

- DRAFT -

**July 2010**

## **Harrow Council evidence submission to Harrow Magistrates' Court – for consultation on courts closures**

### **Background**

On 13 October 2009, the then Justice Secretary Jack Straw announced consultation on the closure of 21 underused and inadequate courts in several regions of England. The rationale for these changes was to:

- Deliver a more modern justice service
- Put the needs of victims and witnesses first
- Provide best value for taxpayers

As part of this, a discussion paper for London was launched – 'Planning for the future of the magistrates' courts service in London'<sup>1</sup>. In this the Regional Director for the London Region states that while the discussion paper is not a formal consultation paper nor does it set out a strategy, it does describe the principles that must support the future development of a strategy – in order to create a clear and shared vision for the future.

Following significant further work around the feasibility of some of the changes outlined in the discussion paper (including projecting costs and identifying how each courthouse will be affected), the London Region aimed to publish a strategy within six to twelve months, after which public consultation will follow on proposals.

Following the establishment of a new government in May 2010, Kenneth Clarke became the new Justice Secretary, with Jonathan Djanogly as the Courts Minister. On 23 June 2010, ministers announced proposals to modernise and improve the use of courts in England and Wales. Within the consultation were proposals to close 102 magistrates' and 54 county courts which are argued to be underused and/or inadequate. The consultation runs from 23 June to 15 September 2010.

The consultation argues that that Her Majesty's Court Service (HMCS) currently operates out of 530 courts, some of which do not fit the needs of modern communities – their number and location do not reflect the changes in demographics, workload or transport and communication links since they were originally opened. By using courts more efficiently, it is envisaged that public money will be saved alongside improvements to services for court users. Key principles in achieving these greater efficiencies nationally include: improved utilisation of courts, greater flexibility through co-locations, planning on a long-term basis, ensuring access to courts, centralising back office functions, moving towards larger courts and maintaining properties at appropriate levels.

By reforming the courts estate in line with the proposals, the following savings will be achieved: £15.3m per year in running costs and an one-off saving of £21.5m on maintenance costs.

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<sup>1</sup> Document can be found at: <http://www.justice.gov.uk/news/future-magistrates-courts-london.htm>

HCMS currently operates magistrates' courts in 34 locations across London – the quality, facilities and performance of which vary considerably. The proposals for London<sup>2</sup> see the closure of 11 magistrates' courts, of which one is Harrow Magistrates' Court.

In developing the proposals for estates rationalisation, a number of key principles have been adopted. These were set out in the discussion paper for London from October 2009. Harrow Council has considered these principles and provides the following evidence/arguments which could be used to inform any local response to the consultation:

**Principle 1 - “A magistrates’ court service that is geographically accessible to court users within reasonable travelling time”**

The London discussion paper and consultation document acknowledge the need for geographical proximity for all court users attending courthouses but recognise that this is not the sole concern. Whilst we agree that the speed of case outcome, the quality and efficiency of the service provided and the environment is important, we assert that geographical accessibility of courthouses is a key consideration to delivering effective local justice. It is worth noting that Harrow Magistrates Court (HMC) is, in any case, performing well according the indicators of timeliness, quality and efficiency, and has the best courtroom utilisation figures in the West London Clerkship.

*Location*

The consultation proposals look to reduce the number of magistrates' courts in London by a third and therefore issues around transport, geography and transport infrastructure rise to the fore. Harrow Magistrates' Court (HMC) where caseloads deal with adult criminality, civil cases, criminal cases, family work and the youth court serves Harrow. Located in Rosslyn Crescent, Wealdstone, the courthouse is situated across the road from Harrow Civic Centre and Harrow and Wealdstone Station. Harrow is fortunate to have excellent transport links, being served by overground/main line/Bakerloo rail stations and nearby Metropolitan lines. Several buses stop within 100m of the Court.

The Council firmly believes in the concept of the local administration of justice – justice for local people is best served locally. Alternative courthouses, such as Brent, are simply not local to Harrow residents. Continuing to use Brent as an example, a previous study has shown that a significant proportion of Harrow residents cannot reach the Brent courthouse within 60 minutes.

We assert that the travel times used in the consultation document (in the 'location' section of the Harrow Magistrates' Court summary) are misleading. They appear to confuse Harrow and Wealdstone Station which is near HMC with Harrow on the Hill Station which is a 10-minute bus ride away. All times and costs given should be stated as from Harrow and Wealdstone Station as this is the nearest to current magistrates' facilities.

