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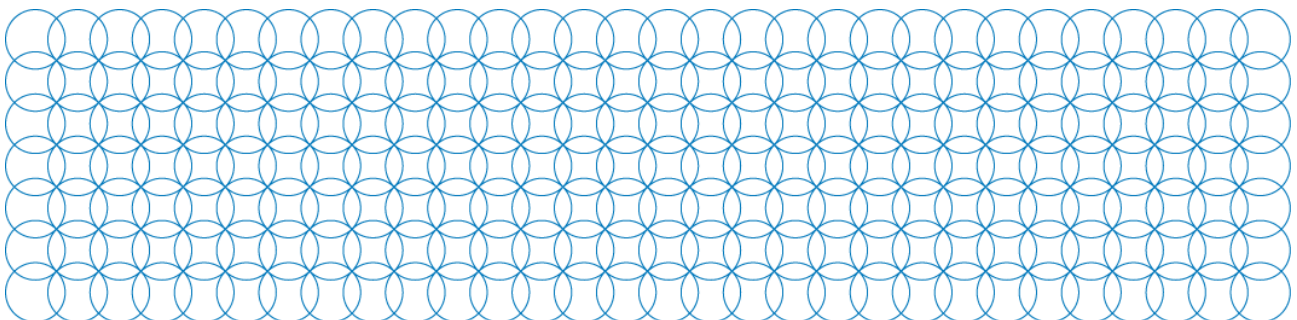


HM Courts &
Tribunals Service

Proposal on the future of Wandsworth County Court and Blackfriars Crown Court

This consultation begins on 18 January 2018

This consultation ends on 29 March 2018





Ministry
of Justice



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Tribunals Service

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

About this consultation

- To:** Court users and legal professionals in London
- Duration:** From 18/01/18 to 29/03/18
- Enquiries (including requests for the paper in an alternative format) to:** HMCTS Consultation
Post point 6.07
102 Petty France
London
SW1H 9AJ
- Email: estatesconsultation@hmcts.gsi.gov.uk
- How to respond:** Please send your response by 29/03/2018 to:
- HMCTS Consultation
Post point 6.07
102 Petty France
London
SW1H 9AJ
- Email: estatesconsultation@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: www.gov.uk/moj

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Proposals on the future of Wandsworth County Court and Blackfriars Crown Court.

Foreword

Our justice system is currently undergoing a radical £1bn transformation. We are working to reform HM Courts and Tribunals Service (HMCTS) to make it more efficient, effective and suited to the modern world. These changes will digitise and streamline our services, and ensure that the system is just, proportionate and accessible.

Modernising our services means building the system around the people who use it. We are moving from paper-based to digital files and exploring how some of our services can be made simpler and faster via the internet. This process encompasses the entire justice system and our buildings are a fundamental part of the change we want to effect.

Over the last two years the Government has held consultations on proposed changes to the court and tribunal estate in order to remove surplus capacity and to make sure that, as we reinvest over the coming years in our courts and tribunals, we do so in buildings that are more efficient and flexible. In 2015, HMCTS consulted on proposals to close courts in England and Wales. The response to that consultation was published in February 2016 and we expect to generate over £40 million in receipts through disposal of surplus properties, as well as operational savings of £29 million per year. This money is already being invested into our ongoing programme of modernisation, a significant part of which includes improving our retained court estate.

By January 2019, 15 county courts and 11 Crown Courts will remain within the London region. There is potential to further consolidate our estate in London, reducing operating costs and delivering a more streamlined and efficient service.

In this consultation we are proposing the closure of Wandsworth County Court and Blackfriars Crown Court. These proposals are based on the same principles as set out in the 2015 consultation. The proposed relocation of the work and hearings from these courts has been considered, along with the potential impact on court users, judiciary and staff.

The closures are proposed on the basis that the services provided by both these courts can be delivered at other sites, which in turn will improve wider utilisation and the efficiency of the estate in London. The capital proceeds following disposal of the buildings would provide investment funding which would be reinvested to modernise and improve the services provided to court users. This consultation seeks the views of local users, judiciary, magistracy, staff, criminal justice agency practitioners and elected representatives to better understand the impact of these proposals.

Alongside this consultation, HMCTS has published a national estates strategy consultation, seeking the views of all those interested in the future of the justice system to guide us on our future strategic decision making on estates transformation. However, decisions on the proposed closure of Wandsworth County Court and Blackfriars Crown Court will be made on the basis of the principles set out in, and the responses to, this consultation.

Lisa Killham
Delivery Director, HM Courts & Tribunals Service, London

Introduction

This paper sets out for consultation proposals on the future of Wandsworth County Court and Blackfriars Crown Court, including the closure of the buildings and the work being relocated to other existing courts. The closures would also contribute to the consolidation of the London court estate and, through disposal, provide funding for the ongoing process of reforming court and tribunal services in England and Wales. The consultation seeks the views of everyone with an interest in the work at these courts.

This consultation is being conducted in line with the Consultation Principles issued by the Cabinet Office and will run for 10 weeks.

Responses are welcomed from anyone with an interest in or views on the subject matter covered by this paper.

This consultation and the consultation stage Impact Assessment are also available at www.gov.uk/moj.

Background

Reform of HM Courts & Tribunals Service

There is a broad consensus that the current justice system needs radical change. Our reform programme is now underway; a £1 billion transformation process that is radically reshaping how we think about our justice system.

We are reforming the courts and tribunals service to meet the needs of modern day users and continue to ensure access to justice. Digital technology, online services, flexible hearing centres, and new business models will mean that fewer people will need to attend court for hearings. This means that we will need fewer buildings. We are keeping our estate under review to make sure it is the right size and in the right locations for our future service. This is the subject of the separate consultation “Fit for the Future – Transforming the Court and Tribunal Estate”.

