

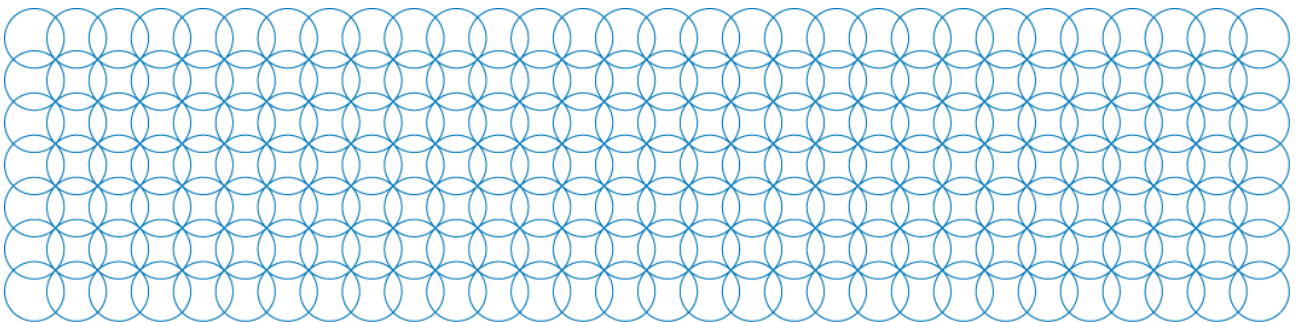


Ministry
of Justice

Proposal on the future of Spalding Magistrates' Court

This consultation begins on 1 July 2014

This consultation ends on 12 August 2014





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of Justice

Proposal on the future of Spalding Magistrates' Court

A consultation produced by the Ministry of Justice. It is also available on the Ministry of Justice website at www.justice.gov.uk

About this consultation

- To:** This consultation is aimed at court users, partners, judiciary, staff and other parties with an interest in the provision of local justice arrangements in Lincolnshire.
- Duration:** From 1 July 2014 to 12 August 2014
- Enquiries (including requests for the paper in an alternative format) to:** Helen Downing
6th Floor, Temple Court. 35 Bull Street. Birmingham. B4 6WF
Tel: 0121 681 3246
Email: helen.downing@hmcts.gsi.gov.uk
- How to respond:** Please send your response by TBC to:-
Helen Downing
6th Floor, Temple Court. 35 Bull Street. Birmingham. B4 6WF
Tel: 0121 681 3246
Email: helen.downing@hmcts.gsi.gov.uk
- Additional ways to feed in your views:** For further information please use the enquiries contact details above.
- Response paper:** A response to this consultation exercise will be published at:
<http://www.justice.gov.uk>

Contents

Foreword	3
Executive summary	5
Introduction	6
The proposals	8
Questionnaire	11
About you	12
Contact details/How to respond	113
Impact Assessment	15
Consultation principles	16

Foreword

HM Courts & Tribunals Service is committed to running an efficient and effective courts and tribunals system, which enables the rule of law to be upheld, and provides access to justice for all. As part of our commitment to continue the reform of our estate, HM Courts & Tribunals Service is consulting on a proposal to close Spalding Magistrates' Court. This will provide better value for money for the taxpayer and improve service delivery, whilst maintaining a quality service for court users.

Spalding Magistrates' Court is one of five magistrates' courts in Lincolnshire; the others being at Lincoln, Boston, Skegness and Grantham. It was designed in 1843 and has Grade II listed building status; any repairs and upgrades have to be sympathetic to this and are therefore costly.

The standard of the building is inadequate; the premises are not compliant with the Equality Act 2010, failing to offer disabled access to the courtrooms on the upper floor. In July 2012, HM Courts & Tribunals Service and the Prisoner 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.

To bring the custody suite at the Court up to the required standard for the safety, security and privacy of both prisoners and escort agency staff is around £300,000, a sum greater than the market value of the property (around £200,000). HM Courts & Tribunals Service concluded that this expenditure could not be justified given the low volumes of work involved. As a consequence all remand and custodial cases have been listed at Grantham Magistrates' Court since July 2012.

The decision to stop listing cases at Spalding Magistrates' Court was taken by the Justice Issues Group (JIG) (now the newly formed Judicial Business Group) on 17 September 2013, in order to make efficiencies with the resources available within Lincolnshire. Cases have not been heard at Spalding since January 2014 and the remaining non-custodial work was transferred to Boston Magistrates' Court.

There have been no staff permanently based at Spalding Magistrates' Court since 2010. Boston is fully compliant with Health and Safety regulations. Whilst facilities are already of an excellent standard, work has recently been completed to install a wheelchair lift in courtroom one ensuring that the building is fully compliant with the Equality Act 2010. From January 2014 the magistrates' courts in Lincolnshire were combined into a single Local Justice Area, which allowed work from Spalding to be listed and heard in Boston Magistrates' Court.

HM Courts & Tribunals Service has received no complaints from witnesses or parties travelling to other courts.

