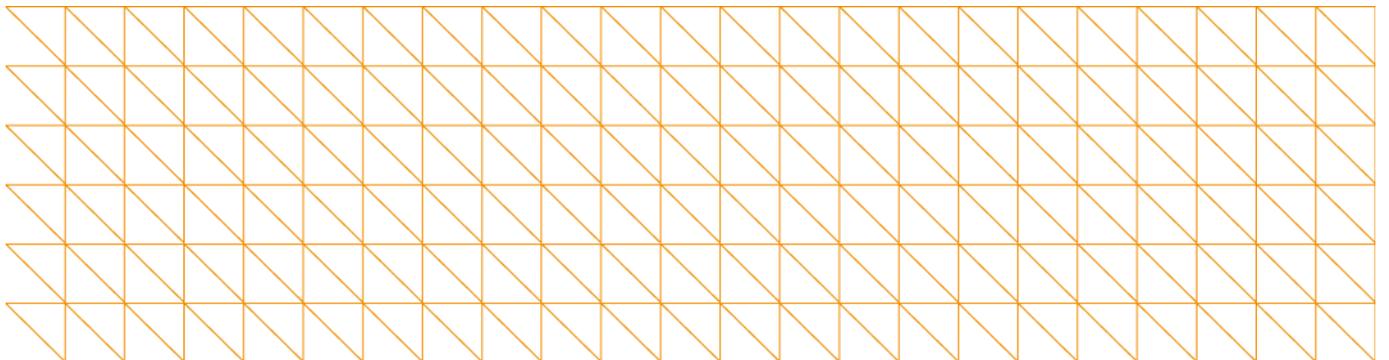


Youth Court Locations in Lancashire

Response to Consultation CP(R) 21/2011

[This response is published on 16 May 2012]



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Youth Court Locations in Lancashire – A response to the Consultation paper.

Response to consultation carried out by Her Majesty's Courts & Tribunals Service, part of the Ministry of Justice. This information is also available on the Ministry of Justice website at www.justice.gov.uk/about/hmcts/index.htm

About this consultation

Duration: From 01 December 2011 to 29 February 2012.

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Introduction and contact details

This document is the post-consultation report for the consultation paper (CP21/2011), "Youth Court Locations in Lancashire".

It will cover:

- The background to the report
- A summary of the responses to the report
- A detailed response to the specific questions raised in the report and the next steps following this consultation.

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

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This report is also available on the Ministry of Justice's website:
www.justice.gov.uk/about/hmcts/index.htm.

Alternative format versions of this publication can be requested from andrew.pogson@justice.gsi.gov.uk or on 01772 272834.

Background

The consultation paper (CP21/2011), “Youth Court Locations in Lancashire” was published on 01 December 2011. It invited comments on the proposal to reduce the number of Youth Courts from 11 to 6.

Youth Courts are currently convened at Accrington, Blackburn, Blackpool, Burnley, Chorley, Fleetwood, Lancaster, Leyland, Ormskirk, Preston and Reedley Magistrates’ Courts.

It has been proposed to have six court sites in the future at the following locations

Central and South West Lancashire Business District:

Ormskirk and Preston to hear cases from Ormskirk and Chorley, South Ribble and Preston Local Justice Areas (LJAs), respectively.

East Lancashire Business District:

Blackburn and Burnley to hear cases from East Lancashire and Burnley, Pendle and Rossendale, LJAs, respectively

Fylde Coast and North Lancashire Business District:

Blackpool and Lancaster to hear cases from the Fylde Coast and Lancaster LJAs, respectively.

The consultation period closed on 29 February 2012 and this report summarises the responses, including how the consultation process influenced the final shape/further development of the policy/proposal consulted upon.

The Impact Assessment was not commented on by those responding to the consultation. Therefore the consultation stage Impact Assessment has not been revised.

A list of respondents is at Annex A.

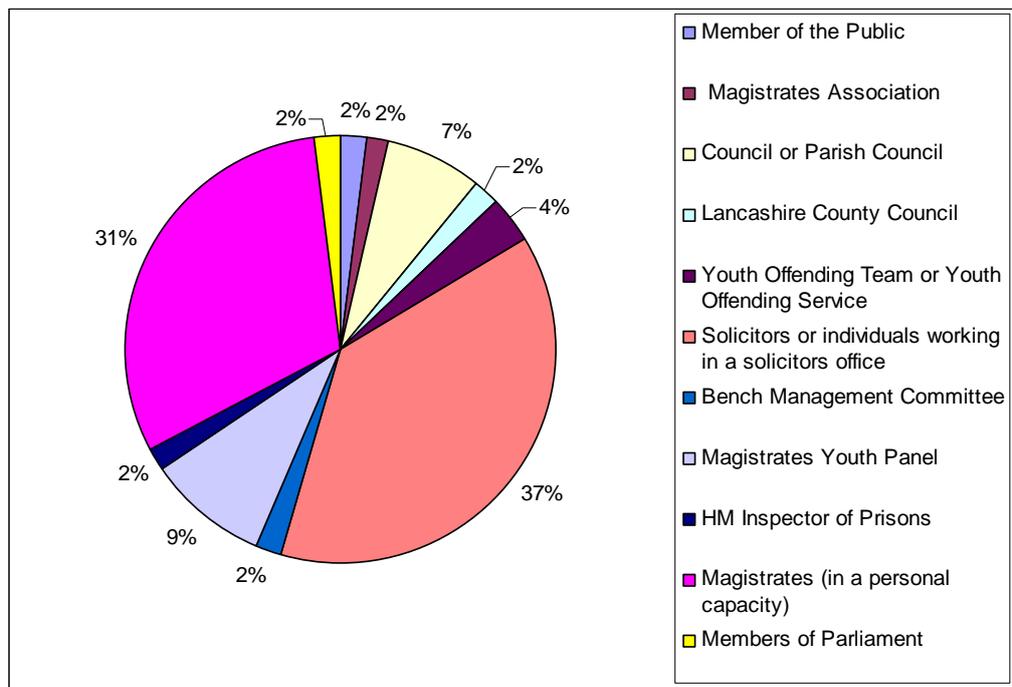
Summary of responses

A total of 60 responses to the consultation paper were received. (Annex 'A').

Type of Respondent ¹	Number of Responses
Member of the Public ²	1
Magistrates Association (Lancashire Branch)	1
Council or Parish Council	4
Lancashire County Council	1
Youth Offending Team or Youth Offending Service	2
Solicitors or individuals working in a Solicitor's office	21
Bench Management Committee	1
Magistrates ' Youth Court Panel	5
HM Inspector of Prisons	1
Magistrates (in a personal capacity)	17
Members of Parliament	1
Deputy Justices' Clerks	1
Crown Prosecution Service	1
Lancashire Constabulary	1
Lancashire Probation Trust	1
Prisoner Escort and Custody Services	1
Total	60

¹ Definition as indicated by the respondent.

