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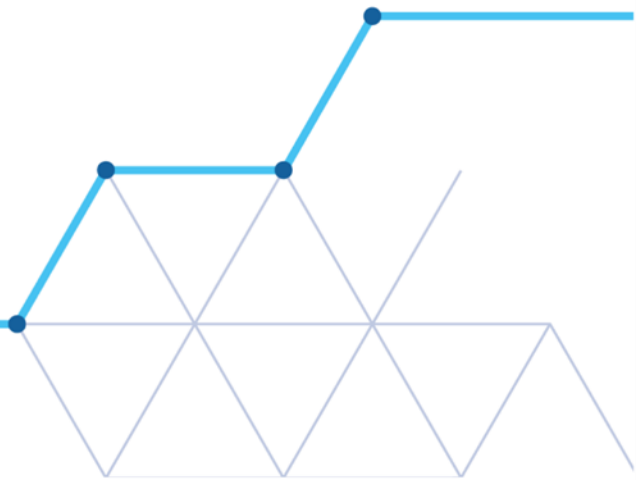


HM Courts &
Tribunals Service

Response to consultation on the future of Chorley Magistrates' Court and Fleetwood Magistrates' Court (currently used as a Family Hearing Centre)

This response is published on 24 July 2018

Protecting and advancing the principles of justice





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of Justice



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Tribunals Service

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Response to consultation carried out by Her Majesty's Courts & Tribunals Service, which is part of the Ministry of Justice. This information is also available at <https://consult.justice.gov.uk/>

Contents

Introduction and contact details	3
Foreword	4
Background	5
Summary of responses	7
Responses to individual proposals	9
Consultation principles	22
Annex A – List of respondents	23
Annex B – Equality Statement: North West	24

Response to consultation on the future of Chorley Magistrates' Court and Fleetwood Magistrates' Court (currently used as a Family Hearing Centre)

Introduction and contact details

This document is the post-consultation report for the consultation paper; proposal on the future of Chorley Magistrates' Court and Fleetwood Magistrates' Court (currently used as a Family Hearing Centre).

It will cover:

- 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 the Estates Consultation team at the address below:

HMCTS Consultation
Post point 1.42
Her Majesty's Courts & Tribunals Service
102 Petty France
London SW1H 9AJ
Email: estatesconsultation@justice.gov.uk

This report is also available at <https://consult.justice.gov.uk/>

Alternative format versions of this publication can be requested from estatesconsultation@hmcts.gsi.gov.uk

Complaints or comments

If you have any complaints or comments about the consultation process you should contact HM Courts & Tribunals Service at the above address.

Foreword

On the 18 January 2018 HM Courts & Tribunals Service published a consultation on the future of Chorley Magistrates' Court and Fleetwood Magistrates' Court (currently used as a Family Hearing Centre).

The consultation put forward proposals to make better use of our estate where usage of the site proposed for closure is low and where occupation of the buildings does not provide good value for money. This was based on the principle that the services being provided by these courts could be delivered in other sites in Lancashire. This would ensure continued access to justice, improving the wider utilisation and efficiency of the court and tribunal estate and delivering better value for money for taxpayers.

A total of 50 responses to the consultation affecting the North West region were received. As the Delivery Director for managing the operation of HM Courts and Tribunals Service in the North West, I am very grateful for the time that has been taken by all respondents to provide their views on both of our proposals. By working with the judiciary we want to ensure our services meet the needs of court and tribunal users and maintain an effective and accessible service in Lancashire.

Having given careful consideration to all the responses received, the Lord Chancellor has decided to close Chorley Magistrates' Court and Fleetwood Magistrates' Court. We have considered the impact on court users in Lancashire. While we recognise that some users will have to travel further to attend court than they would were the courts to remain open, other users will benefit from travelling less distance to the receiving courts. I am confident that access to justice will be maintained.

While the closures detailed in this document are based on our current estates principles and are not dependent on modernisation of our courts and tribunals, it is the case that we are continuing to develop alternative ways for users to access our services through better use of technology. As HM Courts and Tribunals Service transforms itself for 21st century ways of working and operating, our court users stand to benefit from not always needing to attend hearings in person to be able to access the justice system, saving them time and effort. We recognise that navigating the current court service processes and the use of technology is not easy for some court users. As part of our work to transform, HM Courts and Tribunals Service is simplifying court processes and also providing assisted digital services for those who need it.

Staff, judiciary and partner agencies who work hard to administer and deliver justice will obviously be affected by these changes. I am committed to working closely with the judiciary on the implementation of these changes and am equally committed to supporting my staff, ensuring that the transition to the new arrangements takes place in a fair and transparent manner in line with the Managing Organisation Change Framework, and in consultation with the Departmental Trade Union.



Gill Hague
North West Delivery Director

Background

The consultation document published on 18 January 2018 proposed the closure of the following courts:

- Chorley Magistrates' Court; and
- Fleetwood Magistrates' Court (currently used as a Family Hearing Centre)

Responses were invited from anyone with an interest or view on local justice. In line with our estates principles to ensure access to justice, deliver value for money and maintain operational efficiency, our assessment is that the decisions made in relation to the courts outlined in this document will help us deliver an effective service for users. As part of our estates principles, we want to ensure: we retain a sufficient number of court and tribunal buildings to meet the demands of our workload; that communities continue to have access to court and tribunal buildings where they need to attend in person, or through alternative methods (e.g. involving a video link); and that cases are heard in buildings with suitable facilities.

The consultation on the future of Chorley Magistrates' Court and Fleetwood Magistrates' Court closed on 29 March 2018. This document summarises the responses received, providing HM Courts & Tribunals Service reactions to the key themes, issues of concern and suggestions which were raised, and setting out the decisions that have been reached on each proposal.

Workload Hours

The workload hours referred to in the consultation document were provided by taking the number of recorded hours the courts sat against the number of potential hours the courts could sit.

The consultation documents published workload figures for the 2016/17 financial year, as that was available at the time. In reaching the decision to close the courts we have also considered more up to date utilisation data for the 2017/18 financial year.

Travel time

The travel information included in the consultation document was provided as a guide to the likely impacts, as it is not possible to model every potential court user journey. Our analysis of travel times compared current journey time examples from a group of towns to the court proposed for closure with future journey times for the same group of towns to the courts proposed to receive the workload of the closing court. Preston, Clayton-le-Woods, Euxton and Eccleston were compared for Chorley. Blackpool, Poulton-le-Flyde, Thornton-Cleveleys and Lytham St Annes were compared for Fleetwood. In each instance the journey time was assumed to begin at 8am, with travel from town centre to receiving court.

Impact Assessment

The Impact Assessment accompanying the consultation has been updated to take account of evidence provided by stakeholders during the consultation period and is being published alongside this response document.

A list of respondents is provided at Annex A.

