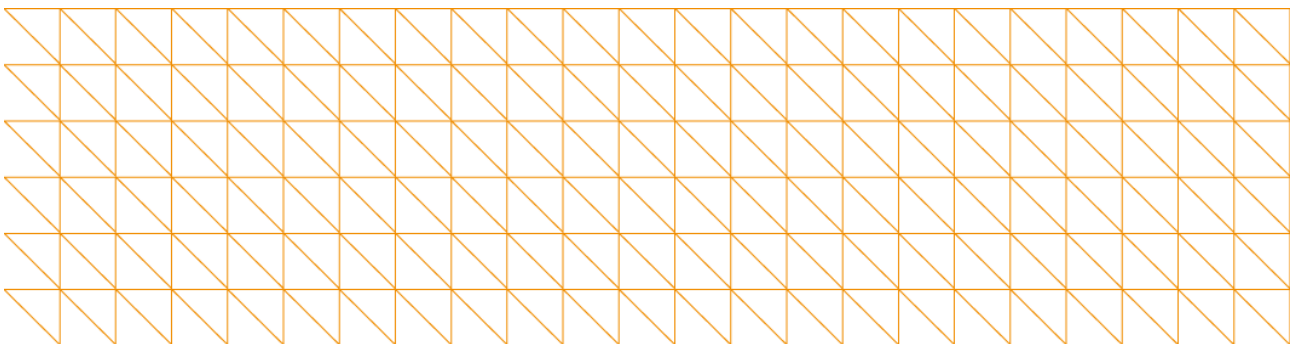




Ministry
of Justice

Response to the proposal on the future of Bracknell Magistrates' Court

This response is published on 14 October 2014





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of Justice

Response to the proposal on the future of Bracknell Magistrates' Court

Response to consultation carried out by the Ministry of Justice.

This information is also available on the Ministry of Justice website: www.justice.gov.uk

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Introduction and contact details

This is the response to the consultation paper, 'Proposal on the future of Bracknell Magistrates' Court which was published on the 18 June 2014.

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
- the next steps following this consultation.

Further copies of this report and the consultation paper can be obtained by contacting the address below:

Bracknell Magistrates' Court Consultation
HM Courts & Tribunals Service
Ministry of Justice
Post Point 9.07, 9th Floor, 102 Petty France
London
SW1H 9AJ

Email: ConsultationBracknellMC@hmcts.gsi.gov.uk

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

Complaints or comments

If you have any complaints or comments about the consultation process you should contact the Ministry of Justice at the above address.

Background

The consultation paper 'Proposal on the future of Bracknell Magistrates' Court' was published on 18 June 2014. It invited comments on the proposal to close Bracknell Magistrates' Court, following the previous transfer of the trial work to Reading Magistrates' Court.

Bracknell Magistrates' Court opened at its current site in 1965. The building requires significant upgrade work which HM Courts & Tribunals Service is unable to justify, given that the court has not been used since January 2012.

The consultation period closed on 30 July 2014 and this report summarises the responses and the next steps.

The Impact Assessment was not commented on by those responding to the consultation. Therefore the consultation stage Impact Assessment has not been revised.

A list of respondents is at **Annex A**.

Summary of responses

A total of 12 responses to the consultation paper were received. A full list of respondents can be found at **Annex A**.

The responses were analysed for possible impact on customers and service providers.

There were no objections to the proposal to close Bracknell Magistrates' Court. Comments which support the closure are included.

All the consultation responses have been fully reviewed and, following careful consideration, the Lord Chancellor has decided to close Bracknell Magistrates' Court.

Responses to specific questions

1. What comments would you like to make about the proposed closure of Bracknell Magistrates' Court?

"The court building has not been fit for purpose for many years – so this move is better for victims and witnesses." (Linda Darrall, Divisional Manager, Victim Support Bracknell)

"As the court has not been sitting in an operational capacity since January 2012, there will be minimal impact on court users. The CPS is supportive of the proposal." (Adrian Foster, Chief Crown Prosecutor)

"It would appear...that the risk to jobs is minimal...the proposal is of no surprise and we anticipated this event from previous similar strategies for closure in the region and nationally." (Dave Lovell, Regional Secretary South East Region Trade Union Side)