² One respondent indicated that he was a 'Member of the Public'. However, it should be noted that he is a Magistrate on the Chorley Bench.



Origin of responses across Lancashire

Responses were initially analysed with regard to the specific questions raised in the consultation paper. Subsequently, responses were analysed to consider the geographical location of those favourable or opposed to the proposals and the profession or interest of those favourable or opposed to the proposals. Finally, the issues raised by respondents under question 3 (*What impact would such proposals have on you or your organisation?*) were considered thematically and in conjunction with the comments made in response to questions 1 and 2.

The purpose of this analysis was to identify firstly where, geographically, the proposals are opposed or supported. Secondly, the analysis identified groupings of respondents (based upon their identification of themselves in the questionnaire responses) who particularly supported or opposed the proposals. Finally, the analysis considered the themes raised by all the respondents to identify the most consistent themes in support or opposition to the proposals.

It should be noted that a complaint was received from a member of the public (see footnote 2) regarding the conduct of this consultation exercise. The complaint stated that the Consultation Document had not been circulated to Members of Parliament in Lancashire and Parish Councils. It was argued that because of this, the Consultation Paper should be re-issued and the consultation should be re-run.

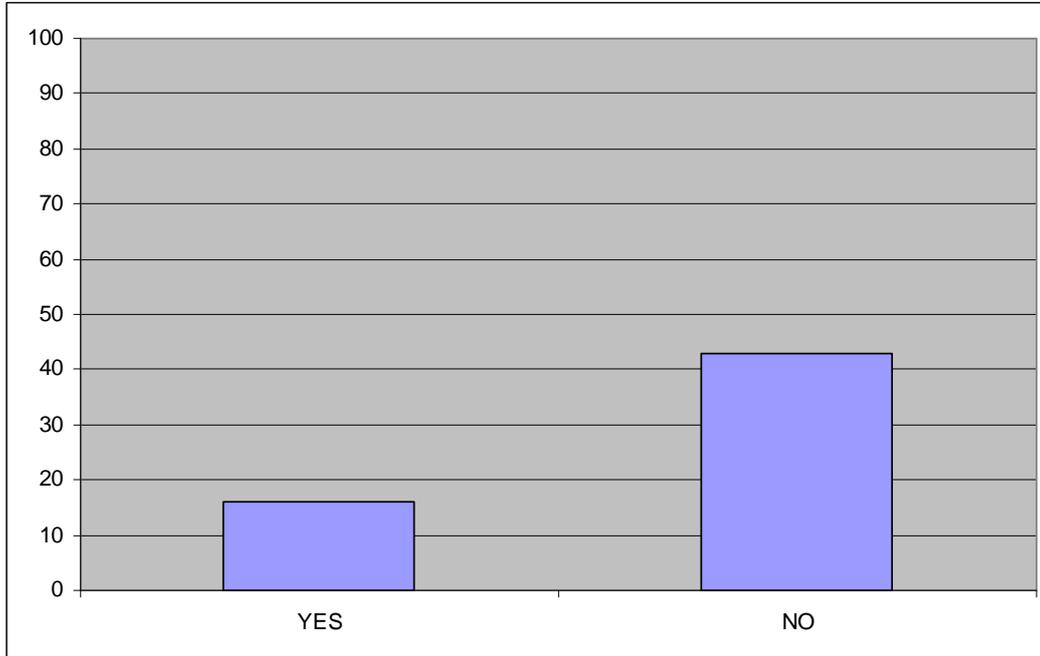
Members of Parliament were sent a copy of the Consultation Document, although it is acknowledged that an administrative error meant that these copies were dispatched late. An appropriate apology has been issued and each Member of Parliament was asked whether this would affect their ability to consult their constituents appropriately. Each was also offered the opportunity to meet with the Justices' Clerk for Lancashire to discuss the proposals. No Member of Parliament has indicated that they required additional time to consult or comment on the document. They did not avail themselves of the offer to meet with the Justices' Clerk.

With regard to the Parish Councils, HMCTS is satisfied that Parish Councils are not directly involved in issues of Youth Offending in Lancashire. This is the

purview of Lancashire County Council and the Unitary Authorities through their Youth Offending Teams (YOTs), who were sent a copy of the Consultation Document. There are 204 Parish or Town Councils in Lancashire, 10 Borough Councils and 2 City Councils (as of November 2011). In distributing the consultation paper, HMCTS has sought to ensure that those most likely to be affected or interested in the proposals have received a copy. Given that Parish Councils have no role in dealing with the issues of Youth Offending, and none has previously expressed an interest in the disposition of Youth Courts throughout Lancashire, it was not felt necessary to send a copy of the consultation paper to them directly. This does not mean that these councils were disenfranchised, as they were able to access and respond to the paper in the same manner as other respondents.

Responses to specific questions

Question 1. Do you agree with the proposal to reduce the number of Youth Court venues from eleven to six?