Summary of responses

Overview of responses received

A total of 48 individual responses to the consultation paper were received. Of these:

- 4 were from members of the Judiciary;
- 7 were from magistrates;
- 3 were from professional users;
- 4 were from public sector bodies;
- 3 were from Members of Parliament;
- 4 were from criminal justice partners;
- 2 were from staff members;
- 2 were from Departmental Trade Unions; and
- 19 were from members of the public.

Of the responses received, 24 related to Chorley, seven to Fleetwood and 17 related to both Chorley and Fleetwood. 10 were in support of the proposal to close Chorley Magistrates' Court, 30 were opposed and one was neutral. 8 were in support of the proposal to close Fleetwood Magistrates' Court, 14 were opposed and two were neutral.

Some of the responses received commented on both proposals and those views have been considered for each of the sites mentioned.

Of the responses received, comments opposing the proposals include the following:

"I believe that the family court deserves to stay open to ensure that cases are heard in an easily accessible, familiar location for the residents of Fleetwood and the wider area to access." (**Member of Parliament**)

"We believe that Chorley is an example of the long-term strategy of management to centralise the limited service it offers." (**PCS Cumbria and Lancashire**)

"As a tax payer and one of the people of Thornton and Fleetwood I disagree with the closure of our PUBLIC Magistrates Court at Fleetwood" (**Member of the public**)

"Magistrate court justice should be locally delivered by magistrates who are familiar with the locality and local issues." (**Member of the public**)

Responses that offered support to the proposals included the following:

"I think it would be sensible to close Chorley Magistrates' Court, the amount of work has been reduced and it deals mostly with traffic matters." (**Magistrate**)

"We believe that it is fair to say that the Family Panel MA members have no major objections to the closure of the courthouse but with the proviso that any replacement has at least comparable or superior facilities" (**Lancashire Family Panel Magistrates**)

"In the current economic climate it appears a sensible decision." (Judge for Lancashire)

The consultation asked a series of questions regarding the proposals and we have analysed responses to those questions against our three estates principles: access to justice, value for money and operational efficiency. The next section of this document details our consideration of specific responses to the proposals.

Responses to individual proposals

1. Chorley Magistrates' Court

Decision on Chorley Magistrates' Court

We have analysed the points raised by respondents to the consultation, and following careful consideration, the Lord Chancellor has decided to close Chorley Magistrates' Court.

Subject to the agreement of the relevant judicial bodies with responsibility for listing, its workload and hearings will be relocated to Preston Magistrates' Court.

Summary of responses to the proposal on Chorley Magistrates' Court

41 responses were received to the proposal to close Chorley Magistrates' Court. Of the total 10 were in support of the proposal, 30 were opposed and one was neutral. Of the total:

- 3 were from members of the Judiciary;
- 6 were from magistrates;
- 3 were from professional users;
- 2 were from public sector bodies;
- 2 were from Members of Parliament;
- 4 were from criminal justice partners;
- 1 was from a staff member;
- 2 were from unions; and
- 18 were from members of the public.

Access to justice

We received 33 responses which referred to issues regarding access to justice. A number of responses raised concerns about the difficulties of travelling to Preston from the Chorley District. For example,

"I firmly believe that closing the court at Chorley would be damaging to the justice process which should be delivered locally; people will not attend due to reasons beyond their control such as cost and availability of public transport." (**Rt. Hon Sir Lindsay Hoyle MP for Chorley**)

"With a reduction in public transport to most of the rural areas, it would be more difficult to travel further distance to Preston and cost more, with some routes having infrequent timetables." (**Retired Magistrate**)

“HMCTS have attempted to consider the impact of the closure of the Chorley Magistrates' Court and the relocation of the work to Preston Magistrates' Court in so far as it affects those who live in Chorley and between Preston and Chorley. All would have a longer and more expensive journey to court as a consequence, even on HMCTS's figures.” **(PCS)**

Chorley Magistrates' Court is the venue for all road traffic cases in Lancashire. Court users are currently travelling from all over the county to have their traffic matters heard in Chorley. Similarly, the population of Chorley Borough would not attend Chorley Magistrates Court unless it was for a road traffic case, as highlighted by the Magistrates' Association.

“Any citizen of Chorley Borough who is arrested and charged with an offence, is required to attend at Preston Magistrates court for their first hearing, and their case may be concluded and sentence imposed without them ever setting foot in Chorley courthouse.” **(Magistrates' Association Lancashire County Branch)**

While HM Courts & Tribunals Service acknowledge there may be some increase in travel time and costs for some court users, there will be reduced travel time and costs for people living nearer to Preston. As noted above the majority of cases heard in Chorley do not originate from the area immediately local to the court.

HM Courts & Tribunals Service considers that the journey time from Chorley to Preston is reasonable. For example, Chorley Magistrates' Court is approximately 11 miles from Preston. By car from the key towns and villages to the receiving site the journey times range from 30 minutes to around 45 minutes, and by public transport the journey times range from around 30 minutes to around 1 hour and 15 minutes. Significantly, the court into which the work from Chorley will move is well connected by public transport with railway and bus links very near to the court. We are also mindful of the infrequency with which people need to attend court. In addition, the extension of the Single Justice Procedure in March 2018 allows for driving disqualifications to be dealt with without the need for the defendant to attend court.

Additionally, some responses referred to the travel time analysis in the consultation document, highlighting that it did not take account of the smaller villages around Chorley.

“The consultation document includes analysis of travel time for key populations, examining the additional time it will take to travel to Preston compared to Chorley. However, it selects only a small number of departure areas, all of which are to the northern side of the borough. The additional travel times from other areas such as Coppull or the southern part of Chorley town would be even greater.” **(Public Sector Body)**

Within the consultation document an analysis of example travel times were provided for some small towns and villages around Chorley, with locations selected from the catchment area local to the court. This provided a comparison of current journey times with future journey times for the same example towns and villages to the proposed receiving site (Preston). The travel information was provided only as a guide to the likely impacts, as it is not possible to model every potential court user journey from every small town and village. HM Courts and Tribunals Service considers that the change in journey times will be reasonable. Since the journey time from Chorley to Preston is around 30 minutes by public transport, our assessment is that court users from south of Chorley (for example Coppull) in the catchment area of the court will still have reasonable journeys to

travel to Preston Magistrates' Court. For example, the journey from Coppull to Preston Magistrates' Court is around one hour by public transport via Chorley.

A number of responses raised concerns about the impact of the potential closure of Chorley Magistrates' Court on various disadvantaged groups such as the disabled, the elderly, pregnant women and those without access to technology.

“Chorley is a large town and not everyone can travel to Preston Magistrates Court, especially those with protected characteristics or the elderly. I know the Government proposes more on line services but not everyone is able to access these and the judicial system is confusing enough.” **(Member of the public)**

HM Courts & Tribunals Service recognises that some users who live in remote locations or have difficulty travelling may, in exceptional circumstances, not be able to attend court in time for a case listed at 10am. As is the case now, the courts are able to consider representations made by individual court users for reasonable adjustments on a case by case basis, for example providing a later hearing start time. As some respondents positively noted, Preston benefits from better transport links, which will mean shorter journeys for some users.