Reform of the court estate across England and Wales

In February 2016, the Government announced the outcome of a consultation on the provision of court and tribunal estate in England and Wales. The consultation put forward proposals to close those courts and tribunals that are underused, or that are simply unsuitable for the services we need to provide. The decision was made to close 86 courts and tribunals over a period of two years, which, together with integrations (merging courts in close proximity) will lead to the closure of 120 court and tribunal buildings. The proposals detailed in this paper are in addition to the closures that are already underway as a result of the announcement in February 2016. They have been put forward as a result of our continuing review of the estate, taking into account the same principles set out in the 2015 consultation.

In examining our court estate, we need to make judgements about the most appropriate and cost-effective locations for our courts and tribunals, whilst ensuring we retain access to justice. We need the right courts in the right places. The process of making decisions about our buildings means that we can ensure that our remaining estate is affordable to maintain and can be kept in the best possible condition. Where we consolidate the estate (either through closure or integration) we will reinvest in modernising our services.

The constitutional right of access to the courts is inherent in the rule of law and decisions on court reform and estate transformation are made in this context.

Court estate in London

The HMCTS London region covers all 32 London boroughs plus the City of London. A number of changes to the court and tribunal estate in London have been announced in recent years. Most recently, the closure of Hammersmith Magistrates’ Court and Camberwell Green Magistrates’ Court was announced in February 2017, to consolidate and improve the efficiency of the magistrates’ courts in the capital.

However, following the changes already announced to date, London will continue to have over 55 court and tribunals buildings (11 Crown Court venues, 17 magistrates’ courts, 15 county courts, and 12 tribunal hearing centres, in addition to the Royal Courts of Justice and the Rolls Building). There are 135 Crown Court rooms, over 200 civil and family hearing rooms, and over 150 tribunals hearing rooms across the region.

The expense of maintaining and operating from this number of buildings does not currently represent best value for money, given that there is unused capacity in the system. There is potential to further consolidate the estate in London which will increase the efficiency of our usage of those buildings we retain. Significantly, London has excellent transport links which means that access to justice for people who need to travel to attend a hearing in person can be maintained as we rationalise our estate into fewer, better value sites, which are kept in the best possible condition.

Deciding which courts to include in the proposals

In the court estate consultation which ran between July and October 2015 we published a set of estates principles which guide our decision making regarding the location, size and capabilities of our court and tribunal buildings. The two courts included in this consultation have been identified by applying the principles below to our Crown Court and county court estate in London, as part of an ongoing and continual review of the estate.

Work from these courts could be relocated to other sites within a reasonable travelling distance. Consolidating work into fewer sites means that HMCTS, judicial and partner agency resources are spread over fewer sites; this will enable more efficient listing practices and greater efficiency through having fewer empty courtrooms.

The courts have considerable operating and maintenance costs and closing them would also present an opportunity to achieve significant receipts which can be reinvested in the reform of our courts and tribunals system, in addition to improving the efficiency of the service provided in London by consolidating into fewer sites.

The principles which have informed the proposals in this consultation are as follows:

Ensuring access to justice

- To ensure continued access to justice when assessing the impact of possible closures on both professional and public court and tribunal users, taking into account journey times for users, the challenges of rural access and any mitigating action, including having facilities at local civic centres and other buildings to ensure local access, modern ICT and more flexible listing, when journeys will be significantly increased.
- To take into account the needs of users and in particular, victims, witnesses and those who are vulnerable.
- To support the requirements of other agencies such as the CPS, social services, police forces and Cafcass.

Delivering value for money

- To reduce the current and future cost of running the estate.
- To maximise the capital receipts from surplus estate for reinvestment in HMCTS.

Enabling efficiency in the longer term

- To reduce the reliance on buildings with poor facilities and to remove from the estate buildings that are difficult and expensive either to improve or to upgrade.
- To move towards an estate with buildings which are larger and facilitate the more efficient and flexible listing of court and tribunal business whilst also giving users more certainty when their cases will be heard.

- To increase the ability to use the estate flexibly across the criminal jurisdiction and separately across the civil, family and tribunal jurisdictions.
- To move towards an estate that provides dedicated hearing centres, seeking opportunities to concentrate back office function where they can be carried out most efficiently.
- To improve the efficient use of the estate by seeking to improve whole system efficiency, taking advantage of modernised communication methods (Wi-Fi and video links) and adopting business processes to increase efficiency and effectiveness.
- To increase the efficient use of the estate wherever possible irrespective of current administrative boundaries.

The strategy in London is more complex than in other parts of England and Wales due to: the large number of venues within the city; its position as a global legal centre, including high profile national sites such as the Royal Courts of Justice and the Central Criminal Court; the relative proximity of many of these buildings and good transport links between them; and the very high costs and land values in central London.

Although the value of a court building will only be one consideration when making decisions regarding our estate, we need to consider the potential value of a property as part of our consideration of whether a site represents value for money for taxpayers. There is an opportunity in London for greater consolidation of services into fewer sites and, in the process, releasing value which can be reinvested in improving remaining estate and improving our services to the public.

When considering responses to this consultation and making decisions regarding the future of these courts, Ministers will consider whether the closure would enable effective access to justice to be maintained, whether it would offer value for money and whether it would enable the long-term efficiency of the court service. Only when these principles are met will a decision be made to close a court.

Capacity in the court and tribunal estate in London

The proposals for closure set out in this consultation document would involve the relocation of workload from the courts proposed for closure into available capacity in other court buildings, as explained below.

The proposals

This consultation proposes that two courts in London - one county court and one Crown Court - are closed:

- Wandsworth County Court; and
- Blackfriars Crown Court.

Wandsworth County Court

Currently Wandsworth County Court is not used to its full capacity. Its facilities are outdated and require considerable improvement. There are maintenance issues which, if the building were to be retained, would need to be addressed at considerable cost. We believe that closing Wandsworth County Court and investing in fewer court buildings will result in an improved estate in London and provide a more efficient service, while maintaining access to justice.