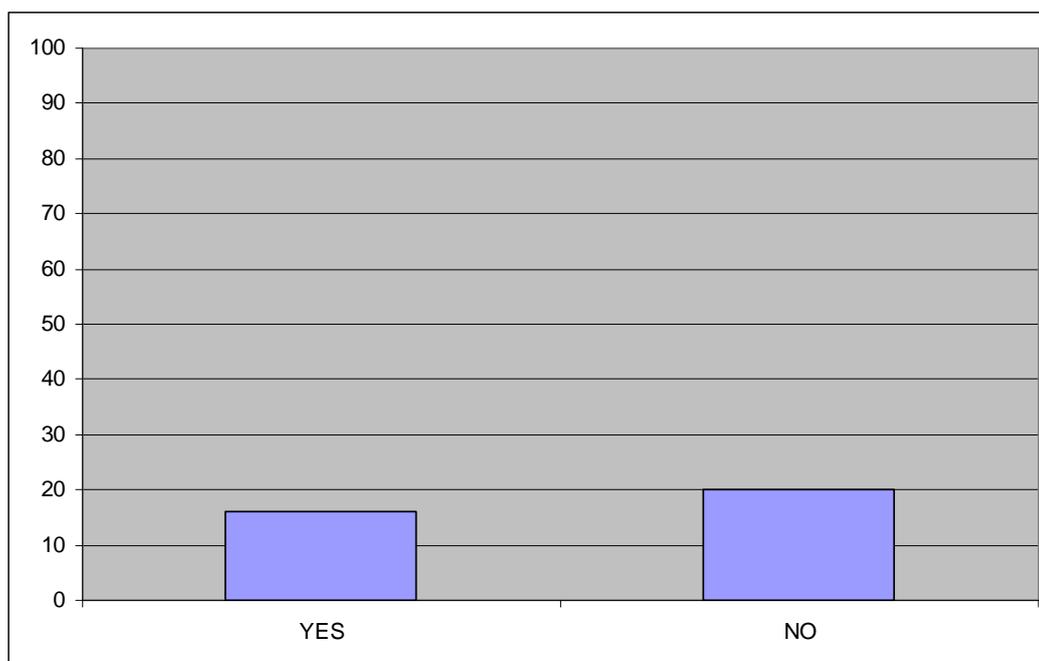


Overall Responses received

16 respondents (26.6%) responded to this question by stating that they agreed with the proposals. 43 respondents (71.6%) indicated that they did not agree with the proposals. One respondent (1.6%) asked that HMCTS consider specific points in making the decision, but did not indicate either agreement or opposition.

Members of several organisations contributed to a response from that organisation, but also contributed responses in a personal capacity. The employees of one organisation submitted individual responses rather than a collective response from the company.

If each person, or organisation were to have the opportunity to comment only once on the proposals, the result would be as below.



Overall Responses received modified to remove 'duplicate' responses

If the responses were so modified, 20 respondents would oppose the proposals, compared to 16 who supported them with one respondent not specifying support or opposition. .

Question 2. Do you agree that the six hearing centres should be; Blackburn, Blackpool, Burnley, Lancaster, Ormskirk and Preston?

16 respondents (26.6%) responded to this question by stating that they agreed with the proposals. 43 respondents (71.6%) indicated that they did not agree with the proposals and one respondent did not specify whether they supported or opposed the proposals. If the proposals were modified as in question 1, the results would be identical. .

Question 3 What impact would such proposals have on you or your organisation? (Please provide details)

Responses to this question and the comments provided in addition to questions 1 and 2 are set out in the Table that follows and discussed below.

Analysis of the Responses – Opposition to the Proposals

Geographical location (residence, area of responsibility or Bench)	Nationwide Organisations	County wide Organisations	Chorley Bench	Burnley Bench	South Ribble Bench	East Lancs Bench	Ormskirk Bench	Preston Bench	Fylde Coast Bench	Other
Type of Respondent										
Member of the Public			1							
Lancashire Branch of the Magistrates Association		1								
Council or Parish Council			4							
Lancashire County Council		1								
Youth Offending Team or Youth Offending Service		1								
Solicitors or individuals working in a solicitors office			18		1					
Bench Management Committee			1							
Magistrates' Youth Court Panel			1		1					
HM Inspector of Prisons										
Magistrates (in a personal capacity)			12					1		
Members of Parliament										
Deputy Justices' Clerks										
Crown Prosecution Service										
Lancashire Constabulary										
Lancashire Probation Trust										
Prisoner Escort and Custody Services										
Total	0	3	37	0	2	0	0	1	0	0

The majority of responses opposing the proposals originated in the Chorley area. The greatest type of respondents opposing the proposals are Solicitors or those working in Solicitors' offices. Forbes Solicitors of Chorley submitted 14 responses from individual members of staff, with identical contents. The other Solicitors' offices who responded to the consultation put in one response from their entire office. If the response from Forbes was treated in the same way, only 5 Solicitors' practices would oppose the proposals.

The second highest type of respondent to oppose the proposals were Magistrates, twelve out of the thirteen respondents being members of the Chorley Bench. The Chorley Bench Management Committee and the Chorley Youth Court Panel also opposed the proposal. Of the twelve Magistrates who responded individually, seven sit on the Youth Panel, the Bench Management Committee (BMC) or both. As such, some have had the opportunity to express their views threefold, via the BMC, the Youth Panel and as individuals.

Other respondents opposing the proposals included one Magistrate from the Preston Bench and the South Ribble Bench Youth Court Panel. There was no opposition from the Burnley Pendle and Rossendale Bench, the East Lancashire Bench, the Ormskirk Bench or the Fylde Coast Bench,

Lancashire County Council and the Lancashire Youth Offending Team (LYOT) also submitted responses opposing the proposals which will be discussed later in this paper.

The Lancashire Branch of the Magistrates Association also opposed the proposals, citing concerns that no financial savings had been identified in the Consultation Paper, that transport issues were a concern for both Magistrates and defendants as well as questioning whether witnesses, or vulnerable individuals would be willing or able to travel. The Branch suggested that Chorley Magistrates' Court should remain "open several days a week to hear youth matters". These comments were reflective of many of the specific comments relating to that area, particularly from Magistrates and each issue is discussed below.

HM Inspector of Prisons was the only national organisation to raise concerns. However the letter from the Chief Inspector, Nick Hardwick, does not specifically say whether the Inspectorate opposes or approves of the proposals. Therefore this response has not been counted as either for or against the proposals. His letter simply asks that HMCTS take specific issues into account when making a decision and these are discussed later in this paper.

Analysis of the Responses – Support for the Proposals

Geographical location (residence, area of responsibility or Bench)	Nationwide Organisations	County wide Organisations	Chorley Bench	Burnley Bench	South Ribble Bench	East Lancs Bench	Ormskirk Bench	Preston Bench	Fylde Coast Bench	Other
Type of Respondent										
Member of the Public										
Lancashire Branch of the Magistrates Association										
Council or Parish Council										
Lancashire County Council										
Youth Offending Team or Youth Offending Service									1	
Solicitors or individuals working in a solicitors office						1		1		
Bench Management Committee										
Magistrates' Youth Court Panel						1	1	1		
HM Inspector of Prisons										
Magistrates (in a personal capacity)				1		2		1		
Members of Parliament										1
Deputy Justices' Clerks										1
Crown Prosecution Service		1								
Lancashire Constabulary		1								
Lancashire Probation Trust		1								
Prisoner Escort and Custody Services	1									
Total	1	3	0	1	0	4	1	3	1	2

Nationally, the Prisoner Escort and Custody Services responded to say that they supported the proposals. Three County wide organisations support the proposals and three oppose them. Support on a County level is from key Criminal Justice Service partners, the Crown Prosecution Service (CPS), Lancashire Constabulary and Lancashire Probation Trust.

Respondents from the Fylde Coast Bench, Preston Bench, Ormskirk Bench and East Lancashire Bench supported the proposals.