This proposal aims to ensure our court estate is used more efficiently and effectively and will mean savings of around £40,000 a year. This consultation seeks the views of local users, judiciary, magistracy, staff, criminal justice agency practitioners and elected

representatives to better understand the impact that this court closure would have on the South Lincolnshire community.

A handwritten signature in black ink that reads "L Garrod". The letters are cursive and slightly slanted to the right.

Lucy Garrod

Delivery Director

Executive summary

Spalding Magistrates' Court was designed in 1843 and is a Grade II listed building. The court has received a steady rate of investment for repairs over the years but the enhancements required to make the court operable have become disproportionate to its usage, and no longer represent value for money for the taxpayer.

A Fire and Security assessment was undertaken in July 2012 which found that the cells were significantly below standard and the custodial facilities were unusable; from which point all custodial cases were listed and heard at Grantham Magistrates' Court.

The court has not listed cases since January 2014 and there are no staff based at this court. Since this time the remaining non-custodial work has been dealt with at Boston Magistrates' Court; this arrangement will continue should the court close following consultation

Boston Magistrates' Court is a two-courtroom modern building which delivers good facilities for court users, magistrates and staff alike. The venue is compliant with all health and safety regulations, and recent installation of a wheelchair lift in courtroom one has ensured the entire building is compliant with the Equality Act 2010. The building also has a secure room available for vulnerable witnesses and secure separate waiting areas for victims and witnesses.

This consultation recommends the closure of Spalding Magistrates' Court to deliver a reduction in costs to HM Courts & Tribunals Service.

Introduction

This paper sets out for consultation the proposal to close Spalding Magistrates' Court. Spalding Magistrates' Court is one of five magistrates' courts in Lincolnshire (the others being at Lincoln, Boston, Skegness and Grantham).

This consultation is aimed at court users, judiciary, court staff, and anyone else with an interest in the provision of local justice arrangements in Lincolnshire.

An Impact Assessment, which indicates the groups that are likely to be particularly affected, is attached. Comments on the Impact Assessment are welcome.

Copies of the consultation paper are being sent to:

Rt Hon. John Hayes MP

Police and Crime Commissioner Lincolnshire, Alan Hardwick

Chief Constable Lincolnshire, Neil Rhodes

PECS representative, Stuart Barnett

Senior Presiding Judge for England and Wales Lord Justice Gross

Senior Presiding Judge of The Midlands Circuit, The Hon. Mr Justice Flaux

Presiding Judge of The Midlands Circuit, The Hon. Mrs Justice Thirlwall

Presiding Judge of The Midlands Circuit, The Hon. Mr Justice Haddon-Cave.

The Resident Judge Lincoln Crown Court, HHJ Mayo.

The Magistrates Liaison Judge, Sean Morris.

Chief Magistrate Judge Howard Riddle

Regional Tribunal Judge, Hugh Howard

Regional Employment Judge, Paul Swan

Chief Coroner, Jim Bradwell

Chair of Magistrates' Association, Tracey Gardiner JP

Chairman of the Lincolnshire Bench, Kevin Moody JP

Chairman of South Lincolnshire Family Panel, Greg Cejer JP

Lord Lieutenant of Lincolnshire, Mr A J Worth

High Sheriff of Lincolnshire, Mr T E D Dennis

JBG Chair, Stephanie Brown

Youth Offending Services representative, Andy Cook

Governor HMP Lincoln, Peter Wright.

NOMS representatives, David Cook and Peter Adey-Johnson

GEO Amey, Sarah Appleton

G4S, Mike Smith

Legal Aid Agency, Paul Darby

Law Society, Richard Miller

Borough Council, Mrs A Puttick

HM Courts & Tribunal Staff at Boston, Grantham and Lincoln Magistrates' Court

Departmental Trade Union Side, Martyn Collins

The Chief Executive of Lincolnshire County Council

Councillor Richard Geoffrey Fairman, Spalding East and Moulton

Councillor Mrs Elizabeth Jane Sneath, Spalding Elloe

Councillor Mr Alan James Jesson, Spalding South

Councillor Mrs Angela Mary Newton, Spalding West

Victim Support, Tracey Stenner

Lincolnshire Probation Trust, Martin Davies

This list is not meant to be exhaustive or exclusive and responses are welcomed from anyone with an interest in or views on the subject covered by this paper.

The proposals

Spalding Magistrates' Court is one of five magistrates' courts in Lincolnshire (the others being at Lincoln, Boston, Skegness and Grantham). Spalding Magistrates' Court has not heard any cases since January 2014.

The need to combine resources to create increased flexibility and in turn improve service delivery within the county resulted in all the remaining non-custodial work being transferred from Spalding Magistrates' Court to Boston Magistrates' Court in January 2014, with no complaints received from witnesses or parties travelling to the court.

The yard for prison vans contravenes the Criminal Justice Human Rights Act (Section 10) as defendants are exposed to private dwellings.

The cost of remedial work to ensure compliance with minimum standards for safety, security and privacy of both prisoners and escort staff were found to be extensive and exceeded the value of the building; HM Courts & Tribunals Service concluded that such expenditure could not be justified.

