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Response to	Proposal on the provision of court and tribunal services in London
Issued by	HM Courts and Tribunals Service
Link to consultation	https://consult.justice.gov.uk/digital-communications/proposal-on-the-provision-of-court-and-tribunal-es/user_uploads/official-sensitive_london-consultation_final_050815.pdf

Question 1: Do you agree with the proposals? What overall comments would you like to make on the proposals?

The Magistrates' Association (MA) acknowledges the present economic climate means that the balance between providing fairness and proportionality in the justice system while maximising efficiency is more acute than ever. Local justice is a fundamental part of the system but it is also clear courthouses are a vital resource that should be utilised fully. While the MA appreciates that some courthouses may have to shut, it would encourage consideration of shared-use activities and events such as opening concourse areas outside normal court operating times (evenings/weekends) to other users to maximise the effective use of resources. It should also be pointed out that with the Transforming Summary Justice as well as other initiatives to reduce unnecessary delays in dealing with cases; it is possible existing utilisation figures will rise as greater efficiency reduces current "downtime" in courts.

The MA believes access to justice means that everyone should be able to attend a courtroom in person should they wish to do so. The impact of court closures must be considered at a local level, with acknowledgement of distinct variables in each area. In general in considering likely impacts on travel for court users the MA would argue:

- a) access for the most vulnerable must be a particular concern
- b) the cost of transport, not just the time travelled, must be considered
- c) in relation to public transport, earliest arrival time at court and frequency of buses, trains or other transport options should be considered

The MA has produced a national response which goes into further detail of overall comments. In London, the MA has the following responses on the proposed closures.

Feltham Magistrates' Court – no disagreement with closure
Greenwich Magistrates' Court – no disagreement with closure
Richmond-upon-Thames Magistrates' Court - no disagreement but some observations
Tottenham Magistrates' Court – supportive of closure
Waltham Forest Magistrates' Court – opposed to proposed closure

Question 2: Will the proposals for the provision of court and tribunal services have a direct impact on you? If yes, please provide further details.

Court closures will have a direct impact on members of the MA who will have to transfer to a different courthouse. This will obviously have an effect on travel times but other considerations are the ability to dispense local justice and possible unintended repercussions on recruitment. Magistrates have close ties to the area in which they sit; local knowledge is a vital part of their role. In addition, future recruitment is most likely to come from the surrounding local area to existing courts, which may discourage applications from areas where there are no longer working courthouses.

Question 3: Are there other particular impacts of the proposals that HM Courts & Tribunals Service should take into account when making a decision? Please provide details.

Richmond-Upon-Thames Magistrates' Court

The MA is not opposed to the closure of this courthouse, but has some observations.

Richmond-Upon-Thames Magistrates' Court has not heard criminal cases since mid-2013 with family work leaving Richmond in April 2014. This, when coupled with its poor condition, may well be an 'easy target' for closure. However, the MA urges that an exercise be done to compare the pros and cons of closing either Richmond or Lavender Hill. It is important to note that the MA would like assurances that the relative pros and cons of Richmond and Lavender Hill would have been thoroughly considered via in-depth analysis.

Neither location is in good condition. There are useable cells at Richmond but not at Lavender Hill. Richmond has better transport, with tube service as well as rail, and has much better parking. There is office accommodation at both locations.

We quite accept that the LJA can operate with two courthouses, the main one of which is Wimbledon, and do not object to the closure of the third: we simply ask that the above evaluation be carried out, to ensure both good value and best affordable service to court users.

Tottenham Magistrates' Court

The MA is supportive of the proposed closure of this court and sees no cause for concern on access to justice because public transport is deemed to be very good in this area.

Waltham Forest Magistrates' Court

The MA is opposed to the closure of this courthouse for the following reasons.

We note that the proposed closure of this facility is, in part, based on the poor condition of the building. The North East London Branch of the MA contends that this is due to a lack of investment in the courthouse which has reached a critical point and that this does not reflect the true value the facility can add to the provision of justice services in this part of London.

The proposal to close Waltham Forest has negative implications for access to justice for people living in North and South Chingford and parts of Walthamstow. In citing journey times to the proposed transfer of hearings to Stratford Magistrates' Court, the consultation gives a highly optimistic account of public transport accessibility. It would give a more accurate illustration in quoting the 90 minutes journey time from the Yardley Lane Estate to Stratford, a journey time outside of the 60 minutes quoted by the Lord Chancellor.

Waltham Forest Magistrates' Courts quoted £355,000 annual operating cost fails to take into account the rent and service charged received from the National Probation Service at the site. This therefore does not accurately reflect the true cost of the facility because it omits a significant factor. Moreover, the MA contends that the utilisation figures as quoted in the consultation do not provide a secure footing for assessing the courthouse. It says it is underutilised. We argue that this diagnosis fails to take into account the systematic transfer of work from Waltham Forest to Stratford and Thames Magistrates' Courts.

In our observation, the proposed closure runs the risk of being short-sighted. Significant population growth is likely to have a large impact on court services and demand. Major local housing developments provide a clear indication of this, not least the old Walthamstow Greyhound Stadium and more broadly the local authority's ambitious plans. We contend that the plans for Stratford are unlikely to be able to deal with this, leading to unacceptable trial delays, adding to an already poor picture in the East London LJA.

Question 4: Our assessment of the likely impacts and supporting analysis is set out in the Impact Assessment accompanying this consultation. Do you have any comments on the evidence used or conclusions reached? Please provide any additional evidence that you believe could be helpful.

The MA would like to point out that in addition to some of the utilisation being questioned for specific courts, in general an empty court may not represent lack of work but other problems relating to delayed or cracked trials (such as non-attendance of witnesses or late change of pleas). The MA would suggest the current time delay from listing to trial date should be taken into consideration in addition to utilisation figures.

Also, it should be acknowledged that it is not clear what proportion of the operation costs listed for each court proposed for closure would transfer to the receiving court. For example, if operation costs included magistrate expenses, that cost would not be saved by closing the relevant court but merely transferred and added to the receiving court.

Question 5: Are there alternatives to travelling to a physical building that would be a benefit to some users? These could include using technology to engage remotely or the use of other, civic or public buildings for hearings as demand requires. Please explain your answer, with specific examples and evidence of the potential demand for the service where possible.

The MA would argue that the issue of using technology and/or alternative venues is a separate issue from access to a court for criminal, civil or family proceedings. The MA agrees efficiencies and increased access for certain individuals in certain situations could make use of technology (video-linking is a good example) or alternative venues but this should not distract from ensuring that court closures preserve access to justice for all while maximising the use of existing resources.

Question 6: Please provide any additional comments that you have.

N/A