An overview, (not taking into account the weighting of individuals responding in more than one capacity) is given below. It indicates that no respondents opposed the proposals on the Fylde Coast Bench, the Ormskirk Bench, the East Lancashire Bench or the Burnley Bench. On the Preston Bench, one respondent opposed the proposal whilst three supported them. No respondents supported the proposals on the Chorley Bench.

Geographical location (residence, area of responsibility or Bench)	Nationwide Organisations	County wide Organisations	Chorley Bench	Burnley Bench	South Ribble Bench	East Lancs Bench	Ormskirk Bench	Preston Bench	Fylde Coast Bench	Other
Total (Support)	1	3	0	1	0	4	1	3	1	2
Total (Opposition)	0	3	35	0	2	0	0	1	0	0

Specific Comments on the Proposals – Opposition to the proposals

Each response to the consultation paper was carefully considered and recurring themes were identified. It should be noted that the majority of responses cited more than one concern regarding the proposals and therefore the number of themes is not proportionate to the number of respondents. The major themes were;

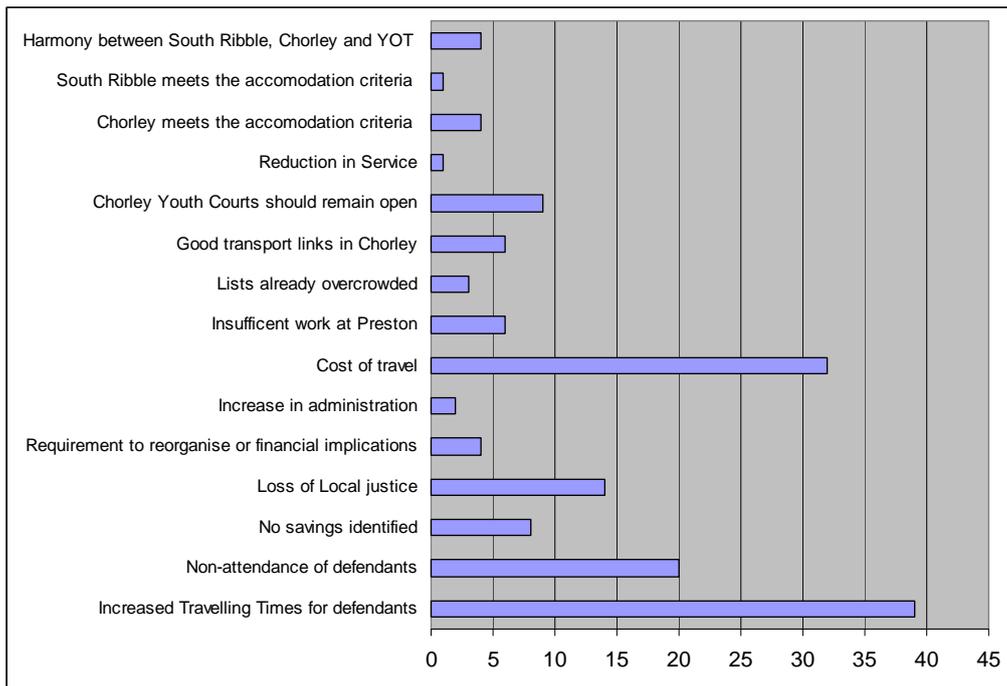
Travelling time. The majority of respondents who opposed the proposals expressed concern regarding the length of time defendants would travel and the inconvenience, particularly if they had other children to accommodate. Other comments noted that the time of Magistrates would be used travelling.

Travelling expense. The majority of responses which opposed the proposals expressed concern that defendants and their families would incur the cost of travel, particularly from South-West Lancashire to Preston. Other concerns expressed were that Magistrates would incur costs of travelling and parking, which would be passed to the tax payer. An argument, raised by six respondents was that Chorley had excellent transport links.

Non-Attendance. It was argued by respondents opposed to the proposals that the more remote Youth Courts were made, the more likely that defendants would not attend hearings, or, as argued by the Lancashire Branch of the Magistrates' Association, that witnesses might not attend.

Loss of 'Local Justice'. It was argued by respondents opposed to the proposals that the centralisation of Youth Courts would result in a loss of 'local justice' and

local knowledge. Several respondents emphasised the need for young defendants to be dealt with in their local communities.



Themes by number of times mentioned by respondents

No Savings. A number of respondents opposed to the proposals argued that no savings would be made by the proposals, or that the consultation document did not lay out how savings would be accomplished.

That Chorley should retain Youth Court Work. A number of respondents opposed to the proposals simply stated that a Youth Court should be retained at Chorley. Suggestions included that Preston should reduce Youth Courts by one day a week to allow Youth Courts to sit at Chorley, or by two days per week to allow Youth Courts to sit at Chorley and South Ribble. A counter-proposal was for Youth work to cease at South Ribble Magistrates' Court and for that work to be transferred to Chorley. Four respondents commented that the facilities already existed at Chorley to run Youth Courts, whilst one respondent stated the same about South Ribble.

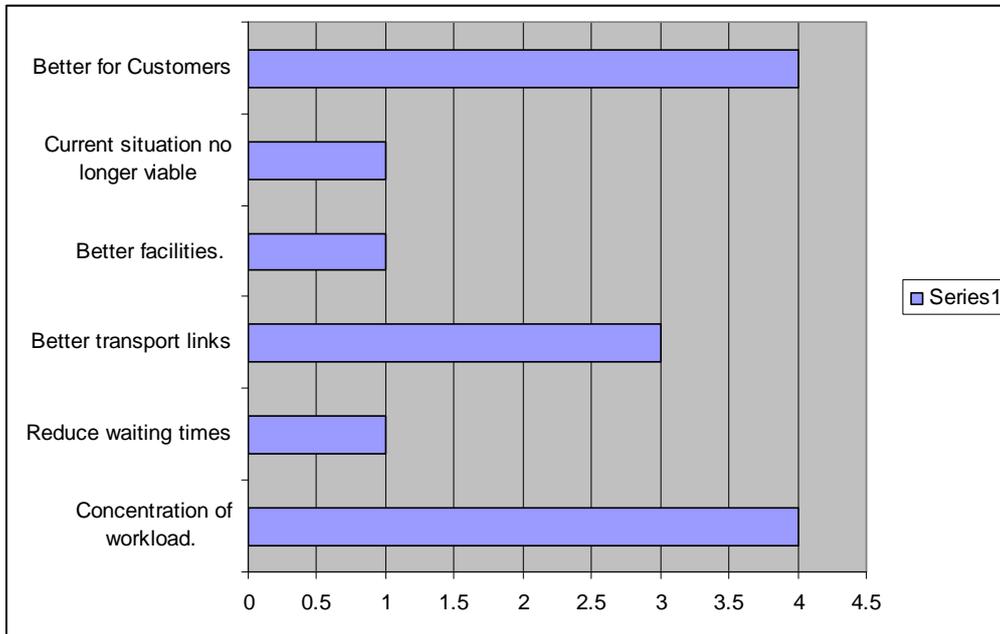
Other themes included the suggestions that there was currently not enough work to justify centralising Youth Courts, specifically at Preston. Three respondents argued to the contrary, stating that lists were currently full and therefore Preston Magistrates' Court could not list new cases.