Some responses raised concerns about the impact of the closure of Chorley Magistrates' Court on local justice and the loss of local knowledge of Magistrates.

“A large town like Chorley needs its own Magistrates for local issues with workers with knowledge and understanding of the area.” **(Member of the public)**

“Magistrates court justice should be locally delivered by magistrates who are familiar with the locality and local issues.” **(Member of the public)**

On 1 April 2017 all the individual Local Justice Areas within Lancashire merged providing a single Magistrates bench and one Local Justice Area for the County. Magistrates sit across all Lancashire courts hearing all types of cases, therefore there will be no change to how Magistrates currently operate.

If there is a case which requires local knowledge, it can be arranged for a local Magistrate to sit on the case at any court building. Alternatively, it can be arranged for a Magistrate to visit a particular site/location if relevant to a case. The reality is that the vast majority of cases currently heard at Chorley do not originate in Chorley, as identified by a member of the judiciary in their response.

“As all Lancashire Magistrates who deal with criminal cases are authorised to sit at any of the six courthouses, then the Magistrates who arrive at Chorley courts on any given day may come from anywhere in the county. It is not uncommon for all 6 magistrates hearing cases at Chorley to come from towns other than Chorley. It is also the case that the work that is conducted at Chorley Courthouse is extremely likely to originate from anywhere across the county – these are not “Chorley” crimes.” **(Magistrates' Association Lancashire County Branch)**

There are also advantages in magistrates moving around the county as highlighted in the comment below:

“From a Magistrates perspective Preston does deal with a wide caseload so there is perhaps more opportunity to get interesting and varied cases, keeping competences polished.” **(Magistrates' Association Lancashire County Branch)**

Some responses referred to previous closures which affected a court in the south of Lancashire and raised concerns that if Chorley were to close there would be no courts in South Lancashire.

"It is the only court that remains in the South of Lancashire." (Individual)

"Since the closure of Ormskirk Magistrates' Court in June 2016- which had enabled my constituents to get justice on the doorstep for the 166 years it was open-my constituents have had to travel outside the constituency to courts such as Chorley Magistrates' Court." (**Rosie Cooper MP for West Lancashire**)

Following a consultation between July and October 2015 the Lord Chancellor announced in February 2016 the closure of courts in the North West Region, which included Ormskirk Magistrates' Court and Family Court. The criminal work from Ormskirk was relocated to two sites, Preston Magistrates Court and Wigan Magistrates' Court, with the Family work relocating to Leyland Magistrates' Court. Court users of South Lancashire only attend Chorley for motoring cases. As is the case for all Lancashire court users, the people of South Lancashire are required to travel to different courts in Lancashire for different matters currently and this will not change following the closure of Chorley.

Some responses to the consultations have raised concerns that the travel times provided are unrealistic and that using travel times from an online source is not a reliable indicator of the reality of making those journeys. There will always be some journeys which are much longer than the average due to issues on rail networks or on the roads. However, our view is that the data used is informed by thousands of real users and represents a reasonable and proportionate estimate of journey times. We have also drawn on local knowledge when providing these example journey times. Lastly, all journey times shown are from the town or area to the door of the court in order that they represent a more accurate representation of a genuine journey compared with a journey from one court to another.

Value for money

10 responses referred to issues relating to value for money. Comments received from respondents focused on the increased costs to defendants, magistrates and witnesses, including the following:

"There will be increased costs for defendants and lawyers and increased travel costs to be paid by the system for witnesses and the magistracy." (**Member of the public**)

"The cost for the people involved will go up as well as all the extra time to get to the new facilities is not a good alternative." (**Member of the public**)

HM Courts and Tribunals Service acknowledges that there may be some increased costs for some users, however, as Preston may be a closer court for others, there will be reduced costs for some individuals. For those court users who may have increased costs, HM Courts & Tribunals Service does not consider the travel time and costs to be excessive, considering the frequency with which defendants and witnesses need to attend court.

A number of responses raised concerns about the impact of any closure on the economy of Chorley and local solicitor firms.

"Lawyers in Chorley are dwindling and it will potentially mean more firms close or limit the advice they offer due to not being close enough to the Court to facilitate these

services. Again, this affects access to Justice for individuals." (**Member of the Public**)

"Whereas at one time there were a number of Chorley solicitors who attended Chorley court to defend local clients, there seems now to be the only one firm who does so, and they also have a large office near to the Preston courthouse and those defence solicitors who formerly worked at Chorley court are now seen working at Preston court." (**Magistrates' Association Lancashire County Branch**)

"There are also concerns about the wider economic and social impact of closure. The courthouse is close to the main shopping area and the inevitable drop in footfall will have an adverse impact on local businesses." (**Magistrates' Association Lancashire County Branch**)

"The presence of workers and service sector businesses in the town centre is a vital element for the sustainability of local traders. Removing the Court would have a potentially devastating impact." (**Chorley Council**)

HM Courts and Tribunals Service acknowledges that the closure of the court may impact some people more than others, including those with local businesses to the extent that closure leads to a decrease in footfall. However, we cannot allow court buildings to remain under-used, for reasons of operational efficiency. We need to reduce the size of our estate and the savings from doing this will be re-invested in our reform programme to improve services for all users.

HM Courts and Tribunals Service must take into account value for money considerations when reviewing its estate to ensure our buildings are used as efficiently as possible. Proceeds from the disposal of buildings will be re-invested by HM Courts and Tribunals Service into modernising services for users.

Some responses raised concerns about the impact of having further to travel for attendances in court.

"The relocation of the criminal courts will surely lead to an increase in failure to attend hearings, with consequential adjournments (thereby prolonging proceedings, increasing expenses and clogging up listings)." (**Member of the Public**)

"There is a concern that additional travel arrangements and non-competitive rate of witness expenses may deter witnesses from attending court. This may lead to adjournments and/or discontinuance of proceedings." (**Criminal Justice Project, Systems and Process Manager**)

HM Courts and Tribunals Service accepts that defendants who arrive late or fail to attend increase delays but there is no evidence this increases significantly with the distance travelled, or when courts have closed in the past. Analysis of the number of bench warrants issued for "failure to attend" has shown no statistical correlation between periods of greatest court closure and rates of failure to attend. While the figures show a slight increase in 2016/17 (4.1% of hearings) compared with the previous year (3.9% of hearings), there is no evidence this is part of an upward trend. However, we will keep this under review.

Defendants are already travelling throughout Lancashire to attend their hearings, as noted in the previous section.

Operational efficiency

Issues relating to operational efficiency were raised in 18 responses. Some suggested that HM Courts & Tribunals Service have allowed magistrates' court work to be run down in Chorley.