In terms of profiling the impact of additional travel times for journeys from Harrow to either Brent or Hendon, the following observations can be made:

- Hendon Magistrates' Court in Hendon: Moving services to Hendon would involve Harrow residents travelling on underground by the Jubilee line and then using bus route 83 changing at Wembley Park to get to Hendon. This journey time would be

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<sup>2</sup> London consultation document available at: <http://www.justice.gov.uk/consultations/consultation-cp12-10.htm>

in the region of 40 to 50 minutes. There are no direct tube or rail lines to this area from anywhere within the borough unless connections via central London are used, however these would considerably increase journey times. As Hendon Magistrates' Court is not very close to Hendon Central tube station, being about 1.5 miles away, it is therefore necessary to use a bus service to find a closer stop. The additional travel will be costly for many attendees and will often result in late attendance due to the greater risk of transport delays on this longer journey. It should be noted that bus journeys are more vulnerable to delay due to the occurrence of congestion on the highway.

- Brent Magistrates' Court in Neasden: Moving services to Brent would involve travel on underground by Metropolitan / Jubilee line, taking a region of 15-25 minutes. This option is far more accessible than Hendon, however there are no direct bus routes. The Court is about half a mile from Neasden station which would add about an additional 10 minutes walking for an able bodied person but would be more inconvenient for elderly or disabled people.
- General impact on travelling time: it should be noted that the population of Harrow is on average older than the rest of London and 23% of households according to the last census have no access to car or van. In addition, requiring residents to make trips out of the borough that are currently done within the borough and are often walking trips will of course have a detrimental impact on air quality and traffic congestion.

Moving Harrow residents' 'local' magistrates' court from Harrow to Brent or Hendon is simply not practical for Harrow residents – the journeys to both alternatives are longer, more difficult, heavily congested and subject to interruption, especially during peak periods.

Furthermore, the '60-minute test of accessibility' simply does not stand up to scrutiny. From Harrow and Wealdstone, it is easy to reach inner London within half an hour using the fast train to Euston. Following this logic, would we then expect Harrow residents to attend a court in inner London, Lewisham, Morden or Barking<sup>3</sup> as they can still be defined as 'local' if employing the 60-minute test of accessibility. We would suggest not.

*<To insert: information from Richard Segalov on a Youth Offending Team perspective>*

The Metropolitan Police Service (MPS) strongly supports delivering local justice at Harrow Magistrates' Court. Using Brent Court facilities in the past has caused the MPS problems with witnesses and victims often losing interest in travelling the further distance to Brent Court. The MPS can give examples of failing cases when witnesses and victims have been expected to travel longer distances. The MPS also suffer significant impact when local Harrow police officers are asked to go away from the borough to give evidence when they are needed close by. It is the view of the MPS that Harrow Magistrates' Court is ideally located near Harrow Civic Centre.

#### *Multi-agency relationships*

By having a magistrates' court based in the borough, a number of close working relationships have built up over the years between the HMC, Harrow Crown Court, the Crown Prosecution Service, Harrow Police, Harrow Council, the Harrow Youth Offending Team, Harrow Probation Service, Harrow Victim Support and other Harrow-based statutory and voluntary agencies in providing a local coordinated justice service. Moving

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<sup>3</sup> Figures based on a 12-minute rail (fast train) journey from Harrow and Wealdstone Station to Euston, and a tube journey from Euston Station thereafter.

the courthouse out of the borough could have a detrimental effect upon the working relationships of agencies, as well as the Harrow community at large.

There are also major benefits available by co-locating the HMC with Harrow Crown Court in any future reconfiguration of court and justice services locally. Harrow Crown Court provides modernised and secure facilities which would address some of the accessibility and security concerns raised in the consultation document about HMC and can offer free public parking which is not available at Brent Magistrates' Court, and which would further impact on Harrow residents' travel options should services move to Brent. There is also possibly scope to expand Harrow Crown Court on to an industrial site behind it and we believe this option should be given consideration.

#### *Impact of geographical changes on the Council*

Contrary to the trend of decreasing activity elsewhere, Harrow Council has recently increased the number of cases brought to the Magistrates Court. From 2008/9 to 2009/10, the number of cases at the Magistrates Court that the Harrow Council litigation team were involved in more than doubled. With increasing activity, there is a huge cost impact of increasing Council officer journey times from 5 minutes to possibly over one hour. There will be a similar effect on the time of police officers, victim support staff and the range of local agencies who attend court as part of their duties. Whilst the accessibility of court facilities to the general public is of course of paramount consideration, accessibility for others attending court must also be considered. Those professionals who have brought cases for prosecution or attend to give evidence must also find the local court easy to reach and without excessive time implications.

If HMC services were to move outside of the borough, this would also have the following effects:

- Enforcement officers would need to travel further to present their cases.
- Appeals against licensing decisions are currently heard at the Magistrates' Court and would therefore move.
- The Drugs Intervention Project has workers based at the Magistrates' Court offering initial drug assessments to persons making appearances – the DIP service is a key link in breaking the cycle of offending and drug use.
- The specific Harrow focus would be lost if the court moved outside of the borough and could harm the link with the workers at the Police Station custody suite.

