



**Meeting of
West Berkshire
District Council**

Thursday, 29th July, 2010

Summons and Agenda

To: All Members of the Council

You are requested to attend a meeting of
WEST BERKSHIRE DISTRICT COUNCIL
to be held in the
**COUNCIL OFFICES, MARKET STREET,
NEWBURY**

on
Thursday, 29th July, 2010
at 7.45pm

Andy Day
Head of Policy and Communication
West Berkshire District Council

Date of despatch of Agenda: Friday, 23 July 2010

AGENDA

1. **APOLOGIES FOR ABSENCE**

To receive apologies for inability to attend the meeting (if any).

2. **DECLARATIONS OF INTEREST**

To receive notice of any Declarations of Interest from Members.

3. **CONSULTATION ON THE ADOPTION OF THE 'STRONGER LEADER MODEL'
(C2135)**

To outline the changes that are required to be made to the Council's leadership arrangements by implementing a revised governance model in accordance with the Local Government and Public Involvement in Health Act 2007 ('The 2007 Act') and to agree a process for consulting on these changes.

(Pages 1 - 8)



West Berkshire
C O U N C I L

4. PROPOSED CLOSURE OF NEWBURY MAGISTRATES COURT

To highlight the detrimental effect that the closure of Newbury Magistrate's Court would have on the delivery of services. **(Pages 9 - 64)**

West Berkshire Council is committed to equality of opportunity. We will treat everyone with respect, regardless of race, disability, gender, age, religion or sexual orientation.

If you require this information in a different format, such as audio tape, or in another language, please ask an English speaker to contact Moira Fraser on telephone (01635) 519045, who will be able to help.



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Title of Report:	Consultation on the Adoption of the 'Stronger Leader Model'
Report to be considered by:	Council
Date of Meeting:	29 July 2010
Forward Plan Ref:	C2135

Purpose of Report:

To outline the changes that are required to be made to the Council's leadership arrangements by implementing a revised governance model in accordance with the Local Government and Public Involvement in Health Act 2007 ('The 2007 Act') and to agree a process for consulting on these changes.

Recommended Action:

The following recommendations are made from this report:

- (i) That Council agrees the proposition in this report of the 'Strong Leader Model' as its preferred option to form the basis of the consultation required by the 2007 Act;
- (ii) That Council agrees to proceed to take proportionate steps to consult local government electors and other interested persons on the proposition to implement the 'Strong Leader Model' in West Berkshire (in accordance with s.33(G)(6) of the 2007 Act);
- (iii) That any representations received in the course of the consultation in (ii) above be considered when the proposed changes to the Constitution are drawn up, and that these changes be advertised to the public before they are presented to Council for adoption on 9th December 2010.

Reason for decision to be taken:

Councils operating a Leader and Cabinet model of Executive are required to change its governance arrangements in accordance with a statutory timetable laid down by the 2007 Act.

Other options considered:

A variety of consultation methods were considered.

Key background documentation:

Local Government Act 2000
Local Government & Public Involvement in Health Act 2007
Council Minutes & Report from meeting on the 14th July 2001
West Berkshire Council's Constitution
The Coalition Programme for Government, 20th May 2010

Letter from the Minister for Housing and Local
Government dated 07 July 2010

The proposals will also help achieve the following Council Plan Themes:

- CPT14 - Effective People**
- CPT15 - Putting Customers First**
- CPT16 - Excellent Performance Management**

The proposals contained in this report will help to achieve the above Council Plan Priorities and Themes by:

increasing the term of appointment of the Leader of Council from one to four years, strengthening the governance model already in place.

Portfolio Member Details

Name & Telephone No.:	Councillor Graham Jones - Tel (01235) 762744
E-mail Address:	gjones@westberks.gov.uk
Date Portfolio Member agreed report:	E-mailed Graham Jones on 25 th June 2010

Contact Officer Details

Name:	David Holling
Job Title:	Head of legal and Electoral Services
Tel. No.:	01635 519422
E-mail Address:	dholling@westberks.gov.uk

Implications

Policy:	The revised governance model changes the Council's existing policy surrounding the appointment of the Executive and Leader of Council, with particular regard to the length of time the Leader of Council is appointed for.
Financial:	The consultation measures agreed by Council will be met from within existing resources and budgets.
Personnel:	N/a
Legal/Procurement:	Requires amendments to the Council's Constitution.
Property:	N/a
Risk Management:	N/a
Equalities Impact Assessment:	N/a.
Corporate Board's Recommendation:	Model which was in use at present

Is this item subject to call-in?	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval	<input checked="" type="checkbox"/>	
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>	
Delays in implementation could compromise the Council's position	<input type="checkbox"/>	
Considered or reviewed by Overview and Scrutiny Commission or associated	<input type="checkbox"/>	
Task Groups within preceding six months	<input type="checkbox"/>	
Item is Urgent Key Decision	<input type="checkbox"/>	

Executive Summary

1. Introduction

- 1.1 This report details a proposal to move from West Berkshire Council's current Leader and Cabinet governance model to the Strong Leader Model as necessitated by the 2007 Act.
- 1.2 There is little practical difference between the current and proposed arrangements, except the term that the Leader of Council is appointed for is extended from one to four years, that the Leader then assumes full responsibility for appointing a Cabinet (Executive) and distributing portfolios. The Deputy Leader is also appointed by the Leader and ceases to be Deputy Leader when the Leader ceases to be Leader.
- 1.3 Previous work completed on governance models had discounted the Elected Mayor and Cabinet model and this work has been taken into account in this report's proposal to move to the Strong Leader Model.

2. Proposals

2.1 It is recommended that:

- (1) That Council agrees the proposition in this report of the 'Strong Leader Model' as its preferred option to form the basis of the consultation required by the 2007 Act;
- (2) That Council agrees to proceed to take reasonable steps to consult local government electors and other interested persons as outlined in paragraph 2.3. in the main body of the report on the proposition to implement the 'Strong Leader Model' in West Berkshire (in accordance with s.33(G)(6) of the 2007 Act); and
- (3) That any representations received in the course of the consultation be considered when the proposed changes to the Constitution are drawn up, and that these changes be advertised to the public before they are presented to Council for adoption at the meeting to be held on 9th December 2010.

3. Conclusion

- 3.1 Members are asked to approve the proposals outlined in this report to enable the Council to be in position to adopt the new governance model by the end of 2010.

Executive Report

1. Introduction

1.1 Following the Local Government Act 2000, West Berkshire Council adopted the Leader and Cabinet Model of governance at the meeting of Full Council held on 14th July 2001. The Leader and Cabinet Model replaced the old Committee System previously operated by the Council. The Leader and Cabinet Model features:-

- (1) The annual election of a Leader of the Council
- (2) The appointment of Members of the Executive by Full Council.

1.2 The Local Government Act 2000 was amended by the 2007 Act. The amendments set down a statutory timetable for all councils to pass a resolution to adopt one of the two new governance arrangements. In the case of district councils, such as West Berkshire, this timetable dictates that a resolution must be passed by 31st December 2010.

1.3 The two new arrangements can be summarised as follows:-

- (1) An elected Mayor and Cabinet
- (2) A Leader and Cabinet model which differs from the existing arrangements in three ways:
 - (i) The Leader is appointed for a four year term by Council (or for the remainder of his/her term as a councillor, if this expires first. Full Council may adopt provisions to allow the Leader to be removed by resolution).
 - (ii) After Full Council has appointed the Leader, the Leader has full responsibility for appointing Members to the Cabinet and distributing their portfolios.
 - (iii) A Deputy Leader of Council must be formally appointed by the Leader, who must cease to be Deputy Leader when the Leader ceases to be Leader, instead of stepping up to deputise in times that the Leader's position falls vacant.

1.4 The revised Leader and Cabinet Model described in 1.5(2) above is colloquially known as the 'Strong Leader Model' and this phrase is used throughout this report.

1.5 The governance arrangements were first discussed by the New Structures Task Group on 11th July 2001, which fed into the old Policy & Resources Committee at the time of the original move away from the committee system. The elected Mayor and Cabinet model was then discounted in favour of the Leader and Cabinet model, the task group having taken account of all responses received in the public consultation undertaken.