"The underuse of Chorley courthouse has been brought about gradually through central listing policy that increases Preston's reduction in local case load by listing many Chorley origin cases at Preston so that best use can be made of legal adviser, CPS and police resources." **(Retired Magistrate, Chorley)**

"We believe that Chorley is an example of the long-term strategy of management to centralise the limited service it offers." **(PCS Cumbria and Lancashire)**

HM Courts & Tribunals Service continually reviews the operational court and tribunal estate to identify ways to improve listing practices to allow for greater efficiency and make the best use of its resources, for example moving the youth cases to Preston in May 2013 to provide a better service. Additionally, HM Courts & Tribunals Service has had to respond to changes in the business process of criminal justice partners, for example the closure of Leyland Police Custody suite in January 2014, which resulted in a review of listing practices across the county. Listing decisions are made independently by the local Judicial Business Group and there has been no deliberate reduction in work heard in Chorley for the purposes of supporting a closure proposal.

Some responses questioned whether the capacity exists in Preston to absorb the work currently listed at Chorley.

"Preston Magistrates' Court currently operates at over 81 per cent capacity. It cannot absorb the work from Chorley which operates at nearly 40 per cent capacity..... No consideration appears to have been given the potential for increased workload." **(PCS)**

HM Courts & Tribunals Service is confident that with the provision of one additional tribunal hearing room in Preston, the work of Chorley can be readily and affordably accommodated by the proposed receiving site. Chorley Magistrates' Court is open four days per week and is under-utilised; sitting for a total of 1,374 hours out of a possible 3,750 available hours in the 2017/18 financial year. This is lower than the workload figure for the 2016/17 financial year published in the consultation document. Preston heard 5,463 hours of work in 2017/18 out of a total possible 6,250. Based on that workload, with the addition of one hearing room we would expect there to be 1,977 hours of capacity in that court.

With the extension to the Single Justice Procedure, which is reducing the number of cases that require a hearing, and taking into account the listing efficiencies achieved by use of a larger site, HM Courts & Tribunals Service will achieve greater operational efficiencies by increasing the throughput of cases. Reducing operational costs will benefit our users by enabling the reinvestment of savings into further improvements in our services.

Some responses highlighted the advantages of moving the work to Preston with improved facilities and the ability to list more flexibly,

"If work is reallocated to Preston Magistrates' Court current witness facilities there are better than those in Chorley. They have multiple witness waiting rooms adjoined to each courtroom and a separate entrance available to Vulnerable and Intimidated Witnesses (VW)." **(Citizens Advice Witness Service)**

"There is far more flexibility in having the work located in the one site. This will assist with the health and wellbeing of members of the legal team who are currently having to travel to and from several sites." **(Member of staff)**

One response queried the number of courtrooms in Preston Magistrates' Court.

"The consultation paper refers to there being six courts at the Preston court house, but so far as I am aware, there are five courtrooms." **(Member of the public)**

The consultation document stated there were six courtrooms in Preston Magistrates' Court. To clarify, there are six hearing rooms - five formal courtrooms with a sixth informal room being used for tribunal hearings as required.

Other Considerations

Six responses addressed some other considerations as set out here.

Regarding the community work that magistrates undertake:

"Chorley magistrates have a hugely successful "Magistrates in the Community team", that has won many national awards over many years. The team gave 67 presentations to primary schools in 2016-17, which represents one third of all the work of MIC in Lancashire." **(Magistrates' Association Lancashire County Branch)**

"Wouldn't be able to give our children the experience any more of mock courts." **(Public Sector Body)**

HM Courts and Tribunals Service recognise the success of the Magistrates in the Community team in the Chorley area and will assist with finding an alternative location in the county for the mock trials that currently take place in Chorley Magistrates Court.

Responses made reference to the number of staff quoted in the consultation document that would be impacted by the closure of Chorley:

"In referencing the staff who work in court, are otherwise based there or are part of the HMCTS's compliance and enforcement team separately, we believe HMCTS is deliberately trying to play down the staffing implications. The position is similar in the consultation in relation to Chorley Magistrates' Court. HMCTS refers to "additional enforcement staff." **(PCS)**

The administration of the Chorley court business currently takes place in Preston. There are 10 HM Courts & Tribunals Services staff based in Chorley Magistrates' Court, eight enforcement Staff and two ushers. HM Courts & Tribunals Service is committed to supporting staff through any changes and will work with the Trade Union to minimise any impact on staff.

There were suggestions of different ways in which the Chorley court building could be used, such as the possibility of sharing the building with other agencies, or retaining the court as an administrative centre. Some respondents provided suggestions for alternatives to retaining a court in the town, by making use of the town hall for hearings, or the local police station as an alternative location for people who are unable to travel.

HM Courts & Tribunals Service are grateful for all the suggestions received, which have all been carefully considered. However, given the proximity of Preston, the good transport

links along with the reduction in actual in-court hearings, HM Courts & Tribunals Service has concluded that the alternative hearing venue in Chorley would not be required.

Implementation of the decision to close Chorley Magistrates' Court

In the coming months, consultation with the Departmental Trade Union on staffing impacts will take place. We are now beginning to develop our plans for implementation of the decision and the operational exit, which is when the building will cease to provide a public service. Further updates on the timeframe for implementation will be provided online alongside this document in due course.

There are a number of factors to consider before Chorley Magistrates' Court can close. We will work closely with the Regional Judicial Business Group in order to make the necessary listing changes at the affected courts.

2. Fleetwood Magistrates' Court (currently used as a Family Hearing Centre)

Decision on Fleetwood Magistrates' Court

We have analysed the points raised by respondents to the consultation, and following careful consideration, the Lord Chancellor has decided to close Fleetwood Magistrates' Court (which is currently used as a Family Hearing Centre).

Subject to the agreement of the relevant judicial bodies with responsibility for listing, its workload and hearings will be relocated to Blackpool County Court, with some civil proceedings being heard at Blackpool Magistrates' Court, if necessary.

Summary of responses to proposal on Fleetwood Magistrates' Court

24 responses were received to the proposal to close Fleetwood Magistrates' Court. Of the total 8 were in support of the proposal, 14 were opposed and two were neutral. Of the total:

- 3 were from the Judiciary;
- 5 were from magistrates;
- 2 were from professional users;
- 2 were from public sector bodies;
- 1 were from Members of Parliament;
- 3 were from criminal justice partners;
- 2 were from staff members;
- 2 were from unions; and
- 4 were from members of the public.

Access to justice

We received 17 responses which raised issues regarding access to justice, referring to travel between Fleetwood and Blackpool,

"Fleetwood has an attractive building which is inconveniently located for everyone except those who live in Fleetwood." (**Member of Judiciary**)

"I am also aware that people who currently need to use the services of the family court who live in Over Wyre area, namely Preesall, Knott End and Pilling are able to access the services in Fleetwood, which is only a 5 minute ferry journey away from Knott End. With the closure of the court in Fleetwood, these residents will have to access the court services in Blackpool, significantly adding to the travel time when compared to the current situation to access the Court in Fleetwood." (**Cat Smith MP for Lancaster and Fleetwood**)

Response to consultation on the future of Chorley Magistrates' Court and Fleetwood Magistrates' Court (currently used as a Family Hearing Centre)

“Most of the work undertaken involves parties other than from the immediate local area. Most therefore have to make a significant journey both in terms of time and cost.” **(Member of Judiciary)**

HM Courts & Tribunals Service recognises that for some court users there may be an increase in travel costs and lengthened journey times. However, as court users of Fleetwood Magistrates' Court travel from other areas of Lancashire to attend family hearings, for many users travel to Preston is easier than travel to Chorley and the cost and travel time will be reduced.

