

FAREHAM

BOROUGH COUNCIL

Report to Council

Date: 30 July 2015

Report of: Director of Community

Subject: Fareham Magistrates' Court Proposals

SUMMARY

The Ministry of Justice and HM Court and Tribunal Service has recently published a consultation paper titled "Proposal on the provision of court and tribunal estate in England and Wales". This report summarises the proposals and the implications for Fareham Magistrates Court.

Members are invited to discuss and debate the proposals and consider the impact on Fareham residents, paying particular attention to the five consultation questions set out in paragraph 16 of this report. The consultation is due to end on 8 October 2015.

RECOMMENDATION

That the Council agrees that the Deputy Leader who is the Chairman of Fareham's Community Safety Partnership be authorised to prepare and submit a response on behalf of Fareham Borough Council taking into account any points raised at the meeting.

INTRODUCTION

1. HM Courts and Tribunal Service is an agency of the Ministry of Justice (MOJ). It is responsible for the administration of the criminal, civil and family courts and tribunals in England and Wales. In March 2014, the Lord Chancellor, the Lord Chief Justice of England and Wales and the Senior President of Tribunals announced details of a programme of reform for the courts and tribunals. The programme promotes improving the court and tribunal estate, delivering greater use of technology, modernising practices and processes, and improving services for users.

Consultation

2. A national consultation on the proposed provision of court and tribunal estate in England and Wales commenced on 16 July 2015 and closes on the 8 October 2015. HM Courts Tribunal Service manages the operation of courts and tribunals through seven regions in England and Wales. The consultation covers the proposed close of 57 magistrates' courts, 19 county courts, 2 crown courts, 4 tribunal hearing centres and 9 combined courts. The estate is currently made up of complex arrangements which include freehold, leasehold and casual hire arrangements occupying 460 court building across the country and cost the taxpayer approximately £500 million each year.

Access to Justice

3. HM Courts and Tribunals Service acknowledges that users should not have to make excessively long or difficult journeys to attend hearings, however in a digital age access to justice does not necessarily mean a purpose built building in every district and evidence by live link and telephone hearings are becoming more frequent.

Deciding which courts to include in the process

4. In order to achieve any radical transformation of the justice system any investment must be targeted and sequenced across three areas ICT, Estates and business processes to create the efficiencies that will allow HM Courts and Tribunals Service to modernise current practices and to adopt a more streamlined ways of working. The priority area is reducing running costs and focus on improving the estate to increase multi-functional court space, allowing courts to share locations.

Fareham Magistrates' Court Proposal

5. Fareham Magistrates' Court is one of five magistrates' courts in Hampshire. The court deals with criminal court business in the adult and youth courts. Fareham Magistrates' Court is a hearing only venue and no staff are permanently based on site. The proposal is to close Fareham Magistrates' Court and transfer the workload to Portsmouth Magistrates' Court.
6. Should Fareham Magistrates' Court close it would enable all magistrates' court work for South and South East Hampshire to be dealt with in one venue. The move to a larger court centre would enable more flexibility in the listing of cases and allow more efficient and effective use of staff and judicial time. The service to court users would not be compromised and the facilities available in Portsmouth, including a public counter, are an improvement on those currently available in Fareham. The listing and

administration of all cases heard in Fareham already takes place from Portsmouth Magistrates' Court. Fareham Magistrates' Court was constructed in 1994 and the condition is generally poor. Portsmouth Magistrates' Court is in significantly better condition and offers improved facilities for court users.

7. Some enabling works would be required in Portsmouth Magistrates' Court to ensure facilities are suitable for youth court hearings. Should this proposal go ahead the Judicial Business Group (JBG) would undertake engagement with interested parties to consider the need for the merger of Local Justice Areas.
8. The court has a total of four courtrooms; two standard formal magistrates' courts and two informal youth/family courts. The court has seven cells all of which are operational. There is no prison video link.
9. Fareham Magistrates' Court was constructed in 1994 and is a freehold building and the condition is generally poor. The court is not fully compliant with the Equalities Act 2010. The roof requires significant investment due to persistent leaks. Disabled access for the public is reliant on a lift that directly accesses the magistrates' area. The heating system is old and unreliable and in the last financial year it failed, resulting in Fareham Magistrates' Court having to temporarily close and all its work moved to Portsmouth Magistrates' Court while temporary repairs were carried out. The judicial areas are of a reasonable standard however the public areas require refurbishment. Health and safety issues centre on the leaks in the roof and unreliable building infrastructure.
10. This site is in a prominent location and should it remain under-utilised or in the future vacant, is likely to have an adverse effect on the town centre. In terms of any future redevelopment for the site, local and national planning policies are supportive of reutilising such brown field sites. Any future development proposals would need to be in line with local plan policies and address any planning concerns such as design and amenity issues.
11. Portsmouth Magistrates' Court is a much larger site situated in the centre of Portsmouth. The building is in significantly better condition and offers improved facilities for court users. The enabling works would provide a completely self-contained youth court facility that would be able to hear all custody and non-custody cases for South and South East Hampshire.

