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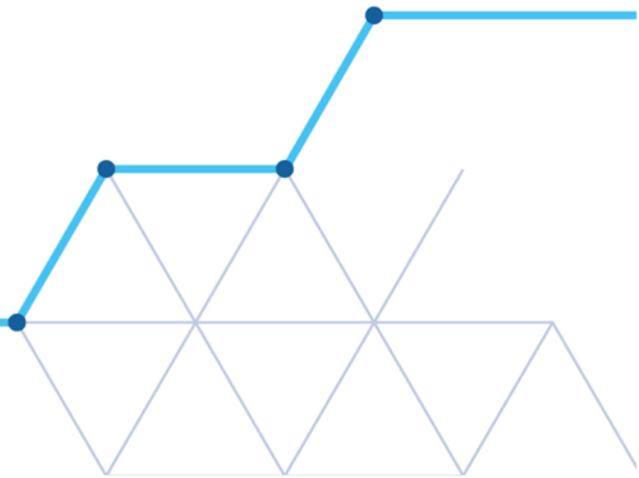


HM Courts &
Tribunals Service

Response to consultation on the future of Northallerton Magistrates' Court

This response is published on 24 July 2018

Protecting and advancing the principles of justice





Ministry
of Justice



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Tribunals Service

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Response to consultation carried out by HM Courts & Tribunals Service, which is part of the Ministry of Justice. This information is also available at <https://consult.justice.gov.uk/>

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Introduction and contact details

This document is the post-consultation report for the consultation paper, proposal on the future of Northallerton Magistrates' Court.

It will cover:

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

Further copies of this report and the consultation paper can be obtained by contacting the Estates Consultation team at the address below:

HMCTS Consultation
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This report is also available at <https://consult.justice.gov.uk/>

Alternative format versions of this publication can be requested from estatesconsultation@justice.gov.uk

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.

Foreword

On the 18 January 2018 HM Courts & Tribunals Service published a consultation on the future of Northallerton Magistrates' Court.

The consultation presented proposals to make changes to the court estate in the North-East, by closing Northallerton Magistrates' Court and relocating hearings to other court buildings in North Yorkshire and Teesside. This is intended to improve the utilisation of the North-East court estate and provide better value for money to the taxpayer by reducing operating costs and increasing efficiency. Any receipts from the sale of buildings consulted upon will be reinvested into the transformation of the HM Courts & Tribunals Service to modernise courts and tribunals, in line with the Joint Statement published in September 2016 by the Lord Chancellor, Lord Chief Justice and Senior President of Tribunals.

A total of 168 responses to the consultation were received. As the Delivery Director responsible for managing the operations of HM Courts & Tribunals Service in the North-East region, I am very grateful to everyone who contributed to the consultation. Each response has been carefully analysed and, having considered the responses, the Lord Chancellor has decided to close Northallerton Magistrates' Court.

The consultation proposed a number of receiving sites for relocation of hearings in Northallerton Magistrates' Court to other courts in North Yorkshire and Teesside. Many respondents made suggestions which have been taken into consideration in reaching the decision on the locations for future work. However, the final decision on how work will be relocated will be a matter for the relevant judicial body with responsibility for listing those cases. We have carefully considered the impact on court users concerning travel to attend a hearing, particularly as the catchment area of Northallerton covers a large rural area. We believe that access to justice will be maintained following this closure.

We acknowledge that the closure of Northallerton Magistrates' Court will mean longer journey times for some users. In most cases we consider that these journey times will still be reasonable, however we acknowledge that there will be some users who will experience long journey times, particularly by public transport. If court users have a particular problem getting to or from court this can be taken into account in listing the case. We will also work with other public bodies to provide a video-link facility in Northallerton which would provide an additional source of support for some of our users. We will not close the court until such a link is established in Northallerton.

It should be noted that attending a court or tribunal is typically a rare event for most people. We are confident that, in proceeding to close this court, sufficient capacity will remain across the North Yorkshire court estate to respond to future changes in workload.

Staff, judiciary and partner agencies who work hard to administer and deliver justice will obviously be affected by these changes. I am committed to working closely with the judiciary on the implementation of these changes and am equally committed to supporting staff and ensuring that the transition to the new arrangements takes place in a fair and transparent manner in line with the Managing Organisation Change Framework, and in consultation with the Departmental Trade Union.

A handwritten signature in blue ink, consisting of several overlapping loops and strokes, positioned above the name of the signatory.

Mark Swales, Delivery Director, HM Courts and Tribunal Service, North-East

Background

The consultation document published on 18 January 2018 proposed the closure of Northallerton Magistrates' Court.

Responses were invited from anyone with an interest or view on local justice. In line with our estates principles to ensure access to justice, deliver value for money and maintain operational efficiency, our assessment is that the decisions made in relation to the courts outlined in this document will help us deliver an effective service for users. As part of our estates principles, we want to ensure: we retain a sufficient number of court and tribunal buildings to meet the demands of our workload; that communities continue to have access to court and tribunal buildings where they need to attend in person, or through alternative methods (e.g. involving a video link); and that cases are heard in buildings with suitable facilities.

The consultation on the future of Northallerton Magistrates' Court closed on 29 March 2018. This document summarises the responses received, providing HM Courts & Tribunals Service's reactions to the key themes, issues of concern and suggestions which were raised, and setting out the decisions that have been reached on the proposal.

Workload Hours

The workload hours referred to in the consultation document were provided by taking the number of recorded hours the court sat against the number of potential hours the court could sit.

The consultation document published workload figures for the 2016/17 financial year, as that was available at the time. In reaching the decision to close the court we have also considered more up to date utilisation data for the 2017/18 financial year. This is provided in the sections below.

Travel time

The travel information included in the consultation document was provided as a guide to the likely impacts and based on common journeys to the current court. Our analysis of travel times compared the current journey times (to the court proposed for closure) with the future journey times from those same towns to the courts that are proposed to receive the workload. In each instance the journey time was assumed to begin at 8am, with travel from town centre to receiving court. Specific issues are considered in the response sections of this document.

Impact Assessment

The Impact Assessment accompanying the consultation has been updated to take account of evidence provided by stakeholders during the consultation period and is being published alongside this response document.

A list of respondents is at Annex A.