Sufficient capacity exists within the London county court estate to accommodate the workload of Wandsworth County Court. Utilisation of the civil and family estate in London between April and September 2017 was 69%. Reducing overall capacity in the region will allow HMCTS to operate more efficiently and will help to ensure that the court estate in London represents value for money.

It is proposed that the workload of Wandsworth County Court is redistributed to other courts in London, which would maintain access to justice, as detailed in the next section. This would be achieved by using spare capacity in other courts.

Blackfriars Crown Court

Blackfriars is one of three Crown Court venues in the London Borough of Southwark within one mile of one another (the other two being Southwark Crown Court and Inner London Crown Court). Given that available capacity exists elsewhere in the Crown Court estate in London, there is potential to consolidate our estate in this borough to reduce running costs and improve efficiency, while ensuring that we retain access to justice.

There are currently 135 Crown Court hearing rooms in the London region, which are spread across 11 sites and operating at 80% utilisation (April - September 2017/18). In the current financial year sitting days have been reduced in line with reduced workload, which has meant that there is spare capacity in the Crown Court estate in London. Reducing overall capacity in the region would allow HMCTS to operate more efficiently, and help to ensure that the court estate in London represents value for money.

We have reviewed the Crown Court estate in London and applied the current estates principles, factoring in current workload and capacity, and we are proposing the closure of Blackfriars Crown Court.

Blackfriars is the smallest of the three courts in the London Borough of Southwark (nine courtrooms compared with ten in Inner London and 15 in Southwark). Its location means that the site has a high-value, and the building could not easily be enlarged without demolition of the entire site. This building therefore provides less long-term flexibility than other sites we occupy. Currently, Blackfriars Crown Court predominantly hears cases which are sent from the London Boroughs of Islington and Camden (along with national

work from British Transport Police and serious organised crime work). Relocating these workloads to Crown Court venues in North London, as set out in the proposal section, would be expected to have a limited impact on travel times.

We have identified a proposed four-way split of the workload, which would enable the available sitting days to be used more effectively. This is set out in more detail in the section below which covers the Blackfriars Crown Court proposal.

We anticipate that there may be scope for further consolidation in the Crown Court estate in London in future, as the HMCTS reform programme delivers its benefits, and as we make progress in developing a proposal for a new court in the City of London with additional capacity¹. Ultimately, the court and tribunal estate in the London Borough of Southwark might be consolidated into one site in the borough.

Our initial thoughts are that Southwark Crown Court might be the most suitable site for longer term retention. It is the largest site in the borough, and has the potential to be extended which means that it could provide greater long-term flexibility and efficiency. It is in a better condition than Inner London Crown Court, which has serious maintenance issues.

The outcome of our overarching consultation on our future estates strategy to align with the modernisation underway, which is being published alongside this consultation on specific closure proposals, will be used to finalise our estates principles for the future. Any further proposals for closures would be subject to consultation in due course, and subject to the principles for estates changes decided in the light of the outcome of the overarching strategic consultation.

The proposed closure of Blackfriars, as set out in this consultation document, is not dependent upon our ongoing reform activity, and is based on our existing estates principles, as stated above.

¹ On the 9 October 2017, HMCTS and the City of London Corporation announced that we are working together on a joint proposal for a new combined court centre in the City of London. It is the intention that a new court would replace the existing historic Mayors & City of London County Court and the City of London Magistrates' Court as well as providing additional Crown Court capacity to create a new specialist serious fraud and cyber-crime centre. This is an opportunity to greatly improve the quality of court provision in the square mile. A feasibility study is now being taken forward to explore the potential for a new court.

Wandsworth County Court

Proposal

It is proposed that Wandsworth County Court closes, with workload being relocated to courts in the surrounding area. Wandsworth County Court is currently not fit for purpose, and could not be made fit for purpose without significant investment and refurbishment. It does not provide adequate accommodation for users. The court is not Equality Act compliant, as there is no passenger lift to the floors above ground. Installation of a lift inside the building could only be achieved at considerable cost and following the closure of the entire site to restack offices to accommodate it.

The building is also under-utilised (36% between April and September 2017) and the workload of the court could be redistributed to available capacity elsewhere.

Disposing of the property would result in reduced operating costs and deliver a more streamlined and efficient service. A reduced estate in the region would enable us to invest in areas of the estate that are more suited to the requirements of a modern courthouse.

We have considered where the workload and hearings could relocate to within reasonable travelling distance, and have developed two options. Under either option we will work with the judiciary and stakeholders to ensure that the utilisation of the proposed receiving sites is maximised. The proposed receiving courts would provide a better standard of accommodation.

We would welcome views on:

- i) whether we should close Wandsworth County Court;
- ii) if we close Wandsworth County Court, the proposed options for reallocation of the work as set out as below; and
- iii) what other options you think might work.

Option 1:

Part A – All small claims, fast track and multitrack workload and hearings to be relocated to Clerkenwell & Shoreditch County Court.

Clerkenwell & Shoreditch County Court



Clerkenwell & Shoreditch County Court is a modern, purpose built building constructed in the 1960s, with 12 courtrooms dealing with both civil and family work. We have recently invested in Clerkenwell and Shoreditch and minimal works to this site would be required.

Travelling times between the area served by Wandsworth County Court and Clerkenwell and Shoreditch County Court are good and examples are set out in some more detail in the section below on travel times.

Part B - All civil housing possession work to be relocated between Wimbledon Magistrates' Court and Kingston County Court.

Wimbledon Magistrates' Court



Wimbledon Magistrates' Court is a modern purpose-built building constructed in 1989. It has eight court rooms and deals with criminal work; primarily remand and overnight cases. It is close to local transport links including the London Underground, South Western Railway and Tramlink, and is on several bus routes. Travel times between the areas served by the two courts are excellent, as summarised in the section below on travel times.

