that keeps being quoted as an amount required to bring the building up to standard is actually a figure the Court Service was quoted for reconstructing the staircase from the cells into court one. There have been no costings obtained regarding any other expenditure necessary to resume the use of the building as a fully functioning court building.” [Rachel Stevens – Solicitor]

“The reasons for closure, such as the repairs have all been set up to encourage closure. To my knowledge there has never been any serious risk, from either clients or staff in the whole history of the court and the excuses made to make a worst case scenario instead of looking at the positives.” [Magistrate, Mariska Hemens]

“It is basically still fit for purpose and the cost of any improvements which might be required have, in my considered opinion, been grossly overestimated.” [Magistrate, Bev Davey]

“It makes sense to shut the courthouse down. It’s not fit for purpose and not in use now.” [Magistrate, Graham Miller]

“Spalding Magistrates Court building does not provide the required standards for safety, security or privacy that are required in a modern court establishment.” [Asst Chief Constable, Lee Freeman]

“There would appear to be no doubt that the proposal to close Spalding Magistrates Court is appropriate. The building has given good service since 1843 but is no longer ‘fit for purpose’.” [Stephanie J.A Brown, JBG chair]

HM Courts & Tribunals Service is committed to maximising the use of all available resources to increase efficiency and improve service delivery across all jurisdictions. To enable this, HM Courts & Tribunals Service needs fully functioning court buildings and continuously reviews workload and the utilisation of its estate. Since the workload previously heard at Spalding has been heard at Boston, courtroom utilisation there has increased to approximately 60%. The minor adjustments made at Boston Magistrates’ Court have rendered it a multi-functional court enabling it to hear different types of hearings. This will provide better value for money for the taxpayer and improve service delivery, whilst maintaining a quality service for court users.

HM Courts & Tribunals Service can confirm that the standard of the Spalding Magistrates’ Court building is inadequate. The premises are not compliant with the Equality Act 2010 since it fails to offer disabled access to all courtrooms. In July 2012 HM Courts & Tribunals Service and the Prison Escort Service assessed facilities at the building. They concluded that the custody facilities were below the required standard and that there was a risk of injury to prisoners and escort staff together with an increased risk of escape. Once these issues had been highlighted HM Courts & Tribunals Service had a statutory obligation to mitigate the risks to all court users.

The accommodation at Spalding is unsuitable for several reasons:

- There is no van dock.

- The loading and unloading yard is overlooked by private dwellings.
- There is no air lock between exterior rooms and custody rooms or between custody rooms and interview rooms, which increases the risk of a prisoner escaping.
- The dock in one of the courtrooms is not secure.
- The witness's waiting room is not fit for purpose. As a result of this, staff are faced with a choice of either breaching security and allowing access to a secure area of the court where magistrates' rooms can be accessed; or locking a fire door with the associated risk to the health & safety of those using the room.

Spalding Magistrates' Court is a Grade II listed building which is in need of considerable investment to bring the standard of accommodation to the level required for a fully functional building to facilitate the delivery of all magistrates' court proceedings. The remedial works required to make the building fully functional have become disproportionate to utilisation and the market value of the building. Closure of the court will avoid the costs of remedial works which are in excess of £300,000.

4. Hidden Costs

Although the closure might provide savings for HM Courts & Tribunals Service, it was felt by some respondents that those savings would in fact become liabilities to other organisations such as the Crown Prosecution Service, Legal Aid Agency and Police, who would be liable for increased costs to ensure that witnesses attend court and increased travel costs for officers and magistrates.

Comments also expressed concern that many defendants would not attend Boston Magistrates' Court due to the increased travel time and associated costs.

"...this "saving" completely ignores the burden being placed on other publicly funded budgets by the court's closure." [Rachel Stevens – Solicitor]

"A permanent move to Boston will disadvantage people and probably reduce people's right to get a fair and proper hearing because I think people will choose not to attend." [Cllr Angela Newton]

"...it is likely that costs will increase as magistrates from South Holland are travelling greater distances to courts in Grantham and Boston, and solicitors are entitled to claim back travel expenses from the Legal Aid Agency for what will be much longer journeys." [Right Hon John Hayes MP]

"There will be no negative impact on Lincolnshire Police should the Court building be closed." [Lee Freeman, Asst Chief Constable]

There have been no cases listed at Spalding Magistrates' Court since January 2014 and there has been no increase in defendants failing to attend court to date.

Generally, the experience is that there is rarely any direct correlation between the distances defendants have to travel to court and any failures to attend. Usually defendants on bail appear as required, and there is little evidence to suggest that when defendants have to travel longer distances they fail to do so.