Summary of responses

Overview of responses received

A total of 168 individual responses to the consultation paper were received. Of these:

- 3 were from members of the Judiciary;
- 33 were from magistrates;
- 10 were from professional users;
- 31 were from public sector bodies;
- 2 were from Members of Parliament;
- 6 were from criminal justice partners;
- 5 were from staff members;
- 1 was from a union;
- 74 were from members of the public; and
- 3 were from organisations that did not fit within the categories above.

The consultation asked a series of questions regarding the proposals. We have analysed responses to those questions against our three estates principles; access to justice, value for money and operational efficiency. The section below details our consideration of specific responses to the proposals.

Responses

Decision on Northallerton Magistrates' Court

We have analysed the points raised by respondents to the consultation, and following careful consideration, the Lord Chancellor has decided to close Northallerton Magistrates' Court.

Subject to the agreement of the relevant judicial bodies with responsibility for listing, the workload and hearings of the court will be relocated principally to the following four Magistrates' Courts:

- York Magistrates' Court;
- Harrogate Magistrates' Court;
- Skipton Magistrates' Court; and
- Teesside Magistrates' Court.

There is also potential to list into other magistrates' courts in the North Yorkshire and County Durham areas, based on the circumstances of the users and the case concerned.

The following section of this document summarises comments, concerns and suggestions received and HM Courts & Tribunals Service's response to each emerging theme or area of concern raised.

Summary of responses to proposal on Northallerton Magistrates' Court

168 were received in response to the proposal to close Northallerton Magistrates' Court. Of the total 1 was neutral, 5 were in support of the proposal and 162 were opposed.

Access to justice

156 responses referred to issues surrounding access to justice. The vast majority of consultation responses referenced access to justice as their main concern. The most common theme of the responses to the consultation for the closure of Northallerton Magistrates' court focused on concerns with public transport links, the additional cost and potentially long journeys to times to get to court, and the impact on access to local justice.

Example comments were,

"Public transport would become more costly and difficult and the travel time analysis does not stand up to scrutiny. It is not reasonable to expect someone to spend 4 to 8 hours in a day, possibly for a number of days, travelling to attend a local court hearing." (**Member of the public**)

"Those required to attend court, be they staff, defendants, witnesses, legal staff or otherwise, will be required to travel a minimum of 40 miles round trip from Northallerton, which is unacceptable and impractical for many. (**Member of the public**)"

“Relocation will increase travel times to over 1 hour and double the mileage, and this will be the very same for the users attending from the very communities we serve. Rural transport is poor, costs for taxis prohibitive (£70 - £100 return from Leyburn to Northallerton) and regular bus services and trains are not available.” (**Magistrate**)

“The travel times analysis conducted as part of the consultation, I would suggest, is very much a paper exercise divorced from the reality of getting about in this deeply rural part of the UK.” (**Rishi Sunak Member of Parliament for Richmond**)

“All road traffic cases in North Yorkshire are dealt with there. Defendants are regularly required to travel using public transport and other sites simply are too inconvenient.” (**Professional User**)

“The real danger is that witnesses will simply not turn up when faced with a prolonged journey, cases collapse and justice is not done.” (**Professional User**)

Respondents also expressed concern with the impact on victims and that there may be a disproportionate effect on certain groups of people.

Example comments were,

“In the context of family cases the proposal is likely to disproportionately affect women with responsibility for young children and who are unlikely to be able to arrange childcare for the extended period that it would take to travel to an 'outlying' court. In the context of criminal cases the proposal is likely to disproportionately affect men, who would now be required to spend additional resources on travelling greater distances.” (**Member of the public**)

“If domestic violence work is transferred across the county there would be considerable logistics problems for those who support/report back to the victims of domestic violence.” (**Member of the Judiciary**)

“People with mental health problems or disabilities may find it hard to travel the distance required or may be too scared and anxious to do so.” (**Member of the public**)

“Give defendants/witnesses a choice of where cases are heard to facilitate ease of access.” (**Rishi Sunak Member of Parliament for Richmond**)

Some respondents felt that the Northallerton Magistrates' Court property provides a good level of service and is compliant in terms of access for disabled people, and the intended receiving sites are not.

Example comments were:

“None of the receiving courts in North Yorkshire are fully DDA [disability access] compliant. Northallerton is fully DDA compliant. Northallerton has good cells and excellent disabled access and also good transportation links, with the train station being less than a mile from its location.” (**Professional User**)

“The Courthouse at Northallerton is fully DDA compliant. York as a comparison is poorly maintained and has serious flooding risks; the facilities are inadequate for all users.” (**Magistrate**)

Respondents were also concerned that the costs would increase for other public-sector organisations.

Example comment:

“Analysis from Councillors shows that public transport times compared to attending Northallerton Courts are doubled to reach York and Teesside and trebled to get to Harrogate and Skipton. Costs of other public-sector bodies who attend court will increase.” **(Public Sector Body)**

Some respondents felt that the lack of broadband and mobile reception in the area means that remotely engaging with the court is not always possible.

Example comment:

“Whilst some rural communities are well served by broadband, others are not and have little or no mobile reception. This would limit any possibility of ‘remote’ evidence giving, online pleas etc.” **(Magistrate)**

Response

HM Courts & Tribunals Service agrees that users should not have to make excessively long or difficult journeys to attend hearings. The consultation document considered changes in travel time for typical journeys, and was based on journey times calculated by Google Maps and through the application of the local knowledge of our staff. Some responses to the consultations have claimed that the travel times provided are unrealistic and suggested that using travel times from an online source is not reflective of reality. There will always be some journeys which are much longer than the average due to issues on rail networks or on the roads. However, our view is that the data used is informed by thousands of real users and represents a reasonable and proportionate estimate of journey times. All journey times considered are from the town or area to the door of the court in order that they provide a more accurate representation of a genuine journey compared with a journey from one court to another.

In the Northallerton area, in common with many rural areas, we recognise that public transport can be infrequent and our analysis is based on the increased travel time from a number of the most significant population centres. It also recognises that many people travelling by public transport, as they do now, would need to travel first to these population centres to access public transport. At present, court users living in the area served by Northallerton Magistrates' Court already travel to other towns and cities (York, Teesside, Harrogate, Scarborough or Skipton depending on the case) if they are involved in Civil, Family, Tribunal or Crown Court cases for hearings.