Kingston County Court



Kingston County Court was built in 1958 and was extensively refurbished in 1995. It has eight court rooms and deals with civil and family work. It is close to the main shopping area, has good rail links and is near to major bus routes with a bus running directly from Wandsworth to the area. Travel times between the areas served by the two courts are good, as summarised in the section below on travel times.

Option 2

All workload and hearings to relocate to Kingston County Court.

Workload

The court lists civil and family cases including children, divorce, housing possession and money claims from the local area.

During the first six months of this financial year (April – September 2017/18), Wandsworth County Court heard 1,591 hours of hearings out of 4,375 possible hours, or 36%. This workload could be relocated to other courts in the London region.

In the same period: Kingston County Court was utilised at 56%, hearing 2,096 hours out of a total possible 3,750; Clerkenwell & Shoreditch County Court was utilised at 78%, hearing 5,860 hours out of a total possible 7,500; and Wimbledon Magistrates' Court was fully utilised, hearing 4,434 hours out of a total of 4,455 capacity. However, there is potential to use existing space in Wimbledon Magistrates' Court not currently being used for hearings to provide additional new capacity.

Accommodation

Wandsworth County Court



Wandsworth County Court is located close to both the A219 and A3 South Circular Road in Putney. The building is situated quite close to Putney High Street and the River Thames and is very close to East Putney Underground Station. The building is comprised of three storeys, with three court rooms and four formal hearing rooms, and it is open five days a week.

Wandsworth County Court is not fit for purpose as a future operating court without significant investment and refurbishment. The building is under-utilised and has significant operating costs.

Wandsworth County Court is not Equality Act compliant, as there is no passenger lift to the upper floors. Installation of a lift inside the building could only be achieved at considerable cost and following closure of the entire site to restack offices to accommodate it.

Staff

There are currently approximately 30 members of HMCTS staff at Wandsworth County Court. Should a decision be made to close the court, HM Courts & Tribunals Service will fully engage with employees and will consult with trade unions on their relocation.

Other information

Wandsworth County Court is a freehold property with a leasehold annexe for car parking.

The 2016/17 operating cost for Wandsworth County Court was approximately £270,000.

Current deferred maintenance for this building is estimated to be £510,000.

Should a decision be made to close the court, we will work with agencies who occupy office space within Wandsworth County Court in finding suitable alternative accommodation for their staff.

Travel time impact

Analysis has been carried out to assess the likely impact on travel times for court users and this is included in the Impact Assessment that accompanies these proposals. In the table below a comparison is provided of current journey times to the court proposed for closure from key towns in the area and expected future journey times from those same towns to the courts that are proposed to receive the workload. In each instance, the journey time is assumed to start at 8am, with travel from town centre to receiving court. Times shown are averages and journey time would depend on traffic conditions²

² Journey times calculated using Google Maps. Other navigation systems may provide different results and travel time will vary subject to local traffic conditions.

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	Wimbledon			Putney			Battersea			Barnes			Wandsworth		
	Miles	Car	Public transport	Miles	Car	Public transport	Miles	Car	Public transport	Miles	Car	Public transport	Miles	Car	Public transport
Wandsworth County Court	3.4	17 mins	26 mins	2.2	14 mins	18 mins	1.1	9 mins	9 mins	3.6	20 mins	33 mins	0	0	0
Kingston County Court	4.5	25 mins	45 mins	6.1	29 mins	39 mins	7.9	44 mins	30 mins	7	37 mins	42 mins	7.1	45 mins	45 mins
Clerkenwell & Shoreditch	11.1	1 hr 20 mins	1 hr 9 mins	8.8	1 hr 10 mins	49 mins	5.8	53 mins	47 mins	8	1 hr 10 mins	57 mins	7.6	1 hr	1 hr
Wimbledon Mags	0	0	0	3.5	16 mins	22 mins	4.2	23 mins	16 mins	5.3	22 mins	42 mins	3.4	24 mins	18 mins

The impact of this proposal

This consultation is accompanied by an Impact Assessment. This includes further information about the way in which we have estimated the likely impact of the proposals detailed in this document.

An Equality Statement is provided at Annex A. Our initial assessment is that the proposal is not discriminatory within the meaning of the Equality Act 2010 as it applies equally to all persons affected by the changes included in this document. We do not consider that the proposal would result in people being treated less favourably because of any protected characteristic.

In terms of the possibility of indirect discrimination, HMCTS consider that the closure of Wandsworth County Court may put at a disadvantage those with the protected characteristics of disability, pregnancy or maternity because of difficulties to the extent that they need to travel further (some users may conversely travel shorter distances). However, HMCTS consider that this option is a proportionate means of achieving a legitimate aim as explained in more detail in the Equality statement.

Both the Impact Assessment and the Equality Statement will be updated following analysis of the responses to this consultation.

We will work with the Departmental Trade Unions throughout the consultation period to understand the potential impact on our staff, which will feed into the decision-making process. At the same time, our staff will also have the opportunity to put forward their views through the formal consultation process.

HMCTS complies fully with equality legislation and codes of practice.

Blackfriars Crown Court

Proposal

It is proposed that Blackfriars Crown Court closes. Although the court is currently well used, it is one of three Crown Courts in the London borough of Southwark within one mile of one another. Excess capacity exists elsewhere in the Crown Court estate in London, and there is therefore potential to consolidate our estate in this borough to reduce running costs and improve efficiency, while ensuring that we retain access to justice.

Reducing overall capacity in the region would allow HMCTS to operate more efficiently, and ensure that the court estate in London represents value for money.

Blackfriars is the smallest of the three courts in the London Borough of Southwark, it is high-value due to its location, and it could not easily be enlarged and therefore provides less long-term flexibility.

Blackfriars Crown Court currently predominantly hears cases which are sent from the London Boroughs of Islington and Camden (in addition to national work from the British Transport Police and National Crime Agency). Relocating these workloads to Crown Court venues in North London, as set out in the proposal section, would be expected to have a limited impact on travel times. Blackfriars Crown Court also occasionally hears other Crown Court work if the need arises to move hearings around London to provide a more even distribution of workload.