For those court users that may have further to travel, Fleetwood Magistrates' Court is approximately nine miles from Blackpool. Journeys from key town centres to the receiving court range up to around 35 minutes by car, and by public transport the journey times range from around 30 minutes to around one hour. Significantly, the court into which the work from Fleetwood Magistrates' Court will move is better connected to public transport, with bus, railway and tram links near to the court. HM Courts & Tribunals Service considers that the distance and cost of travel from Fleetwood to Blackpool is reasonable, considering the infrequency with which people have to attend court. Those court users living in the east of the county could apply for their case to be heard in Lancaster if this is more convenient for them.

Two responses referred to the fact that the Coroner's Court use of Fleetwood Magistrates' Court was not mentioned in the consultation document and highlighted the impact on access to justice for users of the Coroner's Court:

“The factual basis stated that Fleetwood is only used as a family court centre is inaccurate. It is also used as the Coroners' Court for hearing deaths from the Thornton Cleveley's area and the Wyre Valley.” **(Public Sector Body)**

“The coroner for Lancashire and Blackburn with Darwen tries to provide a local service for local people. Whilst it is entirely possible to transfer the cases to Preston, this will inconvenience local people and given the social demographic of the death with which I deal, disadvantage the poorest people with whom I deal the most.” **(Public Sector Body)**

The Coroner currently sits in Fleetwood courthouse one day per calendar month. HM Courts & Tribunals Service accommodate coroner's inquests within court buildings whenever possible, however the provision of accommodation for the Coroner is the responsibility of the Local Authority rather than HM Courts and Tribunals Service and HMCTS is not required to provide this. Fleetwood Magistrates' Court is under-utilised and the utilisation calculation takes into account the Coroner's sittings. We recognise that the closure of Fleetwood will cause the Coroner to have to seek alternative accommodation and will work with the Coroner's office to assist where possible in identifying alternative accommodation in other locations.

A number of responses raised concerns about the impact of the potential closure of Fleetwood Magistrates' Court on disadvantaged groups such as children and pregnant women,

“By the nature of the cases that are heard in the Family Court, many of the people who attend, including children and pregnant women, will experience significant trauma and distress which will only be amplified by the need to travel such a distance by public transport, which is currently minimised by the need to only travel to Fleetwood,

reducing the anxiety many will experience.” (**Cat Smith MP for Lancaster and Fleetwood**)

“I definitely do not think you have correctly identified the range and extent of the equality impacts.” (**Member of the public**)

As is the case now, court users who may have difficulty in arriving at court by 10am can make representations on a case by case basis for hearing times to be altered or delayed allowing for later attendance. Court users can also request an alternative location for the hearing if more convenient for travel purposes. An examination of the Fleetwood court lists for the period January to March 2018 demonstrated that, in the majority of cases listed, at least one party resided in Blackpool, Poulton or Lytham St Annes, all of which are nearer to Blackpool than Fleetwood.

Concerns were also raised that the current arrangements at Fleetwood, can sometimes cause delay and increased costs to parties, as suggested by the following comment:

“Hearings are regularly adjourned due to difficulties with travel or because parties mistakenly attend at Blackpool rather Fleetwood.” (**District Judge**)

We consider that closure of the court will simplify the locations at which hearings will be listed.

Value for money

Five responses referred to issues surrounding value for money, in particular concerns about the lack of investment by HM Courts & Tribunals Service in its Blackpool estate, for example,

“...the fabric of both the County and Magistrates' Court is in poor state of repair reflective of their age and date of construction.” (**District Judge**)

“HMCTS have argued that by closing courts they ‘can ensure that our remaining estate is affordable to maintain and can be kept in the best possible condition’. There is certainly no evidence that any of the proceeds of the estates from the courts closed in the North West have been reinvested into Blackpool (or indeed Preston).” (**PCS Cumbria and Lancashire**)

In 2016/17 the running costs of the building (i.e. excluding people costs) for Fleetwood Magistrates' Court was approximately £140,000. HM Courts & Tribunals Service acknowledges that the accommodation in Fleetwood is of a better standard than Blackpool. As part of the proposed closure, essential enabling works will be undertaken in both Blackpool County Court and Blackpool Magistrates' Court, in order to allow for some civil proceedings to be listed in the magistrates' court and more family cases to be listed in the county court in Blackpool. This will generate improvements to the standard of accommodation in Blackpool Magistrates' Court and Blackpool County Court.

HM Courts & Tribunals Service has to take into account value for money considerations in reviewing the cost and use of estate and we cannot allow buildings to remain under-used. The savings from reducing the cost of the estate will be reinvested into the wider modernisation of the service, including the estate.

Operational efficiency

We received 17 responses which referred to issues surrounding operational efficiency, in particular highlighting the lack of conference facilities at Blackpool County Court, for example:

“Our main objections to the closure of Fleetwood Magistrates court would be the suitability of Blackpool County Court as the main receiving court to accommodate the workload or in an emergency Blackpool Magistrates.” **(PCS Cumbria and Lancashire)**

“Inadequate conference facilities could easily create conflict where parties are required to occupy the same public waiting space for their hearings to take place.” **(Trade Union)**

We are exploring how we can expand and best utilise space across the two Blackpool sites to create more capacity, and put in place flexible listing arrangements (subject to the agreement of the judiciary). In this way, we will create additional facilities over the two Blackpool sites, and ensure that there is sufficient access to conference facilities. The current arrangements for the separation of parties in a family case will continue where necessary.

Some responses referred to the difficulties of the current listing arrangements at Fleetwood, for example:

“Case lists regularly not filled resulted in wasted judge time. As no other judge sits at Fleetwood it is not possible to reallocate cases between judges....” **(District Judge)**

Subject to judicial discretion and control, we will ensure that listing practices in Blackpool are organised to make the best use of resources and space.

Two responses raised concern about the accuracy of the court utilisation figures quoted within the consultation document, for example,

“The court consultation document made by the Ministry of Justice also assumes that Blackpool County Court has spare capacity. However, I have been made aware that the figures supplied for the occupancy for the court do not take into account the family hearing cases which are currently heard in Blackpool giving a false impression of spare capacity.” **(Cat Smith MP for Lancaster and Fleetwood)**

The Blackpool County Court utilisation figure for 2016/17 quoted in the consultation document was 2,314 hours. Having re-checked these figures HM Courts & Tribunals Service can confirm they are correct and include family sittings. Fleetwood Magistrates' Court (currently sitting as a Family Hearing Centre) has a varied workload and is currently open from three to five days per week. HM Courts and Tribunals Service considers that it is not cost effective to retain a court which is not fully used. We are confident that, with some enabling works that the family work from Fleetwood Magistrates' court can be accommodated in Blackpool County Court by creating capacity for some civil work to be heard in Blackpool Magistrates' Court.

