

Please send your response by 8 October 2015 to:

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About you - Please use this section to tell us about yourself

Full name	Cllr John Bull
Job title or capacity in which you are responding to this consultation exercise (e.g. member of the public etc.)	Chair of the Communities, Transport & Environment Policy Development & Scrutiny Panel
Date	25 th September 2015
Company name/organisation (if applicable):	Bath & North East Somerset Council
Address	The Guildhall, High Street, Bath
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If you would like us to acknowledge receipt of your response, please tick this box	<input checked="" type="checkbox"/> (please tick box)
Address to which the acknowledgement should be sent, if different from above	For the attention of Donna Vercoe Lead Policy Development & Scrutiny Officer Strategy & Performance The Guildhall High Street Bath
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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.

Dear Sir/ Madam,

Thank you for the opportunity to provide our response to the proposal to close Bath Magistrates County & Family Court.

Bath & North East Somerset Council's (B&NES) Community, Transport & Environmental Policy Development & Scrutiny Panel undertook a Scrutiny Inquiry on the 11th September and invited a range of key stakeholders who could potentially be affected by the proposal to close Bath Magistrates County and Family Court. This was felt to be the quickest and most effective method to gather as much evidence on the key issues and concerns raised by the potential proposals and understand the positive and negative impacts of the proposal, which will help us to provide our overall B&NES response.

Key stakeholders listened to invited speakers, firstly from the Ministry of Justice who provided an introduction to the consultation process and then from our local District judge and magistrates. Many people were invited to speak at this meeting to share how this proposal would affect them and the services that they deliver.

In order to help us answer each of the questions below, we captured these responses through a series of workshop sessions on the day which addressed each of the questions.

Before the Scrutiny Inquiry day we also undertook our own on-line consultation and impact assessment on travel times/ methods and cost and compared our findings to the estimated figures contained within the consultation document.

A summary of the key concerns and suggestions raised during our own consultation have been included within our final response below.

Yours sincerely

Cllr John Bull

(Chair of the Communities, Transport & Environment PDS Panel, B&NES)

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

Overall we do agree with the merits of developing a greater and more efficient service, but one which provides local justice for local people.

The Bath & North East Somerset population is approximately 180,000 and is one of the most visited cities in the UK with an average of 6.7 million day visitors. In addition it has an ever increasing student population with some 22,500 students. Housing associations, Curo being the largest, have many properties within the Bath County Courts jurisdiction area, coupled with various hostels, supporting services and charities within our local area. All this serves to increase the courts workload over and above what would be expected from a fixed population. The consequence is an already increasing workload for those delivering the service.

Based on our own consultation and comparable impact assessment on travel methods cost and time, we have identified some overall key issues, to this proposal. These include:-

1. Displaced & Hidden Costs: The consultation appears to be driven by direct building costs and doesn't consider the wider impact on the quality of service delivered. This could potentially have an impact on all of those services that support the courts. For example;
 - Will lead to an increase in warrants out for peoples arrest as they have not turned up at court
 - Some of our lawyers will take on fewer cases per week, due to the extra time that it will take to travel to get to Bristol.
 - Many clients in possession cases will not travel to Bristol and could end up losing their home, which then has a knock on effect on the supporting services, such as the Council, the police and on our local Homelessness support services.
2. Jurisdiction area: It is not clear what this is. We are unsure as to how many people we are serving. Many of these people who use our court are actually from outside the immediate area. It is therefore difficult to measure the impact if the true demographics aren't known.
3. Impact assessment figures: The figures quoted in the impact assessment are inaccurate and the methodology is misleading. Why are we not considering and applying the methodology to the travel and court usage of Bristol's court building and other courts within our border Jurisdiction area(s), as part of the

holistic approach? It would have also been useful to have understood the actual number of cases seen and the number of absconders at Bath compared to other areas. We question the 46% usage figure, when it can take up to 7 weeks to get a hearing for civil matters, as it's always busy.

4. The reduction in administration support has had an impact on the services delivered from Bath, which have had an effect on the speed of our service compared with Bristol. This appears to have also had an effect on our courts usage levels.
5. Disproportionate effect on our most deprived: This will have an impact on the most vulnerable people in our society. How do they get equal access to our local Justice Service? The majority of people who use this service are of limited means. With the cutback in legal aid, litigants in the Family Court, in particular, are struggling with the pressures of getting to court with the right documentation or with the expense of paying for representation. Very rarely do these cases involve just one appearance. Having to travel to Bristol may well result in increased stress for families who would have to organise childcare for longer periods of time as well as meet the increased financial obligation.
6. Rural areas: Have not been taken into account and can't be ignored as part of the overall consultation process. No consideration has been given to rural areas surrounding the Bath and North East Somerset area and the travel difficulties for those clients who come from these areas. Any impact assessment should understand the holistic impacts of the population that it serves, as opposed to basing travel estimations solely from the city centre.
7. Equality Impact: We request a full equality analysis of the proposal in accordance with the Equality Act 2010. The Ministry of Justice needs to demonstrate it has paid 'due regard' to how the proposal will promote equality and tackle discrimination. This equality analysis should include the anticipated effects (both positive and negative) of the proposal to close Bath magistrates court across each of the protected characteristics. It should include a comprehensive breakdown of the information held on users of Bath magistrates court according to their personal characteristics. We also request that potential impacts relating to carers, people living in rural areas and people with socio-economic disadvantage are included within the analysis.
8. Access to local justice and local knowledge will be reduced dramatically. During the Scrutiny inquiry Day we were told by many local magistrates that