We have considered the optimum locations for hearings to be relocated to, in the event a decision is taken to close Blackfriars Crown Court, and we will work with the judiciary and stakeholders to ensure that the utilisation of the proposed receiving sites is maximised. The listing of cases is a matter for the judiciary.

We have developed a proposal which splits the Blackfriars Crown Court workload and hearings across multiple locations, based on the London borough from which the case originates, or in certain cases, the prosecuting authority.

We would welcome views on:

- i) whether we should close Blackfriars Crown Court;
- ii) if we close Blackfriars Crown Court, the following proposal for reallocation of the work; and
- iii) what other options you think might work.

Part A – The workload and hearings of the cases committed in the London Borough of Islington would relocate to Wood Green Crown Court.

Part B – The workload and hearings of cases committed in the London Borough of Camden would relocate to Harrow Crown Court.

Part C – The workload and hearings of cases committed and prosecuted by the British Transport Police would relocate to Inner London Crown Court.

Part D – The workload and hearings of cases which are prosecuted by the National Crime Agency would relocate to Kingston Crown Court.

We will be discussing proposals with judiciary to centralise appeals from all magistrates' courts in London into one location, and to consider whether any additional changes to

committal paths might be appropriate, to ensure that we are making the best use of the estate across the London and South East region. Furthermore, we are looking at the potential to create some additional hearing room capacity at existing Crown Court sites in London, should that be necessary.

Workload

Blackfriars Crown Court was fully utilised for the year 2016/17, however, utilisation has reduced this financial year, and was 80% between April and September 2017, with the court sitting 4,509 hours out of a possible 5,625 in the first six months of 2017.

Across the entire Crown Court estate in London, Crown Court capacity exists which is not currently being used, and workload currently dealt with in Blackfriars Crown Court could be relocated to other sites. Blackfriars Crown Court is currently hearing just over 750 hours of hearings every month, which represents the work of over seven court rooms, based on 5 hours per day and 21 sitting days in a month. This workload could be redistributed to available capacity in other courts.

As set out in the detailed proposals above, this capacity requirement would be addressed as follows:

Part A – Cases committed in the London Borough of Islington would relocate to Wood Green Crown Court.

Wood Green Crown Court



The workload can be absorbed into existing capacity by making use of the two courtrooms which are currently not in use as a result of reduced volumes of work, which is reflected in the reduced allocation of sitting days for this financial year.

The court was utilised at 77% between April and September 2017, sitting 4,803 hours out of a possible 6,250, equating to the work of just over two court rooms of capacity a day. Wood Green has a low average number of cases in hand per courtroom.

Part B – Cases committed in the London Borough of Camden would relocate to Harrow Crown Court.

Harrow Crown Court



Harrow is comparatively more highly utilised than the other proposed receiving courts – 88% between April and September 2017 (4,404 hours sat out of a total possible 5,000). However, capacity currently exists.

Part C – Cases committed and prosecuted by the British Transport Police would relocate to Inner London Crown Court.

Inner London Crown Court



Inner London Crown Court court was utilised at 83% between April and September 2017 (5,157 hours out of 6,250), again providing capacity.

Part D – Cases prosecuted by the National Crime Agency would relocate to Kingston Crown Court.

Kingston Crown Court



Kingston Crown Court was utilised at 82% between April and September 2017 with 6,152 hours sat out of possible total of 7,500, with one courtroom unused. In common with Wood Green, Kingston has a low average number of cases in hand per courtroom. Increasing the caseload at this court would be desirable in maintaining an optimum caseload.

We will discuss with judiciary and stakeholders the movement of Crown Court work to ensure that capacity is being effectively used. There are additional pockets of spare capacity in other Crown Court sites in London which could be used if required, with unused capacity in Woolwich, Snaresbrook and Isleworth Crown Courts currently.

Workloads can change. In order to ensure that there is the capability in London to flex capacity, should that be required, we are looking at how we might centralise appeals from all magistrates' courts in London into one location. These are currently heard in Crown Courts across London but they could be centralised into a site outside of the current Crown Court estate in London. This would free up further capacity in the Crown Courts. Magistrates' courts appeals currently represent the work of over four courtrooms per day across London. We will engage with the judiciary to identify and investigate appropriate locations for accommodating this work, but any location would be expected to be central, and would be within reasonable travelling distance of the courts where these cases are currently heard.

We will consider with the Judiciary whether any additional changes to committal paths might be appropriate, in order to ensure that we are making the best use of the estate across London and the South East.

As a further contingency, we have identified the potential to create additional hearing room capacity at existing Crown Court sites in London. We are carrying out work to assess the feasibility of this in different locations in the London region, in order to determine where this would be most effectively located, should it be required. However, there is potential to create up to three courtrooms should they be needed.

Accommodation

Blackfriars Crown Court



Blackfriars Crown Court was built originally as a HM Stationery Office building, before being refurbished for the Court Service. The building is located just south of the River Thames close to Blackfriars Road and Southwark Bridge. The nearest stations are London Bridge and Southwark Underground. The court has nine courtrooms over three floors. It is open five days per week.

Blackfriars Crown Court is a fit for purpose building. It is Equality Act 2010 compliant and provides separate access around the building for the

Judiciary, staff and users. It requires maintenance of the electrical and heating systems; including full boiler and radiator replacement, and work to the lifts.

Staff

There are currently approximately 35 members of HMCTS staff at Blackfriars Crown Court, which also houses the Jury Summoning Team. We are already making plans to relocate the Jury Summoning Bureau to a more suitable location independently of this proposal. Should a decision be made to close Blackfriars Crown Court, HMCTS will fully engage with employees and consult with trade unions on the relocation.

Other information

Blackfriars Crown Court is a freehold property.

The 2016/17 operating cost for Blackfriars Crown Court was approximately £1,480,000.