Following the creation of the single Local Justice Areas on 1 January 2014, all magistrates in the County were given the option to specify their 'home' court and any other courts where they would be willing to sit. This was necessary to allow magistrates the ability to maintain their competences by providing wider opportunities to secure sufficient sittings; and because certain types of cases are not dealt with in every court, restricting the type of work a magistrate hears if sitting in only one location. In the event that there was any increase in expenses this would be counter balanced by better listing arrangements and maintaining magistracy competencies.

The magistrates who are booked will be better utilised and will frequently sit full sessions, as opposed to the short sittings previously experienced when sitting at Spalding Magistrates' Court, therefore creating better value for money. HM Courts & Tribunals Service can confirm that no evidence of additional costs to the Crown Prosecution Service or Legal Aid Agency has been reported and no issues have been raised.

HM Courts & Tribunals Service can confirm that the expenses claimed by magistrates sitting at both Spalding and Boston have not increased. The expenses claimed from April to July 2013 were £11,455 and for the same period during 2014, the amount claimed was £8,371.

5. The impact on business delivery at Boston Magistrates' Court

Some respondents considered that Boston Magistrates' Court can not accommodate the increase in workload and that there has been a negative impact on criminal performance.

"The impact has been huge! Grossly over-listed courts now regularly sit into the evening. Waiting times for trials have more than doubled and, even when a trial gets to its hearing date it is then quadruple listed with other trials and highly likely to be further adjourned due to lack of court time." [Rachel Stevens – Solicitor]

"Boston Court is now overcrowded and cannot cope with the extra workload" [Mr Alan Lambert JP]

"Satisfactory arrangements have been in place since January 2014 for cases to be heard at Boston and no complaints have been rec'd for witnesses and parties travelling to other courts" [Stephanie J A Brown – JBG Chair Lincs, Leics and Northants]

HM Courts & Tribunals Service continuously monitors workload, particularly when any listing changes are made. The data that has been collected locally during April, May and June 2014 shows that there have only been two occasions when a court has sat beyond 5pm and, of those, only on one occasion has a court sat until 6pm. It is also the case that 17 out of 57 morning sessions and 43 out of 58 afternoon court sessions have run short. This is reflected in the current utilisation figure of approximately 60% against the aim of 80%.

The data below captures the performance at Boston Magistrates' Court for the six months leading up to the date when cases were no longer listed at Spalding and compares it to the six months immediately following. It reflects the increase in number of cases and waiting times as an average number of weeks. This shows a very modest impact on performance to date. HM Courts & Tribunals Service will continue to monitor the impact on cases and adjust resource requirements as necessary.

Average performance for 6 months before compared to 6 months after the transfer of work from Spalding Magistrates' Court to Boston Magistrates' Court	July-December 2013	January-June 2014
Number of cases	238.83	299.17
Magistrates' offence to charge / laying of info (avg wks)	13.02	14.05
Magistrates' charge / laying of info to first listing (avg wks)	5.15	5.38
Magistrates' first listing to committal or completion (avg wks)	3.27	3.60
Magistrates' offence to completion in Magistrates' (avg wks)	21.43	23.00
Magistrates' first listing to completion within 4 weeks (%)	78%	77%
Adult charged cases (excl sent to Crown) (avg number)	64.83	78.17

Adult charged cases (excl sent to Crown) charge to disposal within 6 weeks (%)	65%	55%
Adult charged cases (excl sent/comm) charge to disposal (avg wks)	7.67	9.25

6. Accuracy of the data detailed in the consultation

A small proportion of responses reflected negatively on the content of the consultation, suggesting that it contains inaccuracies and questioned the extent of the circulation of the consultation document.

“I feel that the way this process has been handled has been questionable. The decision to de-list cases- essentially the closure of the court by stealth- was done on spurious grounds and without proper consultation. That the consultation to close the court was itself not widely circulated was also foolish, underlining the unprofessional way in which this whole affair has been conducted.” [Rt Hon John Hayes MP]

“I have never seen an official document so full of lies and half truths. A saving that imposes costs on others is robbery. Some that would like to object are not permitted to do so.” [Cllr Richard Geoffrey Fairman]

In October 2013 the local Justices Issues Group (JIG) - now replaced by the Justices Business Group (JBG) - decided that cases would not be listed at Spalding Magistrates’ Court due to the drop in criminal workload, low utilisation figures and the need to list work more efficiently. The JBG, which includes both magistrates and HM Courts & Tribunals Service officials, holds the authority to adapt listing practices to improve performance and service delivery. No external consultation is required for listing modifications to take place.

HM Courts & Tribunals Service can confirm that the consultation principles have been adhered to and the consultation circulated in line with these. In addition, the consultation paper and Impact Assessment were published on the Ministry of Justice website to allow any interested parties to contribute. The majority of responses were submitted online, including members of the public.