The closure of Northallerton would lead to increased travel times for some users. Journey times by car to receiving sites will remain reasonable – ranging from 40 minutes to 1 hour and 10 minutes – and are also reasonable by public transport in most cases.

Northallerton Magistrates Court serves an exceptionally rural community. We recognise that there are some areas affected by the closure of Northallerton in the Richmondshire district, including the towns of Hawes and Leyburn, from which journeys by public transport to the proposed receiving sites would be long. Since the consultation there have been changes to the train timetables which mean that travel to and from court by public transport in a day from these areas (to either Darlington, Teesside, York or Skipton) would be difficult and bus and train timetables would preclude attendance at court before a standard start time of 10am when travelling by public transport. However, it is possible to get to and from court in

a day from these towns by public transport if a later start time is provided for the hearing, as set out below.

There have in the past only been a small number of cases from these areas heard in Northallerton. For example, according to our management information there were just two cases involving defendants from Hawes in 2017. However, we have thought carefully about this and what mitigations are possible to ensure that access to justice is maintained.

- Magistrates' courts are required to consider proximity between the location of the offence and the hearing, and accessibility for any party involved in the case, when deciding where a case should be heard (Lord Chancellor's Directions under Courts Act 2003, s.30). This would mean, for example, that cases arising or involving people from Leyburn could be heard in a magistrates' court in County Durham, as an alternative, closer location, including by public transport.
- In the same way it would also mean that the start and finish times of cases could be adjusted where people might otherwise be unable to attend by public transport.
- We will work with police and local judiciary to put in place arrangements which will keep travelling distances as short as possible across all hearing types from the areas with public transport problems.
- We also will provide a video link in Northallerton which will offer an additional way for some users to access court hearings, and we will not close the court until the video link is in place.

Many respondents were understandably concerned about any potential impact on victims and witnesses. However, the significant majority of cases in Northallerton are motoring offences, and other public body prosecutions, where there are few or no victims and witnesses attending court. The majority of work conducted currently in Northallerton Magistrates' Court does not originate from postcodes local to the court.

We are satisfied that the measures above will ensure that access to justice is maintained. We will be keeping under review and monitoring cases where long journey times are involved, and whether there are any further mitigations (for example the provision of transport) which would assist this very small number of individuals.

HM Courts & Tribunals Service accepts that defendants who arrive late or fail to attend increase delays. However, there is no evidence the level of these incidents of non-attendance increases significantly with the distance travelled or when courts have closed in the past. Analysis of the number of bench warrants issued for 'failure to attend' has shown no statistical correlation between the periods with the highest number of court closures and the rates of failure to attend warrants. While the figures show a slight increase in 2016/17 (4.1% of hearings) compared with the previous year (3.9% of hearings), there is no evidence this is part of an upward trend. However, we will keep this under review.

Workload and hearings will be relocated principally to the four magistrates' courts of York, Harrogate, Skipton and Teesside but there is potential to list into other courts in the North Yorkshire and County Durham area, such as Scarborough, Newton Aycliffe and Darlington, based on circumstances of the users and case concerned.

We accept that York Magistrates' Court can only deal with non-mobile users by prior arrangement. Harrogate, Skipton and Teesside offer fully compliant Equality Act facilities for disabled victims or witnesses. Teesside would be used for any non-mobile defendants.

We have thought about the impact on provision for domestic violence cases. Northallerton has the smallest volume of this work of the courts in the area and as a result it is the least aligned with the Specialist Domestic Abuse Court (SDVC) principles. The receiving sites are more aligned with the principles and concentrating volumes may allow better support to be put in place.

We accept that any proposed changes are likely to have an impact on other public sector bodies and we remain committed to working closely with them to minimise the impact of closure.

Value for money

43 responses referred to issues surrounding value for money. A large proportion of those who expressed a view on the matter of value for money argued that Northallerton Magistrates' Court already provided value for money.

Example comments were,

"With operating costs of a mere £140k, to progress with alternative options makes no financial sense. I hate to see a small short-term saving used to produce long term costs." (Member of the public)

"A local Magistrates Court is important for maintaining the importance of community law and order. This seems yet another example of reducing provision to save money whilst impacting on rural communities." (Member of the public)

"Northallerton Courthouse is the most efficient, up-to-date, fit-for purpose and centrally positioned courthouse in North Yorkshire. I do believe that the sale of York Courthouse would raise far more revenue than Northallerton." (Member of the Judiciary)

"The proposals appear designed to deliver on the principle of reducing costs for the HM Courts & Tribunals Service at the expense of ensuring access to local justice. It seems illogical to close a building that is "fit for purpose" and concentrate work in York where the court house can only be described as "unfit for purpose." (Legal Adviser)

Some of those who responded referenced York Magistrates' Court, in relation to historical flood damage and potential disposal value.

Example comments were:

"There needs to be a thorough investigation into how much money has been spent on maintaining (not improving) York MC following massive flood damage." (**Professional user**)

"If you sold York Court you would probably have enough to create a modern purpose-built Justice Centre. You could then close all the other courts in North Yorkshire." (**Member of the public**)

Responses also referenced rising costs to court users and the reinvestment of savings in the local justice system.

Example comments were:

“Councillors would argue that any savings gained would be offset by the increase in expenses paid to witnesses. Police time would also be wasted in the increased journey times to these other courts – again causing additional cost.” (**Public Sector Body**)

“The consultation suggest that savings made through the closure of Northallerton Magistrates' Court would be reinvested. My hope is that in the event of closure, such funds would be managed locally, making them available for improvements to criminal justice in North Yorkshire.” (**Criminal Justice Partner**)

Response

HM Courts & Tribunals Service must ensure its estate is used efficiently and effectively in delivering justice, providing value for money to the public purse. Where our estate is costly or under-used, we are spending on unused court space and this limits our ability to invest in alternative ways of making justice accessible.

During the 2016/17 financial year, operating costs of Northallerton Magistrates' Court were approximately £140,000. Northallerton Magistrates' Court is under-utilised; sitting for a total of 1,474 hours out of a possible 3,810 available hours in 2016/17 and for the latest financial year (2017/18) the Court was utilised for 1,257 hours out of a possible 3,750. Given that the site is under-used, retention of the site does not represent good value for money for the taxpayer.

The closure would generate a saving to the taxpayer and through the sale of the court, funds will be invested into the reform of courts and tribunals to benefit court and tribunal users overall.