HM Courts and Tribunals Service will invite the local judiciary to consider future listing practices; to make best use of resources and space in Blackpool, while making sure that the interests of justice are protected.

Other Considerations

Two responses identified other issues that do not fall within the three estates principles. Concerns were raised about the impact of the Local Authority's plans for the regeneration of Blackpool on both the county and magistrates' courts.

"Both courts in Blackpool are situated on top of a multi-storey car park owned by the Council. The land it stands on is prime real estate and there are constant rumours about the council investing in the front at Blackpool to reinvigorate the Promenade."
(PCS Cumbria and Lancashire)

"I know the site at Blackpool is likely to be redeveloped in the future as living in the locality I am aware from local news that the police station is to be sold for development and the whole site is likely to be demolished."
(Member of staff)

HM Courts & Tribunals Service is in discussion with the Local Authority regarding its future plans for the redevelopment of Blackpool, which include the current sites of Blackpool County Court and Blackpool Magistrates' Court. However, we would only proceed with this if we had a deliverable plan to re-provide county court capacity in another site in Blackpool which provided better facilities for users.

Some responses have suggested that HM Courts & Tribunals Service has allowed the work of Fleetwood to be run down, including the following comments:

"I am aware that services in Fleetwood have been run down to allow for this decision to take place with criminal cases last being heard in 2013."
(Cat Smith MP for Lancaster and Fleetwood)

There has been no deliberate reduction in work heard in Fleetwood. HM Courts & Tribunals Service has responded to changes in legislation, such as the introduction of the Single Family Court and the principle that Family work is listed wherever possible in a separate venue to criminal work. As a result of this, the family magistrates' work was moved from Blackpool Magistrates' Court. Blackpool County Court continued to hear family work but there was also the ability to list additional cases in Fleetwood, if required. Reductions in criminal hearings have created capacity in Blackpool Magistrates' Court, to allow for some civil work to be move from the county court. This in turn creates space in the county court for the family work listed in Fleetwood to be accommodated.

Implementation of the decision to close Fleetwood Magistrates' Court

In the coming months, consultation with the Departmental Trade Union on staffing impacts will take place. We are now beginning to develop our plans for implementation of the decision and the operational exit, which is when the building will cease to provide a public service. Further updates on the timeframe for implementation will be provided online alongside this document in due course.

There are a number of factors to consider before Fleetwood Magistrates' Court can close. We will work closely with the Regional Judicial Business Group in order to make the necessary listing changes at the affected courts.

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.

<https://www.gov.uk/government/publications/consultation-principles-guidance>

Annex A – List of respondents

(Chorley Magistrates' Court and Fleetwood Magistrates' Court)

In addition to the members of the public who responded to the consultation, the following named individuals, professionals and organisations provided a response:

Brinscall St John primary school
Cat Smith MP for Lancaster and Fleetwood
Chair of Lancashire family courts
Chorley Council
Citizens Advice Witness Service
Prisoner Escort Custody Service (PECS)
Criminal Justice Project, Systems and Process Manager
Crown Prosecution Service
Designated Family Judge for Lancashire
District Judge
Euxton Primrose Hill Primary School
Family Legal Adviser
Her Majesty's Senior Coroner
HMCTS Staff
Justices of the Peace
Lancashire County Council
Lancashire family court panel
Legal Executive
Magistrates
Magistrates' Association Lancashire County Branch
Member of public
PCS Cumbria & Lancashire
PCS
Recorder of Preston and Resident Judge for Lancashire
Rosie Cooper MP for West Lancashire
Rt Hon Ben Wallace MP for Wyre and Preston North
Rt Hon Sir Lindsay Hoyle MP for Chorley
Seema Kennedy MP for South Ribble
The Law Society

Annex B – Equality Statement: North West

This document includes an analysis of the equalities impacts for the proposed closure of courts in the North West region (Fleetwood Magistrates' Court and Chorley Magistrates' Court) and the transfer of work to other courts in the region, as outlined in the response document.

We have considered the range of consultation responses received concerning our assessment of equalities and note that concerns were raised around the data sources we have used and whether these are limited in scope. In response, we have identified other data sources to enhance our assessment. We have also specified further ways in which we are able to mitigate access difficulties where necessary.

Other responses claimed that our equalities statement overlooked people on low incomes, vulnerable and disadvantaged people, and other groups considered to be particularly at risk. Our initial equalities statement considered the impacts of the proposals on those with protected characteristics as defined by the Equality Act 2010. In response, we have further considered how we might accommodate the needs of other users not encompassed by the Act in the response document.

Respondents in some cases provided additional evidence of potential impacts. While this does not alter our overall assessment that the proposals are unlikely to have a disproportionate impact on those with protected characteristics, we have considered and included a number of additional mitigations to ensure access to justice is maintained.

Equality impacts

3. 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).
4. 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.
5. The Ministry of Justice (MoJ) and its ministers have a legal duty to consider how proposed policies are likely to impact on the protected characteristics and take proportionate steps to mitigate or justify the adverse impacts and to advance the beneficial ones.

Direct discrimination

6. Our 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 the civil and criminal court estate in North West; we do not consider that the decision would result in people being treated less favourably because of any protected characteristic.

Indirect discrimination

7. Amongst court users, some groups of people with protected characteristics, as explained below, are over-represented when compared to the local general population. However, in the event that in some cases these effects were considered to result in a particular disadvantage (for example, the length of journey time to court), we believe that implementation of the proposals represents a proportionate means of achieving the legitimate aims of court reform and efficiency.
8. Our approach has been to identify groups of people with protected characteristics and compare them to the court user population in the North West region. This approach allows us to identify whether any groups of people with protected characteristics are likely to be particularly disadvantaged by the proposals. Due to limitations in the available data on local HMCTS users, we have made the assumption that the local populations in the local authority areas in which the courts are located are representative of the general population of the region.
9. In response to concerns about the limitations of our approach to data usage, we have identified a number of other sources of data to strengthen the analysis we have undertaken. These data sources are provided and analysed below.

Protected characteristic impacts

10. To help show the likely impact on court users we have assessed the available population data on the characteristics of sex, age, disability, race and religion (Table 1). Our current assessment is that there is some over-representation of those of a White race in areas local to the courts (98% in Fleetwood and 97% in Chorley) when compared to the general population of the North West region (90%). There is also an over-representation of those of Christian religion in the courts when compared to the general population (75% for both courts compared to 67% in the general population). The evidence set out in Table 1 shows the data we currently have on the protected characteristics of court users at two courts being considered by the proposals. 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.
11. Although we do not currently have data on the protected characteristic of gender reassignment, and only limited data on sexual orientation and marriage and civil partnership, we do not consider that the proposals are likely to result in any particular disadvantage for people with these protected characteristics when compared to those who do not share the protected characteristics.