Four respondents stated that the proposals would require them to reorganise internally or have a financial implication for them. one of these respondents was the Lancashire Youth Offending Team (LYOT) These issues are specifically discussed below.

Four respondents who opposed the proposals noted that Chorley, South Ribble and the local Youth Offending Teams had established harmony. One respondent said that the proposals would result in a diminution of the service provided by HMCTS, whilst two stated that it would increase administration.

Specific Comments on the Proposals – Support for the proposals

Again, the major themes from those supporting the proposals are referred to below. These were;



Themes by number of times mentioned by respondents

Better for Customers. Four respondents who supported the proposals indicated that they would make their work easier or less expensive, or that they felt that customer service would be increased by the proposals.

Concentration of workload. Four respondents who supported the proposals commented that they felt that the concentration of youth work would permit better listing practices or expertise amongst Magistrates.

Better transport links. Although the theme of cost and length of transport links was a strong theme in responses which opposed the proposals, three respondents who supported the proposals considered that they would result in Courts being more accessible.

Other themes cited by those who supported the proposals included a view that the current disposition of Youth Courts was not viable, that the proposals would reduce waiting times and that the proposals would result in better facilities being available.

Although supportive of the proposal, Blackpool Youth Offending Team (YOT) expressed reservations regarding the pressure on Court lists and on the facilities provided to the YOT. They suggested that custody cases be listed in the morning to ensure that defendants would not have to travel late at night and overrun normal office hours. The response highlighted that courts overrunning requires YOT staff to work late and impacts on court staff.

The Lancashire Constabulary responded that they were in favour of the proposals because of the centralisation of Youth Court expertise, as well as the convenience for CPS and YOT of attending fewer and more centralised venues.

Assessment – Opposition to the proposals

Travelling Time and Expense

The greatest number of respondents who opposed the proposals cited concerns that the proposals will increase travelling time and expense for defendants.

It might be argued that defendants will have to travel further if the number of Youth Court venues is reduced, but equally it might be argued that this is necessarily not correct. For defendants living in Hoghton, Preston is circa 5.7 miles away, whilst Chorley is circa 7.8 miles away. Similarly, from Bretherton, Chorley is circa 8.5 miles away whilst Preston is circa 8.3 miles. Clearly, there will be situations where the courts are equidistant or where the proposed youth venue in Preston is actually closer to the defendant. It cannot be argued that every defendant will have to travel further if Youth Courts are not held at Chorley, although clearly some will.

There is, therefore, the question as to whether this additional commute would place an unreasonable burden upon court users and Magistrates. By car, the distance between Preston and Chorley is circa 10 miles, with journey duration of circa 23 minutes. Parking in Chorley costs £2.40 for four hours (Farrington Street car park) whilst it is £3.00 in Preston (Market Hall car park, which is opposite the Magistrates' Court).

Although some respondents highlighted the issue that if Magistrates were required to pay for parking, this would be passed to the tax payer, there is adequate parking available at Preston Magistrates' Court to accommodate them for free.

With regards to public transport, Chorley has 13 bus services connecting it to Preston, taking between 30 minutes from Chorley Interchange to Preston Bus Station (X25 and X8), and 51 minutes (109). Buses depart as early as 05.25 from Chorley, (125) arriving at Preston at 06.06. In rush hour, there is a bus every 10 minutes departing Chorley Interchange for Preston. Cost of a return ticket for an adult is between £8 and £9.

The train service between Chorley and Preston is frequent, with a minimum of three services per hour and the journey taking between 11 and 16 minutes. The earliest train departs at 06.31 and arrives at Preston at 06.42. Cost of a single, standard open ticket for an adult is £5 (or £5.90 return). For children a single open standard ticket is £2.50, with an open return costing £2.95.

Six respondents, including the Chorley Youth Court Panel contended that Chorley had excellent transport links and therefore the Youth Court should be retained. It was noted that Chorley had good transport links to the M65 the M6 and the M61, that the bus and train stations were close to the town centre, and that there were inexpensive car parks in the town centre close to the court. These are equally valid arguments that travel to Preston from Chorley (M6, M65 and M61) is relatively easy, or that defendants could park in the centre of Chorley and board a bus or train from a convenient stop in the town centre.

The Chorley Youth Court Panel also argued that some buses from outlying areas were irregular and that the cost of an additional journey to Preston might

be prohibitive for some families. Buses to outlying villages may be irregular.³ However, once a defendant has reached Chorley, there is a regular service to Preston. Any issue with an irregular service from outlying villages to Chorley is one that will apply irrespective of where the Youth Court is sited.

There is no empirical evidence that demonstrates that defendants would be substantially affected, if these proposals were introduced. For those closer to Preston, it would be a benefit, for those further away, and assuming that they would travel through Chorley, it would mean additional expense of less than £9 for both parent and child.

Failure of Defendants to appear

20 Respondents who opposed the proposals expressed the view that the more remote Youth Court venues were made, the less likely it was that defendants would attend for trials. The Lancashire Branch of the Magistrates' Association further suggesting that witnesses might also not appear. No evidence has been provided to support this contention and it is difficult to prove or disprove. Those defendants who do not attend court do not, routinely, give inconvenient journey/travelling distance as a reason why.

Admittedly, for some, the reason may be that they do not wish to make the effort to attend court and it could be argued that the greater the journey to the court, the more likely that they will not attend. However, a counter argument is that if a defendant or witness, is unwilling to make the effort to go to court, the distance is immaterial. If the consequences of not attending are of so little concern to them, then they will simply not attend irrespective of how close the venue physically is to them.

Even if these proposals are adopted in Lancashire, the disposition of Lancashire Youth Courts is not excessive. The distance⁴ between Ormskirk and Lancaster is circa 48.7 miles, with Youth Courts at Preston and Blackpool in between. The distance from Blackpool to Burnley is circa 43.3 miles with Courts at Preston and Blackburn along the route of the M65 or the Trans Pennine rail line.

