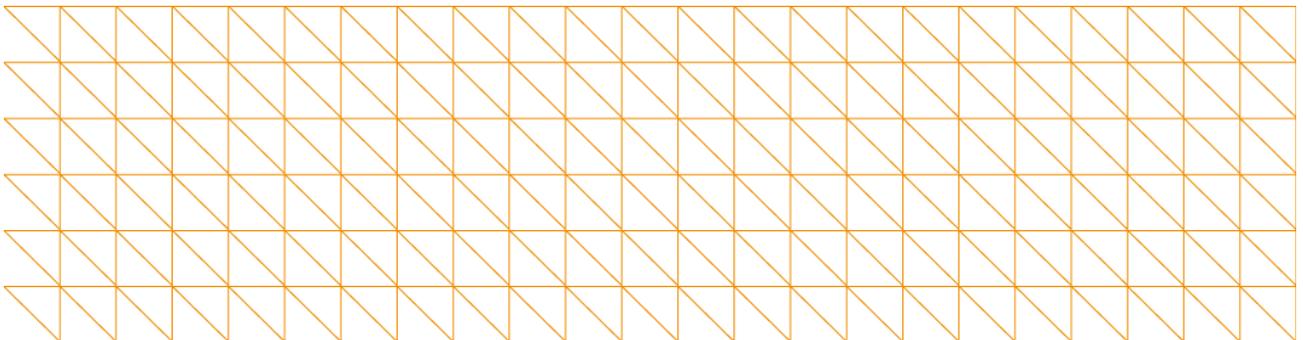




Ministry
of Justice

Response to the proposal on the future of magistrates' courts in Gwent: Abergavenny Magistrates' Court and Caerphilly Magistrates' Court

9 July 2015



Official Sensitive



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Response to consultation carried out by the Ministry of Justice.

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

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Introduction and contact details

This is the response to the consultation paper 'Proposal on the future of magistrates' courts in Gwent: Abergavenny Magistrates' Court and Caerphilly Magistrates' Court,' which was published on 9 June 2014.

It will cover:

- the background to the consultation paper;
- a summary of the responses to the consultation paper;
- a detailed response to the specific questions raised in the consultation paper;
- the decision; and
- next steps following this consultation.

Further copies of this report and the consultation paper can be obtained from

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This response paper is also available on the Ministry's website: www.gov.uk/moj

Alternative format versions of this publication can be requested from HM Courts & Tribunals Service on 029 2046 7767.

Complaints or comments

If you have any complaints or comments about the consultation process you should contact HM Courts & Tribunals Service at the above address.

Background

The consultation paper 'Proposal on the future of magistrates' courts in Gwent: Abergavenny Magistrates' Court and Caerphilly Magistrates' Court' was published on 9 June 2014. The paper invited comments on the proposal to close Abergavenny Magistrates' Court and Caerphilly Magistrates' Court and to transfer the work to the other courts in Gwent, primarily Newport Magistrates' Court and Cwmbran Magistrates' Court. Gwent is one Local Justice Area so no bench merger is required.

The consultation period closed on 21 July 2014 and this report summarises the responses and the next steps.

The Impact Assessment accompanying the consultation was updated to take account of evidence provided by stakeholders during the consultation period. The updated Impact Assessment is attached at **Annex C**.

A Welsh language summary of this response paper can be found at <https://consult.justice.gov.uk/digital-communications/cynnig-ar-ddyfodol-llysoedd-ynadon-yng-ngwent>.

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

Summary of responses

The consultation paper invited responses to the following questions:

1. What comments would you like to make about the proposed closure of Abergavenny Magistrates' Court and Caerphilly Magistrates' Court?
2. Please describe any particular impacts that should be taken into account and why.
3. Will the closure of Abergavenny Magistrates' Court and Caerphilly Magistrates' Court have a direct impact on you? If so, please provide additional details.

All responses to the consultation have been assessed. It was evident that respondents were raising points under specific headings and so the points raised, and the HM Courts & Tribunals Service response to them, have been presented under these themes in this response paper.

A total of 31 responses to the consultation paper were received. Of these:

- three were from Welsh Assembly members;
- two were from members of Parliament;
- 16 were from local magistrates;
- two were from the local judiciary;
- two were from HM Courts & Tribunals staff; and
- six responses were from local individuals, solicitors and committees.

Of the 31 responses, four were supportive of the proposed closure of Abergavenny Magistrates' Court, 25 were opposed and two were neutral. Of the 31 responses, five were supportive of the proposed closure of Caerphilly Magistrates' Court, 24 were opposed and two were neutral.