While the sale of York Magistrates' Court may generate more funds than the sale of Northallerton, given the workload and population served by the court, there are currently no proposals to close York Magistrates' Court. HM Courts & Tribunals Service is currently considering requirements for the future estate in York. We know that there has been flooding in York and we have invested around £200,000 on measures to prevent closure when flooding occurs. We are committed to ensuring that work transferred to York and other locations will be heard in buildings which are suitable for the relevant hearing.

Funding a new court centre would be expensive and not represent an efficient use of limited funding and we have a duty to ensure expenditure from the public purse provides value for money.

We accept that for witnesses and for the police the closure could lead to additional travel costs. However, the majority of the workload heard by the court is not local to Northallerton and is principally motoring offences, and so relocation of this work should not lead to additional travel costs. Only a small proportion (11%-16% in the last 3 years) of first hearings in Northallerton originate from postcodes that are local¹. We will provide a video link in Northallerton. We will work closely with the police as part of the

¹ These figures have been derived from analysis of postcode data for defendants attending court at Northallerton over the last three years, extracted from HMCTS case management systems.

implementation of the closure, including working on future hearing arrangements and consideration of whether the video link could be in a police location.

Operational efficiency

69 responses referred to issues surrounding operational efficiency, including the following comments:

Responses included views that Northallerton Magistrates' Court provides good facilities and the accommodation provided at York Magistrates' Court is not fit for purpose.

Example comments were,

"Northallerton has one of the best facilities in the area having undergone a major refurbishment just over 10 years ago." (**Member of the Judiciary**)

"York Magistrates Court is not currently 'fit for purpose' as a modern court building. Until there is better or alternative accommodation in York, the case for Northallerton to stay operational and to increase its utilisation remains strategically sound." (**Staff Member**)

Responses also put forward considerations from the Police and Crown Prosecution Service (CPS) that could arise through the relocation of workloads away from Northallerton

Example comments were,

"North Yorkshire Police does not agree with HMCTS proposal to close Northallerton Magistrates Court whilst current constraints in other courts and the lack of joint technological infrastructure exists across agencies." (**North Yorkshire Police**)

"Northallerton Magistrate's Court is the dedicated traffic court for North Yorkshire Police (which is headquartered in Northallerton). To disperse across North Yorkshire on a postcode-to-court allocation in the event of the closure would have serious force-wide implications for already stretched policing resources. This in turn would impact on the service to the public." (**Criminal Justice Partner**)

Some responses said that the utilisation of Northallerton Magistrates' Court has been misrepresented due to the inclusion of a third court room in the utilisation calculation and other factors that impact on the ability to work to capacity.

Example comments:

"The consultation document misrepresents the use of a third court room. The training/conference room has never been formally designated as a court room and therefore, including it skews the court room utilisation statistics." (**Magistrate**)

"Investigation reveals an inability of the CPS to provide prosecutors, and insufficient legal advisers and court support staff to allow us to work to capacity." (**Magistrate**)

Response

By consolidating our estate and operating from fewer sites we will improve the effectiveness and efficiency of our services and maximise the use of public assets. The

facilities in Northallerton are fit for purpose but we have assessed that that the receiving sites offer either a reasonable or good standard of accommodation. We have invested around £200,000 in York on measures to prevent closure when flooding occurs. We are committed to ensuring that work transferred to York Magistrates' Court and other locations will be heard in buildings which are suitable for the relevant hearing

Any future changes to sitting patterns will be subject to approval by the local Judicial Business Group. We will work with stakeholders to ensure that there is a smooth transition, and that the high standard of local justice delivered is maintained.

While we would not want to pre-empt Judicial Business Group decisions, it is expected that the dedicated traffic court would move to another court in North Yorkshire in its entirety.

We note the view of some respondents that traffic work should be retained in Northallerton and that the police support its retention as a court. However, because a high percentage of cases are traffic offences, only a minority of first hearings in Northallerton originate from areas local to the court. The main concern for many of those that responded to the consultation was the potential impact on victims and witnesses. As the majority of work at Northallerton is related to motoring offences and other public body prosecutions where there are few or no victims and witnesses, this impact is limited. We continue working with the police on the impact of the closure, including investigating whether the video link facilities which will be provided in Northallerton could be or include a police video link.

We accept that for witnesses, for the CPS and for the police the closure could lead to additional travel costs. However, given the low levels of work at the court, and since most of the workload heard by the court is not local to Northallerton, we believe this to be reasonable. We will work closely with justice partners as part of the implementation of the closure, including future hearing arrangements.

We have re-examined whether it is appropriate to base utilisation on three hearing rooms rather than two. We consider that all three hearing rooms at Northallerton Magistrates' Court have been used for hearings in the past and remain available for use, and therefore it is appropriate to calculate utilisation rates on this basis.

Other Considerations

18 responses commented on issues that do not fall within the three estates principles. These were:

“Have these rural communities specifically been consulted – as they should have been under the 'rural proofing' requirement.” (Magistrate)

“Government rural proofing guidance says policies should take into account particular challenges faced by rural communities when assessing the removal of rural facilities.” (Magistrate)

Response

HM Courts & Tribunals Service conducted a Rural Proofing Impact Test as part of the overall Impact Assessment, published alongside the consultation proposal. This can be found at paragraphs 75 to 82 of the Impact Assessment and recognises that the proposal could potentially have a small impact on rural communities.

We are mindful of the infrequency with which people need to attend court and the small proportion of people who would use public transport to reach court. The potential small impact on rural communities which may result from closing the court needs to be considered alongside the low utilisation of the court. In addition, this public consultation provided an opportunity for any member of the public, including rural communities and their representatives, to comment on our plans.

“There is a rumour that North Yorkshire County Council has expressed an interest in the court building. This level of expectation in a potential buyer has the impact of making this consultation exercise seem disingenuous.” **(Member of the public)**

Response

We were not aware of any interest from North Yorkshire Council in the court building at the time we launched the consultation, and the Council were not aware of our proposals prior to launch.

“I am in agreement with the consultation paper and that the proposed options to re-allocate the work are designed upon ease of travel and that any other minor issues are taken forward by a Local Implementation Team, whose participation is constructed from local court user groups.” **(Criminal Justice Partner)**

Response

A Local Implementation Team (consisting of local stakeholders, staff, judiciary and other key stakeholders) would determine the most appropriate way in which issues are overcome, the decision would not be made by HM Courts & Tribunals Service in isolation.