- 1.6 The recommendations presented to Full Council on 14th June 2001 read “The [New Structures] Task Group had subsequently recommended that Council: adopt the Leader with Cabinet form of executive arrangements under Section 29 of the Local Government Act 2000, having taken account of all the responses received from the public consultation and the requirement to secure continuous improvement; agree that the information in the report regarding consultation be submitted to the Secretary of State as required by the Local Government Act 2000 (Proposals for Executive arrangements) (England) Direction 2000, together with the description of the executive arrangements as set out in the draft Constitution; agree that the new Executive arrangements be introduced from 2nd September 2001..... RESOLVED that the recommendations of the New Structures Task Group, as set out above, be adopted”.
- 1.7 On the basis of this resolution and the extensive work previously done on the suitability of these governance arrangements in West Berkshire, the proposal is to move forward with consultation on the Strong Leader Model in this report. It is not proposed to re-include any consultation on the Elected Mayor and Cabinet Model.

2. The Way Forward

- 2.1 There was unfortunately very little guidance published by the then Government on the level and type of consultation that councils should undertake when moving between governance arrangements. There is however a legal requirement to undertake some form of consultation on this issue.
- 2.2 A letter received by the Leader of the Council dated the 07 July 2010 from the Minister for Housing and Local Government states that ‘I wish to highlight the Government’s view that councils need not incur any significant expenditure on these, and our expectation in today’s circumstances is that all councils will pursue this at minimal cost’. The letter also goes on to state that it is Government’s intention to repeal this legislation and reiterated the Government’s commitment to allow councils to return to the Committee System should they wish to. It also states that it will remove the need to elect a leader for four years. This may mean that any governance arrangements adopted by the Council by May 2011 may be amended again within a year or so.
- 2.3 It is therefore proposed that the level of consultation undertaken on this issue be proportionate to the degree of change that the move between the two governance models necessitates. With that in mind, the following consultation is proposed in West Berkshire;
- (1) Consultation with all District Councillors;
 - (2) Consultation with the West Berkshire Partnership;
 - (3) Consultation with all Town and Parish Councillors;
 - (4) Notices on the Council’s website (posted on Consultation Finder); and
 - (5) An article in the West Berkshire Partnership Magazine and in staff magazine ‘Reporter’;
- 2.4 If Members elect to undertake public consultation it will need to subscribe to the good practice outlined in the Council’s Consultation Policy. The consultation will

clarify the purpose of the consultation and provide the right level of information to allow people to make an informed choice. The following information will therefore be included in the consultation:

A Strong Leader Model	
Pros	Cons
Closest fit with existing arrangements	No direct mandate from the electorate to the Leadership
No reason to change a system which works	
No additional expenditure and a minimum of change	
Full Council can retain the right to remove the Leader	

3. Recommendations

3.1 It is recommended that:

- (1) That Council agrees the proposition in this report of the 'Strong Leader Model' as its preferred option to form the basis of the consultation required by the 2007 Act;
- (2) That Council agrees to proceed to take reasonable steps to consult local government electors and other interested persons as outlined in paragraph 2.3. above on the proposition to implement the 'Strong Leader Model' in West Berkshire (in accordance with s.33(G)(6) of the 2007 Act); and
- (3) That any representations received in the course of the consultation in 3.1(2) above be considered when the proposed changes to the Constitution are drawn up, and that these changes be advertised to the public before they are presented to Council for adoption at the meeting to be held on 9th December 2010.

Appendices

There are no Appendices to this report.

Consultees

Local Stakeholders: To be consulted in accordance with paragraph 2.4 of this report.

Officers Consulted: Moira Fraser, Andy Day, Corporate Board

Trade Union: N/a

Agenda Item 4.

Title of Report:	Proposed Closure of Newbury Magistrates Court
Report to be considered by:	Special Council
Date of Meeting:	29 July 2010
Forward Plan Ref:	N/a

Purpose of Report: To highlight the detrimental effect that the closure of Newbury Magistrates Court would have on the delivery of services.

Recommended Action: Head of Legal and Electoral Services to respond to the consultation with an objection.

Reason for decision to be taken: To ensure cost effective and timely delivery of services.

Other options considered: None

Key background documentation: HMCS paper entitled: Proposal on the provision of courts services in HMCS Bedfordshire, Hertfordshire and Thames Valley

The proposals contained in this report will help to achieve the following Council Plan Priority:

CPP3 – Reduce crime and the fear of crime

The proposals will also help achieve the following Council Plan Themes:

CPT7 - Safer and Stronger Communities

CPT13 - Value for Money

The proposals contained in this report will help to achieve the above Council Plan Priorities and Themes by:

Providing a response to the consultation

Portfolio Member Details	
Name & Telephone No.:	Councillor Graham Jones - Tel (01235) 762744
E-mail Address:	gjones@westberks.gov.uk
Date Portfolio Member agreed report:	23 July 2010

Contact Officer Details	
Name:	Sharon Armour
Job Title:	Solicitor
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Implications

Policy: None
Financial: None
Personnel: None
Legal/Procurement: None
Property: None
Risk Management: None
Equalities Impact Assessment: Not required

Is this item subject to call-in?	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
<p>If not subject to call-in please put a cross in the appropriate box:</p> <p>The item is due to be referred to Council for final approval <input checked="" type="checkbox"/></p> <p>Delays in implementation could have serious financial implications for the Council <input type="checkbox"/></p> <p>Delays in implementation could compromise the Council's position <input type="checkbox"/></p> <p>Considered or reviewed by Overview and Scrutiny Commission or associated Task Groups within preceding six months <input type="checkbox"/></p> <p>Item is Urgent Key Decision <input type="checkbox"/></p>		

Executive Report

1. Introduction

- 1.1 Her Majesty's Court Service ("HMCS") have proposed the closure of Newbury Magistrates' Court along with a number of other courts countrywide. Of significance to this area is the proposed closure of Didcot, Witney and Bicester Magistrates' Courts. It is proposed that the workload currently at Newbury will be re-distributed to Central Berkshire (Reading) and East Berkshire (Bracknell, Maidenhead and Slough).
- 1.2 A consequence of the closure of Newbury Magistrates' Court would be the closure of Newbury County Court with the work being transferred to Reading County Court and the merger of the West Berkshire Bench with either the Central Berkshire Bench or the Central and East Berkshire Benches.
- 1.3 HMCS have issued a consultation paper setting out details of their proposals. The consultation period ends on the 15 September 2010.

2. Background

- 2.1 Newbury Magistrates Court was built in 1966 and consists of two Courtrooms on the first floor of a building shared with the County Court. The Courtrooms are not DDA compliant, there are no separate waiting areas for prosecution and defendant witnesses and there are no prison video links.
- 2.2 The Courthouse does contain the custody facilities for the West Berkshire Local Justice Area and these facilities were recently improved in a joint project with Thames Valley Police. In addition, a witness video link was recently installed in one of the Courtrooms.
- 2.3 Newbury County Court is based on the ground floor of the same building along with Thames Valley Probation Service. A District Judge sits at Newbury County Court every Wednesday and alternate Mondays.
- 2.4 The 2009/2010 running costs of both Newbury Magistrates Court and Newbury County Court is £132,203 (excluding staff and non cash costs). There are currently five staff based at Newbury County Court. The Magistrates' courts staff travel from Reading for hearings and there are no staff permanently based at Newbury Magistrates Court.
- 2.5 HMCS have stated that the courts in the Thames Valley area are only used 70 per cent of the time hence the need to review the number of courts. Local Magistrates have stated that they believe that the incremental cost of consolidating the court with Reading would outweigh any cost savings gained from its closure.

3. Proposals

- 3.1 Currently one Monday a month has been allocated to non-CPS matters in Newbury. Typically there are 80 cases listed for this day with the Council being the prosecuting authority for approximately 10 of these cases. The substantial court list on these days means that members of staff are often away from the office for most of the day. Previous funding cuts have lead to the Court not sitting on a Friday

which has added to the pressure on the other days and reduced the maximum amount of time the court can be utilised.