12. To supplement our evidence, in Table 2 we have provided published data from the Crime Survey for England & Wales (2014/15) which details the protected characteristics of those who were victims of personal crime. We acknowledge that this data does not necessarily correlate to all court users, however, it provides a helpful indication of a cross-section of the population likely to access criminal courts.
13. Our initial assessment noted the limitations in the available data to assess the extent of impacts on the remaining protected characteristics of sexual orientation, marriage and civil partnership. The information provided in Table 2 allows us to identify the characteristics of those who were victims of crime in 2014/15, which includes sexual orientation and marriage and civil partnership. We were able to identify that those who are single are over-represented amongst victims of crime when compared with the general population (42% as opposed to 25%). We have been unable to identify data to allow an assessment of the impact on those with the protected characteristic of gender reassignment. 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.
14. We have looked at the potential impact of this closure on journey times for users. Typical example journey times from some key towns served by Chorley to the receiving site – Preston – are typically up to 45 minutes by car, and typically up to 1 hour 15 minutes by public transport. Typical journey times from some key towns currently served by Fleetwood to the receiving site – Blackpool – are typically up to 35 minutes by car and up to around 1 hour by public transport.
15. 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, the elderly and pregnant women. Available data suggests that there is no over-representation of people with disabilities in the areas local to the two 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 North West population as a whole.
16. While 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 and virtual court facilities may reduce the need to travel to courts.
17. While a low income is not a protected characteristic by definition of the Equality Act (2010), we consider that the mitigations we have identified through this assessment would also apply to those court users on a low income who may be impacted by longer journeys to court.
18. Overall, we believe that the potential impact is proportionate having regard to the aim of the policy. The closure of the proposed courts 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. Some of these are explained in more detail below in the mitigations section.

Harassment and victimisation

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

Advancing equality of opportunity

20. 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 needs 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

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

Court user data

22. 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 the North West.

23. 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 local authority areas in the North West.

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

NORTH WEST

		Local population			North West population
		<i>Crown court</i>	<i>Magistrates' Court (Chorley)</i>	<i>County court (Fleetwood)</i>	
Site closures		0	1	1	2
Gender	Male	N/A	50%	48%	49%
	Female	N/A	50%	52%	51%
Age	0-15	N/A	18%	16%	19%
	16-64	N/A	65%	59%	65%
	65+	N/A	17%	25%	17%
Disability	Disability	N/A	18%	24%	20%
	No disability	N/A	82%	76%	80%
Race	White	N/A	97%	98%	90%
	Mixed	N/A	1%	1%	2%

Response to consultation on the future of Chorley Magistrates' Court and Fleetwood Magistrates' Court (currently used as a Family Hearing Centre)

	Asian	N/A	1%	1%	6%
	Black	N/A	0%	0%	1%
	Other	N/A	0%	0%	1%
Religion	Christian	N/A	75%	75%	67%
	Buddhist	N/A	0%	0%	0%
	Hindu	N/A	0%	0%	1%
	Jewish	N/A	0%	0%	0%
	Muslim	N/A	1%	0%	5%
	Sikh	N/A	0%	0%	0%
	Other religion	N/A	0%	0%	0%
	No religion	N/A	17%	18%	20%
	Religion not stated	N/A	6%	7%	6%

Other Data Sources

24. To enhance our understanding of the potential impact on protected characteristics we have explored alternative sources of data that might help us understand the demographic makeup of potential court users and those that might interact with the justice system. Our data sources are limited and we have been unable to identify a data source that would provide a comprehensive assessment. However, we have found data that provides an overview of protected characteristics.

25. The information provided below (Table 2) has been provided as an indication of potential users of criminal courts and is therefore applicable for our consideration of the decision to close Chorley Magistrates' Court.

Table 2: The protected characteristics of victims of personal crime (2014/15)¹

Table: Characteristics of adults who were victims of CSEW personal crime, 2014/15 CSEW

England and Wales	Adults aged 16 and over Victims of Personal Crime (%)Per cent	General Population (%)
Age		
16-24	28	14
25-34	24	17
35-44	17	16
45-54	16	17
55-64	8	14
65-74	4	12
75+	3	10
Disability/illness status		

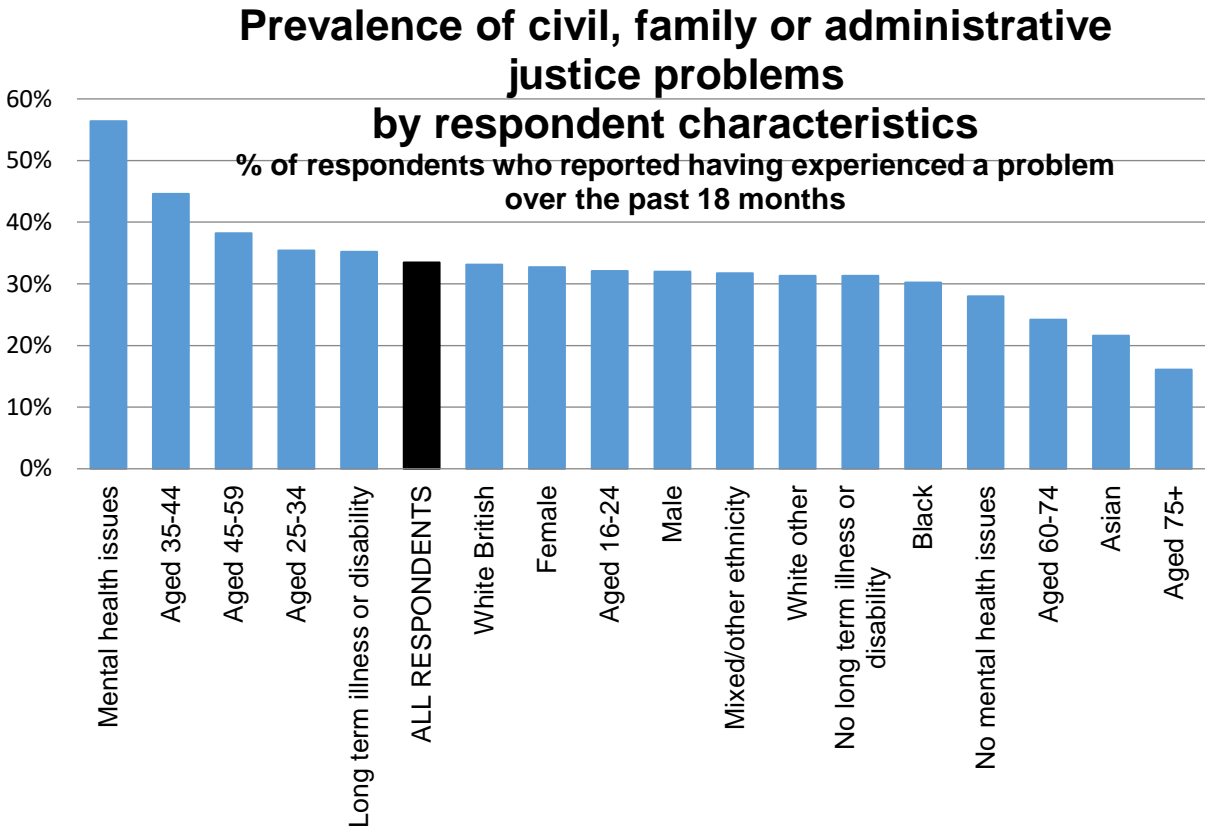
¹ Source: Crime Survey for England and Wales, Office for National Statistics.