Under the proposals, almost all of Lancashire will be no more than circa 10 miles from a Youth Court venue. This might be compared to the South West of England, where the distance between the Youth Courts at Barnstaple and Exeter are circa 54.6 miles and there are no other Youth Courts between them. The Youth Court at Truro covers the mainland westwards towards Lands End, a journey of circa 37.6 miles from St Levan on the Cornish Coast. In Cumbria, Youth Courts sit at Carlisle, Workington, Barrow and fortnightly at Kendal Magistrates' Courts. The closest courts are Carlisle and Workington, which is a journey of circa 32 miles⁵, followed closely by Kendal and Barrow which is a journey of circa 34 miles. In comparison to both the South West and, more locally to Cumbria, the distance that defendants will have to travel in Lancashire is significantly less.

³ (Although it should be recalled that a July 2010 omnibus survey (tns) of 977 people showed that only 116 had used the courts in the last five years and only 18 per cent of them had used public transport to get there on their last visit.)

⁴ Taken from the RAC Routeplanner

⁵ Taken from the RAC Routeplanner

Clearly, Youth Courts at a greater distance are considered practicable in other parts of the country and do not present as a significant deterrent to defendants from attending, as required. It seems unlikely that these proposals will make Youth Courts truly remote or deter only those who would probably not attend in any event.

Loss of 'Local Justice'.

Those who commented on the loss of local justice clearly felt strongly that Youth Courts benefitted from *"local justice being administered by local people with local knowledge which they can use in assessing evidence and sentencing"* (comment by Chorley Youth Court Panel). It should be acknowledged that 'local justice' has long been an important tenet of the Magistracy, although it should be recognised that given the fluid nature of modern life, Magistrates may now commute some distance from their home or workplace to sit on a Bench.

. Should these proposals be adopted, Youth Court work would, to some degree, be centralised. However in practical terms, the provision of justice would still be 'local' with cases heard at Ormskirk and Preston, Blackpool and Lancaster, Burnley and Blackburn. As aforementioned for the majority of Lancashire, the distance to a Youth Court would be no more than circa 10 miles.

In addition, although Justices from Chorley, Fleetwood, Leyland and Reedley might sit at a court a few miles from where they currently sit, their experience and knowledge of 'local' area would be undiminished and they would be able to apply it to the cases on which they sit. Were the proposal to have only Magistrates from one area considering cases, the argument of 'local justice' may be considered to have some merit. However, the membership of the Youth Court Benches may be combined and the members' local knowledge, will, in such circumstances, not only be retained, but developed, as any newly combined Youth Court Bench covers cases from a wider catchment area.

No Savings

It was argued that the original consultation paper did not detail how savings would be made or quantify the amount that would be saved.

It must be acknowledged that the paper refers to *"where potentially savings can be made by concentrating that work at fewer sites"* but does not give specific, detailed figures regarding exactly what these savings would be.

If these proposals are implemented, without alteration, a total of 175 sitting days across the county will be saved. In other words, Youth Courts would not be convened at the courts from which the business would be transferred. It is not proposed that any additional courts would be convened at the courthouses where the business would be transferred. Rather it is expected that the transferred work will simply be absorbed in the scheduled lists. This arrangement results in consequent savings and also inherent benefits that this greater efficiency will bring not only to HMCTS but other Criminal Justice Service Partners, who would otherwise have to service these courts. Manning fewer Youth Courts at fewer courthouses will inevitably result in economies of scale.

Aspects of court work are always difficult to quantify in monetary terms. However, clearly better listing practices, such as having a fuller list of cases to place before a Bench, is more efficient. As the number of Youth Court cases has declined, both nationally and within Lancashire, there is a clear argument

that those sittings that are to be held, should be held in the facilities best suited to hold them, provided that this is done with due regard to public service. The fact that the proposal does not specifically cost each and every factor does not automatically make it a poor or unworkable proposal.

That Chorley should retain Youth Court Work

It was suggested that Youth Court work should be retained at Chorley, with the Chorley Youth Court Panel specifically suggesting that Preston hold Youth Courts on a Monday, Wednesday and Friday, Chorley holding them on a Tuesday and Ormskirk on a Thursday. The panel felt that this would retain the 'local justice' element of the Magistracy and be more convenient to business users. Other respondents suggested that the facilities already existed at Chorley and South Ribble to run Youth Courts, whilst it was also suggested that South Ribble Magistrates' Court should close to Youth work and the work be transferred to Chorley.

HMCTS has carefully considered these points; however there are limitations on the courts' estate. At Chorley, the Youth Court sits in Courtroom 3. However, that court room has no facilities to take youths from custody and therefore these youth cases have to be heard in Court Room 1, which is an adult court.

Leaving aside the fact that it is undesirable to hear youth cases in an adult court, this results in the bench having to move between courts in order to deal with those cases on the list. South Ribble Magistrates' Court has no custody facilities and, therefore, cannot hear these cases at all. Such cases are transferred to Chorley. At Preston, there is a dedicated Youth Court with custody access.

The fact that there are no custody facilities at South Ribble Magistrates' Court means that cases involving video link for vulnerable or intimidated witnesses are already moved to Preston automatically, where there is a full video link suite. Chorley has no video link facility at all and, therefore, again cannot hear these cases.

Chorley already sits one day a week on Youth Court cases. However, the proposal that this day be retained does not consider that there are no separate facilities for Youth Courts at Chorley Magistrates' Court and in order to list youth cases separately from adult cases, the court does not simultaneously list adult cases on the same day. This would not change if South Ribble Magistrates' Court was to close for Youth Court purposes and the work transferred to Chorley. Inevitably, the inability to hold Youth and Adult Courts simultaneously leads to inefficient listing practices and courts standing empty. When the Youth Court finishes early, which happens frequently and is likely to increase as the number of youth cases are affected by out of court disposals, the Bench are released early for want of cases, which is not an efficient use of their or the court's time. Furthermore, the facilities for youth cases are not ideal, as defendants congregate in a corridor outside the court room adjacent to a staff area. This position contrasts with Preston Magistrates' Court, which has separate access to the Youth Court, separate waiting areas, interview facilities and toilets (including disabled). As the Youth Court suite is separate to adult trials, both types of court can be run together and it is practice that if the Youth Court list ends early, the Bench is able to move to adult work and maximise their own time and the courts' effectively. Continuing to hold courts at Chorley and South Ribble Magistrates' Courts, whether on a Tuesday, a Wednesday or the transfer of work from South Ribble to Chorley, will not ameliorate the

difficulties resulting in the fact that both courts are routinely closed for adult court work to accommodate this business.