- 3.2 In addition to the regular caseload the Court needs to fit trials into the diary. The Court's aim is to have these trials on the allocated Monday however this is not always possible and ideally consecutive days should be allocated if the trial is set to last longer than a day.
- 3.3 As a result there are significant delays in obtaining trial dates and some trials are already moved to Reading or Didcot (also proposed to be closed) as Newbury does not have the capacity. To reduce the capacity further can only lead to more delays and provide an additional strain on the service.
- 3.4 The table below shows that there is already a significant delay in hearing trials at Newbury. Five trials were moved to later dates on the day of the trial due to insufficient court space. On each occasion the Council had attended with counsel and witnesses. This has a cost implication for the Council, witnesses and the Defendant. On one occasion the Court was not able to provide us with consecutive court days despite having nine months notice.

Date of Plea – 1st Hearing	Trial Date	Re-arranged Trial Date
	18/05/2009	18/08/2009
	12/10/2009	08/03/2010
	11/01/2010	05/05/2010
	08/02/2010	07/06/2010
	10/05/2010	29/11/2010
17/12/2009	08/09/10 & 15/09/2010	
11/01/2010	02/08/2010	
08/02/2010	05/07/2010	
10/02/2010	06/09/2010	
10/05/2010	05/07/2010	
10/05/2010	01/11/2010	
07/06/2010	18/08/2010	
07/06/2010	06/09/2010	
07/06/2010	20/12/2010	
28/06/2010	10/01/2011	
Abatement Notice Date of Appeal 04/11/2009	15, 16, 18 and 19 November 2010 in Didcot	

- 3.5 The Council experiences similar delays at Reading. The East Berkshire Courts operate a system whereby cases start out at Maidenhead (pleas entered) and are moved to Slough (if adjourned or for sentencing). All trials take place in Bracknell and again if the defendant can not be sentenced on the day, the sentencing hearing will take place in Slough. The court diary for Bracknell is busy with trial dates well into the future. The closure of Newbury will therefore create further pressure on these Courts.
- 3.6 Impact on Legal Services/Investigation Service if the Court were to move to Reading

- (1) Additional cost and officer time in travelling to Reading; and
- (2) Increased delay in getting proceedings to Court

3.7 Impact on Witnesses/Victims of Crime

- (1) Newbury Magistrates' Court covers a large rural area and the closure of the Court would mean that many victims of crime would be faced with difficult journeys to give evidence. The additional cost of travelling may be prohibitive and lead to an increased reluctance of witnesses/victims to give evidence.
- (2) Delays in getting matters to court will have a negative impact and may lead to difficulties in witnesses recalling events.

3.8 Impact on Defendant

- (1) Additional cost in attending Court (may also impact the Council as it could reduce compensation/recovery of costs)

3.9 The Revenues Team have recently been allocated one Tuesday a month as the Court no longer had the capacity to deal with their matters on the same day as the other non-CPS cases. On the one allocated day the Revenues Team deal with enquiries from up to 50 people. They also deal with committal hearings if the arresting officer brings in a debtor (who sometimes has been kept in the cell overnight).

3.10 If the Court does not sit at Newbury the Revenue Team would lose three experienced and senior staff for a whole day. The additional cost and time in travelling to Reading would have a negative effect on their productivity.

4. Conclusion

4.1 The Magistrates' Court at Newbury is already at full capacity and to close this court and transfer matters to Central Berkshire (Reading) or East Berkshire (Bracknell, Maidenhead and Slough) will put further strain on these courts and lead to an increase in costs, inefficient use of officer time and delays in matters being heard.

4.2 It seems very doubtful that the above operational cost (£132,203.00) justifies the closure of this important local facility.

Appendices

Appendix A - HMCS paper entitled: Proposal on the provision of courts services in HMCS Bedfordshire, Hertfordshire and Thames Valley

Consultees

Local Stakeholders: Not consulted

Officers Consulted: Bill Blackett, Tess Reeves, Andy Fortmuller, Alison Church, Robin Steel, Corporate Board

Trade Union: Not consulted

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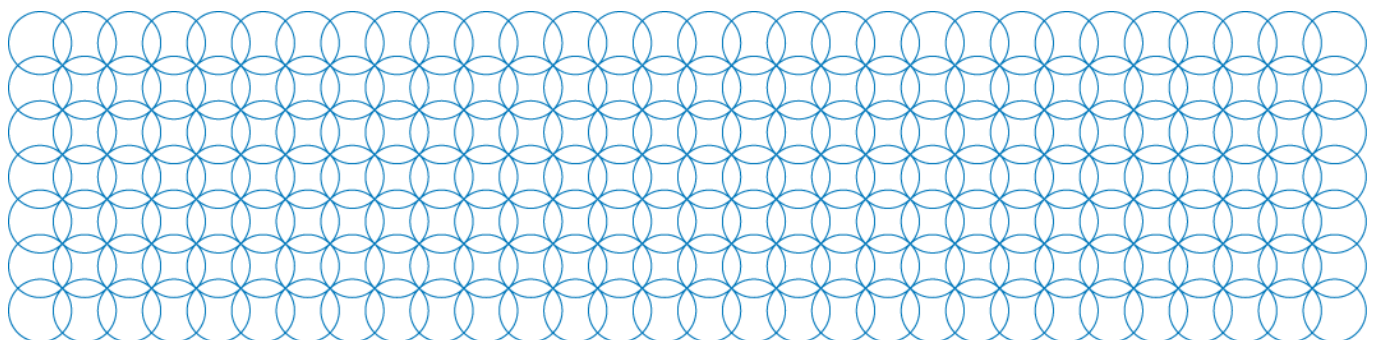


Proposal on the provision of courts services in HMCS Bedfordshire, Hertfordshire and Thames Valley

Consultation Paper CP01/10

Published on 23 June 2010

This consultation will end on 15 September 2010





Ministry of
JUSTICE

Proposal on the provision of courts services in HMCS Bedfordshire, Hertfordshire and Thames Valley (BHTV)

**A consultation produced by Her Majesty's Courts Service, part of the
Ministry of Justice. It is also available on the Ministry of Justice website at
www.justice.gov.uk**

HER MAJESTY'S
COURTS SERVICE
hmcs

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The HMCS national estates strategy

HMCS is committed to providing a high quality courts service within a reasonable travelling distance of the communities that use it, while ensuring value for money for taxpayers.

HMCS currently operates out of 530 courthouses – 330 magistrates' courts, 219 county courts and 91 Crown Court centres.¹ However, the number and location of these does not reflect changes in population, workload or transport and communication links over the years since many of them were opened. This has resulted in some courts sitting infrequently and hearing too few cases. Some buildings do not provide suitable facilities for those attending or are not fully accessible for disabled court users. A number of magistrates' courts do not have secure facilities for prisoners. Other agencies with whom we work across the justice system are also put under strain by the need to work at a number of different courts in the same area, some of which are in close proximity to each other.

When public finances are under pressure, it is vital we eliminate waste and reduce costs. This consultation sets out how we believe we can best meet the justice needs of communities in each area and invites comments on whether work from the courts we propose to close could be moved to nearby courts which have sufficient capacity and, in the majority of cases, better facilities. By using these courts more efficiently we hope to save public money while also improving the services we provide for court users.

We are also consulting on the merger of a number of Local Justice Areas which would enable effective changes to courthouse provision. This will facilitate further efficiency savings in administrative work, whilst ensuring that magistrates continue to provide a vital frontline service to the public.

In order to form the proposals in this document the following principles have been followed:

- improve utilisation to at least 80%;
- provide greater flexibility through co-location of criminal courts and civil courts with tribunal hearing centres;
- plan on a long term basis;
- integrate developing policy and operational changes into estates planning;
- ensure access to courts – enabling the majority of the public to be within a 60 minute commute of their nearest court by public transport;²

¹ A number of courts are co-located or in combined centres.

² With consideration given to those who live in rural communities.

- ensure the estate supports the challenges of rural access;
- wherever possible centralise back office functions;
- have specialist facilities in large strategic locations only;
- move towards larger courts;
- maintain properties at an appropriate level; and
- share facilities with the Tribunal Service.