The majority of the responses focused on travel, previous expenditure and access to local justice.

Of the responses in support of the proposal, the main points were:

- Abergavenny Magistrates' Court has not been in use recently and there have been no issues with users travelling to Cwmbran or Newport during this time;
- Caerphilly Magistrates' Court has good transport links to Newport and Cwmbran, an easier journey for some; and
- Caerphilly Magistrates' Court building is in a poor state of repair

Of the responses opposed to the proposed closures, the main themes were:

- access to local courts;
- travel cost and time for those in North Gwent, particularly Ebbw Vale, Rhymney Valley and Abertillery;
- previous expenditure on maintaining the court buildings; and
- no proposal for the closure of Cwmbran Magistrates' Court

These, and the remainder of the responses that raised specific points, are considered in this response paper.

All the points raised by the respondents to the consultation have been fully analysed and, following careful consideration, the Lord Chancellor has decided that:

- **Abergavenny Magistrates' Court and Caerphilly Magistrates' Court should close and the majority of the workload should move to Newport Magistrates' Court and Cwmbran Magistrates' Court.**

Following the response the local Judicial Business Group (JBG) is invited to consult on potential changes to Local Justice Area (LJA) boundaries. This will mean that the workload currently dealt with at Caerphilly Magistrates' Court would be heard at Cardiff, which is not currently possible under existing LJA arrangements. If the JBG decides to proceed with a consultation then, if possible, the operational closure of Caerphilly Magistrates' Court will be delayed until the outcome of that consultation is published.

Responses to specific points – Abergavenny Magistrates’ Court

1. Transport/Access to Local Courts

A number of responses, mainly from magistrates, commented upon the increase in travel time and cost which would result from transferring the workload of Abergavenny Magistrates’ Court and Caerphilly Magistrates’ Court to the remaining two magistrates’ courts in Gwent - Newport Magistrates’ Court and Cwmbran Magistrates’ Court.

“They do not take into consideration the impact on those required to attend court, both victim and accused when it comes to travel arrangements...Public transport links throughout the county with Abergavenny are excellent through roadways, buses and trains giving the public good access to this court. Also, persons travelling to the town bring some commercial opportunities to businesses in Abergavenny by those attending court.” (Steve Salter, JP)

“I feel for many people, not just Defendants but witnesses etc it would be difficult if the only Courts available were Cwmbran and Newport, this is quite a distance away from the Blaenau Gwent Valleys and I feel that some proposal should be put forward for a court in the Abergavenny area.” (Joanne Marie Rowlands)

“The consultation document gives no thought to travelling time, getting to and from transport depots let alone the time taken to walk to the court premises. Caerphilly has reasonable transport links from the North of the Western Valley and yet the prospect of getting to Cwmbran from Cwm or Ebbw Vale is daunting and would take at least two hours. The transport times in the document are idealistic and not realistic and certainly give no consideration to public transport arrangements during the often inclement winter weather.” (Zoe Scott, Chair of the Family Panel)

Almost all journeys within Gwent may be undertaken in under an hour when travelling by private car. There will be extended public transport journeys for some, this is not a reason on its own for the retention of the court. The listing practice in Gwent is that trials are listed for the first suitable court date available in any of the courthouses irrespective of where the defendant resides, unless a particular venue is requested. As it is already common practice for users to travel to various courthouses within Gwent for hearings, the impact is limited and it is therefore difficult to give details of an increase or decrease in travel times – save to say that Newport, as the city in Gwent, has better transport links. A more in-depth analysis of travel times can be found in Annex B.

The distance from Abergavenny to Newport is approximately 20 miles, which takes approximately 30 minutes by car with Abergavenny to Cwmbran being approximately 14 miles and 25 minutes by car. The cost of the bus from Abergavenny to Newport and to Cwmbran is £7.50; by train the cost to Newport is £10.00 and to Cwmbran is £6.10 return. HM Courts & Tribunals Service will consider on a case by case basis requests for more flexible start and end times for court hearings.

The use of video links for those court users for whom increased journey times might be problematic will enable victims and witnesses to provide their evidence remotely from other court sites or when appropriate from other local authority/police accommodation as this becomes available.

