Ministry of JUSTICE

Proposed closure of Cheshunt Magistrates' Court

Response to Consultation

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HER MAJESTY'S COURTS SERVICE

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Ministry of JUSTICE

Proposed closure of Cheshunt Magistrates' Court

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

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Introduction and contact details

This document is the post-consultation report for the consultation paper, 'Proposed closure of Cheshunt Magistrates' Court'.

It covers:

- 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 **Mr Mark Stewart** at the address below:

Mr Mark Stewart
Director of Operations (Bedfordshire & Hertfordshire)
HMCS
c/o Luton Crown Court
7 George Street
Luton
Bedfordshire
LU1 2AA

DX 120500 Luton 6

Tel: 01582 522080

E-mail: mark.stewart@hmcourts-service.gsi.gov.uk

This report is also available on the Department's website: www.justice.gov.uk.

Alternative format versions of this publication can be requested from mark.stewart@hmcourts-service.gsi.gov.uk or 01582 522080.

Background

The consultation paper 'Proposed closure of Cheshunt Magistrates' Court' was published on 13 October 2009. While the court had not been used for magistrates' court business since 2003, no formal closure consultation had ever been undertaken. The paper therefore invited comments on a proposal to formally close Cheshunt Magistrates' Court and continue to hear the bulk of East Hertfordshire work in Hertford.

The key reasons for the proposal were:

(i) Cheshunt Magistrates' Court has, for some time, not been needed to support the business of the LJA. Prior to 2003, it was an under-used courthouse and, since 2003, all criminal work from the East Hertfordshire LJA has been carried out at Hertford Magistrates' Court.

(ii) The court rooms and related facilities in Cheshunt are, in any event, in poor condition and have not seen substantial investment over many years.

(iii) The custodial facilities do not meet modern standards, limiting the work that can be appropriately listed in the courthouse.

(iv) Any attempt to bring Cheshunt Magistrates' Court back into regular use would require significant investment and ultimately lead to operational inefficiency.

The consultation period closed on 5 January 2010 and this report summarises the responses, including how the consultation process influenced the final shape of the proposal consulted upon.

A list of respondents is at Annex A.

Summary of responses

1. A total of nineteen written responses to the consultation paper were received. Of these, twelve were from the judiciary (including the National Bench Chairmen's Forum (NBCF) and Magistrates' Association), one from the Legal Services Commission, one from the Law Society, one from Hertfordshire Constabulary/Hertfordshire Local Criminal Justice Board, one from the Crown Prosecution Service, one from Probation, one from Prisoner Escort Services, and one from the local borough council. The Bedfordshire, Essex & Hertfordshire Courts Board confirmed that it had no objections to the closure at its meeting on 3 December 2009.

2. The responses were analysed for the degree of support for, or opposition to, the proposal. They were also examined for evidence of particular impacts the proposal would have on court users.

3. Of the nineteen written responses received, eight clearly supported the proposal. These included the responses from the local police force and Criminal Justice Board, the CPS, Probation, Prisoner Escort Service and the Legal Services Commission. They also included three of the responses from magistrates, including the NBCF. Their responses noted that:

   (i) permanent closure of Cheshunt would not have a significantly detrimental impact on the criminal justice system in Hertfordshire;

   (ii) to revert back to using the Cheshunt courthouse would be a waste of all agencies' resources and lead to a diminution of service across the county;

   (iii) the Justices' Issues Group was properly consulted at the time when the courts stopped being used on a regular basis and more recently; and

   (iv) permanent closure would enable listing and courtroom utilisation improvements to continue.

4. Seven respondents (the Law Society of England and Wales and six of the magisterial responses) objected to the proposal to close Cheshunt for the following reasons:

   (i) Closure would impact on the delivery of local justice.

   (ii) Closure would cause inconvenience and increased travel time/costs for magistrates' court users.

5. Two magisterial responses expressed no strong view and made general observations about the relative merits of Cheshunt and Hertford courthouses and the impact of court closures generally on "no-shows".