Response to consultation on the future of Chorley Magistrates' Court and Fleetwood Magistrates' Court (currently used as a Family Hearing Centre)

England and Wales	Adults aged 16 and over Victims of Personal Crime (%)Per cent	General Population (%)
No disability/illness	76	79
Non-limiting disability/illness	5	5
Limiting disability/illness	19	16
Marital Status		
Married/civil partnered	31	50
Cohabiting	14	12
Single	42	25
Separated	4	2
Divorced/Legally dissolved partnership	6	5
Widowed	3	6
Ethnicity		
White	84	87
Non-white	16	13
<i>Mixed</i>	2	1
<i>Asian or Asian British</i>	7	7
<i>Black or Black British</i>	5	3
<i>Chinese or Other</i>	2	2
Religion		
No Religion	46	33
Christian	45	58
Muslim	4	5
Hindu	2	2
Other	4	2
Sex		
Male	56	49
Female	44	51
Sexual Orientation		
Hetrosexual or straight	95	96
Gay or lesbian	2	2
Bisexual	3	1
Other	0	1

Table 3: Prevalence of civil, family or administrative justice problems by respondent characteristics: % of respondents who reported having experienced a problem over the past 18 months²

26. The information provided below (Table 3) sets out the number of people who experienced a civil, family or administrative justice problem. This helps provide an indication of the number of likely users of civil and family courts. This data is relevant for our consideration of the impact of the decision to close Fleetwood Magistrates' Court (which hears Family Court work).



This bar chart shows the prevalence of justice 'problems' relating to civil, family or administrative areas amongst respondents to the Justice Survey. Problems refer to a matter requiring redress through the justice system.

27. Data above is from the English and Welsh Civil and Social Justice Survey Wave 2 Summary Report (Balmer, 2013). It shows the prevalence of justice 'problems' relating to civil, family or administrative areas amongst respondents to the Justice Survey. Problems refer to a matter requiring redress through the justice system.

28. It is unclear whether those who responded to the survey are representative of the population as a whole and therefore, we cannot draw any firm conclusions from this data. The data does suggest that over 50% of individuals who responded to the survey

² Data collected between 2006 and 2009.

and had mental health issues have experienced a justice related problem. However, this does not tell us whether the proposals under consideration are likely to impact this group more or less relative to other court users. Court users who are likely to be impacted by the proposal are those who find it difficult to travel (and face longer journeys to an alternative site) or those who may have difficulty using digital services. This could potentially impact those who are less mobile, such as people with disabilities, pregnant women and those over the age of 75 years more negatively than the general court user. The data suggests that out of those in the 75+ age group that responded to the survey, slightly over 15% have experienced a legal problem. However, the sample size was low and therefore it is difficult to draw concrete conclusions about the impact of the proposal on this age group. HMCTS will, where appropriate, provide mitigations and reasonable adjustments to ensure access to justice for this group is maintained.

29. Sample size varies by characteristic; ethnicity, in particular, has a low sample size and therefore drawing any firm conclusions on the impact of this proposal on this protected characteristic is difficult. From the data there does not seem to be any gender impact; out of those that responded to the survey, slightly over 30% of both males and females have had a justice problem. This indicates that proposals should not have a disproportionate impact on gender.

Defendants, victims and witnesses

30. 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.

31. 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 (2014/15) 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 (28% of all victims, compared to 14% of the general population);
- Those from BAME (Black, Asian and minority ethnic) backgrounds (16% of all victims, compared to 13% of the general population); and
- Men (56% of all victims, compared to 49% of the general population).

32. While groups of people sharing particular protected characteristics may be over-represented amongst victims, we are unable to quantify whether such over-

representation equates to victims and witnesses who use the criminal courts. The data in Table 2 has been provided as a means of an assessment of impacts, while remaining live to the limitations of this as a proxy.

Impact on magistrates

33. 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 the following.

- 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, while 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

34. Other groups potentially impacted by the proposed closures include the judiciary and legal professionals. Statistics from the Judicial Office³ 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.^{4,5}

35. 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 will be fully assessed once the impact on individuals at each site has been understood. We will engage with staff at the implementation stage to carefully assess any equalities issues and work through possible mitigations.

³ <https://www.judiciary.gov.uk/publications/judicial-statistics-2017/>

⁴ <http://www.barcouncil.org.uk/about-the-bar/facts-and-figures/statistics/>

⁵ <http://www.lawsociety.org.uk/representation/research-trends/annual-statistical-reports/>

Mitigations

36. We recognise that as courts close we need to continue to modernise and improve the way we deliver front line services and to make the most of technological advancements and efficiencies. 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 the following:

- 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, guidance on 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 regularly.
- 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. Examples of adjustments relevant to this decision included:
 - identification of blue badge parking near the receiving court for those with mobility difficulties;
 - use of the staff car park where necessary for disabled users; and
 - consideration of an alternative venue where access is problematic.
- Later starts times can be considered for hearings if a user notifies the hearing centre that travel is problematic.
- Video links for criminal courts are used as follows:
 - 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; and
 - the court will always decide whether it is appropriate to conduct a hearing in a certain way, and the parties will also be able to make representations. In making its decision the court should consider whether any parties or witnesses have a disability (e.g. visually or hearing impaired) or are vulnerable and would benefit from face to face contact to be able to effectively participate in the case.

- Assisted Digital provision will support the digital access needs of individuals who are currently not able to easily engage with online services to ensure reasonable adjustments are made.
- Facilities and provisions made at sites receiving the work at closing courts can include disabled access, hearing enhancement facilities, baby changing facilities and video-conferencing and prison link facilities. The exact facilities available at a court site can be found on our website: <https://courtribunalfinder.service.gov.uk/search/>. If appropriate facilities are not available arrangements can be made by contacting the court to determine reasonable adjustments that might be made, including, where necessary, use of an alternative venue.

Conclusions

37. 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 have reasonable journeys to court to attend hearings, including by public transport. While we acknowledge that some people may need to travel further to reach their nearest court, attending court is typically a rare event for most people.
38. 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. The mitigations set out above will continue to ensure access to justice is maintained. 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.
39. For those people who 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.
40. In the long-term, the savings and any capital receipts generating from the closure will contribute towards funding the reform of HMCTS, including improvements at courts receiving the work of a closing court. Overall, therefore, we consider that the decision to close Chorley Magistrates' Court and Fleetwood Magistrates' Court (currently used as a Family Hearing Centre) and the likely resulting impacts considered above represent a proportionate means of achieving the legitimate aim of a modernised, efficient court and tribunal service.



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