For these reasons, HMCTS believes that it is not practical to transfer the youth work currently undertaken at South Ribble Magistrates' Court to Chorley. The Lancashire Branch of the Magistrates Association expressed concern that witnesses might not be willing to travel if these proposals were adopted. However because of the limitations imposed by the buildings at Chorley and South Ribble, the most vulnerable of witnesses already travel to Preston for their hearings. Any proposal to rotate work through the courts does not consider the practicalities of the estate, which are that neither Chorley nor South Ribble Magistrates' Courts are designed or capable of holding both Youth and Adult Courts simultaneously. As such, it is more efficient to hold Youth Courts at more central points with appropriate facilities.

Insufficient or excessive work at Preston Magistrates' Court

Respondents opposing the proposals stated that Preston Magistrates' Court were too full to accommodate Youth Work from other areas, whilst other respondents argued that there was insufficient work to justify moving Youth Court work to Preston.

However none of the respondents provided any empirical evidence to demonstrate the merits of their arguments. HMCTS has undertaken an analysis regarding workloads at Preston and whether the Court could accommodate additional Youth Work. The figures indicate that this is the case and are attached at Annex 'B'.

Lancashire Youth Offending Team (LYOT)

Lancashire Youth Offending team (and Lancashire County Council) submitted a lengthy response to the consultation, which referred to many of the issues discussed above, such as the defendant's ability to attend court and the inherent costs in doing so. The LYOT also raised concerns regarding accommodation at Blackburn, Burnley, Preston and Blackpool Magistrates' Court. Generally, these concerns recognised that accommodation was provided to the LYOT at each venue, but felt that additional accommodation would be required if the proposals were implemented. The LYOT also noted that they would need to re-evaluate their staffing provision at each of the proposed court sites to accommodate the increased workload.

HMCTS undertake to have discussions with the LYOT regarding additional accommodation, if it is found to be necessary following implementation of these proposals. It is recognised that facilities at some current Youth Court venues, in terms of interviewing facilities and meeting rooms, are less than ideal and that there may be room for their improvement. Arguably, the proposed sites offer better facilities and the opportunity, where practicable and appropriate, for the LYOT to consider liaison and developing Shared Services at Youth Court hearing centres with unitary YOT teams in Lancashire. However the LYOT was the only significant Justice partner to raise issues regarding the proposals. The CPS and Lancashire Constabulary being in favour. As such, and recognising that the concerns of the LYOT in terms of accommodation should be addressed, HMCTS has concluded that these proposals are viable.

HM Chief Inspector of Prisons

The Chief Inspector of Prisons, Nick Hardwick CBE, was kind enough to write regarding the proposals and his letter does not directly state whether the inspectorate endorses or opposes the proposals. It acknowledges the need to make savings and establish efficient services, but asks that HMCTS take into account the travelling times for young people being taken to, or brought from custody. He highlights that it is a frequent complaint from young people that they spend unnecessarily long periods of time at court and concerns regarding late arrival at establishments.

HMCTS would expect that, if these proposals are adopted, escorting of young people to and from custody would present less of a challenge. Rather than a need to service eleven court sites, transport would be required to only six court sites, all of which are conveniently placed close to major motorways. It should be noted that the Prisoner Escort and Custody Services endorses the proposal and does not feel that there would be any adverse impact upon the transport of defendants to or from custody.

In addition, as hearings are concentrated at well equipped courts with all the required facilities, the listing and disposal of cases would also be more efficient. HMCTS considers that these proposals are likely to decrease time wasted by both courts and defendants.

At the present time HMCTS, through a listing protocol with, amongst others, the Youth Court Magistrates in Lancashire seeks to ensure that the cases of youths who appear before the court from custody are given appropriate priority, along with those minority of youths' cases, who are likely to be remanded into custody or be sentenced to a Detention and Training Order.

Of the remaining issues raised, four respondents noted that Chorley, South Ribble and the local Youth Offending Teams had established harmony. One respondent said that the proposals would result in a diminution of the service provided by HMCTS, whilst two stated that it would increase administration.

Doubtlessly, the Chorley, South Ribble and the local Youth Offending Teams work well together and have a productive relationship; however there is no reason why this should change if all Youth Courts were held in Preston. There are dedicated LYOT offices at Preston Magistrates' Court to enable a smooth transition.

None of the respondents who commented that the proposals would result in a diminution of the service provided by HMCTS, or an increase administration gave any specific evidence to support this argument. Adoption of the proposals would allow for easier and more effective listing, greater access to dedicated facilities and better use of judicial time. It is estimated that 175 days of judicial time will be saved by not having courts convened at various locations, if these proposals are implemented.

Assessment – Preference for the proposals

Better for Customers

Those respondents who felt that the proposals were better for customers included the East Lancashire Youth Court Panel, which identified that holding Youth Courts at four sites across the district had created listing difficulties and had prompted complaints from Youth Offending teams, the CPS and advocates. They particularly noted that the split of business between Reedley and Burnley often meant that if one site finished early, the Panel was unable to assist their colleagues. That Youth Court Panel felt that holding one youth court was a sensible solution.

Concentration of workload

Amongst those who supported the proposals, there were four comments that youth cases being held in one location would assist, because it would ensure that Youth Court Panel members had a greater ability to meet their minimum sittings and for lists to be fully utilised. Lancashire Constabulary felt that six hearing centres would permit CPS and YOT to concentrate on attending courts with full lists, rather than remote courts, with only a small number of youth cases.

Better transport links

Although arguments that transport links were poor formed a strong opposition to the proposals, Ormskirk Youth Court Panel commented that “the proposed sites would seem sensible, geographically and have good transport links.” Lancashire Probation Trust similarly commented that “accessibility and transport links are good”. East Lancashire Youth Court Panel felt that in their area, the proposals made for easier access to the courts on public transport and recommended that the proposals be implemented immediately.

Of the other comments which supported the proposals, there was recognition of the efficiencies that the proposals could bring and these were accepted without the need to quantify specific costs across all areas.

Conclusion and next steps

HMCTS has looked in considerable depth at the issues raised by the consultation paper. Broadly, the proposals are favoured across the county, with the exception of Chorley, where responses to the proposals clearly indicated a preference to retain Youth work at Chorley Magistrates' Court.

The proposal from the Chorley and South Ribble Youth Court Panels that Chorley Magistrates' Court should be retained as a Youth Court venue and that the South Ribble Youth Court business could be transferred to Chorley Magistrates' Court, if Leyland Magistrates' Court is to be closed for the reception of this business, instead of the proposed transfer of it to Preston Magistrates' Court is rejected on the basis of its impracticability.

None of these issues individually or collectively is accepted as affording good reason to depart from the original proposals in that Business District. It is accepted that if cases move from Chorley to Preston, then some defendants and their families will incur some additional cost. However this is likely to be less than £10, and for those living closer to Preston than Chorley, the move may well be beneficial.