“The initial consultation document contained significant mistakes in the travel time analysis and incorrect geographical references...” **(Rishi Sunak, Member of Parliament for Richmond)**

Response

We acknowledge that the Richmond travel times and the geographical references were incorrectly documented in the original consultation published. This error was identified and corrected within two days of the consultation launch, with the correct version of the document being placed online.

“Rather than talk of mobile courts, village institutes and similar buildings could be hired as appropriate when necessary to hear minor offences to restore local justice and show people that justice is available to all.” **(Member of the public)**

“I would like to suggest an alternative positive solution. I chair North Yorkshire’s LCJB [Local Criminal Justice Board] and I know partners would be keen to engage in developing a local solution that both meets the financial savings targets of HMCTS, and continues to deliver an accessible and appropriate service to our communities.” **(Criminal Justice Partner)**

“There is a view locally that having a video link room either at the new Police Headquarters close to the centre of Northallerton or at the Community Centre, The Forum, also close to the centre of Northallerton, is an option to be considered.” **(Member of the public)**

"If removing court presence is the only option, then in such cases the use of civic buildings for hearings utilising latest technology should be fully explored before a closure proposal is put forward." (**Public Sector Body**)

Response

While we acknowledge that some people may need to travel further to reach their nearest court, attending court is typically a rare event for most people. We will establish a video-link facility in Northallerton to support access for justice, particularly for those with mobility and accessibility problems.

"Make Northallerton a Customer Service Centre." (**Member of staff**)

"When the court is not in use, could the rooms be used for other purposes, i.e. tribunal work?" (**Public Sector Body**)

"Use the lovely building we have in Northallerton. Transfer some of York's work to Northallerton." (**Magistrate**)

Response

While we welcome suggestions for the alternative use of our hearing rooms, this is not a long-term sustainable solution to an estate that is under-utilised and would create under-utilisation elsewhere. Northallerton Magistrates' Court is not currently being considered for any alternative use by HM Courts & Tribunals Service.

"We also suggest that due consideration be given to the situation at Catterick Garrison. This is soon to be a very large (ca 30,000 people) area and must not be ignored in the assessment and strategic analysis of the provision of these important public facilities to North Yorkshire." (**Public Sector Body**)

Response

We considered the expected trends in population growth and the proposals included in the consultation are based on current and projected workloads. We consider that the needs of Catterick can be met within the conclusions within this consultation.

"If you have to close a court in North Yorkshire, close Skipton" (**Professional User**)

Response

The closure of Skipton Magistrates' Court was proposed as part of a public consultation in 2010, and a decision was taken not to close the site for access to justice reasons. HM Courts & Tribunals Service consider that the results of that consultation remain valid and we have no current plans as to consult again on its closure.

"It will also impact on the recruitment of magistrates from rural communities. Some magistrates have indicated that they will resign if Northallerton closes." (**Magistrate**)

Response

We describe elsewhere in this document that travel times for magistrates to alternative venues are reasonable, and for some will be shorter than at present. We consider that this will enable magistrates to be recruited locally in the communities they serve. For existing magistrates HM Courts & Tribunals Service will work with them to ensure wherever

possible that any needs are met and reasonable adjustments are made to ensure they continue as magistrates.

“In terms of the administration staff based at Northallerton there is always a risk that staff will seek alternative employment.” (**Member of staff**)

Response

There are ten staff (four court staff and six enforcement staff) based at Northallerton who will be affected by this change. We are committed to supporting our staff to ensure that the transition to the new arrangements take place in a fair and transparent manner in line with the Managing Organisational Change Framework, and in consultation with the Departmental Trade Union.

Implementation of the decision to close Northallerton Magistrates' Court

In the coming months, consultation with the Departmental Trade Union on staffing impacts will take place. We are now beginning to develop our plans for implementation of the decision and the operational exit, which is when the building will cease to provide a public service. Further updates on the timeframe for implementation will be provided online alongside this document in due course.

We will ensure that court users are not unduly affected during the transition to the new arrangements and we will also work closely with the Judicial Business Group to make the necessary listing changes at the courts effected.

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.

<https://www.gov.uk/government/publications/consultation-principles-guidance>

Annex A – List of respondents

Northallerton Magistrates' Court consultation – list of respondents

In addition to the members of the public who responded to the consultation, the following named individuals, professionals and organisations provided a response:

Age UK North Yorkshire and Darlington

Aysgarth and District Parish Council

Bainbridge Parish Council

Barristers

Bedale Town Council

Brough with St Giles Parish Council

Burneston, Swainby with Allerthorpe and Theakston Parish Council

Burton-cum-Walden Parish Council

Carlton Town Parish Council

Carperby cum Thoresby Parish Council

Catterick Parish Council

Communities in the Upper Dales, Hawes & High Abbotside, Hawes & High Abbotside Parish Council

Northallerton Town council councillor

Patrick Brompton Parish council councillor

Croft-on-Tees Parish Council

Crown Prosecution Service

Dalton-On-Tees Parish Council

Derestreet Barristers

Hambleton District Council

Head of Criminal Justice (North Yorkshire Police)

High and Low Worsall Parish Council

HMCTS Staff

Hudson, Hart and Borrows solicitors

Judiciary

Justices of the Peace

Kevin Hollinrake MP for Thirsk and Malton

Kirkby Fleetham with Fencotes Parish Council

Knayton-cum-Brawith Parish Council

Leader of North Yorkshire County Council

Local Councillor – Richmondshire District Council
Magistrates
McCormicks Solicitor
Moreton on Swale Parish Council
Muker Parish Council in Swaledale
National Probation Services York and North Yorkshire
North and West Yorkshire – Citizen Advice Bureau
North Yorkshire Bench Leadership Group
North Yorkshire County Council – Youth Justice Service
North Yorkshire Criminal Justice Board
North Yorkshire Police
Northallerton Area Over Fifties Forum (NAOFF)
NPS York and North Yorkshire
Parish meeting Kiplin
PCS
Police & Crime Commissioner – North Yorkshire
Police and Crime Commissioner – Cleveland
Police, Crime and Victims' Commissioner – Durham
Preston under Scar Parish Council
Prisoner Escorts Custody Service
Richmond Town Council
Richmondshire District Council
Rishi Sunak MP for Richmond (Yorkshire)
Scorton Parish Council
Social Worker
Solicitors
Stewart town Councillor
Surveyor, Carver Group
The Law Society
Tunstall Parish Council

Annex B – Equality Statement

This Equality Statement includes an analysis of the equalities impacts for the proposed closure of a court in the North East region (Northallerton Magistrates' Court) and the transfer of work to other courts in the region, as outlined in the response document.