they would resign if they had to move to Bristol. We therefore run the risk of losing local knowledge of the area which is important. Magistrates are familiar with key stakeholders and local matters. If we want fair access to justice it needs to be easy access and with local knowledge.

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

Each of the services that contacted us would be affected in slightly different ways, dependent on the type of service that they deliver and support provided. However, one underlying and common issue is the impact to time and cost, from travelling to Bristol, rather than the existing courts in Bath. This would have an overall impact on the quality of the service that they deliver.

For example, within the services that the Council provides, there are the potential implication for officers in time and cost of increased travel required, particularly for getting warrants, delivering liability orders, and the implications for cost and time for families who are subject to case proceedings, which means more funding for their travel will be paid through Children's social care or Legal Service Commission.

There are many more hidden costs which appear to have been ignored as part of the impact assessment of this consultation.

One of the most concerning issues raised is that our most vulnerable and disadvantaged residents are unlikely to attend a hearing in Bristol. This will have an impact on homelessness and on those supporting services, such as the police, leading to even less visibility on our streets as they are increasingly involved in absconders, increases in warrant arrests and dealing with case paperwork. Many individuals with mental ill health will struggle to attend a hearing in Bristol without encouragement and additional support.

Each of the Courts have their own specialist support services which are readily available in Bath – Probation is housed in the same building; The Youth Offending Service and Project 28 (a drug and alcohol initiative for young people) are within walking distance, as are mental health support services and alcohol support services, B&NES social services and the local solicitors, all of which have a good working relationship.

How will these teams operate if their clients have to attend a court in Bristol? Does not the workload of Family and Youth Courts warrant special consideration because of the vulnerable nature of their clientele? And what would be the cost and efficiency implications if all these support services have to move to Bristol?

An excellent example provided to us, is that when a young person is required in court they are reliant on the support of parents, relatives or carers to ensure they get to court at the time specified; travel expenses are met by them or their families. It was reported to us that the majority of offenders come from financially unstable backgrounds, and often from broken homes, or from sofa-surfing, or supported housing. Within families there are frequently young children who will need childcare to allow the parent to attend court. The difficulties associated with getting to Bristol by public transport, particularly from rural areas, should therefore not be underestimated.

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

Access to fair justice is important and there is a cost to those on low income families travelling to Bristol. If you are a defendant you do not get your expenses paid, but the prosecution side do - we considered this to be a possible distortion of justice. For example during pre-trial visits victims have to pay travel costs; this would mean much more expense and a knock on effect of increasing the pressure on volunteer and victim support services.

The fundamental impact would be upon those fragmented families on low incomes and youth cases where access to another court would be very difficult and disruptive and there is a danger they would opt out of the system.

Witnesses will be reluctant to travel to Bristol due to cost and disruption, and victims would therefore not achieve full access to justice.

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

Bath is a World Heritage City attracting a large number of visitors throughout the year both from Britain and overseas. The city has two universities, a college, and a large number of language schools, all of which contribute to a large, and increasing, student population. In easy reach of the M4, the train and bus stations located close to the town centre and with good transport links to and from other parts of Somerset and into Wiltshire, the city is a hub for a significantly wide geographic area.

The proximity of Bath to Bristol appears to be one of the major factors in the proposal to merge the courts with Bristol. With the proposed closure of Chippenham, Bath would be the only courthouse that is not on the “M5 corridor” i.e. on the western periphery of the county.

We undertook our own impact assessment based on the same journey produced with the impact assessment of this consultation document (See table 1 below). We discovered that travel times were considerably different to those supplied within the proposal document. In some cases the times that we calculated were double that which were reported.

Table 1: Impact assessment; from the centre of Bath to Bristol Marlborough street

Ministry Of Justice (Impact assessment)	Additional impact assessment information prepared by B&NES Council
Transport Method and Time	Cost of travel
Travel time by train is approximately 20 minutes	Travel time by train is approximately 40-60 minutes (including, travelling to and buying a ticket etc)
Bus is approximately one hour .	bus it is approximately 88 minutes
The approximate cost of a return rail ticket is £7.00 . T	The approximate cost of a return rail ticket is £8.40 .
The journey time by car is approximately 30 minutes .	The journey time by car is approximately 40 minutes .

Rural areas were examined as part of our assessment; table 2 below breaks down the time and cost for residents of the Midsomer Norton area to travel into Bristol. By bus this could take on average just over an hour.