“Abergavenny is a far more accessible court for people living in the top of the valley such as Tredegar ebbw Vale, brynmawr etc. and it's closure will mean once again taking away local justice.” (Anita Thomas, JP)

“The closure of Abergavenny court will effectively reduce access to justice for many people in North Gwent. This may not seem significant to the geographically ignorant lot at the MoJ in London but it will have a massive impact on the majority of people in North Gwent who have to attend court as defendants, witnesses or victims.” (Richard Essery, JP)

“Without Abergavenny Court Monmouthshire will not have a Courthouse. Where therefore is local Justice?” (Paul Webb, JP)

Abergavenny Magistrates' Court has limited capability since the building does not have the benefit of a custody suite to enable the listing of custody cases or those where a custodial outcome is possible. This court was retained under the Court Estate Reform Programme (CERP) announced in December 2010. This was primarily due to inadequacies of the then Newport Magistrates' Court. However, it was stated as part of CERP that once a new courthouse was provided in Newport, the position would be reviewed, including the decision to consult on whether the Abergavenny court should close. The new Newport Magistrates' Court opened in September 2013 and provides a modern, purpose built, Equality Act 2010 compliant building.

HM Courts & Tribunals Service is committed to ensuring it continues to provide court and tribunal users with effective access to justice while seeking ways to do so at a lower cost and alongside its efforts to improve the efficiency of the justice system as a whole. The introduction of technology has, in some instances, removed the necessity of some users attending court in person. Users who have to pay a fine now have the facility to do so online without the need to go to a courthouse; and there are an increasing number of video links available locally thereby removing associated costs of travelling to a courthouse for hearings.

2. Accommodation and Expenditure

A number of responses highlighted expenditure made at Abergavenny Magistrates' Court and the opportunity to make use of the accommodation and exit other buildings.

“The consultation document fails to mention the considerable repair and restoration work undertaken in the last two years at this court house. If it was to be closed, why the expenditure?” (Sandra Williams, JP)

“The court was fully DDA-compliant in 2010. The document fails to state why it is no longer compliant...The accommodation is not poor – the courtrooms are extremely pleasant to work in, light and airy, and the retiring rooms are better than at Newport...The car park does not need resurfacing, though we accept access is awkward...It is disingenuous to say that JIG stopped listing here, without also stating that one reason was HM Courts & Tribunals Service pressure to improve resulting times. Cwmbran could achieve this more easily as the relevant staff were housed there – they are no longer” (Gwent Magistrates)

“It is ridiculous that Abergavenny is being considered for closure..... The courthouse is NOT in need of restoration; indeed it was given a huge expensive makeover a few years ago. Having sat at Abergavenny, I consider it to be the court building that is most 'fit for purpose' in Gwent.” Richard Essery, JP)

“Abergavenny Court as stated has had £500K spent on it not so long ago. It is an ideal building to hold family courts and or tribunals considering that a whole floor of rented accommodation is being used in Clarence House in Newport at considerable cost to the tax payer.” (Paul Webb, JP)

“A great deal of money was recently spent on bringing it up to correct standard. This money will now be wasted.” (David Davies, MP)

Following a 2008 condition survey £463,000 was spent on the building for health and safety reasons and general maintenance to keep it fit for public use, including repairs following the collapse of the roof. This refurbishment also included some work to make the building compliant with the Equality Act 2010. Further maintenance was halted during the consultation in 2010 and was not revisited while construction of the new building at Newport was underway. The re-surfacing of the car park at Abergavenny was identified during the condition survey which stated that it was “coming to the end of its useful life”.

Despite the investment, utilisation for Abergavenny was 21% for the year 2013/14 and 0% in 2014/15. When the new Newport Magistrates' Court opened, the Local Justice Issues Group made a decision not to list criminal cases at Abergavenny Magistrates' Court and criminal work was transferred to the new Newport Magistrates' Court.

The lease on Clarence House, which houses the Newport Civil and Family Centre, is valid until 2024 and would cost in excess of £2m to terminate. Clarence House was extended to accommodate staff vacated from the old 'Passport Office' building, Olympia House; and Pentonville, which enabled a larger, unified family court venue to be created. Clarence House provides 352m² more floor space than Abergavenny and Caerphilly combined.

3. Alternative Uses

Several responses suggested that Abergavenny Magistrates' Court could be used for family hearings/work.

“Abergavenny Magistrates' Court seems eminently sensible for use as a family court. I have received requests from DJ (MC) Richard Williams and the Family Panel Chair for it to be used for contested family hearings. My understanding is that such requests have been refused on the basis that Abergavenny is not available to be used but is not closed (Justices Clerk Stephen Whale at a recent meeting with South Wales Magistrates). It would appear perverse to recommend closure in part at least due to lack of use when requests to use have been turned down...Any works of improvement to make is suitable for use for family cases would be modest on the figures quoted in the Consultation document.”