We have considered the range of consultation responses received concerning our assessment of equalities and note that concerns were raised around the data sources we have used and whether these are limited in scope. In response, we have identified other data sources to enhance our assessment. We have also specified further ways we are able to mitigate access difficulties where necessary.

Other responses claimed that our equalities statement overlooked people on low incomes, vulnerable and disadvantaged people, and other groups considered to be particularly at risk. Our initial equalities statement considered the impacts of the proposals on those with protected characteristics as defined by the Equality Act 2010. In response, we have further considered how we might accommodate the needs of other users not encompassed by the Act in the response document.

Respondents in some cases provided additional evidence of potential impact. While this does not alter our overall assessment that the proposals are unlikely to have a disproportionate impact on those with protected characteristics, we have considered and included a number of additional mitigations to ensure access to justice is maintained.

Equality impacts

1. Section 149 of the Equality Act 2010 (“the EA”) requires Ministers and the Department, when exercising their functions, to have due regard to the need to:
 - a. Eliminate discrimination, harassment, victimisation and any other conduct prohibited by the EA;
 - b. Advance equality of opportunity between different groups (those who share a relevant protected characteristic and those who do not); and
 - c. Foster good relations between different groups (those who share a relevant protected characteristic and those who do not).
2. Paying due regard needs to be considered against the nine protected characteristics under the EA – namely race, sex, disability, sexual orientation, religion and belief, age, marriage and civil partnership, gender reassignment, pregnancy and maternity.
3. The Ministry of Justice (MoJ) and its ministers have a legal duty to consider how proposed policies are likely to impact on the protected characteristics and take proportionate steps to mitigate or justify the adverse impacts and to advance the beneficial ones.

Direct discrimination

4. Our assessment is that the policy is not directly discriminatory within the meaning of the EA, as it applies equally to all persons affected by the proposal on the provision of

the court estate in the North East; we do not consider that the decision would result in people being treated less favourably because of any protected characteristic.

Indirect discrimination

5. Amongst court users, some groups of people with protected characteristics, as explained below, are over-represented when compared to the local general population. However, in the event that in some cases these effects were considered to result in a particular disadvantage (for example, the length of journey time to court), we believe that implementation of the proposals represents a proportionate means of achieving the legitimate aims of court reform and efficiency.
6. Our approach has been to identify groups of people with protected characteristics and compare them to the court user population in the North East region. This approach allows us to identify whether any groups of people with protected characteristics are likely to be particularly disadvantaged by the proposals. Due to limitations in the available data on local HM Courts & Tribunals Service users, we have made the assumption that the local population in the local authority area in which the court is located is representative of the general population of the region.
7. In response to concerns about the limitations of our approach to data usage, we have identified a number of other sources of data to strengthen the analysis we have undertaken. These data sources are provided and analysed below.

Protected characteristic impacts

8. To help show the likely impact on court users we have assessed the available population data on the characteristics of sex, age, disability, race and religion. Our current assessment is that there is some over-representation of those of a White race in the area local to the court (98% in Northallerton) when compared to the general population of the North-East region (91%). There is also an over-representation of those of Christian religion (73%) when compared to the general population (62%). Furthermore, there is a slight over-representation of those from the 65+ age group (22%) when compared with the North East population (17%). The evidence set out in Table 1 shows the data we currently have on the protected characteristics of court users at the court. Although there is some over-representation, we do not consider that this would result in any particular disadvantage for people with the protected characteristics of sex, race or religion. Furthermore, we do not consider that the closures will have a greater impact on these particular groups when compared to the region's population as a whole.
9. Although we do not currently have data on the protected characteristic of gender reassignment, and only limited data on sexual orientation and marriage and civil partnership, we do not consider that the proposal is likely to result in any particular disadvantage for people with these protected characteristics when compared to those who do not share the protected characteristics.
10. To supplement our evidence, in Table 2 we have provided published data from the Crime Survey for England & Wales (2014/15) which details the protected characteristics of those who were victims of personal crime. We acknowledge that this data does not necessarily correlate to all court users, however, it provides a helpful indication of a cross-section of the population likely to access criminal courts.

11. Our initial assessment noted the limitations in the available data to assess the extent of impacts on the remaining protected characteristics of sexual orientation, marriage and civil partnership. The information provided in Table 2 allows us to identify the characteristics of those who were victims of crime in 2014/15, which includes sexual orientation and marriage and civil partnership. We are able to identify that those who are single are over-represented amongst victims of crime when compared with the general population (42% as opposed to 25%). We have been unable to identify data to allow an assessment of the impact on those with the protected characteristic of gender reassignment. Having considered the impact of the proposal on the groups for which limited data is available, we have not identified any direct or indirect discrimination arising from the planned closures. Nonetheless, we will continue to assess the impacts of the proposal.
12. We also recognise that the need to travel further (either by car or by public transport) is likely to have greater impacts on people with disabilities, the elderly and pregnant women. Available data suggests that there is no over-representation of people with disabilities in the area local to the court being considered for closure. There is no available data to suggest that there are more pregnant women in the area local to this court compared to the North East population as a whole.
13. While increased travel may have greater impacts for those groups, those impacts can be ameliorated, to some degree, by some of the mitigating measures identified below. For example, the greater availability of online information and virtual court facilities may reduce the need to travel to courts.
14. When evaluating the proposal in reaching a decision to close the court we have looked at the impact on the travel times of court users who would need to travel to one of the four receiving magistrates' courts – Teesside, York, Harrogate and Skipton. We acknowledge that travel times will increase for some court users as a result of the closure, although the nature of travel in rural area means that journey times from some of the towns in the current court's catchment area are lengthy already.
15. Journey times are reasonable by car in all instances – ranging from 40 minutes to 1 hour 10 minutes. Typical expected journey times for areas in the current catchment area of Northallerton to the receiving courts by public transport are between 1 and 2 hours, but some potential journeys by public transport could take over 3 hours, depending on the time of day, and would preclude attendance at a standard court start time of 10am. However, the number of court users who would be affected in this way is small.
16. If specific court users have difficulty in making a court start time then this would be taken into account when listing a case. A request would be placed before the appropriate judge to make a direction taking into account specific access requirements. This could involve providing, for example, a later start time to allow travel by public transport. In some cases, another court (e.g. Newton Aycliffe) may be more convenient for a case, and this would also be taken into account when listing decisions are made, and cases listed into the most convenient location as far as possible.
17. We will establish a video link in Northallerton, to provide a facility for victims and witnesses to give evidence when appropriate. Our view is that this is not required to maintain access to justice.