Court users should not have to make excessively long or difficult journeys to attend court, but geographical proximity for all court users should not be the sole (or even primary) concern. Providing people with appropriate access to justice does not necessarily mean providing a courthouse in every town or city. The speed of case outcome, the quality and efficiency of the service we provide, and an environment which commands respect for the justice system and the safety and comfort of court users, are much more significant to the delivery of effective local justice across all communities in England and Wales.

We need to ensure that local communities, including those in rural areas, have access to a court and we seek views on this. At the same time we must be realistic about the frequency with which most people need to visit a court, compared to other services which they use and travel to more regularly such as banks, schools, supermarkets or hospitals.

We need to consider the required courts estate in the context of the falling workload which is being dealt with in a more efficient and timely way as a result of close partnership working between HMCS and the judiciary. At the same time, we have been careful to ensure that there remains sufficient capacity within the remaining courts to accommodate any future increases in workload.

This consultation will take account of all of these factors plus any additional relevant considerations which are put forward during the consultation period.

Introduction

This paper announces proposals that would enable HMCS in Bedfordshire, Hertfordshire and Thames Valley (BHTV) to provide vital public services whilst reducing the cost for the taxpayer.

Feedback to the questions set out in the consultations will enable us to ensure that courts remain in the most important strategic locations, that communities continue to have access to courts within a reasonable travelling distance, and that cases are heard in courts with suitable facilities which will in turn reduce the overall costs. At the same time, we have been careful to ensure that there would be sufficient capacity within the remaining magistrates' courts should there be a decision to increase their sentencing powers in the future.

The consultation seeks the views of everyone with an interest in local justice arrangements. The Lord Chancellor will take all views expressed into account before making any decision on which courts ought to be closed and when.

This consultation is being conducted in line with the Code of Practice on Consultation issued by the Cabinet Office and falls within the scope of the Code. The consultation criteria, which are set out on page 43 have been followed.

A preliminary Impact Assessment and Equality Impact Assessment initial screening have been completed, which will be developed during the consultation period. A copy of the initial Impact Assessment, the initial screening for an Equality Impact Assessment and the Rural Proofing checklist is available at www.justice.gov.uk.

Copies of the consultation paper are being sent to:

- Local MPs;
- Local Constabulary;
- Crown Prosecution Service – Chief Crown Prosecutor;
- Director of Offender Management;
- Civil Court Users Association;
- District and County Councils and Local Authorities;
- Local Courts Board;
- Local Criminal Justice Boards;
- Judicial Issues Group;
- Local Bench Chairs;
- Criminal Defence Service;

**Proposal on the provision of courts services in HMCS Bedfordshire,
Hertfordshire and Thames Valley**

- Law Society;
- Bar Council;
- Local legal practitioners;
- Senior Presiding Judge;
- Presiding Judge;
- Senior District Judge
- Association of HM District Judges;
- District Judge (Magistrates' Court);
- The Chief Magistrate;
- Magistrates' Association;
- National Bench Chairs Forum;
- Justices' Clerks' Society;
- Lord Lieutenant;
- High Sheriff;
- Witness Care;
- Victim Support;
- Youth Offending Teams;
- Prison Escort and Custody Service;
- The Coroners Service; and
- Trades Unions (PCS, FDA and Prospect).

This list is not meant to be exhaustive or exclusive and responses are welcomed from anyone with an interest in or views on the subject covered by this paper.

This consultation is also available at www.justice.gov.uk

A map of proposals set out in this consultation paper is available at Annex A.

Magistrates' courts in Bedfordshire

There are no proposed changes to the provision of magistrates' courts in Bedfordshire.

Magistrates' courts in Hertfordshire

The need for change

In Hertfordshire, HMCS currently operates magistrates' courts in St Albans (Central Hertfordshire LJA), Hertford (East Hertfordshire LJA), Stevenage (North Hertfordshire LJA), Hemel Hempstead and Watford (West Hertfordshire LJA) and Hatfield (overnight remand court for the County).

Following a consultation in October 2009, it has already been announced that Cheshunt (East Hertfordshire LJA) will close at the earliest opportunity.

The location of these remaining six courts does not reflect changes in population, workload or transport and communication links since they were originally opened. The overall reduction in workload in magistrates' courts has led to a utilisation rate in 2009-10 of 70% across Hertfordshire.³ Without reducing the number of magistrates' courts we operate out of in Hertfordshire, HMCS is unable to provide an efficient service.

By implementing the proposals set out below we believe that HMCS can make better use of the remaining estate and significantly reduce costs both to HMCS and other agencies across the criminal justice system.

³ Courtroom utilisation is the time a courtroom is used, against the hours that a courtroom is available for use.

The proposal

- To continue operating magistrates' courts in St Albans, Hertford, Stevenage, Watford and Hatfield;
- To close the magistrates' court in Hemel Hempstead;
- To merge the Local Justice Areas of West Hertfordshire with Central Hertfordshire to be called 'West and Central Hertfordshire'; and
- To merge the Local Justice Areas of North Hertfordshire with East Hertfordshire to be called 'North and East Hertfordshire'.

Hemel Hempstead Magistrates' Court

Hemel Hempstead Magistrates' Court is under-utilised because there is insufficient workload for the number of courts in the area, and because the type of cases it can hear is limited due to inappropriate facilities.

The building was built in 1969 and consists of four courtrooms. Overall the building conditions and facilities are deemed poor; the cell accommodation is inadequate, there are no separate waiting areas for the prosecution and defence witnesses, and the docking area for prison escort vans is insecure.

The proposal is to close Hemel Hempstead Magistrates' Court and share its current workload between Watford, St Albans and potentially Luton Magistrates' Court. Custody cases would be held at either St Albans or Luton as appropriate.

Workload

The court currently sits every day in at least two out of four courtrooms. There are currently sufficient unused court rooms at Watford and St Albans, and if needs be Luton, to easily absorb the work currently being undertaken at Hemel Hempstead.

Accommodation

Three of the court rooms at Hemel Hempstead Magistrates' Court are on the first floor and are not Discrimination Disability Act (DDA) compliant. The fourth is an informal court room on the ground floor. Two of the first floor court rooms are of a reasonable size and have secure docks, while the third is small, which makes it difficult to use. The first floor waiting area is cramped.

The court house contains the custody facilities for the West Hertfordshire Local Justice Area (LJA). In addition, Hemel Hempstead Magistrates' Court has prison video links and witness video links.

All the proposed receiving courts have suitable facilities, with the exception of Watford Magistrates' Court which does not have any cells for custody cases. As Watford is the other magistrates' court within the West Hertfordshire LJA, all potential custody work would need to be done outside the current LJA were the court to close.

St Albans has six magistrates' courts, three of which have custody facilities and three have video link facilities. The waiting areas, interview facilities and custody facilities are the best in the country. It is DDA compliant on the main floor, with accessible custody provision.

Location

The transport links between Hemel Hempstead and its adjoining towns are generally good. The town sits at the axis of the M1 and the A41, and there are good road links to Luton, Watford and St Albans.

Hemel Hempstead Magistrates' Court is located fourteen miles from Luton (approximately 24 minutes drive), eight miles from St Albans (around seventeen minutes drive) and nine miles from Watford (around 25 minutes drive).

There is a main line rail link between Hemel Hempstead and Watford (approximately 10 minutes at a cost of £4.30 for an off peak return), and a shuttle link between Watford and St Albans. St Albans also has a main line link to Luton (approximately fifteen minutes at a cost of £5.00 for an off peak return).

There are also regular buses between from Hemel Hempstead which take on average one hour to Luton, 30 minutes to St Albans and 40 minutes to Watford costing approximately £4.00 return.

Staff implications

No HMCS staff are permanently based at Hemel Hempstead Magistrates' Court. Staff and Legal Advisers are based at Watford Magistrates' Court, and currently travel to Hemel Hempstead for hearings.

HMCS is will engage with staff and the Trades Unions throughout the consultation process.

Cost implications

The 2009/10 operating cost⁴ of Hemel Hempstead Magistrates' Court was £184,396. The closure of the court house would also remove the need for HMCS investment in backlog maintenance of around £205,000.

