



Response to HMCTS Consultation on Transforming the Courts and Tribunal Service

Summary

I agree with the proposed programme of reform which is much needed. However, I have three **major reservations and concerns**. Firstly, while the proposal makes it clear that no closure will take place in anticipation of reform, only as reform takes place, I do not believe that this has been carried out in practice, fundamentally flawing this consultation. Indeed, in 4.25 it states that modelling has been done on “assumptions on the use of online or virtual hearings”. While much progress has been made in the south of the country in progressing video-enabled justice, virtual courts, and ensuring HMCTS digital infrastructure is ready and in place, this is not so across the country. As my response, and the response of other local actors in North Yorkshire, to the closure of Northallerton Magistrate’s Court shows, the assumption that such progress exists elsewhere has a potentially dangerous impact for rural communities, access to justice, and the work of other criminal justice partners.

Secondly, I do not believe that the consultation demonstrates sufficient attention to the challenges of delivering justice in rural areas. Promising statements are made about investment and ensuring access on the premise of a return journey within a day. In reality, analysis of such journeys is flawed, and no consideration is made for the impact that this would have on rural businesses, such as farming, where a whole day out is simply not possible. This means that without proper investment in alternative access, we risk increasing the number of adjourned or failed hearings due to absent witnesses. North Yorkshire is the largest and most rural county in England, and HMCTS must ensure that their consultations are tailored to making assessments on the future of the estate in rural areas.

Thirdly, there is a transparency issue as the decision-making matrix has not been published (4.97) meaning that we cannot understand how these decisions have been reached, and the building fit for purpose assessments have also not been published (2.13). The suggestion is that there is a building assessment for each of the courts up for closure, but not publishing them means that we cannot properly assess the reasons put forward for closures.

In summary, my response covers 4 areas:

Delivering justice across less densely populated areas costs significantly more but **the importance of physical access to justice cannot be underestimated unless there is alternative access** which currently simply does not exist in rural areas. It is crucial that HMCTS ensure their proposals for the estate take steps to adhere to DEFRA’s rural proofing guidelines when looking at buildings in rural areas, and seriously consider retaining and maintaining buildings.

It is essential that the criteria against which HMCTS assess the buildings in the estate takes account of the wider estate in the criminal justice area and explores options locally before consulting on closures. It is my view that **HMCTS should engage with partners in the LCJB as a preliminary stage in consultation and work with partners to find local solutions.**

While I support the need for modernisation in the HMCTS estate, it is clear that HMCTS need to develop their assessment criteria. To carry out this review based only on current processes and technology when this proposal is about modernising and reforming and improving future potential is, I believe, flawed. The existing assessments based on sitting capacity do not include any assessment of the **potential capacity, in a wider sense, of existing buildings, particularly with respect to future digital capabilities.**

The benchmark to be able to attend and return from court in a day using public transport links is key to ensuring public access and HMCTS are right to continue to assess access by looking at public transport, but the **assessments of travel times in rural areas is just too simplistic.** There is a very real risk that local justice services in rural areas will deal with increased no-shows and reduced engagement from victims and witnesses should HMCTS rely too heavily on travel time data and ignore the infrequency of public transport and journey complexity.

I refer you also to my response to your consultation on the closure of Northallerton Magistrate's Court which I have appended to this response.

In conclusion, necessary modernisation of the estate can be achieved in partnership with local criminal justice partners in a way which would minimise the impact of closures in the future, learn from the lessons of previous closures, and result in innovative developments which can be achieved alongside ongoing and future advances in digital access.

I therefore ask that HMCTS make provision within their assessment and consultation process to work closely with local criminal justice partners to ensure that the impacts and potential developments in the estate are rooted in local understanding and developed with local partners, particularly in rural areas where HMCTS need to ensure the appropriateness of the proposals much more effectively than has been seen to date.

Consultation response

1. What is your view of our proposed benchmark that nearly all users should be able to attend a hearing on time and return within a day, by public transport if necessary?

I agree that members of the public should be able to attend court and return home within a day, and that ensuring they are able to do this using the local transport links in their area is crucial to ensuring access to justice.

However, I am unconvinced that HMCTS appropriately assess the achievability of this bench mark in rural areas.

Research recently conducted as part of the consultation on the future of Northallerton Magistrate's Court demonstrate the 'possible' journeys considered by HMCTS, but the *reality* of those journeys for the public is very different.