"Please close it permanently and sell it off...for other use linked to the Town Centre regeneration." (Piermario R Bonomi)

"I have been involved in policing the area of East Berkshire since 1980 and lived in Bracknell (Warfield) for 10 years. I generally agree with the proposal." (David Colchester, Thames Valley Local Criminal Justice Board)

"The court has effectively been closed for 2 years." (Ian Boswell, Bracknell Forest Council)

"It is inevitable, given the access court capacity in Berkshire. It is just a shame that so much money was spent on the roof, windows, IT and heating systems shortly before it was closed in 2012." (His Honour Judge Nicholas Wood, Circuit Judge and Berkshire Magistrates' Court Liaison Judge)

HM Courts & Tribunals Service has a commitment to keep the use of its estate under review to ensure it meets operational requirements. Any previous investment in improving the facilities of its estate would have been made before a decision to publish a public consultation was made.

"...apparently security guards remained at Bracknell Magistrates' Court on the front office for a good part of 2012 at unnecessary cost – is there an explanation for that too?" (Anonymous)

Whilst it is true that security guards were present at Bracknell Magistrates' Court during 2012, this was required due to the presence of Victim Support offices in the building. Victim Support have since moved to new premises.

"The Bracknell Forest Society has no objection to the closure of Bracknell Magistrates' Court...We would urge that those on low incomes be given financial assistance for travel to and from any court outside of Bracknell." (Andrew Radgick, The Bracknell Forest Society).

The work which was previously listed at Bracknell Magistrates' Court has been heard at other magistrates' courts in Berkshire, primarily Reading Magistrates' Court, since 2012. Reading is approximately 10 miles away from Bracknell, and there is a frequent direct bus between the two locations with a journey time of approximately 50 minutes at a cost of £6.30 return. There are also three trains per-hour from Bracknell to Reading with a journey time of 23 minutes, and two trains per-hour for the return journey with a time estimate of 20 minutes. The cost of an anytime rail return ticket (including peak time services) is £5.90. HM Courts & Tribunals Service will consider, on a case by case basis, requests for more flexible start and end times for court hearings and the use of video links for those court users for whom increased travel might be problematic.

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

"For some witnesses, defendants etc there will be extra expense in travelling to Reading Magistrates' Court." (His Honour Judge Nicholas Wood, Circuit Judge and Berkshire Magistrates' Court Liaison Judge)

"From a Thames and Chiltern CPS perspective, this enables more concentrated listing of cases. Trials being listed in back to back courtrooms so that cases can where appropriate be transferred more readily, avoiding vacated or ineffective trials, or courts having no work to undertake due to trials collapsing. Due to the length of time the court has been closed for and not operational, there are no particular impacts." (Adrian Foster, Chief Crown Prosecutor)

"Although I think it is the correct decision, I think the impact from a community perspective...is insufficiently addressed! The opportunity to ensure the availability of alternatives such as video links...should have been included and reassurance provided that other means of giving evidence and attending court have been considered. It would help that balance if some of the money saved was to be explicitly reinvested in such things as video links and in particular witness facilities at Reading Magistrates' Court...or even a contribution through third party providers such as Victim Support...and Berkshire Women's Aid." (David Colchester, Thames Valley Local Criminal Board)

Video Link and Witness Video Link equipment from Bracknell Magistrates' Court will be deployed elsewhere in the area, to provide improved facilities for witnesses and victims of crime to give evidence. HM Courts & Tribunals Service are currently exploring the possibility of deploying a link from Bracknell into a building outside its current estate, which will enable witnesses to give evidence to locations inside and outside the cluster.

"Increased travel for defendants in Bracknell." (Daniel Sternberg)

"...the impact of travelling further to Reading etc. should be taken into account." (David Colchester, Thames Valley Local Criminal Justice Board)

The work which was previously listed at Bracknell Magistrates' Court is already being heard at Reading Magistrates' Court. The two courts are located approximately 10 miles from each other, and there is a frequent direct bus between the two locations with a journey time of approximately 50 minutes. There are also three trains per-hour from Bracknell to Reading with a journey time of 23 minutes, and two trains per-hour for the return journey with a time estimate of 20 minutes. HM Courts & Tribunals Service will consider, on a case by case basis, requests for more flexible start and end times for court

hearings and the use of video links for those court users for whom increased travel might be problematic.