Whilst the argument regarding 'local justice' can be an emotive one, it must be balanced with the need for the delivery of an effective and efficient provision of service to meet the needs of the local community at hearing centres that are reasonably proximate to local neighbouring townships. Such townships will still be served by a local justice service.

In conclusion, HMCTS considers that the Lancashire Youth Justice System can best be served through the creation of six hearing centres instead of the present number and, therefore, the initial proposals are adopted as representing the best way forward to meet the needs of local communities and Youth Court users, whilst at the same time keeping public expenditure down to a level that better matches the needs of a reducing workload in the Youth Courts across the county, in accordance with HMCTS's primary goals.

The proposals will be implemented as soon as practicable, following any necessary further collective consultation, through Court User Groups, and appropriate direct discussions with key Youth Justice stakeholders by developing a suitable timetable with a provisional operative date for implementation across the whole of Lancashire being no later than the 1st July, 2012. However, the proposals may, if appropriate, be implemented at an earlier date provided a consensus is reached, through the above media, to that effect.

Consultation Co-ordinator contact details

If you have any complaints or comments about the consultation **process** rather than about the topic covered by this paper, you should contact Andy Holmes, Senior Communications Manager on 020 3334 6693 or email him at andy.holmes@hmcts.gsi.gov.uk

Alternatively, you may wish to write to the address below:

HM Courts & Tribunals Service
Consultation Co-ordinator
1st Floor – 1.12
102 Petty France
London
SW1H 9AJ

If your complaints or comments refer to the topic covered by this paper rather than the consultation process, please direct them to the contact given under the **How to respond** section of this paper.

The consultation criteria

The seven consultation criteria are as follows:

1. **When to consult** – Formal consultations should take place at a stage where there is scope to influence the policy outcome.
2. **Duration of consultation exercises** – Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.
3. **Clarity of scope and impact** – Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.
4. **Accessibility of consultation exercises** – Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.
5. **The burden of consultation** – Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.
6. **Responsiveness of consultation exercises** – Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.
7. **Capacity to consult** – Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

These criteria must be reproduced within all consultation documents.

Annex A – List of respondents

- 1) Peter Smith (Member of the Public)
- 2) Andrew Shorrocks (On behalf of the Magistrates Association)
- 3) Gary Hall (Chief Executive, Chorley Council)
- 4) Mark Perks (Lancashire County Council)
- 5) Stasia Osiowy (Lancashire Youth Offending Team)
- 6) David Cole (Chair – Coppull Parish Council)
- 7) Charlotte Elsdon (Solicitor)
- 8) Chris Hall (Solicitor)
- 9) David Edwards (Criminal Lawyer)
- 10) Chorley Bench Management Committee
- 11) South Ribble Magistrates Youth Panel
- 12) Chorley Magistrates Youth Panel
- 13) John Hardwick (Marsden Rawsthorn Solicitors)
- 14) Nick Hardwick (HM Chief Inspector of Prisons)
- 15) Mark Rigby (Solicitor)
- 16) Patricia Naylor (Magistrate)
- 17) Peter Kemp (Magistrate)
- 18) Bill Hudson (Magistrate)
- 19) Lynnette Morrissey (Magistrate)
- 20) Peter Beesley (Magistrate)
- 21) Paul Helmn (Magistrate)
- 22) Susan Morris (Magistrate)
- 23) Janice Scanlon (Magistrate)
- 24) Anne Sargent (Magistrate)
- 25) Dorothy Miller (Magistrate)
- 26) Ursula Walton (Magistrate)
- 27) Judy Bruck (Magistrate)

- 28) Andrew Shorrock (Magistrate – in a personal capacity)
- 29) Joanne Healy (Office Manager – Forbes Solicitors)
- 30) Jane Purcell (Legal Clerk - Forbes Solicitors)
- 31) Rachel Kelly (Legal Clerk - Forbes Solicitors)
- 32) Gemma Martland (Legal Clerk - Forbes Solicitors)
- 33) Leanne Smith (Trainee Solicitor- Forbes Solicitors)
- 34) Natalie Darwen (Solicitor- Forbes Solicitors)
- 35) Craig MacKenzie (Solicitor- Forbes Solicitors)
- 36) Philip Smithies (Solicitor- Forbes Solicitors)
- 37) Paul Huxley (Solicitor- Forbes Solicitors)
- 38) David Scully (Associate Solicitor- Forbes Solicitors)
- 39) Simon Gretton (Partner – Forbes Solicitors)
- 40) Steven Dawson (Partner – Forbes Solicitors)
- 41) Carrie Gilgun (Solicitor- Forbes Solicitors)
- 42) Samantha O’Neill (Legal Clerk - Forbes Solicitors)
- 43) Rosie Cooper (Member of Parliament – West Lancashire)
- 44) Janine Burke (Deputy Justices’ Clerk)
- 45) Ian Rushton (Crown Prosecution Service)
- 46) Alison Oxford (Magistrate)
- 47) Christine Hindle (Magistrate)
- 48) Preston Magistrates Youth Panel
- 49) John Bisby (Magistrate)
- 50) East Lancashire Magistrates Youth Panel
- 51) Ormskirk Magistrates Youth Panel
- 52) Andrew Lowe (Blackpool Youth Offending Service)
- 53) John Clucas (Lancashire Constabulary)
- 54) Janet Thomas (Lancashire Probation Trust)
- 55) Brian Pickup (Magistrate)
- 56) Andrew Nottingham (Vincent Laverys Solicitors)

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- 57) Clare Knight (Solicitor)
- 58) Harry Henson (Prisoner Escort and Custody Services).
- 59) Glenys Southworth (Bretherton Parish Council)
- 60) Linda Crouch (Adlington Town Council)

Annex B – Youth Court Sitings at Preston Magistrates’ Court.

The data below shows the actual number of days, sessions and hours that were expended on dealing with Youth Court business at Preston Magistrates’ Court (Court 5), Chorley Magistrates’ Court and South Ribble Magistrates’ Court between 1st January 2012 and 31st March 2012.

	Days	Sessions	Hours	Av. length of sittings
Preston Court 5 (Actual usage)	33	36	103:15.00	2:52.05
Chorley (Actual usage)	12	20	56:30	2:49.30
South Ribble (Actual usage)	13	18	47:15.00	2:37.30
Total	58	74	207	
Preston (Available Capacity)	64	128	352	

The table also shows the capacity of Court 5 at Preston Magistrates’ Court to absorb additional business, based upon a sitting day of 5.5 hours.

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