6. The Borough of Broxbourne made clear that "In the circumstances of the non-use of the building for magistrates' court purposes…the council has no formal specific comments to make on the regularisation of the position". It also appreciated "the limited resources available to the crown for the administration of justice, and that a 'court in every town' is unrealistic'". However it did go on to make comments about the size of the Borough's population and express concern that the nearest court is ten miles away from the "*centre of gravity*" of the Borough.

7. The Magistrates' Association provided a national response to the consultation on court closures and expressed no specific view about the proposed closure of Cheshunt. Its response recognised that uneconomic courthouses cannot be sustained but raised concerns in respect of the potential loss of local services:

   "The MA firmly believes that whether it is as a criminal or a civil court, a magistrates' court has to serve a community. There is an inevitable tension between organisational efficiency and throughput of work on the one hand, where larger courts are seen as more cost effective, and the level of facilities and frequency of sittings available at an individual court house. At the same time, there is insufficient funding to bring all courts up to the highest modern standards."

Responses to specific questions

1. What comments would you like to make on the proposal to close Cheshunt Magistrates' Court?

Of the 15 respondents who expressed a specific view about the proposal to close Cheshunt, just over half (eight) supported the proposals.

Below is a selection of comments made:

> "Consolidation of East Hertforshire work in one centre (Hertford) greatly assists in the efficient management/deployment of police witnesses and I would be reluctant to support the introduction of anything that complicates this or which introduces a greater potential for wasted police time (e.g. retention and reuse of Cheshunt)" – *Hertfordshire Police*
>
> "I am satisfied that permanent closure of Cheshunt would not have a significantly detrimental impact on the criminal justice system in Hertfordshire. I am also aware that other HCJB members (particularly CPS) support the proposals." – *Hertfordshire Criminal Justice Board*
>
> "At times of economic challenge fragmentation of work simply cannot be justified. It would represent an unproductive use of resources and entail a lower quality service being given to all those who use the CJS in other cases." – *CPS Hertfordshire*
>
> "The court has been closed for some time…to revert back would cause additional resource pressures." – *Hertfordshire Probation*
>
> "there would appear to be no official objections to the permanent closure of Cheshunt Courthouse" – *East Hertforshire Bench*
>
> "I agree with the proposal" – *Magistrate*
>
> "In the current economic climate it is more important than ever to demonstrate that public funds are spent in the most efficient way" – *Legal Services Commission*
>
> "The custody facilities at this location are very poor, they provide inadequate facilities for both staff and prisoners alike. The low number of cells make appropriate separation and management of prisoners difficult, and the layout does not support a secure environment." – *Prisoner Escorts Management*
>
> "In general terms the 21 proposed closures seem to accept the status quo in that these courts are no longer in regular use by magistrates and suitable alternative arrangements have been made." – *NBCF*.

Seven respondents were not in favour of the proposal. They expressed concern that the closure of Cheshunt would have an impact on the delivery of local justice and questioned the impact on court user travelling times and costs. A selection of comments made is detailed below:

"The cost saving from the closure of Cheshunt magistrates' court will be at the expense of local access to justice" – *Law Society*

"[Cheshunt is] a purpose built court house and the running costs would have been, and I assume still could be, much less than Hertford courthouse" – *magistrate*

"I believe centralisation is driven purely by cost issues…and without any concern for the effect on local perception and service…I oppose the closure of local courts" – *magistrate*

"the decision does seem to go against the principles of local justice from within the local community" – *magistrate*

"I question the overall efficiency and service-level to clients, because of the distances families, solicitors and others will have to travel for Family Court work" – *magistrate*

"People who commit crimes in Waltham Cross or Bishops Stortford do not necessarily live in those areas. Many offences in Bishops Stortford or Sawbridgeworth are committed by people from Harlow or elsewhere in Essex. Many offences in Waltham Cross are committed by people from Enfield, Edmonton or Tottenham. All of these people have easier and quicker train access to Cheshunt Court" – *magistrate*

The HMCS responses to the issues raised are:

(i) Impact on the delivery of local justice

HMCS remains committed to local justice. However, to us, this means the timely listing of cases before magistrates who understand and appreciate local issues and providing communities with access to good quality courts within a reasonable travelling distance. It does not, and cannot, mean having a court in every town. HMCS has a responsibility to ensure that we have an effective and efficient court service to deliver justice and it makes no sense to either the taxpayer or court users to maintain buildings which are (or were) under-used, no longer required and not of the standard court users expect.