Public transport to court in North Yorkshire rarely involves one mode of transport but several connections and several different providers. While HMCTS analysis may demonstrate the

possibility of returning home within a day if a *mid-day* hearing were attended, the risk of missing connections could well leave vulnerable people stranded in remote towns, and the considerations for rural travel in winter months is given no consideration whatsoever. The stress on midday is important as many journeys proposed by HMCTS mean that that is the earliest people would be able to attend, and that they would need to leave shortly afterwards in order to make the connections back.

Without more detailed journey analysis in rural areas as part of HMCTS estates planning, there is a huge risk in rural areas that defendants, victims and witnesses for both sides will travel on the same buses or trains; creating real possibility of collusion, intimidation and interference with justice.

If HMCTS rely on inaccurate or simplistic journey analysis in their considerations over the future of rural courts, there is a very real risk of losing witnesses and courts struggling to cope with the impact of 'no-shows' as a result of journeys that are unrealistic. Therefore, if HMCTS are to aim to provide a justice service which allows people to attend and return home in a day, significantly more analysis on rural access beyond *possible* journey times alone will be required.

2. What is your view of the delivery of court and tribunal services away from traditional court and tribunal buildings? Do you have a view on the methods we are intending to adopt and are there other steps we could take to improve the accessibility of our service?

Within the consultation document HMCTS promise not to close buildings in anticipation of reform, but to assess the viability of closures only as digital reform starts to take effect. It is absolutely crucial that HMCTS honour this in rural areas because without the maintenance of physical access to justice or improved digital infrastructure, the disparity between urban and rural justice delivery will widen and worsen.

I agree that HMCTS should seek to make savings by disposing of buildings they deem not fit for purpose in a modern justice system. However, there is *no mention of how savings made would be reinvested* in improving access to justice if physical access points are disposed. This even though HMCTS have an agreement with HM Treasury to keep receipts from sales of courts and tribunal buildings to reinvest in improvements.

Considerable digital investment has been made elsewhere in the country, and this type of investment is lagging in rural areas where access to justice is, if anything, more difficult and complex. HMCTS need to make a commitment to rural access to justice and to investing in areas which do not represent 'easy wins' when rolling out new delivery models.

HMCTS considerations over the future delivery of court services outside of traditional buildings cannot presume that digital capabilities would be immediately usable in rural areas like North Yorkshire. HMCTS should therefore provide clarity over the use of the savings they intend to make and plan to work with local partners when developing how funds saved will be reinvested in local access to justice.

There is huge potential for redeveloping the way access to justice is achieved away from traditional court and tribunal buildings. With money from the Police Transformation Fund, I am working with local partners to develop a nationally replicable Mobile Live Links solution which will ensure that those who cannot get to court are still able to stream into court from any location, give section 28 evidence, or which could provide a link facility for police or professional witnesses

or offenders. This project is primarily tailored to the challenge of delivering justice in rural locations and is still in the early stages but could be replicable anywhere in the country. The project requires additional investment and evaluation but is an example of the innovations possible in rural areas if HMCTS engage with and support local partners.

The current proposals assume that courts and other buildings are already fully or partially digitised. In North Yorkshire, the delivery of services outside of the existing estate would rely on live-link or virtual court facilities which simply do not yet exist. It is therefore my belief that savings found should be returned to that locality with the aim of mitigating the impact of closures. This is especially important in rural areas given the urgent need to invest in sustainable access to justice through digital infrastructure if HMCTS are to succeed in delivering flexible justice that provides value for money.

It is imperative that in the future HMCTS make additional provision during planning to work with local partners when considering how to best move justice delivery outside of traditional court buildings.

3. What are your views regarding our analysis of the travel time impacts of our proposals? Are there any alternative methods we should consider?

It is reassuring that in the case of lacking digital or flexible access options, HMCTS state that there will be cases where shutting a court will be deemed “unacceptable” and highlight rural areas and less populous areas “at too great a distance from strategic locations” as those likely to require continued physical access to justice.

However, it is unclear how complex journeys which arrive and leave at times which will increase the likelihood of no-shows or missed appointments will be assessed in terms of their “acceptability”. No parameters on what is or is not acceptable have been provided within the consultation. This potentially leaves small communities in rural areas vulnerable in decisions regarding access to justice as there are too few people for the impact to be considered as seriously as it might be in more populous areas.

Where an individual would have to travel two hours to court, those journeys do not involve just one train or bus. The likelihood of people withdrawing from the justice system is likely to increase should people be expected to make a journey which involves two busses, a train and a long wait in a remote town – not to mention the likelihood of difficulties in the event of a public transport link being missing or running late.