Current deferred maintenance for this building is estimated to be £751,000.

We will work with agencies who occupy offices within Blackfriars Crown Court on finding a suitable alternative location.

Travel time impact

Analysis has been carried out to assess the likely impact on travel times for court users and this is included in the Impact Assessment that accompanies these proposals. Below is also provided a comparison of current journey times to the court proposed for closure from key towns in the area and expected future journey times from those same towns to the courts that are proposed to receive the workload. In each example the journey time is assumed to commence at 8am, with travel from town centre to receiving court.³

For those cases from Islington and Camden, in many cases, journey times and cost may well be reduced, as the courts receiving the work will be closer to these boroughs and will not include travelling into or through zone 1.

³ Journey times calculated using Google Maps. Other navigation systems may provide different results and travel time will vary subject to local traffic conditions.

Proposals on the future of Wandsworth County Court and Blackfriars Crown Court.

For those cases which are prosecuted by the British Transport Police, we recognise that a central London location is required, as parties to the cases often need to travel from a much wider area. We have therefore proposed a location which is close to Blackfriars Crown Court.

For serious organised crime cases (approximately 2-3 per month), we acknowledge that these cases will require additional travel time and expense, as Kingston Crown Court is located within zone 6. However, we consider this to be within a reasonable travelling distance. We have included in the comparison table below some key London rail terminals to give an indication of potential impact on those travelling into London.

	Holloway			Clerkenwell			Hampstead			Camden		
	Miles	Car	Public transport	Miles	Car	Public transport	Miles	Car	Public transport	Miles	Car	Public transport
Blackfriars Crown Court	4.4	37 mins	42 mins	2.1	18 mins	25 mins	6	46 mins	34 mins	5.2	37 mins	40 mins
Wood Green Crown Court	4.1	20 mins	24 mins	5.8	32 mins	38 mins	6	27 mins	39 mins	4.9	27 mins	44 mins
Harrow Crown Court	13.2	1 hr	44 mins	14.2	1 hr 5 mins	38 mins	10.2	46 mins	37 mins	11.1	50 mins	42 mins
	King's Cross			Euston			Paddington			Blackfriars		
	Miles	Car	Public transport	Miles	Car	Public transport	Miles	Car	Public transport	Miles	Car	Public transport
Blackfriars Crown Court	3.3	25 mins	32 mins	2.9	22 mins	21 mins	4.3	35 mins	27 mins	0	0	0
Kingston Crown Court	15.5	1 hr 15 mins	51 mins	14.2	1 hr 10 mins	40 mins	12.5	60 mins	55 mins	12.4	1 hr 12 mins	51 mins
Inner London Crown Court	3.7	31 mins	23 mins	3.1	25 mins	20 mins	4.3	35 mins	27 mins	1.1	7 mins	13 mins

The impact of this proposal

This consultation is accompanied by an Impact Assessment. This includes further information about the way in which we have estimated the likely impact of the proposals detailed in this document.

An Equality Statement is provided at Annex A. Our initial assessment is that the proposal is not discriminatory within the meaning of the Equality Act 2010 as it applies equally to all persons affected by the changes included in this document. We do not consider that the proposal would result in people being treated less favourably because of any protected characteristic.

In terms of the possibility of indirect discrimination, HMCTS consider that the closure of Blackfriars Crown Court may put at a disadvantage those with the protected characteristics of disability, pregnancy or maternity because of difficulties to the extent that they need to travel further (some users may conversely travel shorter distances). However, HMCTS consider that this option is a proportionate means of achieving a legitimate aim as explained in more detail in the Equality statement.

Both the Impact Assessment and the Equality Statement will be updated following analysis of the responses to this consultation.

We will work with the Departmental Trade Unions throughout the consultation period to understand the potential impact on our staff, which will feed into the decision-making process. At the same time, our staff will also have the opportunity to put forward their views through the formal consultation process.

HMCTS complies fully with equality legislation and codes of practice.

Questionnaire

We would welcome responses to the following questions set out in this consultation paper.

1. Wandsworth County Court:
 - a. Do you agree with our proposals to close Wandsworth County Court?
 - b. If we close Wandsworth County Court, what are your views on the proposed options for re-allocating the work?
 - c. What other options do you think might work?
 - d. Would these closure and re-allocation proposals have any particular impacts for you or any group you represent?
2. Blackfriars Crown Court:
 - a. Do you agree with our proposals to close Blackfriars Crown Court?
 - b. If we close Blackfriars Crown Court, what are your views on the proposed options for re-allocating the work?
 - c. What other options do you think might work?
 - d. Would these closure and re-allocation proposals have any particular impacts for you or any group you represent?
3. Do you think our proposals could be extended to include other London courts?
4. Do you have any further suggestions for improving the efficiency of the criminal or civil court estate in London?
5. Do you think we have correctly identified the range and extent of the equality impacts? Do you have any other evidence or information concerning equalities that you think we should consider?

Thank you for participating in this consultation exercise.

Annex A Equality Statement

This Equality Statement includes an analysis of the equalities impact for courts in the London region (Wandsworth County Court and Blackfriars Crown Court).

Equality impacts

1. Section 149 of the Equality Act 2010 (“the EA”) 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;
 - 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).
2. Paying ‘due regard’ needs to be considered against the nine “protected characteristics” under the EA – namely race, sex, disability, sexual orientation, religion and belief, age, marriage and civil partnership, gender reassignment, pregnancy and maternity.
3. The Ministry of Justice (MoJ) and its ministers have a legal duty to consider how the proposed policy proposals are likely to impact on the protected characteristics and take proportionate steps to mitigate or justify the most negative ones and advance the positive ones.

Direct discrimination

4. Our initial assessment is that the policy is not directly discriminatory within the meaning of the EA as it applies equally to all persons affected by the proposals on the provision of criminal court estate in London; we do not consider that the policy proposal would result in people being treated less favourably because of the protected characteristic.

