

## LONDON BOROUGH OF HARROW

<b>Meeting:</b>	Strengthening Communities Scrutiny Sub-Committee
<b>Date:</b>	15 October 2003
<b>Subject:</b>	Harrow Magistrates' Court
<b>Key decision:</b>	NO
<b>Responsible Chief Officer:</b>	Borough Solicitor
<b>Relevant Portfolio Holder:</b>	N/A
<b>Status:</b>	PART I
<b>Ward:</b>	N/A
<b>Enclosures:</b>	Appendix A – Harrow's response to the Family Proceedings consultation

### 1. **Summary/ Reason for urgency (if applicable)**

- 1.1 This report updates Members with information available to officers regarding the current position on the proposal to close Harrow Magistrates' Court and informs Members of the objection lodged to the proposal to create Family Courts (which, for Harrow, means transferring the business to 185 Marylebone Road, NW1).

### 2. **Recommendations (for decision by the Sub-Committee)**

2.1 to note the position;

2.2 to approve and support the representation attached to this report concerning the family court proposal.

**REASON:** To continue the Sub-Committee's monitoring of the GLMCA's proposals as they affect the local authority, partners and residents.

3. **Consultation with Ward Councillors**

3.1 N/A

4. **Policy Context (including Relevant Previous Decisions)**

4.1 Members will recall that Councillor Ann Groves has reported at recent meetings on the position regarding the proposal from the Greater London Magistrates' Courts Authority (GLMCA) to close our Court and transfer the business to Brent Magistrates' Court situated on the High Road in Willesden.

4.2 At their meeting on 13 June 2003, the GLMCA decided to conduct: "a 3-month feasibility study to establish whether it would be possible to co-locate the magistrates' court within Harrow Crown Court. Results from the study which will be undertaken in conjunction with the Courts Service, will be considered by the Authority when it meets on 29 September 2003. The possibility of moving work to Harrow Crown Court does not have an impact on GLMCA's proposals to close Harrow Magistrates' Court" (Quotation from the GLMCA website [www.glmca.org.uk](http://www.glmca.org.uk)).

4.3 As requested at your 25<sup>th</sup> June meeting (minute 58), I duly wrote to the GLMCA seeking involvement in the study, but as Members will know from my letter of 10 July 2003, I regret that the Council's offer of assistance was rejected. However, the Harrow Members of Parliament met the previous Minister, Yvette Cooper MP; and the Chief Executive met the Harrow Crown Court Resident Judge and certain of his colleagues.

4.4 At the time of revising this report, I have been verbally informed that the GLMCA decided at its 29<sup>th</sup> June meeting to close the Harrow Court, and that the business will be transferred to Brent Court in Willesden, ie the co-location with the Crown Court proposal has been rejected. Harrow officers do not know what information was before the GLMCA when it made its decision. As Members know, the GLMCA always (except for their Annual Meeting) meets in private, and whilst their agenda frontsheet is published on their website, after the meeting, the reports listed on the agenda are kept confidential. This complies with the GLMCA's legal obligations, although questions about this and the GLMCA's accountability have been asked in Parliament.

4.5 Therefore the current position is that formal notice is awaited from the GLMCA, following which the local authority has a statutory one month period in which to lodge an objection with the Department for Constitutional Affairs (DCA), now discharging the functions previously undertaken in the Lord Chancellor's department, whilst Lord Falconer as Secretary of State for Constitutional Affairs and Lord Chancellor, is the

senior responsible Minister. In accordance with Cabinet's previous decision (minute 199 of 18<sup>th</sup> February 2003) an objection will be lodged, and a meeting sought, which is likely to be with Christopher Leslie MP, Parliamentary Under-Secretary of State, it being understood that he has assumed the duties previously held by Yvette Cooper MP.

- 4.6 A matter of some concern is the last sentence of the quotation in paragraph 4.2: **“The possibility of moving work to Harrow Crown Court does not have an impact on GLMCA’s proposals to close Harrow Magistrates’ Court”**. This is capable of interpretation that the Court was going to be closed whatever the result of the feasibility study, because the quotation refers to the Court not the Court House. In fact, our understanding is that, prior to 29<sup>th</sup> June, the only decision regarding Harrow, which the GLMCA made on 13 June 2003, was to defer a decision on Harrow Court pending the result of the feasibility study. In the appeal, we shall be representing to the Minister that not only was the Council's offer to assist with the carrying out of the feasibility study refused, but that the impression was publicly given on the GLMCA website during its conduct that the result was a foregone conclusion, ie that the GLMCA would close the Court. Although it is not to be taken as a precedent, Kingston's appeal against closure was allowed by the previous Minister, when she said there were serious concerns about the capacity of the Wimbledon Court to which Kingston's work would have transferred (which would not apply to our case), but she went on to say “We also took into account the convenient location of Kingston Court, which is so close to the Crown Court and the police station as well as the convenience for local people”, much of which applies to our case.
- 4.6 Members are also aware that concurrent with the feasibility exercise, the GLMCA ran a pan-London consultation on their proposal for the future delivery of Family Proceedings in Greater London and the creation of Family Centres (“the Family Courts proposal”). On 16<sup>th</sup> June 2003 copies of this document were distributed to Members. The extended date for responses was 2<sup>nd</sup> September 2003. A copy of the response submitted on Harrow's behalf is attached to this report. The effect, for Harrow, would be that Harrow's family cases would be heard at 185 Marylebone Road, NW1, one of three family centres covering the whole of London. The Harrow representation envisages that Harrow Court would become a family centre to serve Harrow and adjoining areas (on the basis that the criminal work would be co-located with Crown Court).
- 4.7 Although Harrow has done everything possible to argue its case for the retention of local administration of justice, the GLMCA has decided in private session to persist with its proposal. A formal objection will be lodged with the Secretary of State for Constitutional Affairs and Lord