Table 2: Outer District to Bristol

Transport method	Estimated time	Cost
Midsomer Norton		
Car	36-45 minutes (which excludes unknown congestion at peak periods and 10-15 mins walk from car park)	Public pay and display car parking charges (unknown) and at 12p per mile (industry standard) = 32 miles return - £3.84
Bus	1 hr 5 minutes (departing every 30 mins) as well as 20 minute walk to court	£7.00 West Of England Adult Day Return Ticket

In conclusion

- By car: Creating additional car journeys to central Bristol will place additional pressure on already heavily used central car parks at peak periods as well as traffic into central Bristol roads/routes. Transport links from Bath to Bristol are already highly congested and feature in lists of the longest commuter times in the country.
- Furthermore, given the fact that Bath's catchment area serves communities across east Somerset and west Wiltshire, the closure of Bath's courthouse will present genuine challenges to rural communities needing access to the courts.
- Public Transport: From central Bath /Keynsham, Bristol is well served by bus and train but the Courts are still a 20 minute walk (for fit & able) or 10 minute bus from Bristol Temple Meads and this has not been considered as part of the impact assessment.
- Do we understand the social implications? £7:00 is a lot of money to spend for those that have little money and if you are able to take a car how much money do you put into the parking meter as cases go on over the estimated time.
- For young people who have left home, the problems are far greater. Usually they are very vulnerable, the new system will thrust them into negotiating the transport system and they will find themselves in a much larger city with which they are not familiar and which many adults find intimidating. Some youths would simply not know how to do it, particularly if this is their first brush with the law.
- The involvement of the police, in the enforcement of court attendance, would inevitably increase at a time when they, too, are faced with cuts to their service. Failure to attend court results in a warrant for arrest and possible detention overnight in a police cell before the person charged is produced in court. A young person released after the court proceedings, would have to find a way, with or without finance or family support, or the necessary transport infrastructure, to return home.

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

As a Council we embrace new ways of working and look to constantly improve the way in which we deliver our services in a more efficient and effective way and using technology advancement is one way which has helped us to improve the way we

deliver our services. During our workshops sessions we examined how realistic and practical it could be to move some of our court room services to a developed digital method and discussed whether there are any buildings within the B&NES area that would be suitable to deliver a similar service to that which we have now.

The majority of people welcomed the idea of using technology but only if it is properly tested to work, before any other means has been withdrawn. Some of the positive impacts could include:-

- It was recognised that some civil cases could end up using the digital platform, perhaps via telephone, which with support, could be useful for disabled users.
- Remote access will be beneficial for witnesses and victims who are apprehensive and fearful (such as Anti-social behaviour, Hate Crime and Domestic Violence cases)
- May be beneficial in saving costs and time for commercial cases using a secure network. However, any alternative should be appropriate to the case.

However there were some obvious practical limitations to delivering a court service via video link or by telephone, these include the following:-

- Can impede Justice rather than improve it with the most vulnerable having potential difficulties in accessing justice via the Internet. It is therefore recognised as not being suitable for all service users.
- The effect on a young offender attending a physical court building has a psychological impact on an offender's attitude to court and may reduce the chances of them re-offending in the future. It is believed that providing certain services via video link would not have the same effect that you get from entering a court room, and delivered in a structured way which can have a strong impact on a young person.
- Guilty pleas on low level traffic offences are already being processed without the need for a defendant attendance. However credibility is threatened when technology is over used, for example, this cannot be applied to many other cases for example; cases of dispute have to be heard face to face.
- Remote case processing via digital technology has significant limitations. Magistrates and Judges told us that they can't assess the demeanour of a witness / victim/ defendant via video link, which is a crucial part of their assessment to make their overall judgement.

Overall there were no obvious suggestions as to alternative suitable court rooms that could be used that would incur no additional extra costs for

example, to ensure sufficient security, IT (WIFI) in the room. The conclusion was that it was less costly to not move to another building.

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

In summary,

Moving court cases to Bristol would make access to justice more difficult for disadvantaged and more vulnerable defendants and witnesses, especially those from rural areas, because of the increased cost and time in getting to Bristol.

We question the usage figures given for Bath courthouse and the figures given for travel times and costs which do not appear to be an accurate reflection of actual usage.

Furthermore, the work of the justice system would be impeded because crucial agencies such as the Probation Service would not be on hand at Bristol for Bath defendants.

There would be an increased likelihood of defendants and witnesses not appearing in court or absconding.

It is likely that some Bath magistrates would not be prepared to sit at Bristol, leading to a reduction in the bench having local knowledge of the Bath.

We see only limited scope for use of digital channels rather than face-to-face appearances and these should be tested for usability before other mechanisms are removed.

We are not aware of local buildings that would serve the same purpose as the present courthouse without considerable expenditure on security and disruption to other users.

All of these issues need to be carefully considered before any decision is therefore made.