Some preliminary analysis<sup>4</sup> has been conducted of the impact on council officer time and associated costs of attending court at Brent Magistrates Court, rather than HMC as is currently the case. Transport for London gives the time for alternative routes from Harrow Civic Centre to Brent Magistrates Court as averaging around 50 minutes. This compares to a 5-minute walk to the Harrow Magistrates Court for most Council employees and therefore gives an additional travel time of at least 45 minutes for each trip to Brent Magistrates Court. The cost of the fare to Willesden Junction or Neasden is £3.50 each way compared with negligible cost for the Harrow Court. An estimate of the cost of additional time and fares for Harrow Council staff comes to a substantial amount per annum.

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<sup>4</sup> Calculations are available upon request and are based on officer time costs at the average H10 salary grade. Officers' times considered are those of officers from legal services, youth services, community safety team, revenues and benefits team, and the anti-fraud team.

It should be further noted that this compares with travel from Harrow Police Station to Brent Court which comes out, at best, to just under an hour, comparing with a 10 minute journey to the Harrow Court. Including the costs of police time and that of other agencies, for example voluntary organisations, would amount to an even more substantial figure.

**Principle 2 - “A structure that is sufficiently flexible to enable the work of the courts to be dealt with in a timely way”**

The London discussion paper refers (page 2) to court usage data which shows that London does not utilise 23% of its court room capacity and that if there were to be efficient use of the courthouses in London, this would most likely see the current 30 courthouses reduced by about nine – this rationalisation is reflected in the consultation proposals. However, Harrow has excellent courtroom utilisation, running at over 95% for 2009-10. This is the best result of any magistrates’ court in West London.

London magistrates’ courts have seen their overall performance in improving timeliness, reducing ineffectiveness and dealing with priority cases improve. Any changes to magistrates’ courts structures must see sustained improvements in performance. We believe HMC to be a well-performing service and therefore see a very real risk in moving its services and the impact that this would have on sustaining improved performance of the service.

HMC currently demonstrates the following performance (all figures as at Feb 2010):

- 99.4% of court registers produced and despatched within six working days (best in group)
- 8.6% of trials ineffective (best in group, significantly lower than average of over 15%)
- 98.1% of vulnerable victims seen within 1 day (best in group, significantly above group average of 78%)
- Performance on timeliness of trials is in line with the group

**Principle 3 - “Magistrates’ courts should provide an appropriate and safe environment for court users and those who work within the criminal and family justice systems”**

*Meeting a diversity of needs*

Courts must deliver for the diverse needs of London’s population and ensure that the courthouses provide a safe and appropriate environment for all court users. To this end we reiterate our point that distance and transport links to the courthouse are key considerations in assessing the accessibility of the courthouse. For courthouse users in Harrow – whether they be users, staff, the Bench, or those providing evidence in cases for example local authority officers – local justice is served best in a local setting. Harrow Magistrates’ Court is well situated in terms of transport links and is set in one of the most diverse boroughs in the country and therefore can cater well for a diversity of needs. Its staff, and those from partner agencies who work within the courts system, are well aware of the local needs of the borough and how best to meet these in a fair manner. The understanding of local cultures is nuanced and something that is acquired over time – a factor that should not be underestimated in any discussions about moving local services out of borough.

We envisage that Harrow residents would be most comfortable to attend in local settings and we raise the question of whether reliability to attend court would diminish should it be

further out of the borough i.e. non-attendance? It takes a motivated person to attend court and there may be some who would not get to court because they conceived the journey too difficult. In turn this would be to the detriment of court business as well as have a consequent effect on the police in terms of arrests to bring defendants to court.

<To insert: information from Steve Spurr about impact on local child protection issues>

The proximity of the Civic Centre to Harrow Magistrates' Court offers a continuity of case experience for the court users and Council officers. We fully endorse the efforts to see more disputes resolved outside of court, if appropriate. The enhanced use of technology should facilitate this and help modernise the courts services.

#### **Principle 4 – “The judiciary must be fully engaged in the development of any plans but their independent role must also be respected”**

##### *The Harrow Bench*

The Harrow Bench has put forward its views around the future planning of the courts services and we refer to this in the first instance. In addition, should HMC services be moved out of the borough, there is the real concern that members of the Harrow bench will also be lost – if members of the bench cease to serve, their expertise and knowledge will be lost.

##### *Harrow Magistrates' Court building*

HMC is a Grade II Listed building, constructed in 1932-35 and listed in October 2003. This limits the potential future use of the building site and land should it cease to serve as a courthouse.