Indirect discrimination

5. Amongst court users, some groups of people with protected characteristics, as explained below, are over-represented when compared to the local general population. However, even if it were established that in some cases (for example, the length of journey time to court) these effects constituted a particular disadvantage, we believe that implementation of the proposals represent a proportionate means of achieving the legitimate aims of court reform and efficiency.
6. Our approach has been to identify groups of people with protected characteristics and compare them to the court user population in the London region. This approach allows us to identify whether any particular groups of people are likely to be disadvantaged by the proposals. Due to limitations in the available data on local HMCTS users, we have had to make the assumption that they are representative of the general population of the region.

Protected characteristics with no impact

7. We do not consider that the proposal would result in any particular disadvantage for people with the protected characteristics of sex, race or religion, sexual orientation, gender reassignment or marriage and civil partnership.
8. We have assessed the available data on the characteristics of sex, age, disability, race and religion. Our current assessment is that there is some over-representation of those of Black ethnicity in areas local to the courts (27%) whose closures are being consulted upon when compared to the general population of London (13%).
9. The evidence set out in Table 1 shows the data we currently have on the protected characteristics of court users at the two courts being considered by proposals that cover London. Although there is some over-representation we do not consider that this would result in any particular disadvantage for people with the protected characteristics of sex, race or religion. Furthermore, we do not consider that the closures will have a greater impact on these particular groups when compared to the region's population as a whole. Nonetheless we will continue to assess the impacts of these proposals on affected groups who share protected characteristics, paying particular regard to any equality impacts identified in the responses to consultation.
10. Due to limitations in the available data we have been unable to assess the extent of impacts on the remaining protected characteristics of sexual orientation, gender reassignment and marriage and civil partnership. Having considered the impact of the proposals on the groups for which limited data is available, we have not identified any direct or indirect discrimination arising from the planned closures. Nonetheless, we will continue to assess the impacts of these proposals, paying particular regard to any equality impacts identified in the responses to consultation.

Protected characteristics with impacts

11. We recognise that the need to travel further (either by car or by public transport) is likely to have greater impacts on people with disabilities and pregnant women. Available data suggests that there is no over-representation of people with disabilities in the areas local to the three courts being considered for closure. There is no available data to suggest that there are more pregnant women in the areas local to these courts compared to the London population as a whole.
12. Increased travel may have greater impacts for those groups. Those impacts can be ameliorated, to some degree, by some of the mitigating measures identified below. For example, the greater availability of online information may reduce the need to travel to courts.
13. In so far as this policy extends to people with disabilities and pregnant women, we believe that the potential impact is proportionate having regard to the aim of the policy. The closure of the proposed court will impact a small number of users and the savings and efficiency achieved as a result of the closures will contribute to a better service overall for users. It remains important to make reasonable adjustments for people of disability to ensure appropriate support is given.
14. The potential for greater impacts for disabled and pregnant women has been treated as a significant factor when assessing the proportionality of the proposals and will be reconsidered before any final decision is taken.

Harassment and victimisation

15. We do not consider there to be a risk of harassment or victimisation as a result of these proposals.

Advancing equality of opportunity

16. Consideration has been given to how these proposals impact on the duty to advance equality of opportunity by meeting the needs of court users who share a particular characteristic, where those needs are different from the need of those who do not share that particular characteristic. Reducing the reliance on buildings with poor facilities to take advantage of a more modernised estate with better communication methods will help to generate a positive impact on all users, especially people with disabilities.

Fostering good relations

17. Consideration has been given to this objective that indicates it is unlikely to be of particular relevance to the proposals.

Court users

18. We have explored the likely equality impacts on court users by drawing comparisons between the populations local to the proposed closures and the population of London.
19. No comprehensive information is held on the protected characteristics of court and tribunal users. In this assessment, we have assumed that all court users are representative of the general population from which they are drawn, using data from the 2011 Census. We have compared the protected characteristics of this population with the populations in the appropriate London boroughs.

Table 1: The protected characteristics of those impacted by the proposals

		Local population			London population
		<i>Crown court</i>	<i>Magistrates' Court</i>	<i>County court</i>	
Site closures		1	0	1	2
Gender	Male	50%	N/A	48%	49%
	Female	50%	N/A	52%	51%
Age	0-15	18%	N/A	17%	20%
	16-64	74%	N/A	75%	69%
	65+	8%	N/A	9%	11%
Disability	Disability	14%	N/A	11%	14%
	No disability	86%	N/A	89%	86%
Race	White	54%	N/A	71%	60%
	Mixed	6%	N/A	5%	5%
	Asian	7%	N/A	10%	17%
	Black	27%	N/A	11%	13%
	Other	6%	N/A	3%	5%
Religion	Christian	53%	N/A	53%	48%
	Buddhist	1%	N/A	1%	1%
	Hindu	1%	N/A	2%	5%
	Jewish	0%	N/A	1%	2%
	Muslim	9%	N/A	8%	12%
	Sikh	0%	N/A	0%	2%
	Other religion	0%	N/A	0%	1%
	No religion	27%	N/A	27%	21%
	Religion not stated	9%	N/A	8%	8%

Defendants, victims and witnesses

20. The Ministry of Justice publications Race and the Criminal Justice System 2012 and Women and the Criminal Justice System 2013 show the race and gender profile of court users and those in the Criminal Justice system at a national level. They show that men and those from a Black ethnic group are over-represented amongst defendants in the criminal courts when compared to the general population from which they are drawn. Data for those sentenced in both the Crown and magistrates' courts in 2012 to 2013 confirm that:

- Males were more likely to be sentenced to immediate custody and to receive custodial sentences of six months or longer than females with a similar criminal history.
- Relative to the population, rates of sentencing for Black offenders were three times higher, and two times higher for mixed race offenders, relative to offenders from the White ethnic group; a trend mirrored in prosecutions.