The East Hertfordshire Bench is made up of magistrates who live in, and represent, the communities across East Hertfordshire (including Cheshunt). Consequently, although criminal hearings take place in Hertford, those magistrates hearing cases remain representative of local (i.e. East Hertfordshire) justice.

The consultation response from the Magistrates' Association suggests that "as a principle…no court user should be expected to undertake a journey of more than an hour of travel time by public transport". From research we have undertaken we are confident that it is possible for court users from all parts of East Hertfordshire (and even parts of North London and Essex) to travel to Hertford within these parameters and at

the times of day that they would need to do so to attend a 10.00 hearing.[1]

(ii) Inconvenience and increased travel time/costs for court users

In addition to the response above we would also observe that the police, CPS and Probation, have responded to the consultation favourably. They have indicated that by not having to service Cheshunt they are able to use their existing resources within Hertfordshire more effectively.

(iii) Impact on family work

The Hertfordshire Family Proceedings Court (FPC) regularly sits at Watford, St Albans, Hitchin and Hertford and has done so for the last 6-7 years.

HMCS is committed to providing a suitable environment for family work and the criminal environment of a busy magistrates' court is not generally considered suitable. Over the past few years steps have been taken to progress this through co-location with the County Courts in Watford and Hitchin although the FPC continue to sit in the Magistrates' Courts at St Albans and Hertford.

This co-location of work also supports efficient transfer of work between the court jurisdictions for the benefit of the parties. It continues to be the case that the majority of private law applicants for residence, contact etc make their application to the county courts. It should also be noted that as there is no geographical jurisdiction on family work applicants are also able to commence proceedings in the neighbouring FPCs and county courts in Essex.

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2. Please describe any particular impacts that should be taken into account and why.

In addition to those matters referred to above the following points were made:

"It would be interesting to know if the percentage of no-shows has gone up as offenders have had to travel further" – *magistrate*

"The NBCF would urge that any future extension to the policy of court house closure keeps this accessibility at the forefront of consideration" – *National Bench Chairs Forum*

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[1] To Hertford from: Broxbourne – 17 minutes by train; Waltham Cross – 24 minutes by train; Hoddesdon – 16-30 minutes by bus; Bishops Stortford – 44 minutes by train; Sawbridgeworth – 39-58 minutes by train; Enfield – 18-27 minutes by train; Edmonton – 53-64 minutes by train; Tottenham – 36 minutes by train; Harlow –34-59 minutes by train.

"The MoJ currently fund full-time custody provision at Hertford, Stevenage, Hatfield, Hemel Hempstead and St. Albans. At the majority of these courts this facility is significantly under-used and the overall cost of the service is extremely expensive. Any additional facilities would only add to both capacity and overall cost." – *Prisoner Escorts Management*

"The Council would also express the hope that a new beneficial use will be found for the building in a town centre location as quickly as possible" – *Borough of Broxbourne*

"Distances for Magistrates who live in or around Bishops Stortford." – *magistrate*

"Long-term, Hertford Court should be regarded as an expensive mistake because of the inadequate retiring-room and magistrates' toilet facilities for courts 3 and 4, hugely inadequate magistrates' parking facilities, and lack of security for magistrates and prisoners entering and leaving the building. Long-term, therefore, the Courts Service should give the fullest consideration to building, say, a six-courtroom courthouse on the Cheshunt site. Hertford Court, long-term, would probably raise more capital than the Cheshunt site" – *magistrate*

The HMCS responses to the issues raised are:

(i) Do "no-shows" increase with travel times?

There are no historical records available for use as a comparator given that Cheshunt has not been used for magistrates' criminal work for over six years. Hertfordshire LCJB maintains statistics for non-attendance at first listed CJSSS courts. The figures for 2009 show that the average non-attendance rate for the areas was 8% in Central Hertfordshire, 9% in East Hertfordshire and North Hertfordshire and 10% in West Hertfordshire which does not suggest that the level of 'no shows' is disproportionate in East Hertfordshire. However the figures for each area can fluctuate significantly from month to month.

