

THE MAGISTRATES' ASSOCIATION
JUDICIAL POLICY & PRACTICE COMMITTEE

Criteria for court accessibility

Introduction

The budget restrictions imposed on and by HMCS require all management to examine every business aspect of the court service. This includes the critical examination of each court building and its relevance in the longer term strategic future for a particular locality. Already a number of courthouses have been “mothballed” and others are planned for closure.

It is important that the decisions reached for such action are based on objective criteria although these may vary in importance across the country. Some of the key issues in an inner city area are likely to be different to those in a rural community.

This paper highlights the key elements that need to be examined to ensure that courts remain accessible to all members of the community who use them. It is essential that the “Service” element receives adequate consideration alongside the “Financial” component of the argument and there is considerable information available that should be used in this process.

Accessibility

It is possible to have long arguments to define what is “local”. When the courts were built the definition of “local” would have been much different to what is reasonable today. An informed debate, however, will be possible if objective data are available about the current situation and what is likely to happen in the future.

The following lists the data required, some of which needs to be collected from sample surveys of people using the court. It is also relevant to consider how these factors may change in the future due to decisions being taken by other organisations outside the control of HMCS.

- Who uses the court – defendants, lawyers, victims, witnesses, families, judiciary
- Where do they live/based, hence how far they travel
- How do they travel to the court
- How long does it take to reach the court
- Public transport – frequency of bus/train/other services, fare between existing court and potential alternative, journey time to alternative venue
- Location of offences or other matters being heard at the court.

Analysis of this information should allow comparisons to be made between the current situation and how closure of a court would affect not only the average but also the extreme

situation. Clearly, a subjective judgement must be made in the end but at least it will be made from an informed base.

Other Issues Essential to the Decision

Many of these can be quantified in great detail but it is essential that the more qualitative information listed above receives appropriate recognition.

Financial:

- Revenue Costs &
- Estate costs – maintenance backlog
- Potential savings/costs
- Capital Value
- Market Value

Capacity:

- Type of courts Criminal, Family, Civil
- Court Utilisation
- Facilities
- Witness facilities
- Disability Compliance
- Access to building by court users defendants, witnesses/victims, judiciary
- Security
- Technology – IT, video links

Future:

- Population and impact on crime/court caseload

Closure or Mothball

Closure of a courthouse requires statutory consultation and hence all the factors listed above need to be assessed and made available to consultees. The current practice of mothballing buildings is a means of avoiding the consultation process. There is little likelihood that such a court will re-open and hence it is essential that a full analysis is performed whatever the potential outcome.

The current practice is achieving closure by default and should not be permitted without due consultation.

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