Unitary Development Plan policy seeks to ensure the protection of the borough's stock of listed buildings by:

- Only permitting demolition in exceptional circumstances
- Only permitting extensions that preserve the character and setting of the buildings and any internal/external features of architectural or historic interest
- Only permitting development with the cartilage that does not affect the setting of the building

Council policy reflects advice in PPG 15<sup>5</sup>. It includes specific guidance about use:

*“Generally the best way of securing the upkeep of historic buildings is to keep them in active use. For the great majority this must mean economically viable uses if they are to survive, and new and even continuing uses will often necessitate some degree of adaptation... The best use will often be the use for which the building was originally designed, and the continuation or reinstatement of that use should be the first option when the future of the building is considered.”*

The interior of the building is largely unaltered and this clearly reduces the scope for significant internal change. Retaining the current use of the building is both supported by national policy and would also reduce the risk of the building falling into disrepair. The Council can identify serious security issues and associated costs as well as ongoing liability for NNDR if the property were left vacant, for example after closing the courthouses

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<sup>5</sup> Planning Policy Guidance 15: Planning and the Historic Environment (PPG15)

without finding suitable and feasible alternatives for the building. With regard to running costs, the yearly forecast is about £130k.

*<To insert: information from Frank Stocks regarding listed building status implications>*

Should the existing building have to close, there would be significant advantages to considering an integrated court service, together with a police station adjacent to the existing Crown Court. Closer integration of public sector partners helps progress the Total Place agenda which Harrow has made great strides in. A review of partnership assets and property has formed part of the ambitious transformation programme for the next four years that the Council has embarked upon with partners, called 'Better Deal for Residents'.

**Principle 5 – “Staff should feel valued and receive appropriate training to enable them to carry out their duties”**

We have no particular comments to make around this principle.

**Principle 6 – “Any structure must be compatible with other agencies within the Criminal Justice System”**

As the discussion paper states (page 5): “any changes brought about to the court structure are likely to impinge upon our key agency partners and may result in the need for changes to their structures”.

Any plans to move HMC from Harrow would have a significant impact on the work of Harrow Council officers (and those of partner agencies) who currently attend court to provide evidence for cases. Harrow Council’s work at HMC integrally relates to two of our corporate priorities:

- Improve support for vulnerable people
- Building stronger communities

We stress that it is Harrow Council’s wish that the services currently operating out of HMC remain in Harrow.

Harrow Council looks forward to being involved in consultation around proposals for reconfiguration of the courts estates and seeing successful strides being made in modernising services for local residents. The involvement of the Harrow Strategic Partnership (which comprises of the main statutory, public, voluntary and community agencies in the borough) should be seen as key in developing the future shape of local justice in this borough in the future.

**Principle 7 – “Any new structure must be cost effective and efficient in comparison to the rest of the country”**

Other parts of the country have seen a decline in the workload of magistrates’ courts in recent years with a shift to Crown Courts. In London magistrates’ courts have not seen the same decline in work but there has still nonetheless been an increase in the workload of London crown courts. HMC has recorded an increased caseload in 2009-10 (26,826 compared with 26,244 in 2008-9)

All partners within the public sector are being asked to meet highly challenging efficiency targets and therefore we fundamentally agree that London’s 77% utilisation rate does not

represent efficient use of resources. Harrow Magistrates' Court compares well against this London average as evidenced above.

**Principle 8 – “We should not feel inhibited by existing boundaries within London”**

We have no particular comments to make around this principle.

**Concluding comments**

Whilst we recognise the need for financial and efficiency savings, in line with other public sector agencies in times of financial challenges, the quality of service to court users should remain of paramount consideration. To this end, we support Harrow Magistrates' Court Bench's view that local justice is best served locally. HMC has demonstrated that it serves Harrow well and performs well in comparison to neighbouring courthouses.

Harrow Council has an effective local partnership with Harrow Magistrates Court and is concerned about any changes to the Courts Service that will involve the closure of HMC. The court is currently accessible to local residents and organisations including the police and victim support. We believe strongly that local justice is best administered locally and would oppose any move of the court which made it inaccessible to local residents and officers.

Harrow Magistrates' Court is a high performing service with a highly skilled and dedicated Bench and staff. The hidden cost of closing the Court should not be underestimated. There is a potential loss of magistrates and staff, plus the huge additional travel costs of those attending court. There would also be a significant risk of individuals not attending court where the travel time is excessive. As a listed building, alternative uses of the site are limited.

We therefore believe that in any decision about the future of the courthouse and the Harrow Bench that the full set of options be considered. These options include co-location with other services in Harrow such as the police or the Crown Court, which would preserve local justice and promote close working between agencies.

The HMCS national estates strategy seeks to rationalise the number of courts in England and Wales – this includes fewer courthouses in London and a core estate that is smaller. For reasons of local justice, geographical accessibility, high performance, limited scope for alternative building development, strategic links with partner agencies and meeting the needs of the community, we firmly believe that Harrow Magistrates' Court should be retained to serve Harrow people in its present location.