“Currently there is a shortage of appropriate accommodation I am advised at Newport for public law hearings below CJ level. Cwmbran Magistrates Court has been used by lay justices to fill the gap. Alternative accommodation at Columbus House in Newport is suitable only for private law cases and public law cases that have a maximum of four parties. The waiting facilities are more cramped and limited than is desirable...It would be preferable for public law cases to be listed only at Clarence House and for private law cases...elsewhere unless there is a better facility available The retiring room does not have network linkage for a District or Circuit Judge who may be sitting for more than a day. If the continued use of Abergavenny for family cases were possible it would provide at least a partial solution to over crowding at Newport.” (HHJ I Parry, DFJ)

“We accept the lack of cells as an issue but this could be overcome with a change of use. Abergavenny is perfect as a Family court – one option of the 2010 refurbishment – but HM Courts & Tribunals Service has time and again refused requests, including those from the Designated Family Judge herself, to use Abergavenny as an overflow court, and so has hastened its demise by default.” (Gwent Magistrates)

Retaining Abergavenny Magistrates’ Court for family work is not considered viable when there is surplus capacity elsewhere in Gwent that is more efficient to support and administer the work. And with low volumes of work emanating from the area, completing the backlog maintenance of £210,000 and ongoing operating costs do not justify retaining and/or changing the use of the building.

4. Other Responses

There were a number of other comments received:

“Abergavenny court provides a court service in the North East part of the administrative area for the Gwent jurisdiction, and allows capacity for any increase in court cases. Closing Abergavenny will eliminate the potential capacity, and would preclude its use in the event of an increase in court hearings or if there was an issue whereby the remaining courts could not be used, e.g. flood, fire, building faults etc.” (Eifion Pomeroy, JP)

The provision of four courtrooms in Cwmbran Magistrates’ Court provides sufficient additional capacity should workloads increase in future. The proposal will enable HM Courts & Tribunals Service to reduce its underused, surplus estate and provide better facilities for all users in larger centres while retaining access to justice in Gwent.

A number of magistrates raised concerns about recruitment and retention of magistrates’ in the future. They represent the diversity of the population of the community; and are valued members of the judiciary who work well together for the benefit of the communities they serve wherever they are delivering justice. Bench establishment will be kept under review to ensure magistrates planned sittings do not fall below 26 days per financial year.

There were a number of responses received that were in support of the proposal:

“Abergavenny is a fairly remote town and isn't too far away from Newport or Cwmbran. I don't see any reason why this court couldn't close to make efficiency savings” (Sian Hayward, JP)

“Abergavenny has not been open to court users for well over a year so this is academic. It is already effectively closed...“Defendants from Abergavenny have been travelling to Cwmbran and Newport so there is no further impact to arise” (Lynda Rhead, Solicitor)

“Agree with proposed closure. It hasn't been used for eight or nine months now and there appear to have been no problems with clients from that area travelling to Cwmbran or Newport.” (Paul Philpott, Solicitor)

“I think that on the whole it should be closed but unfortunate for those defendants with financial problems with travelling” (Loretta Evans, JP)

The proposal will enable HM Courts & Tribunals Service to reduce its underused, surplus estate and provide better facilities for all users in larger centres while retaining access to justice in Newport and Cwmbran where excellent transport links are available. This would result in increased court utilisation; more efficient and effective disposal of criminal business; and better value for money for the taxpayer.

Many of the responses commented that the closure would have little impact on them:

“It is the closest to me in miles but about the same as Cwmbran and Newport in terms of journey time.” (Richard Essery, JP)

“...On the contrary there is a saving in legal aid travel time and travel disbursements – one hour travel time and 40 miles @ 45p per mile.” (Paul Philpott, Solicitor)

“As a magistrate the impact on me personally will not be of much consequence as I do not have to use public transport.” (Carol Brimble, JP)

Responses to specific points – Caerphilly Magistrates’ Court

5. Transport/Access to Local Courts

As with the proposal to close of Abergavenny Magistrates’ Court, many responses were concerned with travelling difficulties in terms of both time and cost.