21. There is no comprehensive source of data on the protected characteristics of victims and witnesses who may use the criminal courts. However, the Crime Survey for England and Wales (2013/14) shows that the following groups of people are over-represented as victims of crime when compared to all those surveyed:
- Those aged 16 to 24 (20% of all victims compared to 14% of all those surveyed)
 - 30% of those from a mixed or multiple ethnic background have been a victim of crime, compared to 13% amongst white adults.
22. Whilst groups of people sharing particular protected characteristics may be over-represented amongst victims, we are unable to quantify whether such over-representation extends to victims and witnesses who use the criminal courts. Conclusions on how different groups of victims and witnesses may be impacted by the proposals therefore remain tentative.

Impact on magistrates

23. HMCTS HR data show that magistrates are older and more likely to be of White ethnicity than the general population of England and Wales from which they are drawn. Data for 31 March 2011 confirm that:
- Younger magistrates are under-represented: 18% of serving magistrates were 49 or under, 30% were aged 50-59 and 52% aged 60 and over. Figures for the general population (aged 18-70) are 66%, 18% and 16% respectively.
 - Those of Black, Asian and Minority Ethnic (BAME) ethnicity were similarly under-represented: 8% of serving magistrates in England and Wales declared themselves to be from a BAME background. This compares with the most recent estimate that BAME groups represent 14% of the general population (all ages).
 - Disabled magistrates were also under-represented: 5% of serving magistrates in England and Wales consider themselves to have a disability, whilst 18% of the general population (all ages) consider themselves to have a long-term health problem or disability that limits daily activity a lot or a little. The differences in the definitions of disability are acknowledged.
 - In line with the general population 51% of serving magistrates in England and Wales were female.

Other Impacted Groups

24. Other groups potentially impacted by the proposed closures include the judiciary and legal professionals. Statistics from the Judicial Office⁴ show that male judges, those of White ethnicity and those aged 50 years and older are over-represented compared to the general population. The practising bar and practising solicitors are more diverse, though men remain over-represented in both professions^{5,6}.
25. With regards to other HMCTS staff, equality assessments will be carried out by HMCTS HR at the Business Unit level and the impact on protected characteristics

⁴ <https://www.judiciary.gov.uk/publications/judicial-statistics-2017/>

⁵ <http://www.barcouncil.org.uk/about-the-bar/facts-and-figures/statistics/>

⁶ <http://www.lawsociety.org.uk/representation/research-trends/annual-statistical-reports/>

will be fully assessed once the impact on individuals at each site under Option 1 has been assigned.

Mitigations

26. We recognise that as courts close we need to continue to modernise and improve the way we deliver front line services. We also need to continue to provide reasonable adjustments for court users to ensure access to justice is maintained. There are a number of mitigations that we are either considering (or are already in place) that will help to minimise the impact of court closures on court users, including:

- All guidance material, together with information about particular processes, are made available online through Gov.uk and the Justice website. This would include: the location, directions to and available facilities of the relevant court or tribunal, mediation, how to make a claim, how to appeal, and how to make a complaint. In addition these websites provide useful links and signposts users to related websites such as: Resolution, National Family Mediation, Community Legal Advice, Citizens Advice, Consumer Direct, Ofcom and Ofgem amongst others. Public information is reviewed as necessary.
- Provision of business and contact centres for some services (e.g. County Court Money Claims Centre) mean that services can be accessed by post and phone until the hearing (if a hearing is required).
- Online services, such as Money Claims Online and Possession Claims Online allow online access to services up to the hearing stage (if required).
- Alternative Dispute Resolution is promoted where appropriate which reduces reliance on court hearings
- Reasonable disability adjustments are undertaken in courts in accordance with the existing reasonable disability adjustments policy. Guidance is available to all staff, including a central advice point.
- Video links for criminal courts are used as follows:
 - Prosecution and defence witnesses can use live links to give evidence in trials. These links operate in nine Criminal Justice System (CJS) areas, with more expected to be set up this year.
 - Virtual courts are set up in four areas for preliminary hearings. Defendants appear from the police station at the magistrates' court by video link.
 - Prison to court video links allow defendants to appear from custody in magistrates' courts.
 - Additional video links are within the court to allow vulnerable witnesses to give evidence without facing the defendant.
- Later starts times can be considered for hearings if a customer notifies the hearing centre that travel is problematic.

Conclusions

27. Those living in the areas affected by the court closures will be within an acceptable travelling distance of the court where the work is transferred to. This means that users will still be have reasonable journeys to court to attend hearings, including by public transport.

28. Although increased journeys have the potential to impact some people with protected characteristics, the impact is expected to be limited and justified in the context of the aim of the policy, and given the mitigations set out below of other ways to access services. Many of the services traditionally accessed by face to face visits to court are being offered online. Some court hearings can also be conducted via telephone or video link and court users are being offered local alternatives to court hearings (mediation). All of these measures are reducing the need to travel to court buildings to access HMCTS services.
29. For those that still need to attend courts, reasonable disability adjustments are offered and other measures such as later court hearing start times will minimise impacts for those with transport difficulties.
30. In the long-term, the savings and any capital receipts generating from the closure will contribute towards the overall funding of the reform of HMCTS including any necessary improvements at the receiving courts. Overall, therefore, we consider that the proposed closure of Wandsworth County Court and Blackfriars Crown Court, and any resulting impacts are a proportionate means of achieving the legitimate aim of a modernised, efficient court and tribunal service.

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 29/03/2018 to:

HMCTS Consultation
Post point 6.07
102 Petty France
London
SW1H 9AJ

Email: estatesconsultation@hmcts.gsi.gov.uk

Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available on-line at www.gov.uk/moj.

Alternative format versions of this publication can be requested from the Ministry of Justice (please see details above).

Publication of response

A paper summarising the responses to this consultation will be published at www.gov.uk/moj

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

The Impact Assessment will be published separately at <https://consult.justice.gov.uk/digital-communications/wandsworth-blackfriars-courts-proposal-future>

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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