18. While a low income is not a protected characteristic by definition of the Equality Act (2010), we consider that the mitigations we have identified through this assessment would also apply to those court users on a low income who may be impacted by longer journeys to court.
19. Overall, we believe that the potential impact is proportionate having regard to the aim of the policy. The closure of the proposed courts will impact a small number of users and the savings and efficiency achieved as a result of the closures will contribute to a better service overall for users. It remains important to make reasonable adjustments for people of disability to ensure appropriate support is given. These are explained in more detail below in the mitigations section.

Harassment and victimisation

20. We do not consider there to be a risk of harassment or victimisation as a result of the proposal.

Advancing equality of opportunity

21. Consideration has been given to how this proposal impacts on the duty to advance equality of opportunity by meeting the needs of court users who share a particular characteristic, where those needs are different from the need of those who do not share that particular characteristic. Reducing the reliance on buildings with poor facilities to take advantage of a more modernised estate with better communication methods will help to generate a positive impact on all users, especially people with disabilities.

Fostering good relations

22. Consideration has been given to this objective that indicates it is unlikely to be of particular relevance to the proposal.

Court user data

23. We have explored the likely equality impacts on court users by drawing comparisons between the population local to the proposed closure and the population of the North East region.²
24. No comprehensive information is held on the protected characteristics of court and tribunal users. In this assessment, we have assumed that all court users are representative of the general population from which they are drawn, using data from the 2011 Census. We have compared the protected characteristics of this population with the populations in the appropriate local authority areas in the North East.

² Data is collected from the 2011 Census at a district level.

Table 1: The protected characteristics of those impacted by the proposal

		Local population			North East population
		Crown court	Northallerton Magistrates' Court	County court	
Site closures		0	1	0	1
Gender	Male	N/A	49%	N/A	49%
	Female	N/A	51%	N/A	51%
Age	0–15	N/A	17%	N/A	19%
	16–64	N/A	61%	N/A	65%
	65+	N/A	22%	N/A	17%
Disability	Disability	N/A	17%	N/A	20%
	No disability	N/A	83%	N/A	80%
Race	White	N/A	98%	N/A	91%
	Mixed	N/A	1%	N/A	1%
	Asian	N/A	1%	N/A	5%
	Black	N/A	0%	N/A	1%
	Other	N/A	0%	N/A	1%
Religion	Christian	N/A	73%	N/A	62%
	Buddhist	N/A	0%	N/A	0%
	Hindu	N/A	0%	N/A	0%
	Jewish	N/A	0%	N/A	0%
	Muslim	N/A	0%	N/A	5%
	Sikh	N/A	0%	N/A	0%
	Other religion	N/A	0%	N/A	0%
	No religion	N/A	20%	N/A	25%
	Religion not stated	N/A	7%	N/A	7%

Other data sources

25. To enhance our understanding of the potential impact on protected characteristics we have explored alternative sources of data that might help us understand the demographic makeup of potential court users and those that might interact with the justice system. Our data sources are limited and we have been unable to identify a data source that would provide a comprehensive assessment. However, we have found data that provides an overview of protected characteristics.

26. The information provided below (Table 2) has been provided as an indication of potential users of criminal courts and is therefore applicable for our consideration of the decision to close Northallerton Magistrates' Court.

Table 2: The protected characteristics of victims of personal crime (2014/15)³

Table: Characteristics of adults who were victims of CSEW personal crime, 2014/15 CSEW

England and Wales	Adults aged 16 and over Victims of Personal Crime (%) Per cent	General Population (%)
Age		
16–24	28	14
25–34	24	17
35–44	17	16
45–54	16	17
55–64	8	14
65–74	4	12
75+	3	10
Disability/illness status		
No disability/illness	76	79
Non-limiting disability/illness	5	5
Limiting disability/illness	19	16
Marital Status		
Married/civil partnered	31	50
Cohabiting	14	12
Single	42	25
Separated	4	2
Divorced/Legally dissolved partnership	6	5
Widowed	3	6
Ethnicity		
White	84	87
Non-white	16	13
<i>Mixed</i>	2	1
<i>Asian or Asian British</i>	7	7
<i>Black or Black British</i>	5	3
<i>Chinese or Other</i>	2	2
Religion		
No Religion	46	33
Christian	45	58
Muslim	4	5
Hindu	2	2
Other	4	2
Sex		
Male	56	49
Female	44	51

³ Source: Crime Survey for England and Wales, Office for National Statistics.

England and Wales	Adults aged 16 and over Victims of Personal Crime (%) Per cent	General Population (%)
Sexual Orientation		
Hetrosexual or straight	95	96
Gay or lesbian	2	2
Bisexual	3	1
Other	0	1

Defendants, victims and witnesses

27. The Ministry of Justice publications Race and the Criminal Justice System 2012 and Women and the Criminal Justice System 2013 show the race and gender profile of court users and those in the Criminal Justice system at a national level. They show that men and those from a Black ethnic group are over-represented amongst defendants in the criminal courts when compared to the general population from which they are drawn. Data for those sentenced in both the Crown and magistrates' courts in 2012 to 2013 confirm that:

- Males were more likely to be sentenced to immediate custody and to receive custodial sentences of six months or longer than females with a similar criminal history.
- Relative to the population, rates of sentencing for Black offenders were three times higher, and two times higher for mixed race offenders, relative to offenders from the White ethnic group; a trend mirrored in prosecutions.

28. There is no comprehensive source of data on the protected characteristics of victims and witnesses who may use the criminal courts. However, the Crime Survey for England and Wales (2014/15) shows that the following groups of people are over-represented as victims of personal crime when compared to the general population:

- Those aged 16 to 24 (28% of all victims, compared to 14% of the general population).
- Those from BAME backgrounds (16% of all victims, compared to 13% of the general population).
- Men (56% of all victims, compared to 49% of the general population).