“No thought has been given to the time taken to travel to and from transport depots, some areas are not readily serviced by train or bus...If HM Courts and Tribunals Service do not consider all the options thoroughly we could end up with more no shows, higher numbers in custody, as a result, late attendees and re-listings will increase.” (Chair of MA)

“The travelling times for court users are not accurate. If you travel by train from Rhymney it takes an hour to get to Cardiff and then change trains to get to Newport or Cwmbran. Also not all trains run directly to Cwmbran and this could involve train, bus and walking to get to court. Trains run every 15 minutes from Cardiff up the Valley to Ystrad Mynach, Bargoed and Rhymney. Caerphilly is close to the train and bus station, Newport court is very badly sign posted and not at all near to the Court. Parking is very limited at Newport, Cwmbran parking is not very close and Cwmbran Courts are not all on one level. Court listing is also not listed very well geographically, the hearings have been listed in different courts so that local area knowledge is not taken into account or travel to several courts for all court users.” (Jennifer James, JP)

“Forcing my constituents to travel to Newport or Cwmbran could have significant implications on travel times and costs – particularly for those who rely on public transport. I also have concerns about vulnerable constituents of mine who are charged with an offence being detained in a court further away than Caerphilly and the potential impact that this could have on their wellbeing and their families.” (Jeff Cuthbert, AM)

“It will be more inconvenient for professionals based in the Caerphilly area and for defendants to travel and that should be taken into account but journey times are relatively short in our experience - based on our experience of having to travel daily to Caerphilly before the new Newport Court was built.” (Paul Philpott, Solicitor)

“I am particularly concerned that the consultation document does not fully take into account the costs and inconvenience of the need for increased travel by my constituents. While I accept that at present it is fairly commonplace that trials are listed in any court across Gwent, first hearing cases appear at local magistrates’ courts. Centralisation in Newport and Cwmbran will undoubtedly disadvantage constituents who reside in the Rhymney Valley.” (Wayne David MP)

“It is simply untrue that courts list to the next available court regardless of geography. Benches would, where possible, agree to hear a case in a certain court, particularly in relation to trials, the heart of justice...The document fails to define ‘acceptable’ travel times. Actual travel times for many would regularly be over two hours. This is unacceptably long and cannot be just or fair.” (Gwent Magistrates)

“The Family Court has clearly recognised the need for a court in the north of the Western Valley of Gwent and there can be no doubt that a criminal court should also be maintained in the Western Valley - it is the most socially and economically deprived area of Gwent, many people are without cars and rely on public transport. The need for accessible justice is paramount and the western valley and Caerphilly need to be considered carefully.” (Zoe Scott, Chairman of the Family Panel)

The current arrangements in Gwent are that much of the courts’ business is located at courts throughout the area, which is a single Local Justice Area (Bench), irrespective of where the offence was committed. Police led prosecutions, including traffic business, are centralised at Newport.

While it is true that there would be some extended public transport journeys for some, this is not a reason on its own for the retention of the court. Due to the listing practice in Gwent, it is difficult to give details of an increase or decrease in travel times – save to say that Newport, as the city in Gwent, has better transport links. A more in-depth analysis of travel times can be found in Annex B. The distance from Caerphilly to Newport is approximately 12.5 miles, which takes approximately 30 minutes by car, with Caerphilly to Cwmbran being approximately 17 miles and 40 minutes by car. The cost of the bus from Caerphilly to Newport is £5.30 and to Cwmbran is £7.50; by train the cost to Newport is £10.50 and to Cwmbran is £8.50. HM Courts & Tribunals Service will consider, on a case by case basis, requests for more flexible start and end times for court hearings and the use of video links for those court users for whom increased journey times might be problematic.

The local JBG is invited to consult on potential changes to LJA boundaries. This would enable some of the workload currently dealt with at Caerphilly Magistrates’ Court to be heard at Cardiff, which is not currently possible under existing LJA arrangements. For some court users currently attending Caerphilly Magistrates’ Court, this potential change could result in shorter journey times to court.

It is accepted that there will be an impact for some magistrates in undertaking travel to Newport or Cwmbran, but HM Courts & Tribunals Service will work with the magistracy to ensure that their deployment within the magistrates’ courts is efficient and cost effective.

“This will adversely affect many people living in the Gwent Ebbw, Sirhowy and Rhymney valleys. It will remove the long-established concept of 'local' justice.” (Roger Evans, JP)

“Local justice being removed. Unused courtrooms can be utilized for other hearings and not spend on rented accommodation in Clarence House Newport for Family hearings” (Paul Webb, JP)

“Caerphilly Magistrates’ Court should be kept open as it provides a court in the western part of the Gwent jurisdiction area which is a benefit to court users. Closing Caerphilly will reduce the capacity of available courts” (Eifion Pomeroy, JP)

During 2013/14, utilisation of Caerphilly Magistrates’ Court was 48%. However, this figure reduced to 22% from the period October 2013 to March 2014 as a significant proportion of court users attended Newport Magistrates’ Court upon it opening. Utilisation across Gwent for criminal work for 2013/14 was 45%. Utilisation for civil, family and tribunals work for the same period was 64%. Utilisation of Caerphilly Magistrates’ Court in 2014/15 was 14%. While consulting on the future of Caerphilly Magistrates’ Court, HM Courts & Tribunals has to have due regard to the need to deliver justice efficiently and effectively, while providing value for money to the public purse.