(ii) Any extension to the policy of closures should consider accessibility

Noted and agreed.

(iii) Additional custody facilities would increase costs

Noted and agreed.

(iv) A new use for the building should be found

Noted.

(v) Distances for magistrates in and around Bishops Stortford

We are unclear as to the point being made here. Cheshunt is 22 miles from Bishops Stortford whereas Hertford is only 16.

(vi) HMCS should consider retaining Cheshunt and closing Herford

This comment does not take into account the operational constraints of Cheshunt, not least the fact that it only has two courtrooms and limited ancillary facilities (especially custody accommodation). While Hertford presents operational challenges of its own, the fact that it is a four-courtroom centre has enabled us to improve court listing and courtroom utilisation in East Hertfordshire.

There is also sufficient capacity at Hertford Magistrates' Court to deal with the crime work of the local justice area and there is currently no compelling business case for expansion of facilities in East Hertfordshire. However, HMCS keeps its estates strategy regularly under review and, should workload volumes rise dramatically or should we wish to radically change the way we deliver justice in Hertfordshire, then consideration will be given to appropriate solutions.

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3. Will the closure of Cheshunt Magistrates' Court have a direct impact on you? If yes, please provide further details.

The only substantive responses to this question were:

"Solicitors will also have to travel further to represent their clients" – *Law Society of England and Wales*

"No. East Herts magistrates have got used to working at Hertford, Stevenage and Hatfield courts. There would be no advantage in returning to Cheshunt" – *magistrate*

The HMCS response to the issue raised is:

(i) Increased travel times

The response to this point is set out above in the commentary on Question 1.

Conclusion and next steps

This proposal has been the subject of a full public consultation in the East Hertfordshire Area. All magistrates in East Hertfordshire were notified of the consultation exercise and links to the consultation document circulated. In excess of 50 copies of the document were delivered by post to named consultees as well as representative community groups. The document was also published on the Ministry of Justice website.

The number of responses received (19) represents 38% of the documents dispatched, although this figure could be considerably lower when taking into account the number likely to have been accessed on-line.

We are grateful to those who responded to the consultation, including those who raised potential impacts, concerns or objections.

We have considered in depth each of the concerns, objections and potential impacts raised by the respondents and have provided a detailed response to each of these in the content of this paper.

An assessment of the anticipated costs and benefits of closing Cheshunt Magistrates' Court was set out in the introductory impact assessment as part of the 2009 consultation paper (Consultation Paper CP23/09).

We have examined our proposal to close Cheshunt Magistrates' Court and have concluded that it remains the best option to optimise the use of available resources (both within HMCS and the wider criminal justice system) to ensure improved and timely services for court users.

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 Julia Bradford, Ministry of Justice Consultation Co-ordinator, on 020 3334 4492, or e-mail her at consultation@justice.gsi.gov.uk.

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

Julia Bradford
Consultation Co-ordinator
Ministry of Justice
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 **Introduction and contact details** section of this paper at page 3.

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 exercise** – 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

Mr F Whiteley – Chief Constable of Hertfordshire Police and Chairman of the Hertfordshire Criminal Justice Board.

Mr D Robinson – Chief Crown Prosecutor, CPS Hertfordshire

Ms T Webb – Chief Officer, Hertfordshire Probation

Ms F Hoare – Chairman of the National Bench Chairs Forum

Ms C Regan – Chief Executive, Legal Services Commission

Mr S Durno – Policy Officer, Law Society of England and Wales

Mr R Bates, JP – East Herts Bench Chairman

Mr D Reeves - Contract Delivery Manager, Prisoner Escorts Management, NOMS

MJ Walker – CEO, Borough of Broxbourne

Mr T Hoare, JP – magistrate

Ms J Mountford, JP – magistrate

Mr B Price-Davies, JP – magistrate

Ms I Saggers, JP – magistrate

Mr K Smith, JP – magistrate

Mr A Stevenson, JP – magistrate

Mr G Stewart, JP - magistrate

Mr C Tongue, JP - magistrate

Ms S Warren, JP – magistrate

Magistrates' Association

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