Implementation

Should the decision to close Hemel Hempstead Magistrates' Court be taken, a full implementation plan will be produced to ensure the smooth transfer of work.

⁴ 2009/10 HMCS operating costs (excluding staff and non cash costs).

Local Justice Area merger of West and Central Hertfordshire LJAs to form the Central & West Hertfordshire LJA and North and East Hertfordshire LJAs to form the North & East Hertfordshire LJA

There are currently four Local Justice Areas within the Hertfordshire LCJB area, each with a separate bench of magistrates. If we were to create two benches – “Central & West Hertfordshire” and “North & East Hertfordshire” – we would be able to more flexibly deploy these magistrates to share their vital expertise and experience with a wider community. In addition, this would allow custody cases to continue to be heard within the LJA at St Albans.

The merger of these benches would reduce the amount of administrative work involved in organising and attending separate bench and committee meetings. This would facilitate further efficiency savings whilst enabling an effective service to continue to be provided.

A merger of the West and Central Hertfordshire benches would create a combined Central and West bench of 295 magistrates sitting primarily at Watford and St Albans Magistrates’ Courts. A merger of North and East Hertfordshire benches would create a combined bench of 190 magistrates. The North and East Hertfordshire benches already work closely together and share dedicated court lists for Specialist Domestic Violence Courts and video links. The family panels for North and East Hertfordshire combined some years ago.

Magistrates' courts in Thames Valley

The need for change

HMCS currently operates fourteen magistrates' courts in nine Local Justice Areas (LJA) within the Thames Valley Local Criminal Justice Board (LCJB) area.

Following a consultation in October 2009, it has already been announced that Wantage (Southern Oxfordshire LJA) will close at the earliest opportunity.

The location of the remaining courts does not reflect changes in population, workload or transport and communication links since they were originally opened. The overall reduction in workload in magistrates' courts has led to a utilisation rate in Thames Valley in 2009-10 of 70%.⁵ Without reducing the number of magistrates' courts we operate out of in the Thames Valley, HMCS is unable to provide an efficient service.

By implementing the proposals set out below we believe that HMCS can make better use of the remaining estate and significantly reduce costs both to HMCS and other agencies across the criminal justice system.

⁵ Courtroom utilisation is the time a courtroom is used, against the hours that a courtroom is available for use.

The proposal

To continue to operate magistrates' courts in:

- Central Berkshire (Reading);
- Central Buckinghamshire (Aylesbury – co-located with the County Court);
- East Berkshire (Bracknell, Maidenhead and Slough);
- Milton Keynes (Milton Keynes);
- North Oxfordshire (Banbury);
- Oxford (Oxford); and
- Wycombe & Beaconsfield (High Wycombe – co-located with the County Court).

To close the magistrates' courts in:

- Central Buckinghamshire (Amersham);
- Northern Oxfordshire (Bicester and Witney);
- Southern Oxfordshire (Didcot); and
- West Berkshire (Newbury – co-located with the County Court).

To merge the following Local Justice Areas:

- Berkshire:
 - (a) Merge West Berkshire Bench with Central Berkshire Bench to create a combined 'Central and West Berkshire LJA' of 177 magistrates, sitting primarily at Reading Magistrates' Court;
 - or**
 - (b) Merge all three Berkshire benches to create a single LJA with 347 magistrates sitting throughout the remaining four courthouses in the county.
- Oxfordshire:
 - (a) Merge the Southern Oxfordshire Bench with the Oxford Bench to create a combined 'Oxford and Southern Oxfordshire LJA' of 182 magistrates, sitting primarily at Oxford Magistrates' Court;
 - or**
 - (b) Merge all three Oxfordshire benches to create a single Oxfordshire LJA with 292 magistrates sitting throughout the remaining four courthouses in the county.

- Buckinghamshire:
 - (a) Merge Central Buckinghamshire and Wycombe & Beaconsfield benches to create a combined 'Central and South Buckinghamshire' LJA of 206 magistrates, sitting primarily at Aylesbury and High Wycombe;
 - or**
 - (b) Merge all three Buckinghamshire benches to create a single Buckinghamshire LJA with 354 magistrates' sitting throughout the three courthouses in the county.

Newbury Magistrates' Court

Newbury Magistrates' Court was built in 1966 and consists of two magistrates' court rooms, and an informal court room shared with the co-located county court (please see the following section on county courts for further details).

The proposal is to close and dispose of Newbury Magistrates' Court and share its current workload between the other court houses within Berkshire and other courts as needed.

Workload

The court sits every day except Friday, hearing Domestic Violence (DV) cases on Thursday, although this does not require exclusive use of the court.

Accommodation

Although the overall building conditions and facilities are reasonable, the courthouse is not DDA compliant. The two court rooms on the first floor are of reasonable size but are without disabled access. The largest of the first floor court rooms has a secure dock.

The third courtroom is an informal room on the ground floor of a difficult size, which is currently being used to hear county court cases. The co-located county court facilities also include a counter, and staff office.

The courthouse does contain the custody facilities for West Berkshire Local Justice Area (LJA) and these facilities were recently improved in a joint project with Thames Valley Police, which owns the adjacent police station.

There are no prison video links and but witness video links were installed recently in one court room. In addition, the court house has two multi-use interview rooms though there are no separate waiting areas for prosecution and defence witnesses

Location

The transport links between Newbury and its adjoining towns are generally reasonable, as it sits at the axis of the M4 and the A34. However, it is at the western end of Berkshire and all the other courts within the county are to the east. There are good road links to the other court centres in Berkshire via the M4 or A4. From Newbury, Didcot and Reading are both around 20 miles away (30 minutes drive); Bracknell is 31 miles away (around 38 minutes drive); Maidenhead is 35 miles away (43 minutes drive); and Slough is nearly 40 miles away (around 48 minutes drive).

There is a main line rail link and bus service between Newbury and Reading, Maidenhead and Slough, and a commuter line between Reading and Bracknell. Reading is 32 minutes by train and 50 minutes by bus from Newbury (£5.00 off peak return and £6.40 return respectively).

Staff implications

The only HMCS staff permanently employed at Newbury Magistrates' Court work within the county court. Staff at Reading Magistrates' Court currently travel to Newbury for hearings .

HMCS will engage with staff and the Trades Unions throughout the consultation process.

Cost implications

Newbury County Court shares accommodation with the magistrates' court. The 2009/10 operating cost of Newbury Magistrates' and County Court was £132,203.⁶

Implementation

Should the decision to close Newbury Magistrates' Court be taken, a full implementation plan will be produced to ensure the smooth transfer of work.

⁶ 2009/10 HMCS operating costs (excluding staff and non cash costs).

Amersham Magistrates' Court

Amersham Magistrates' Court was built in 1968 and consists of two reasonably sized ground floor magistrates' court rooms, one of which has a secure dock. The magistrates' court does not have custody facilities.

Due to the reducing volumes of magistrates' workload in Buckinghamshire, Amersham Magistrates' Court is no longer needed.

Accommodation

Amersham Magistrates' Court is not compliant with the Disability Discrimination Act. It does not have video link facilities, a victim and witness suite, or separate waiting areas for prosecution and defence witnesses. However, it does have one multi-use interview room, and one courtroom has a hearing loop.

Workload

The court has not been used for magistrates' court work since March 2010, though the court did not receive many cases before this. This has not had a negative impact on the delivery of justice in the area.

Location

The transport links between Amersham and its adjoining towns are generally reasonable. The town has reasonable road links with Aylesbury (around seventeen miles away and 24 minutes drive) and High Wycombe (around eight miles away and sixteen minutes drive).

There is a main line rail link between Amersham and Aylesbury, which takes 21 minutes (£8.40 off peak return). Although much closer by road, rail links between Amersham and High Wycombe involve two changes and so is the longer journey at around 80 minutes.

Staff implications

No staff are permanently employed at Amersham Magistrates' Court.

HMCS will engage with staff and the Trades Unions throughout the consultation process.