6. Expenditure

Reponses raised concerns regarding the timing and quality of previous repairs that had taken place.

“I am given to understand that immediate intervention into the damage to the ceiling was not carried out. This made the repairs become more expensive and lends itself to the accusation that leaving any maintenance leads to the main objective which is to close the building as it becomes uneconomic to repair. A tactic used by the Ambulance Service, but they ended up after public outcry as a station closed of having to rent at a huge expense. A situation the judiciary would not want to get into.” (Steve Salter, JP)

Caerphilly Magistrates' Court underwent minor refurbishment in 2010/11 which included some decorative work and flooring. The repairs to Court One were carried out to make the building safe, but further work was not carried out due to the consultation process. However, the situation has been monitored and the ceiling is not deteriorating.

“A perfectly good building requiring not a great deal of money spending on it to have three useable Court rooms that can be used for other hearings. Good Parking facilities.” (Paul Webb, JP)

Caerphilly Magistrates' Court requires a significant amount of investment, including improvement to the cell area, currently estimated at £1.2m, and maintenance work in the custody area which is non compliant with current PECs regulations (number and style of cells; welfare facilities for GeoAmey staff). In addition, repairs to the ceiling in Court One are estimated to cost £27,000. Also required is an air handling unit for the custody area and general redecoration and maintenance, especially in Court Three where damp is a major problem.

7. Accommodation

“Whilst the new court building in Newport offers services compliant with the Equality Act 2010 to court users, including those who may be vulnerable, I understand the standard of the courts rooms in Cwmbran are not as high as in Newport. Would you please provide assurance that consideration will be given to upgrading Cwmbran in the event the proposed closures of Abergavenny and Caerphilly proceed.” (Lesley Griffiths, AM, for Carwyn Jones, First Minister)

“This court is pivotal geographically. Much money has already been spent on improving the cells. We agree car parking is not easy and inadequate, and damp is a major issue, as well as Court 1's damaged ceiling. It is often cold and noisy, and access is awkward to Court 1. The 48% utilisation is distorted as only two courts were usable. HM Courts & Tribunals Service delayed Court 1's repairs to the point when they are now uneconomic, and allows the utilisation figures to 'prove' their point, which lends itself to the accusation that delaying maintenance leads to the main objective – closure.” (Gwent Magistrates)

During the 2013/14 financial year, the costs for maintaining Caerphilly Magistrates' Court were estimated at £1.23m with ongoing operating costs of £130,000. These costs, coupled with the low utilisation of the building at 22%, mean that its retention is neither affordable nor feasible as it would not represent value for money. Caerphilly Magistrates' Court would require some modification to

enable it to be suitable for family work, and this would not be cost effective. The overall utilisation in Gwent is about 60% and should there be an increase in workload across any jurisdiction there is sufficient capacity to accommodate the work within the Local Justice Area.

A focus on where improvements can be made in the delivery of court business is a key requirement for all justice agencies, to ensure the best possible service for victims, witnesses and other court users. The focus for HM Courts & Tribunals Service will be to provide the best possible service within available resources.

8. Increase of Family Work

HM Courts & Tribunals Service is committed to running an efficient and effective courts and tribunals system. Part of this commitment is to continuously evaluate the estate and utilisation of all courthouses.

“Gwent’s rapidly increasing Family work has increasingly meant using courts at Cardiff Civil and Family Justice Centre and Cwmbran, because HM Courts & Tribunals Service refuse all requests, even those from the Designated Family Judge herself, to use Abergavenny. However, should these proposals proceed, Cwmbran’s spare capacity for Family cases disappears. In any event, it is completely wrong that Family cases are heard in a court where criminal work is also heard. The designated Family Judge has decreed that using Cardiff will no longer happen, as it is unacceptable for parties to travel out of Gwent. Current thinking includes utilising more capacity in the western part of the county; if this is appropriate for Family cases, why does the same not hold true for Adults?” (Gwent Magistrates)

“My primary concern about Caerphilly Magistrates’ Court is the potential loss of use of courts at Cwmbran for overflow family work from Newport because of the transfer of Caerphilly cases to Cwmbran.” (HHJ I Parry, DFJ)

Since Newport Magistrates’ Court opened, most of the work that was carried out at Caerphilly Magistrates’ Court and Abergavenny Magistrates’ Court is now carried out at Newport Magistrates’ Court and, therefore, should not affect family work currently heard in Cwmbran.