Locally there have been numerous press articles that have also raised awareness of the court proposals. This included a petition which received 138 responses. This was received seven days after the consultation closure and did not directly address the questions posed by the consultation; but has been acknowledged by the Secretary of State for Justice and considered in the final decision.

7. Other responses

A number of other uncategorised comments were received.

“The consultation document is silent on the future of the court building. How much will it cost to mothball this fine structure? What purposes for its reuse have been explored?” [The Rt Hon John Hayes MP]

“Who owns this building and has any other use been identified by them. If not there may be a planning problem. [Magistrate, GA Robbs]

Spalding Magistrates’ Court building is owned by the Ministry of Justice. While the points raised about future use of the building have been noted, they were not specifically within the scope of this consultation which focused on the future of the building as a Magistrates’ Court and the recommendation that it should close.

“I request a full public enquiry to properly explore all the issues *independently* before this vital service is lost forever.” [Rachel Stevens, Solicitor]

HM Courts & Tribunals Service has conducted the consultation process in accordance with Cabinet Office guidelines.

Conclusion and next steps

This document provides a detailed summary of the points raised by respondents to the consultation. These have all been fully analysed and following careful consideration the Lord Chancellor has decided to close Spalding Magistrates' Court.

As set out earlier, key points were raised about public transportation; local justice; financial impact and condition of the building; capacity and utilisation; and accuracy of data included.

The main conclusions reached are that:

- Although travelling time could potentially be more than one hour from the more remote areas, consideration has been given to the low workload originating from these areas and the infrequency of those residents needing to travel to court. Therefore the impact on journey times for the majority of court users is not considered to be unreasonable and would not prevent attendance at court. HM Courts & Tribunals Service will, where possible, consider on a case by case basis requests for more flexible start and end times for court hearings and continue to explore the possible use of video links for those court users for whom increased journey times might be problematic.
- Cases will continue to be heard by local justices.
- Spalding Magistrates' Court is a Grade II listed building which is in need of a considerable amount of investment to bring the standard of accommodation to the level required for a fully functional building to facilitate the delivery of all magistrates' court proceedings. The remedial works required to make the building fully functional have become disproportionate to utilisation and the market value of the building.
- HM Courts & Tribunals Service stand to make savings in relation to the accommodation and utility costs associated with Spalding Magistrates' Court, estimated to be about £40,000 per year; but critically will avoid the costs of the remedial works in excess of £300,000.
- Since the transfer of work from Spalding Magistrates' Court to Boston Magistrates' Court in January 2014, the impact on the performance recorded at Boston has been minimal.
- HM Courts & Tribunals Service can confirm that the content of the consultation document is accurate and the correct consultation process has been followed in accordance with Cabinet Office guidelines.

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.

www.cabinetoffice.gov.uk/sites/default/files/resources/Consultation-Principles.pdf

Impact Assessment / Equality Impacts

Section 149 of the Equality Act 2010 (“the EA Act”) requires Ministers and the Department, when exercising their functions, to have ‘due regard’ to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct prohibited by the EA Act;
- Advance equality of opportunity between different groups (those who share a relevant protected characteristic and those who do not); and
- Foster good relations between different groups (those who share a relevant protected characteristic and those who do not)

Consideration has been given to the consultation responses in respect of the impact of the proposals against the statutory obligations under the Equality Act. While the impact of the proposal does not particularly disadvantage disabled people, reasonable adjustments should be made for them as outlined in the updated Impact Assessment (**Annex A**).

Annex B – List of respondents

MP John Hayes

Regional Employment Judge Hugh Howard

Regional Employment Judge Paul Swann

JP Alan Lambert

JP Bev Davey

JP GA Robbs

JP Graham Miller

JP Greg Cejer

JP John Reynolds

JP Jonathan Duncan

JP Kevin Moody

JP Mariska Hemens

JP Neil Gordon

JP Stephanie Brown

Cllr Alan Jesson

Cllr Angela Newton

Cllr Elizabeth Sneath

Cllr Pete Moore

Cllr Phil Scarlett

Cllr Richard Fairman

Parish Council Gedney Hill

Parish Council Mark Taylor

Parish Council Paul Foyster

Parish Council Stephen Morris

Assistant Chief Constable Lee Freeman

Superintendent David Lynch

PECS Mr Barry Bailey

Witness Service Tracey Anne Stenner

Ringrose Law Solicitors

Solicitor Rachel Stevens

Spalding & District Civic Society John Charlesworth

HM Courts and Tribunals Service Staff

Mr Ian Hensman

Alf Feelgood

Andrew Moss

Mrs Ashby

Mrs P Hensman

Mrs Roberta Ashton

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