29. While groups of people sharing particular protected characteristics may be over-represented amongst victims, we are unable to quantify whether such over-representation equates to victims and witnesses who use the criminal courts. The data in Table 2 has been provided as a means of an assessment of impacts, while remaining live to the limitations of this as a proxy.

Impact on magistrates

30. HM Court & Tribunals Service HR data show that magistrates are older and more likely to be of White ethnicity than the general population of England and Wales from which they are drawn. Data for 31 March 2011 confirm that:

- Younger magistrates are under-represented: 18% of serving magistrates were 49 or under, 30% were aged 50–59 and 52% aged 60 and over. Figures for the general population (aged 18–70) are 66%, 18% and 16% respectively.
- Those of Black, Asian and Minority Ethnic (BAME) ethnicity were similarly under-represented: 8% of serving magistrates in England and Wales declared themselves to be from a BAME background. This compares with the most recent estimate that BAME groups represent 14% of the general population (all ages).
- Disabled magistrates were also under-represented: 5% of serving magistrates in England and Wales consider themselves to have a disability, while 18% of the general population (all ages) consider themselves to have a long-term health problem or disability that limits daily activity a lot or a little. The differences in the definitions of disability are acknowledged.
- In line with the general population 51% of serving magistrates in England and Wales were female.

Other Impacted Groups

31. Other groups potentially impacted by the proposed closures include the judiciary and legal professionals. Statistics from the Judicial Office⁴ show that male judges, those of White ethnicity and those aged 50 years and older are over-represented compared to the general population. The practising bar and practising solicitors are more diverse, though men remain over-represented in both professions.^{5,6}

32. With regards to other HM Courts & Tribunals Service staff, equality assessments will be carried out by HR at the Business Unit level and the impact on protected characteristics will be fully assessed once the impact on individuals has been understood. We will engage with staff at the implementation stage to carefully assess any equalities issues and work through possible mitigations.

Mitigations

33. We recognise that as courts close we need to continue to modernise and improve the way we deliver front line services and to make the most of technological advancements and efficiencies. We also need to continue to provide reasonable adjustments for court users to ensure access to justice is maintained. There are a number of mitigations that we are either considering (or are already in place) that will help to minimise the impact of court closures on court users, including the following:

⁴ <https://www.judiciary.gov.uk/publications/judicial-statistics-2017/>

⁵ <http://www.barcouncil.org.uk/about-the-bar/facts-and-figures/statistics/>

⁶ <http://www.lawsociety.org.uk/representation/research-trends/annual-statistical-reports/>

- All guidance material, together with information about particular processes, are made available online through Gov.uk and the Justice website. This would include: the location, directions to and available facilities of the relevant court or tribunal, guidance on mediation, how to make a claim, how to appeal, and how to make a complaint. In addition, these websites provide useful links and signposts users to related websites such as: Resolution, National Family Mediation, Community Legal Advice, Citizens Advice, Consumer Direct, Ofcom and Ofgem amongst others. Public information is reviewed regularly.
- Provision of business and contact centres for some services (e.g. County Court Money Claims Centre) mean that services can be accessed by post and phone until the hearing (if a hearing is required).
- Online services, such as Money Claims Online and Possession Claims Online allow online access to services up to the hearing stage (if required).
- Alternative Dispute Resolution is promoted where appropriate, which reduces reliance on court hearings.
- Reasonable disability adjustments are undertaken in courts in accordance with the existing reasonable disability adjustments policy. Guidance is available to all staff, including a central advice point. Examples of adjustments relevant to this decision included:
 - identification of blue badge parking near the receiving court for those with mobility difficulties;
 - use of the staff car park where necessary for disabled users; and
 - consideration of an alternative venue where access is problematic
- Video links for criminal courts are used as follows:
 - prison to court video links allow defendants to appear from custody in magistrates' courts;
 - additional video links are within the court to allow vulnerable witnesses to give evidence without facing the defendant; and
 - *the court will always decide whether it is appropriate to conduct a hearing in a certain way, and the parties will also be able to make representations. In making its decision the court should consider whether any parties or witnesses have a disability (e.g. visually or hearing impaired) or are vulnerable and would benefit from face to face contact to be able to effectively participate in the case.*
- Assisted Digital provision will support the digital access needs of individuals who are currently not able to easily engage with online services to ensure reasonable adjustments are made.
- Facilities and provisions made at sites receiving the work at closing courts can include disabled access, hearing enhancement facilities, baby changing facilities and video-conferencing and prison link facilities. The exact facilities available at a court site can be found on our website: <https://courtribunalfinder.service.gov.uk/search/>. If appropriate facilities are not available arrangements can be made by contacting the court to determine reasonable adjustments that might be made, including, where necessary, use of an alternative venue.

Conclusions

34. We acknowledge that the closure of Northallerton Magistrates' Court will mean longer journey times for some users. In most cases we consider that these journey times will be reasonable, particularly given that attending court is typically a rare event for most people, and the volume of cases involved is small. However, we acknowledge that there will be some users who will find longer journey times make attending court on time problematic. As we do currently, specific access issues will be taken into account at the point of listing a hearing – for example providing a later start time or finish time if required. We also will establish a video-link facility in Northallerton which may provide an effective alternative way for some users to attend a court hearing.
35. Although increased journeys have the potential to impact some people with protected characteristics, the impact is expected to be limited and justified in the context of the aim of the policy. The mitigations set out above will continue to ensure access to justice is maintained. Many of the services traditionally accessed by face to face visits to court are being offered online. Some court hearings can also be conducted via telephone or video link and court users are being offered local alternatives to court hearings (mediation). All of these measures are reducing the need to travel to court buildings to access court services.
36. For those people who still need to attend court, reasonable disability adjustments are offered and other measures such as later court hearing start times will help to minimise impacts for those with transport difficulties.
37. In the long-term, the savings and any capital receipts generating from the closure will contribute towards funding the reform of court and tribunal services including improvements at courts receiving the work of a closing court. Overall, therefore, we consider that the decision to close Northallerton Magistrates' Court and the likely resulting impacts considered above represent a proportionate means of achieving the legitimate aim of a modernised, efficient court and tribunal service.



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