9. Other responses

There were a number of responses received that were in support of the proposal:

“The closure of Caerphilly Court would not be as disruptive as closing Abergavenny, there are good transport links from Caerphilly to both Newport and Cwmbran...The actual building is in a poor state and has been deteriorating for several years, and indeed there are several magistrates who do not like sitting at Caerphilly as the building is quite depressing.” (Carol Brimble, JP)

“This seems sensible as save for defendants who actually live in Caerphilly the journey via public transport to Newport is much easier for those who live in Tredegar, Blackwood, Ebbw Vale, Brynmawr and Abertillery. At present a defendant who lives in Brynmawr is often required to take three different buses to get to Caerphilly whereas there is a direct bus from Brynmawr to Newport.” (Lynda Rhead, Solicitor)

“I have to be blunt here. Caerphilly Magistrates’ Court is a dump and should be closed without delay. I consider the court building to be a health and safety hazard and refuse to sit there because a ceiling recently fell down in one of the courts there. The building is cold in winter and very hot in summer and has the atmosphere of a North Korean government building. (I also refuse to sit there because it takes over an hour to travel to Caerphilly from where I live).” (Richard Essery, JP)

10. Cwmbran Magistrates’ Court

A number of the responses raised the question of why the future of Cwmbran Magistrates’ Court is not being considered by HM Courts & Tribunals Service.

“The Magistrates Association branch accepts that the new four court building makes retaining Cwmbran, Abergavenny and Caerphilly unrealistic given the resources available. However...it makes more sense to retain Caerphilly as it is in the western valley and consider closing Cwmbran. Parking there is no longer free all day and the penalties are high. The walk from the train station, at the opposite end of the town to the court, involves crossing busy main roads.” (Zoe Tothill Scott, Chairman of Gwent Branch of the Magistrates Association)

“If Cwmbran closed and Caerphilly stayed open, access via train, bus, car and the actual use of the site would be much easier for all involved. The expected saving comes from the sale of the land in Caerphilly but possibly there would be a higher value for the Cwmbran site.” (Jennifer James, JP)

Cwmbran Magistrates’ Court has four courtrooms, which provide greater flexibility and capacity for the fluctuating workload in Gwent. It has been suggested that Cwmbran Magistrates’ Court has poorer facilities. This point is not accepted; it is similar to other courthouses across Wales and England. That said, HM Courts & Tribunals Service is committed to providing an effective and efficient service to court and tribunal users, to focus resources on front line services and provide access to justice. It will continue to review the estate to ensure it meets operational requirements. Cwmbran Magistrates’ Court was refurbished approximately four years ago. Three courtrooms are on the ground floor and one on the first floor. There is a separate witness care suite and rooms for probation and solicitors.

One respondent also suggested that the consultation document was flawed because it failed to provide further options; removed access to justice; was misconceived in terms of transport and travel costs; would lead to increased court costs; and included inaccurate comments. This is not accepted. The Impact Assessment particularly considered the potential for extra travel time for those attending Newport or Cwmbran should Abergavenny Magistrates’ Court and Caerphilly Magistrates’ Court close, but due to the listing practice operated in Gwent, this has been assessed as a net zero impact. Most members of the community do not need to regularly attend a magistrates’ court. For those that do, cases will continue to be heard by local justices.

Newport Magistrates’ Court reopened in September 2013 following a new build being developed and has modern, fit for purpose facilities for all our users. Absorbing cases from Abergavenny and Caerphilly will enable HM Courts & Tribunal Service to make savings by forgoing higher restoration costs compared to enabling costs. Underused and surplus estate would be reduced and efficiency within the estate increased.

Conclusion and next steps

This document provides a detailed summary of the points raised by respondents to the consultation. These have all been fully analysed and, following careful consideration, the Lord Chancellor has decided that Abergavenny Magistrates' Court and Caerphilly Magistrates' Court should close and the majority of the workload should move to Newport Magistrates' Court and Cwmbran Magistrates' Court.

As set out earlier, key points were raised in the responses about travel, access to local courts and previous expenditure on the buildings.