There is therefore a very real risk of losing witnesses, and courts struggling to cope with the impact of ‘no-shows’ as a result of unreasonable journeys which would regularly be expected of the public.

HMCTS must ensure that their analysis of travel to and from court is detailed enough to take account of more than just the time it *could* take someone to travel to and from court if physical attendance is the only option open to them. As discussed in my response to question 1, the complexity of journeys to court, the reliance on rare timely connections, the likelihood that vulnerable people will struggle to arrive on time, and public confidence in getting home are all factors which increase the likelihood of the public disengaging with criminal justice services.

Further, HMCTS fail to observe the impact of increased travel times on partners involved in delivering justice in the event of local closures. Any changes to the physical estate *must* be assessed against the costs to other organisations involved in the delivery of justice which are also

funded out of taxpayer's money to ensure that proposed closures both balance HMCTS books and save tax payer money in the longer term through increased efficiencies across the whole system. A wider costing assessment of the potential impact of estate changes should be a central consideration in any analysis of travel times to court.

It is therefore crucial that if HMCTS are to continue to rely on journey analysis that this analysis is extended to include more than just the travel time alone, and pays due consideration to other organisations involved in delivering justice.

4. Do you agree that these are the right criteria against which to assess capacity? Are there any others we should consider?

I am concerned that HMCTS assessments of capacity may rely on the anticipated impact of modernisation resulting in fewer hearings and the increased use of online services.

DEFRA Rural Proofing guidelines specifically references "mobile, outreach and home services" and "virtual delivery" as options which need to be considered in the event of changes to services in rural areas, to ensure that implementation is appropriate for those communities. However, the digital infrastructure of North Yorkshire is limited and there are vast areas where the speed of internet would not necessarily support digital alternatives to in-person attendance.

Digital alternatives cannot necessarily be relied upon to replace court buildings in rural areas as mobile data connections cannot be guaranteed, and broadband/suitable bandwidth is also not universal.

Should HMCTS elect to close courts before digital capacity is in place, the result will be high-cost and poorly functioning delivery of justice in North Yorkshire and other rural areas which risks rural communities disengaging in criminal justice, and inefficiencies stemming from poor digital capabilities in the remaining estate.

There is an urgent need to invest in sustainable access to justice through digital infrastructure in rural locations. I believe small reinvestments at strategic locations to develop the potential flexibility and capacity of the existing estate will make a large difference to outcomes for rural areas. This would prepare the estate for flexible hearings based on the Video Enabled Justice model running in Sussex and the South East.

The future of Northallerton Magistrate's Court is currently under consultation with HMCTS and within my response to that consultation I highlight the use of that court as the dedicated court for police-led prosecutions, as the dedicated traffic court for North Yorkshire Police, and the primary court of use for Trading Standards within North Yorkshire County Council. As an example, Northallerton demonstrates that the hearing and tribunal capacity of courts is not the only measurement through which HMCTS should seek to identify the usefulness of their building.

It is crucial when considering the capacity of rural courts, that HMCTS consider the location of specialist services and the impact of moving or dispersing those services, and that all assessments of courts in rural areas incorporate the principles of rural proofing to ensure that the *need* for low-use courts is assessed as much as their capacity.

Justice must stay local and remains accessible in areas where digital capabilities are significantly further behind those enjoyed in urban areas. This wider digital capacity *must* be included in assessments of rural courts if HMCTS are to fairly assess the estate against the parameters within which it operates in different parts of the country.

5. What is your view on the proposed principles and approach to improving the design of our court and tribunal buildings? Do you have any further suggestions for improvement?

The HMCTS framework for future building design presents a useful assessment key for existing buildings and the design of new facilities. However, the examples provided are combined courts and justice centres based in densely populated areas.

Closure and centralising of work in Manchester/Reading/Leeds and Shrewsbury are highlighted in the national consultation document as examples of successful estate modernisation. The examples are in urban centres and therefore the impact on closing or combining estates in urban locations where HMCTS have identified that there are several courts buildings within just a few miles radius will have a much smaller impact.

HMCTS have included the option of retaining existing courts and tribunals “even though they may not be well utilised or have a narrower range of facilities compared to our larger hearing centres”. However, there is no criteria for assessing this, which is especially important for closures in rural areas and therefore we do not know how this has been assessed in the proposals around our courts.