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

"No impact on witness service / victim service – we did have office space...but moved 18 months ago." (Linda Darrall, Divisional Manager, Victim Support Bracknell)

"In terms of deployment of resources it will have a positive impact upon Thames and Chiltern CPS, as it will mean there are fewer venues to cover, and greater ability to optimise resource." (Adrian Foster, Chief Crown Prosecutor)

"...while the service of justice has continued, there is still a problem of capacity with the other 3 remaining courts in Berkshire at Slough, Reading and Newbury." (Ian Boswell, Bracknell Forest Council)

The work which was previously undertaken at Bracknell Magistrates' Court has successfully been transferred to other magistrates' courts in Berkshire since January 2012. In particular, the trial work which was previously heard at Bracknell is now being held primarily at Reading Magistrates' Court which, as a nine-courtroom venue, has more capacity than the three courtrooms at Bracknell.

4. Do you agree that we have correctly identified the full range and extent of equality impacts for the proposals set out in this consultation paper?

"It would be impossible to deal with this without a full Equality Impact Assessment being published – is one available?" (Anonymous)

The Ministry of Justice takes a proportionate approach to assessing the equality impacts of policy decisions in the wider context of paying due regard to the Public Sector Equality Duty (PSED), and keep ongoing records to demonstrate this.

We recorded our equality analysis for Bracknell at paragraphs 21 to 27 of the IA to demonstrate our PSED consideration.

Conclusion and next steps

This document provides a detailed summary of the points raised by respondents to the consultation. These have all been fully analysed and following careful consideration the Lord Chancellor has decided to close Bracknell Magistrates' Court.

The main conclusions reached are:

- The close proximity of Reading Magistrates' Court to Bracknell Magistrates' Court (located 10 miles away) and the good transport links and travel times between the two locations mean that there has been no significant impact on court users i.e. defendants and witnesses since the court ceased to be operational in January 2012.
- Bracknell Magistrates' Court offers poor accommodation facilities for court users including lack of facilities for people with disabilities. The custody suite which is linked to the adjoining police station has recently closed as it is no longer fit for purpose. The magistrates' car park is situated at the rear of the premises and access is gained through the local police station entrance. There are health and safety implications for magistrates entering the car park. Access to the building and the car park can only be gained by entering the police station at the back of the premises. The police station is operational and emergency vehicles enter and leave the building at speed.
- Reading Magistrates' Court accommodation is more suitable. It is a nine courtroom centre (seven magistrates' and two dual purpose courtrooms). In 2010 two courtrooms were converted from magistrates' courts to dual purpose courts and these are used for Reading Magistrates' Court and Reading Crown Court. Courtrooms eight and nine were also created at the same time and allow easy access to people with mobility issues. During these works, a disabled passenger lift was installed that allows access to the first floor. There are also disabled parking bays within the boundary of the court allowing easy access. There are separate waiting areas for prosecution and defence witnesses, each with their own toilet facilities. There is a vulnerable witness suite available with video link equipment for vulnerable and intimidated witnesses. There is also a disabled toilet available within the main concourse and close to Courts eight and nine.
- There are no staff based at Bracknell Magistrates' Court.

Consultation principles

The principles that Government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

<http://www.cabinetoffice.gov.uk/sites/default/files/resources/Consultation-Principles.pdf>

Annex A – List of respondents

His Honour Judge Nicholas Wood – Circuit Judge and Berkshire Magistrates' Court Liaison Judge

Linda Darrell – Divisional Manager of Victim Support, Bracknell

Cressida Berkenshaw – Executive Assistant to the Chief Constable, Sara Thornton, Thames Valley Police

Adrian Foster – Chief Crown Prosecutor, Thames and Chiltern CPS

John Gleeson – Co-Chair of MOJ Departmental Trade Union Side

Dave Lovell – Regional Secretary of SE Region Trade Union Side

David Colchester – Thames Valley Local Criminal Justice Board

Andrew Radgick – The Bracknell Forest Society

Ian Boswell – Bracknell Forest Council

Piermario R Bonomi

Daniel Sternberg

Anonymous

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