The main conclusions reached are that:

- HM Courts & Tribunals Service would make annual savings in relation to the accommodation and utility costs associated with Abergavenny Magistrates' Court and Caerphilly Magistrates' Court, estimated to be £80,000;
- The need for HM Courts & Tribunals Service to expend £1.4 million on backlog maintenance on Abergavenny Magistrates' Court (£210,000) and Caerphilly Magistrates' Court (£1.2m) would also be avoided;
- The decision improves HM Courts & Tribunals Service's estate utilisation, which will improve and increase the criminal court utilisation in Gwent from 45% to 73%;
- Combining the workloads of the magistrates' courts in Gwent will assist with case management and the effective listing of cases;
- Abergavenny and significant workload from Caerphilly have successfully been absorbed into Cwmbran Magistrates' Court and Newport Magistrates' Court since Newport opened in September 2013;
- Gwent has one Local Justice Area so no merger of benches is necessary; however, the local JBG is invited to consult on potential changes to LJA boundaries. This would enable some of the workload currently dealt with at Caerphilly Magistrates' Court to be heard at Cardiff, which is not currently possible under existing LJA arrangements
- Cwmbran Magistrates' Court and Newport Magistrates' Court have better facilities and the capacity to absorb the work from both Abergavenny and Caerphilly; and
- In Gwent trials are listed for the first suitable court date available in any of the courthouses irrespective of where the defendant resides. It is already common practice for users to travel to various courthouses within Gwent for hearings.

Implementation

There are a number of factors to consider before Abergavenny Magistrates' Court and Caerphilly Magistrates' Court can close, and a detailed implementation plan will now be developed. Stakeholders will be informed of when the courts are likely to close once the implementation plan has been developed.

Consultation with our stakeholders who use the courts accommodation will also now commence, so that they too may prepare and implement transitional delivery plans.

HM Courts & Tribunals Service will continue to work closely with partner agencies to ensure that the transition is delivered.

Consultation principles

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

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

Annex A – List of respondents

Wayne David, MP

David Davies, MP

Lesley Griffiths, AM, for Carwyn Jones, First Minister

Jeff Cuthbert, AM

Lindsay Whittle, AM

Simon Boyle, Lord Lieutenant for Gwent

HHJ Isabel Parry, Designated Family Judge

DJ(MC) R Williams

Carol Brimble, JP

Richard Essery, JP

Mrs Loretta Evans, JP

Roger Evans, JP

Gillian Gibbs, JP

Sian Hayward, JP

Jennifer James, JP

Mr Martin Parfitt, JP

Paul Phillips, JP

Eifion Pomeroy, JP

Steve Salter, JP

Anita Thomas, JP

Paul Webb, JP

Sandra Williams, JP

Gwent Magistrates'

Zoe Tohill Scott, Chairman of the Gwent Branch of the Magistrates' Association

Zoe Tohill Scott, Chairman of Gwent Family Panel Chair

Scott Bowen, Keith Evans Solicitors

Paul Philpott, Quality Solicitors HPJV

Lynda Rhead, Gartside Solicitors

Darren Ball, HMCTS

Lee Thomas, HMCTS

Joanne Marie Rowlands

Annex B

Travel Times

The current practice in Gwent is to assign trials to the magistrates courts (in Newport, Cwmbran, Caerphilly and Abergavenny) based on the first available suitable court date rather than the location of the court. Thus, for example, residents of Caerphilly or Newport are required to travel to Cwmbran for certain hearings, whereas residents of Cwmbran are required to travel to Newport or Caerphilly for other hearings.

The impact on users of magistrates' court facilities in Gwent is therefore difficult to quantify, as it is already common practice to travel to various courthouses within Gwent for hearings. Some residents of Gwent will experience longer journeys to court but others will not have to travel as far; it is assumed that the net impact across all residents is zero. Newport, Cwmbran, Caerphilly and Abergavenny are situated relatively close together, are joined by an excellent road network, and have good transport links, so the impact of increased travel times on most residents will be small.

Unlike trials, first hearings are generally scheduled at the local court. For these cases, there will be a travel time impact for people who can no longer travel to Caerphilly Magistrates' Court. These are set out below, for people in Gwent whose closest Magistrates' Court is currently at Caerphilly. Figures for the post-closure scenario are based on them instead having to travel to Newport Magistrates' Court.

Gwent residents whose closest Magistrates' Court is Caerphilly				
Method of transport	Car		Public Transport	
% of total	Pre-closure	Post-closure	Pre-Closure	Post-Closure
Population within 30 minutes	86%	13%	37%	1%
Population living between 30 and 60 minutes away	14%	87%	41%	20%
Population living between 60 and 90 minutes away	0%	0%	15%	55%
Population living between 90 and 120 minutes away	0%	0%	5%	22%
Population living more than 120 minutes away	0%	0%	1%	2%

This increase in travel times applies only for certain types of hearings, and only to some of the population in Gwent (those near to Caerphilly). No work has been listed at Abergavenny Magistrates' Court since the opening of Newport Magistrates' Court. We therefore do not expect there to be any travel time impacts from the closure of the court.

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