The consultation document informs that HMCTS often have multiple buildings in the same town; and have many courts and tribunals in places where no thoughtful planner would put them if designing the system now.

City of York Council is currently investigating a large One Public Estate programme, which the police are also engaged in. I would propose that North Yorkshire Police and HMCTS work together to scope a joint police/courts site with joint custody facilities which would save costs and bring efficiencies.

6. What are your views on our approach to people and systems? How do we best engage with the widest possible range of users as we develop scheduling and listing systems? What factors should we take into account as we develop our plans?

I welcome HMCTS intention to invest in digital systems to support the scheduling and listing of cases and to work with local courts to understand the requirements of all users. The consultation places significant emphasis on digital solutions to delivering justice and the need for public access via public transport remains central to HMCTS delivering on the core principle of access to local justice.

However, in addition to understanding the difficulties the public may face in getting to and from court in person in the event of closures, developments to scheduling must also take account of the challenge that members of the public may face when using public transport in rural areas. The need for mid-day time slots for those from more remote locations is a consideration specific to rural areas for which developments in scheduling must take account - without such accommodation, members of the public may either be unable to make their hearing/tribunal, or struggle to get home.

Developing scheduling and listing must therefore be ‘rural proofed’ and designed in line with the central aim that those using courts can travel to court and return home on the same day.

Whether or not scheduling and listing systems are developed as a result of building closures, the reallocation of work, or improved digital facilities and redevelopments of court sites, those

developments *must* consider the risk of public disengagement and ‘no shows’ should changes fail to deal with the reality of accessing courts.

If digital developments in court access, whether through mobile links or other options, do not keep up with digital developments in scheduling and listing the likelihood is that those in the most rural areas will suffer disproportionately. HMCTS must closely engage with local partners through the LCJB in order to take this forward.

In rural locations like North Yorkshire, HMCTS should prioritise investing in the technology to improve access to justice before closing physical buildings or developing systems which support more advanced digital infrastructure.

7. Do you have views on our approach to evaluating proposals for estates changes or any suggestions for ways this could be improved?

HMCTS state that they have instigated a programme of professional building surveys to have accurate data on the extent of disrepair and the cost of rectifying these repairs. They have used the information from surveys which relate to the specific courts their proposals affect. However, neither the building survey information, nor the decision-making matrix to be used in the future have been included in either of the consultations on the future of the estate removing the possibility of this being commented on, assessed or refuted as part of this consultation.

As a result, local partners have limited ability to assess and, if needs be, challenge the survey information or decision-making matrix HMCTS will use in the future to select courts for closure on the basis that they are not fit for purpose as part of their rolling estates consultation.

Despite acknowledgement that retaining existing courts and tribunals may be needed “even though they may not be well utilised or have a narrower range of facilities compared to larger hearing centres”, much more needs to be done in terms of the depth of proposal analysis and in terms of the transparency of the decision-making process to give those in rural areas the confidence that HMCTS principles are being applied in assessments of the rural estate.

It is also important that as HMCTS seek to develop new evaluation measures that due consideration is given to evaluating the impact of previous closures.

The Court Estate Reform Programme (CERP) resulted in the closure of 140 courts (92 magistrates’ courts and 48 county courts) across England and Wales from the then total of 530 operational buildings. The creation of HMCTS brought a further 75 tribunal buildings into the estate and five individual court closure consultations were published in 2013 and 2014.

As yet there has been no evaluation of the impact of those closures to inform the court closures that are currently being suggested or the wider estates strategy.

In the North Yorkshire context, the closure of Selby (2013), Richmond, Pickering and Whitby (2001) courts have resulted in a good geographical spread of remaining operational buildings, ensuring local access has been maintained. However, the understanding of the impact of those closures is both local, and anecdotal, and the consultation affecting the court estate in North Yorkshire therefore cannot take account of any learning we might take from those previous changes to justice delivery.

I therefore urge HMCTS to dedicate resources to thorough evaluation of previous closures so that their evaluation of future proposals can reflect what has been learned from past decisions.

8. What is your view on our proposed approach to future estates consultations?

I welcome the intention for HMCTS to improve the transparency of their decision-making process and publish the decision-making matrix they use to inform their decisions on any future court closure consultations. As the matrix has not been shared alongside the estates strategy consultation, I cannot comment on its appropriateness for assessing rural justice services. I ask therefore that HMCTS share the decision-making matrix with criminal justice partners, and in particular with LCJBs, to assess the matrix.

