

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	
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Date Portfolio Member agreed report:	23 July 2010

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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