Cost implications

The 2009/10 operating cost of Amersham Magistrates' Court was £79,587.⁷ The closure of the court house would also remove the need for HMCS investment in backlog maintenance of around £7,000.

Implementation

Should the decision to close Amersham Magistrates' Court be taken, a full implementation plan will be produced to ensure the smooth transfer of work.

⁷ 2009/10 HMCS operating costs (excluding staff and non cash costs).

Bicester Magistrates' Court

Bicester Magistrates' Court was built in 1957 and consists of two ground floor courtrooms, and first floor office accommodation with some meeting and training facilities. The courthouse has custody facilities.

Bicester is a satellite court that deals with specialist traffic cases and traffic trials plus ad hoc cases, such as long running prosecutions, as needed.

The proposal is to make Bicester an administrative centre, and relocate staff from an office complex at Middleton Stoney once the lease on that property expires. The few hearings currently listed at either Bicester or Witney magistrates' courts would be shared by Banbury, throughout Buckinghamshire and possibly Bedford. Both Bicester and Witney Magistrates' Courts have low utilisation levels as a result of reducing workloads and unsuitable facilities.

Workload

The court currently sits for two sessions per week (in one day). This is not a good use of resources or facilities for HMCS or other criminal justice partners.

Accommodation

The court rooms and custody facilities are compliant with the DDA. There are witness video links, a victim and witness suite, and two multi-use interview rooms. All of these facilities would be retained if the building is converted to an administrative centre.

There are also office and training/ meeting room facilities. The proposed conversion of the building to an administrative centre means that these additional facilities could be retained.

Location

The transport links between Bicester and its adjoining towns are generally good. The town sits at the axis of the M40, the A34 and the A41. There are good road links to Banbury (20 miles and around 26 minutes drive), Oxford (twelve miles or nineteen minutes drive), Didcot (27 miles or 36 minutes drive), Aylesbury (seventeen miles or 25 minutes drive), High Wycombe (34 miles and 39 minutes drive) and Milton Keynes (25 miles and 46 minutes drive). However, the journey to Bedford takes longer (40 miles and 70 minutes drive).

There is a main line rail link and bus service between Bicester and Banbury and High Wycombe, and a shuttle link between Bicester and Oxford.

Bicester to Aylesbury takes 1 hour 38 minutes by bus, 42 minutes by train.
Bicester to Banbury takes 1 hour 25 minutes by bus, 21 minutes by train.
Bicester to Bedford takes 1 hour 35 minutes by bus, 2 hours 33 minutes by train.
Bicester to Didcot takes 1 hour 35 minutes by bus, 52 minutes by train.
Bicester to Milton Keynes takes 58 minutes by bus, 1 hour 59 minutes by train.

Bicester to Oxford takes 40 minutes by bus, 26 minutes by train. Bicester to High Wycombe takes 2 hours 47 minutes by bus, 29 minutes by train.

Staff implications

The only HMCS staff at Bicester Magistrates' Court are involved in administrative duties that do not support the courts based there. Staff currently travel from their administrative base at Oxford Magistrates' Court to manage these court rooms.

HMCS will engage with staff and the Trades Unions throughout the consultation process.

Cost implications

The 2009/10 operating cost of Bicester Magistrates' Court was £85,698.⁸

Implementation

Should the decision to close Bicester Magistrates' Court be taken, a full implementation plan will be produced to ensure the smooth transfer of work.

⁸ 2009/10 HMCS operating costs (excluding staff and non cash costs).

Witney Magistrates' Court

Witney Magistrates' Court was built in 1969 and consists of two reasonably sized ground floor court rooms. Both are DDA compliant. One of the courts has been adjusted for use as a training facility, primarily for magistrates. However, the court house does not contain any custody facilities or secure docks, which limits the kind of case that can be heard here.

The proposal would be to close and dispose of Witney and close Bicester as a hearing centre; both are under-used magistrates' courts. It is further proposed that the work of these two courts is shared between the remaining magistrates' courts at Banbury, throughout Buckinghamshire and possibly Bedford.

Workload

Witney only sees very occasional cases when there are listing difficulties elsewhere. It opens on average for seven days per month.

Accommodation

Witney Magistrates' Court has no prison video links nor witness video links, and does not have a victim and witness suite. However, there is one multi-use interview room for prosecution and defence witnesses and one court room has a hearing loop.

Location

The transport links between Witney and its adjoining towns are generally poor. The town is on the A40, which is its principle link to Oxford. All travel further east needs to go via Oxford where there are links to the M40 and the A34. Witney is 35 miles from both Aylesbury and Banbury (around 50 minutes drive); 21 miles from Didcot (around 43 minutes drive); 53 miles from Milton Keynes (74 minutes drive); twelve miles from Oxford (around 22 minutes drive); and 38 miles from High Wycombe (around 51 minutes drive). Bedford is further away at 70 miles or around 100 minutes drive.

Witney is not on a railway line, but there are regular buses and coaches connecting the town with Oxford (39 minutes away), and from there with connecting towns further afield.

Staff implications

No HMCS staff are employed at Witney Magistrates' Court. Staff at Banbury Magistrates' Court currently travel to Witney for hearings.

HMCS will engage with staff and the Trades Unions throughout the consultation process.

Cost implications

The 2009/10 operating cost of Witney Magistrates' Court was £63,536.⁹
The closure of the court house would also remove the need for HMCS investment in backlog maintenance of around £45,000.

Implementation

Should the decision to close Witney Magistrates' Court be taken, a full implementation plan will be produced to ensure the smooth transfer of work.

⁹ 2009/10 HMCS operating costs (excluding staff and non cash costs).

Didcot Magistrates' Court

Didcot Magistrates' Court was built in 1960, and was substantially renovated before 2005. It consists of two courtrooms of reasonable size both on the ground floor. The courthouse is compliant with the DDA. The waiting area is satisfactory, the courthouse has custody facilities, and one of the courts has a secure dock.

The proposal is to close and dispose of Didcot Magistrates' Court and transfer its current workload to Oxford Magistrates' Court. In March 2010, the closure of Wantage Magistrates' Court was announced following consultation; there is capacity at Oxford to absorb the work from both courts.

Workload

The court hears a full range of cases and activities. However, due to the proximity of preferable accommodation, it only hears cases in a little over half the possible sittings.

Accommodation

There is a witness video link at the court and a multi use interview room for prosecution and defence witnesses. Both courtrooms have hearing loops.

Location

The transport links between Didcot and its adjoining towns are generally good. The town sits besides the A34, which in turns links to the M4 and M40. It is proposed that the majority of work transfers to Oxford, which is under seventeen miles away, which takes around 26 minutes by car, 41 minutes by bus, and 20 minutes by train.

Staff implications

No HMCS staff are employed at Didcot Magistrates' Court. Staff at Oxford Magistrates' Court currently travel to Didcot for hearings.

HMCS will engage with staff and the Trades Unions throughout the consultation process.

Cost implications

The 2009/10 operating cost of Didcot Magistrates' Court was £97,832.¹⁰ The closure of the courthouse would also remove the need for HMCS investment in backlog maintenance of around £20,000.

Implementation

Should the decision to close Didcot Magistrates' Court be taken, a full implementation plan will be produced to ensure the smooth transfer of work.

¹⁰ 2009/10 HMCS operating costs (excluding staff and non cash costs).

Bench Mergers in the Thames Valley Area

The current justice area structure prevents magistrates' from being deployed flexibly or sharing their vital expertise and experience with a wider community that would benefit. We are consulting on the best way to merge the following benches for the maximum benefit. However, we believe that any of the following options would reduce the amount of administrative work involved in organising and attending separate bench and committee meetings across the whole LCJB area. This would facilitate further efficiency savings whilst enabling an effective service to continue to be provided.

Berkshire

If the decision is taken to close Newbury Magistrates' Court, there will not be any remaining magistrates' courts in West Berkshire. It therefore makes practical sense to merge West Berkshire with another Local Justice Area (LJA) to ensure magistrates are deployed flexibly and can share their vital expertise and experience with a wider community that would benefit from it.