Chancellor, and a meeting sought with him or one of his Ministers, as previously requested by Cabinet.

5. **Relevance to Corporate Priorities**

- 5.1 In the general sense that the local court, and the co-operation between local agencies who are associated with it, contribute to the strengthening of Harrow's local communities.

6. **Background Information and options considered**

- 6.1 N/A

7. **Consultation**

- 7.1 Partnership Unit, Members of the Strengthening Communities Scrutiny Sub- Committee, Cabinet and Harrow Bench

8. **Finance Observations**

- 8.1 N/A

9. **Legal Observations**

- 9.1 Incorporated in the report.

10. **Conclusion**

- 10.1 N/A

11. **Background Papers**

- 11.1 GLMCA consultation document: Proposals for the Delivery of Family Proceedings in Greater London and the Creation of Family Centres  
GLMC website: [www.glmca.org.uk](http://www.glmca.org.uk)  
Correspondence to and from the GLMCA

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## **APPENDIX A**

### **CONSULTATION ON PROPOSAL FOR THE DELIVERY OF FAMILY PROCEEDINGS IN GREATER LONDON AND THE CREATION OF FAMILY CENTRES**

This document responds to the GLMCA document dated 3rd June with the above title.

It acknowledges that the GLMCA's primary aim is to identify how the needs of family court users can be best met and the following points reflects the concerns of the London Borough of Harrow as a service user of the Family Court system.

#### **Needs of Family Cases and Flexibility**

The consultation document recognises the need for a high level of flexibility when dealing with family work and proposes that the more work running in a hearing centre the greater the possibility of flexibility.

The document fails to address the concern that by the same token over listing of family matters would in fact compromise flexibility. Overlisting limits availability of Courts for hearing emergency applications or allows it with a high level of disruption to existing workloads. It is not realistic to rely on transfer of cases from one bench to another as often justices will have spent considerable time reading the case bundle and there will be no advantage in transfer to a new bench if reading has again to be undertaken.

In terms of listing cases this Authority's experience of the Principal Registry, the existing centralised service, is that it is much harder for the Court to identify time to list final hearings within a reasonable timescale than local family proceedings courts are able to. This can considerably lengthen disposal time of cases and the document does not address this issue.

### **Justices/District Judges**

The document proposes that a consistency of approach from justices and district judges may be achieved if they operate from the same hearing centre. Without a rolling programme of training common to both justices and judges this authority believes it is highly unlikely that relocation alone will achieve consistency. Whatever the outcome of this consultation there is a clear need for more frequent and regular liaison opportunities between the justices/judges.

### **Venue/Accessibility**

The document proposes Marylebone Road as an option when considering venue for one of the three proposed centres and as the centre that would serve Harrow.

The document contends that Marylebone Road could provide four or five hearing rooms, if present occupants of the building are relocated and with some adaptation/and redevelopment.

Marylebone Road has a lease until 2025. It is proposed that this venue would accommodate the needs of the following Boroughs:

Brent

Westminster

Ealing

Harrow

Hillingdon

Hounslow

Newham

Richmond upon Thames and

Wandsworth

and has it is said been chosen based on accessibility. For this Local Authority and its neighbouring boroughs, Marylebone Road is not easily accessible and considering the client base may in fact prove to be a (further) disincentive to involvement in their children's cases if a lengthy journey is required. In addition to difficult travel arrangements the relocation would require court users to travel into London incurring travel costs that are currently not met by Legal Aid, and which are now sometimes met by local authorities in Higher Court cases. Relocation would increase this need for costs to be met to each and every case.

In terms of accessibility Harrow's Court House has excellent road and rail links being within a stone's throw of British Rail and underground lines. For a number of boroughs proposed to be served by Marylebone Road, Harrow would be a far more accessible venue than Marylebone Road.

Harrow Court House currently operates three courts, one of which was refurbished specifically to meet the needs of children's cases after the introduction of the Children Act 1989. It currently deals with criminal matters but if that work were to transfer to the nearby Crown Court there would, it is submitted, be potential scope within the Court House for redevelopment to offer at least four hearing rooms together with accommodation for staff. This may well be achieved at a lower cost than redevelopment of Marylebone Road and without disruption of the buildings existing use. The consultation document has not addressed this option at all which from this Authority's point of view would much better meet the needs of its service users, both professional and lay parties and in particular parents themselves. The Court House could offer a less impersonal

and imposing space than Marylebone Road without leasehold limitations or existing use difficulties.

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