Boston Magistrates' Court provides an excellent standard of facilities to all HM Courts & Tribunals Service users and has the capability and resources available to absorb the workload.

Workload

Spalding Magistrates' Court has not been in use since January 2014.

The county has experienced a 25% drop in criminal workload, with a drop of 28% at Spalding Magistrates' Court over the past five years.

Courtroom utilisation figures across the region are low, the lowest being 32% at Spalding in 2012/13.

Spalding Magistrates' Court was retained following a previous consultation to close it under the Court Estate Reform Programme (CERP) announced in December 2010. This was mainly due to a strategic review of Lincolnshire courts in 2008-9 which resulted in the closure of five courthouses, many of these had ceased sitting. In addition, the court underwent some refurbishment work in 2009 and was still sitting four days each week.

Accommodation

Spalding Magistrates' Court is a Grade II listed building which is in need of a considerable amount of investment to bring the accommodation to a standard which would enable the delivery of all magistracy proceedings. The court has received a steady rate of investment for repairs over the years, however the enhancements required to make the court operable have become disproportionate to utilisation and the market value of the building.

There is no van dock; this results in cellular vehicles having to park in an insecure yard outside the custody area to load and unload prisoners; which exposes escort agency staff to the risk of injury from the prisoners and interference with prisoners by members of the public. In addition to this, the loading and unloading yard is overlooked by private dwellings, which is a contravention of the Criminal Justice Human Rights Act (section 10).

There is no air lock between exterior and custody, or custody and interview rooms creating further risk of escape.

A Fire and Security Assessment conducted in July 2012 found that the cell facilities are not fit for purpose. It highlighted that the staircase from the custody suite is very narrow, steep and has limited headroom, giving rise to the risk of injury to either officers or prisoners. There is only one handrail and it is too narrow to install a second one to attempt to lessen the risk of fall and injury. Therefore, it is not possible for a prisoner to be handcuffed whilst going up or down the stairs; which increases the risk of a prisoner using violence against an officer or attempting escape. This renders access to courtroom one difficult and there is no direct access to courtroom two. The modifications required to the staircase have been assessed and are complex since they are likely to destabilise the surrounding building structure.

The dock in courtroom one is not secure. The lower section of the dock is made from oak and the joints have relaxed over time, enabling the outer door of the dock to be opened using only moderate force. The gaps between the frames and the glass are extensive on the upper part of the construction; rendering the dock unsafe and insecure.

The witness waiting room breaches fire and security regulations. Court staff have to choose to either breach security regulations and allow access to a secure area of the court housing Magistrates' rooms or to breach Health and Safety regulations by locking a fire door.

The court building layout is restrictive. If courtroom one is in session the building is effectively divided, making it impossible to get from one side of the building to the other without going outside.

The court building is not compliant with the Equality Act 2010. Although disabled court users are able to access the building they are unable to access the court rooms located on the first floor because there is no lift.

There are limited waiting areas available in the building, and the desired segregation of parties can be difficult and is time consuming for staff when collecting and returning witnesses to the court rooms to give evidence.

The receiving venue, Boston Magistrates' Court, is fully compliant with Health and Safety regulations. It has excellent accommodation facilities and work has recently been completed to install a wheelchair lift in courtroom one, making the building fully compliant with the Equality Act 2010.

Boston Magistrates' Court has two courtrooms with separate waiting areas for prosecution and defence witnesses. The building provides improved accommodation for our Victim

and Witness, Probation and Crown Prosecution service colleagues, providing workstations and offices.

Location

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 court users regarding access to justice and journey times is not significant.

Staff Impact

There are no staff permanently based at Spalding Magistrates' Court, therefore there is no staff impact to consider.

About you

Please use this section to tell us about yourself

Full name	
Job title or capacity in which you are responding to this consultation exercise (e.g. member of the public etc.)	
Date	
Company name/organisation (if applicable):	
Address	
Postcode	
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/> (please tick box)
Address to which the acknowledgement should be sent, if different from above	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

Contact details/How to respond

Please send your response by 12 August 2014 to:

Helen Downing
6th Floor, Temple Court
35 Bull Street
Birmingham
B4 6WF

Tel: 0121 681 3246

Email: Helen.downing@HMCTS.gsi.gov.uk

Complaints or comments

If you have any complaints or comments about the consultation process you should contact the Ministry of Justice at the above address.

Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available on-line at <http://www.justice.gov.uk/index.htm>.

Alternative format versions of this publication can be requested from [email/telephone number of sponsoring policy division].

Publication of response

The response paper will be available on-line at <http://www.justice.gov.uk/index.htm>.

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information

we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Ministry.

The Ministry will process your personal data in accordance with the DPA and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Impact Assessment

An Impact Assessment has been published on the Ministry of Justice website (www.justice.gov.uk) alongside this consultation.

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.

<http://www.cabinetoffice.gov.uk/sites/default/files/resources/Consultation-Principles.pdf>

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Alternative format versions of this report are available on request from HM Courts & Tribunals Service, The Midlands Regional Support Unit on 0121 681 3213