Workload

12. Fareham Magistrates' Court has four courtrooms and is capable of sitting up to 992 days per year (248 days per courtroom). In 2014/15 the court was utilised for approximately 43% of its capacity. There are no staff permanently based at Fareham Magistrates' Court.

Location

13. The proposal is to move all hearings from Fareham Magistrates' Court to Portsmouth Magistrates' Court which is located nine miles away. There are good public transport links between the two locations. Travel by train takes approximately 30 minutes and a return fare costs approximately £6.00. By bus the travel time is approximately 40 minutes. Travel time by car takes approximately 15 minutes. There would be an

impact on travelling times for residents living further afield, for example the Western Wards or residents travelling from Gosport.

14. Travel time data for this court pre and post closure is shown below:

Before	Time	%	After	Time	%
By Car	0-30min	100%	By Car	0-30min	95%
	30-60min	0%		30-60min	5%
	60-120min	0%		60 - 120min	0%
	>120min	0%		>120min	0%
	no data	0%		no data	0%
By Public Transport	0-30min	44%	By Public Transport	0-30min	1%
	30-60min	36%		30-60min	38%
	60-120min	18%		60-120min	58%
	>120min	0%		>120min	1%
	no data	2%		no data	2%

15. The Fareham courthouse is also used as a venue for magistrates' training events. If the decision was made to close the court these training events would be accommodated at other venues in Hampshire and the Isle of Wight. The 2014/15 operating costs of Fareham Magistrates' Court were approximately £280,000.

Responding to the consultation

16. The national consultation sets out the requirement for change, the utilisation levels across the estate, the accompanying Impact Assessment and implications for local justice areas and listing changes. Councillors are to debate the five questions asked in the consultation;-

i. Do you agree with the proposals? What overall comments would you like to make on the proposals?

Considerations

An understanding of the need for Courts and Tribunals Services to save money and make their service more efficient versus local access to justice for Fareham and Gosport residents

ii. Will the proposals for the provision of court and tribunal services have a direct impact on you?

Considerations

There are no staff based at Fareham Magistrates Court, they are brought in a daily basis from Portsmouth Magistrates Court and paid travel costs. Fareham Magistrates Court opens for 3 days per week.

iii. Are there other particular impacts of the proposals that HM Courts and Tribunals Service should take into account when making a decision

Considerations

Would residents be subjected to reasonable travelling arrangements and are we assured that Fareham residents fall into the 93% national figure that will be able to travel to a local court within an hour. Would residents of Fareham benefit from enhanced facilities at the cost of local access to justice?

iv. On reading the Impact Assessment, are there any comments on the evidence used or conclusions reached?

Considerations

To review the Impact Assessment, looking in depth at the evidence base, scope, including case for estate reform and access to justice. Assessing the cost benefit analysis and agreeing on any impact to vulnerable groups.

v. 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 buildings for hearings as demand requires.

Considerations

The possibility of using Civic Buildings.

There are serious security concerns over use of other civic buildings, for example the use of Fareham's Civic Offices. This building does not have the security arrangements in place for hearings involving high risk individuals. The Magistrates Court has airport style security scanners for everyone entering the building. Fareham Borough Council does not currently have that level of security check and there is no current possibility for creating a cell facility for individuals remanded in custody.

Other hearings where security requirements are low may be possible but with the Chamber being on floor 8, individuals would need to be physically escorted to and from the hearing chamber as the rest of the civic offices building is currently open access to each floor – this may have a resourcing issue for either court staff or FBC Facilities staff.

Video link meetings may be possible with ICT providing secure connectivity. With the Chamber being located on the 8th floor, there are concerns about accessibility for disabled or mobility restricted individuals.

Officers could be tasked to ascertain security requirements and financial costs in addition to hire of the Council Chamber and associated rooms. This will enable a considered opportunity to evaluate whether financial benefits outweigh any inconvenience in using the Civic Offices.

Reference Papers:

Ministry of Justice and HM Courts & Tribunal Service Consultation Paper: Proposal on the provision of court and tribunal estate in England and Wales.

Ministry of Justice Impact Assessment on Her Majesty's Courts and Tribunals Service proposals on the provision of courts services in England and Wales.

Enquiries:

For further information on this report please contact Narinder Bains (ext. 4496)