There are currently 47 magistrates who sit on the West Berkshire bench, which makes it increasingly impractical to fill the various statutory positions on the committees and panels that are required. Due to the volume of work it is impossible to argue for an increase in the size of the Bench. Therefore, a decision is required to create a sufficiently large pool of magistrates to undertake the work and to fulfil the necessary statutory positions.

There are two options available:

- (a) Merge the West Berkshire Bench with the Central Berkshire Bench to create a combined Central and West Local Justice Area of 177 magistrates, sitting primarily at Reading Magistrates' Court;
- or**
- (b) Merge all three Berkshire LJAs to create a single LJA with 347 magistrates sitting throughout the remaining four court houses in the county.

Oxfordshire

If the decision is taken to close Didcot Magistrates' Court, there will not be any remaining magistrates' courts in South Oxfordshire. It therefore makes practical sense to merge South Oxfordshire with another LJA to ensure magistrates' are deployed flexibly and can share their vital expertise and experience with a wider community that would benefit from it.

There are currently 46 magistrates who sit on the Southern Oxfordshire bench, which makes it increasingly impractical to fill the various statutory positions on the committees and panels that are required. Due to the volume of work it is impossible to argue for an increase in the size of the Bench. Therefore, a decision is required to create a sufficiently large pool of magistrates to undertake the work and to fulfil the necessary statutory positions.

There are two options available:

- (a) Merge the Southern Oxfordshire bench with the Oxford bench to create a combined Oxford and Southern Oxfordshire LJA with 182 magistrates sitting primarily at Oxford Magistrates' Court;
- or**
- (b) Merge all three LJAs in Oxfordshire to create a single Oxfordshire LJA with 292 magistrates sitting throughout the remaining four court houses in the county.

Buckinghamshire

If the LJA mergers for Berkshire and Oxfordshire go ahead then it raises the question whether a similar approach should be taken with the three benches within Buckinghamshire. This would enable the bench to list cases as effectively as possible, and deploy magistrates flexibly so they can share their vital expertise and experience with a wider community. On that basis, there are two options available:

- (a) Merge the Central Buckinghamshire and Wycombe and Beaconsfield benches to create a combined 'Central and South Buckinghamshire' LJA with 206 magistrates sitting primarily at Aylesbury and High Wycombe;
- or**
- (b) Merge all three LJAs in Buckinghamshire to create a single Buckinghamshire LJA with 354 magistrates sitting throughout the three court houses in the county.

County courts in Bedfordshire, Hertfordshire and Thames Valley (BHTV)

The need for change

HMCS civil courts are providing increasingly affordable accessible and efficient services. We have increased mediation and alternative dispute resolution services in order to reduce the amount of cases which have to come to court, and improve the experience for users. As more claims are processed online and by telephone, and other non-judicial processes are being centralised away from the frontline, counter services will also be less needed.

The geographical area of Bedfordshire, Hertfordshire and Thames Valley (BHTV) is diverse and incorporates both urban and rural communities, pockets of relative wealth and some of the highest levels of deprivation in the UK. The 2001 Census data showed that the population of BHTV is predominantly White British, with some areas of greater diversity such as Slough and Luton which have a large Asian or Asian British population.

The proposal

HMCS BHTV currently has county courts in the following counties:

- Bedfordshire (Bedford – co-located with the magistrates' court, and Luton Family Justice Centre);
- Berkshire (Newbury – co-located with the magistrates' court, Reading Family Justice Centre, and Slough);
- Buckinghamshire (Aylesbury – co-located with the magistrates' court, High Wycombe – co-located with the magistrates' court, and Milton Keynes Family Justice Centre);
- Hertfordshire (Hertford, Hitchin, and St Albans – co-located at the Crown court, and Watford Family Justice Centre); and
- Oxfordshire (Banbury – co-located with the magistrates' court, Oxford – Combined court and Family Justice Centre).

Of these, we propose to close the county courts in:

- Newbury (co-located with the magistrates' court); and
- Hitchin.

Newbury County Court

Newbury County Court is co-located within Newbury Magistrates' Court (on which we are also consulting; see above). Newbury County Court was integrated into the magistrates' building in March 2006 and the old, leasehold property, was disposed of. As mentioned earlier, Newbury County Court has access to a ground floor hearing room in the magistrates' court, there is a public counter and a team of five staff including a bailiff based there. The county court deals with civil and bankruptcy work.

The Thames Valley Probation Service occupies approximately half of the ground floor of the building at Newbury plus one office on the first floor. If the closure and disposal of Newbury went ahead then alternative accommodation would have to be found by the Thames Valley Probation Service for their staff.

If the decision is made to close and dispose of Newbury Magistrates' Court then a consequential would be the closure of the associated county court. The proposal is that the work would be transferred to Reading County Court and Family Justice Centre, which we believe could easily absorb the work.

Workload

A District Judge sits at Newbury County Court every Wednesday and alternate Mondays. The closure and disposal of Newbury County Court, as described above, would lead to the work being moved to Reading County Court. Reading County Court provides a full counter service, which would be retained.

Accommodation

The accommodation details for Newbury County Court are the same as the magistrates' court described above.

Location

The transport links between Newbury and its adjoining towns are generally reasonable, as it sits at the axis of the M4 and the A34. However, it is at the western end of Berkshire and all the other courts within the county are to the east. There are good road links to the other court centres in Berkshire via the M4 or A4. From Newbury, Didcot and Reading are both around 20 miles away (30 minutes drive); Bracknell is 31 miles away (around 38 minutes drive); Maidenhead is 35 miles away (43 minutes drive); and Slough is nearly 40 miles away (around 48 minutes drive).

There is a main line rail link and bus service between Newbury and Reading. Reading is 25 minutes by train and 70 minutes by bus from Newbury (£.500 off peak return and £6.40 return respectively).

Staff implications

There are currently five staff based at Newbury County Court.

HMCS will engage with staff and the Trades Unions throughout the consultation process.

Cost implications

Newbury County Court shares accommodation with the magistrates' court. The 2009/10 operating cost of Newbury Magistrates' and County Court was £132,203.¹¹

Implementation

Should the decision to close Newbury County Court be taken, a full implementation plan will be produced to ensure the smooth transfer of work.

¹¹ 2009/10 HMCS operating costs (excluding staff and non cash costs).

Hitchin County Court

Hitchin County Court is a free standing small county court based in office accommodation on the outskirts of the town. The court house has one civil hearing room and two District Judge chambers. The county court deals with civil, family and divorce work.

The proposal is to close Hitchin County Court and move the work to the nearby county court building at Luton which can easily absorb the work.

Northern and East Hertfordshire family proceeding court also sits in Hitchin County Court once a week. If the proposal to close Hitchin County Court is taken forward, these family cases will be accommodated at either Stevenage or Shire Hall Hertford Magistrates' Courts, or possibly Luton County Court.

Workload

The family proceedings court sits one day a week every Tuesday. Hitchin County Court has three hearing rooms but only uses two regularly. These two courts are utilised approximately half the available time each week. The closure of Hitchin County Court would lead to the work being moved to Luton County Court, which provides a full counter service.

Accommodation

Hitchin County Court sits in an office block built in 1985. Although there is a DDA compliant hearing room, there are no video link facilities, the waiting facilities are poor and there are no hearing loop facilities.

Location

The transport links between Hitchin and Luton, the proposed recipient of this transferred work, are generally reasonable. However, there are no rail links.

Hitchin is ten miles from Luton (around 30 minutes drive or 50 minutes by regular bus service); and six miles from Stevenage (thirteen minute drive or 30 minutes by regular bus service).

Staff implications

There are currently eight staff based at Hitchin County Court.

HMCS will engage with staff and the Trades Unions throughout the consultation process.

Cost implications

The 2009/10 operating cost of Hitchin County Court was £204,418.¹²
The closure of the court house would also remove the need for HMCS investment in backlog maintenance of around £5,000.

Implementation

Should the decision to close Hitchin County Court be taken, a full implementation plan will be produced to ensure the smooth transfer of work.

¹² 2009/10 HMCS operating costs (excluding staff and non cash costs).

Annex A – Map of proposals

Current courts in Bedfordshire, Hertfordshire and Thames Valley

Legend

 HMCS Courts


TYPE

-  County/Magistrates/Crown
-  County/Crown
-  County/Magistrates
-  Magistrates/Crown
-  Magistrates
-  County
-  Crown

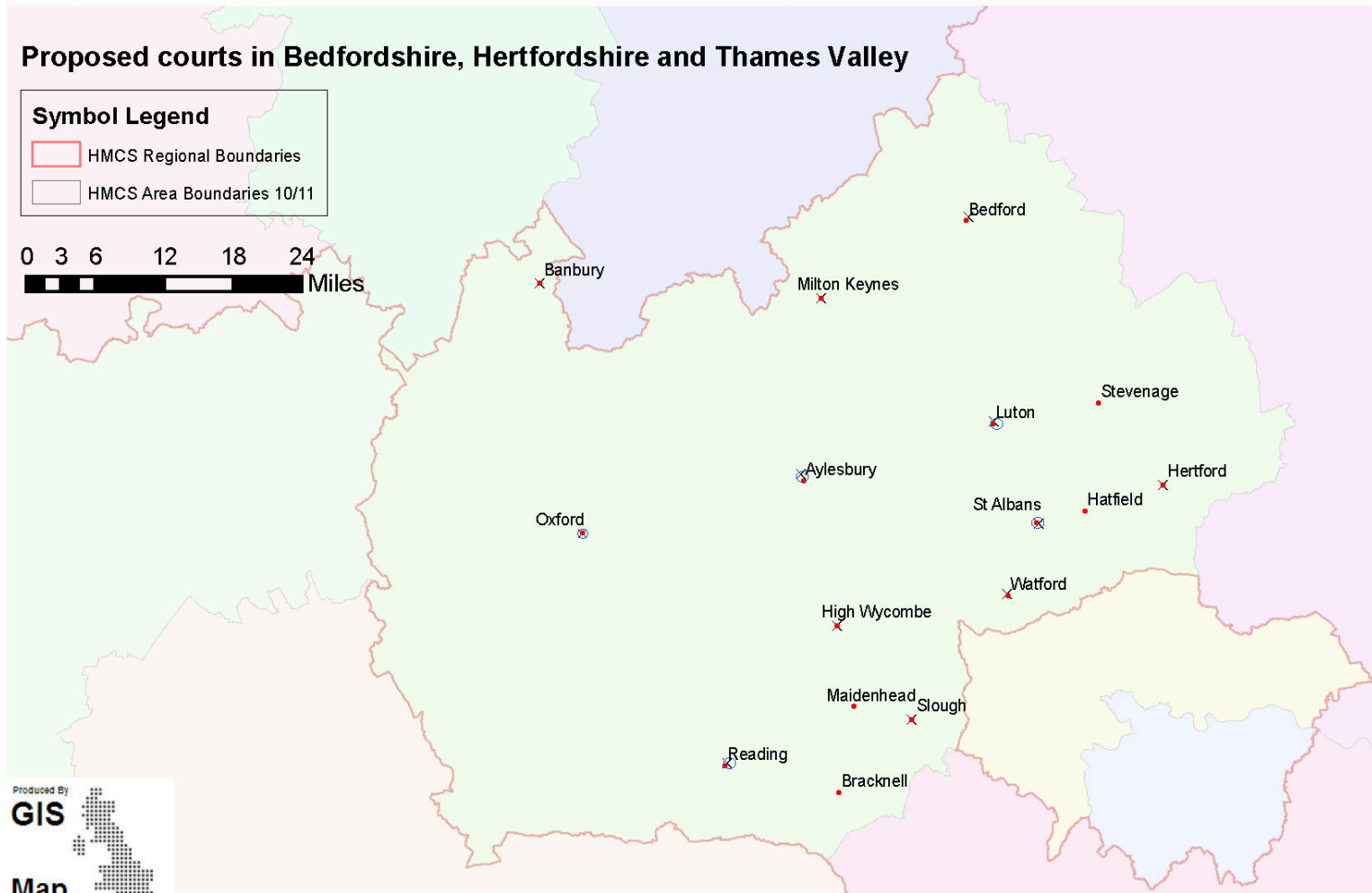


Proposed courts in Bedfordshire, Hertfordshire and Thames Valley

Symbol Legend

-  HMCS Regional Boundaries
-  HMCS Area Boundaries 10/11

0 3 6 12 18 24 Miles



Questionnaire

We would welcome responses to the following questions set out in this consultation paper.

Question 1a. What comments would you like to make on the proposals for the future provision of magistrates' courts services in Bedfordshire?

Question 1b. Please describe any particular impacts that should be taken into account when considering the proposals for magistrates' courts in Bedfordshire and why.

Question 1c. Will the proposals for magistrates' courts in Bedfordshire have a direct impact on you? If yes please provide further details. (Your information will assist in reviewing the equality impact assessment.)

Question 2a. What comments would you like to make on the proposals for the future provision of magistrates' courts services in Hertfordshire (including Local Justice Area / Bench mergers)?

Question 2b. Please describe any particular impacts that should be taken into account when considering the proposals for magistrates' courts in Hertfordshire and why.

Question 2c. Will the proposals for magistrates' courts in Hertfordshire have a direct impact on you? If yes please provide further details. (Your information will assist in reviewing the equality impact assessment.)

Question 3a. What comments would you like to make on the proposals for the future provision of magistrates' courts services in Thames Valley (including Local Justice Area / Bench mergers)?

Question 3b. Please describe any particular impacts that should be taken into account when considering the proposals for magistrates' courts in Thames Valley and why.

Question 3c. Will the proposals for magistrates' courts in Thames Valley have a direct impact on you? If yes please provide further details. (Your information will assist in reviewing the equality impact assessment.)

Question 4a. What comments would you like to make on the proposals for the future provision of county court services in the Bedfordshire, Hertfordshire and Thames Valley area?

Question 4b. Please describe any particular impacts that should be taken into account when considering the proposals for county courts in the Bedfordshire, Hertfordshire and Thames Valley area and why.

Question 4c. Will the proposals for county courts in the Bedfordshire, Hertfordshire and Thames Valley area have a direct impact on you? If yes please provide further details. (Your information will assist in reviewing the equality impact assessment.)

Thank you for participating in this consultation exercise.

About you

Please use this section to tell us about yourself

Full name	
Job title or capacity in which you are responding to this consultation exercise (e.g. member of the public etc.)	
Date	
Company name/organisation (if applicable):	
Address	
Postcode	
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/> (please tick box)
Address to which the acknowledgement should be sent, if different from above	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

Contact details/How to respond

Please send your response by 15 September to:

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Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available on-line at <http://www.justice.gov.uk/index.htm>.

Alternative format versions of this publication can be requested from marie.day5@hmcourts-service.gsi.gov.uk or by phone 01908 392504.

Publication of response

A paper summarising the responses to this consultation will be published within 3 months of the end of the consultation period. The response paper will be available on-line at <http://www.justice.gov.uk/index.htm>.

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other

things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the DPA and, in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

The consultation criteria

The seven consultation criteria are as follows:

1. **When to consult** – Formal consultations should take place at a stage where there is scope to influence the policy outcome.
2. **Duration of consultation exercises** – Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.
3. **Clarity of scope and impact** – Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.
4. **Accessibility of consultation exercises** – Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.
5. **The burden of consultation** – Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.
6. **Responsiveness of consultation exercises** – Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.
7. **Capacity to consult** – Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

These criteria must be reproduced within all consultation documents.

Consultation Co-ordinator contact details

If you have any complaints or comments about the consultation **process** rather than about the topic covered by this paper, you should contact Sara Edet/Andy Holmes, HMCS Consultation Co-ordinators, on 020 3334 6686/6693, or email hmcs.consultations@hmcourts-service.gsi.gov.uk.

Alternatively, you may wish to write to the address below:

Sara Edet/Andy Holmes
HMCS Consultation Co-ordinators
2.37, 2nd Floor
102 Petty France
London SW1H 9AJ

If your complaints or comments refer to the topic covered by this paper rather than the consultation process, please direct them to the contact given under the **How to respond** section of this paper at page 41.

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