Given my comments above on the readiness of rural localities to cope with closures of physical courts, the proposal to run a rolling programme of consultations on the HMCTS estate gives me significant concern. I believe that, instead of a rolling program assessing the buildings in the estate, that HMCTS should first work to assess the levels of digital-readiness across the country. The likelihood is that rural areas will be highlighted as areas needing the greatest investment to bring justice delivery in line with urban areas.

HMCTS should undertake this work with the intention of investing in rural areas likely to be left behind as the estate is modernised because the need for investment is much greater and the solutions more difficult and costly to implement.

9. What is your view on how these proposals are likely to impact on groups of court and tribunal users with particular protected characteristics as defined in the Equality Act 2010? Are there any sources of evidence or research that you think we should consider?

It is my belief that the consultation proposal pays insufficient attention to the challenge of North Yorkshire's rurality and geography, and future considerations must look specifically at the impact that the proposals would have on the elderly and disabled in remote communities.

The consultation focuses very heavily on how technological advancements can reach a large proportion of the population citing that "digital change is a fundamental part of our modernisation programme". This agenda risks losing sight of the difficulty of local organisations reaching and serving the proportion of the 5% of the population outside the 95% that HMCTS aim to reach.

Despite the recognition in the national consultation that alongside strategic locations there is a need to make provision for other locations – usually rural areas – HMCTS proposed estates strategy only identifies "major towns and cities in England and Wales with good transport links, serving large populations" as key strategic locations; a position which suggests that justice in rural locations is of a significantly lower priority.

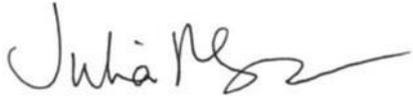
10. Do you have any other comments on our future estates strategy?

If HMCTS are driven to develop long term value for money, the future of the estate needs to be assessed as a component within the whole criminal justice system. The courts and tribunals estate is just one part of a complex set of systems combined within the criminal justice system and I do not believe the consultation adequately reflects that.

I have highlighted the importance of investing in the digital capabilities and working with local justice partners to understand where there is need for physical courts in rural areas, and demonstrated where innovative solutions may be rolled out. Going forward, HMCTS and MoJ must work with partner organisations and local services to co-invest and to make their proposals viable and 'rural proofed' for the future. Working with LCJBs will ensure that the changes HMCTS

propose and adopt are appropriate, rooted in the delivery of local justice, and crucially, that those developments result in a more efficient and value service for the public in the longer term.

If HMCTS really are to avoid short term decisions which prove costly in the longer term, their estates strategy in rural areas must consider short term maintenance as an option in the face of the digital challenges.

A handwritten signature in black ink, appearing to read 'Julia Mulligan', with a long, sweeping horizontal stroke extending to the right.

Julia Mulligan
Police and Crime Commissioner for North Yorkshire

29 March 2018

Appendix – Northallerton court closure response

Response to HMCTS Consultation on Northallerton Magistrate's Court

Summary

NO - I do not agree that closing Northallerton Magistrates' Court at this time is a good solution for North Yorkshire as alternative provision is not in place.

In summary, I have three key points. Firstly, the description of Northallerton Magistrate's Court and of the court estate in North Yorkshire is inaccurate, especially regarding digital infrastructure. The digital infrastructure referenced in the consultation is not of sufficient quality or capability across North Yorkshire to support the closure of a physical court in preference for video-enabled justice and considerable investment is needed before closure is possible. Secondly, the consultation significantly discounts the impact that this would have on rural communities, and infrastructure and/or services are required to mitigate this before closure would not affect access. Thirdly, there is no assessment of the impact this would have on criminal justice or local partners; a solution needs to be worked up in partnership.

In your national 'Fit for Purpose' consultation, HMCTS promise not to close buildings in anticipation of reform, only as it starts to take effect (5.11). I propose that HMCTS maintain Northallerton for the short/medium-term. In the interim, the Ministry of Justice and HMCTS should work with local partners through the Local Criminal Justice Board (LCJB) to deliver a sustainable longer-term video-enabled solution to delivering justice in North Yorkshire in an efficient and improved way.

Should HMCTS elect to close Northallerton now, the result will be high-cost and poorly functioning delivery of justice in North Yorkshire which risks rural communities disengaging in criminal justice, and inefficiencies stemming from poor digital capabilities in the remaining estate.

I therefore ask that the consultation be withdrawn and for HMCTS to work closely with local partners to develop a sustainable long-term solution.

1 a) Do you agree with our proposals to close Northallerton Magistrates' Court?

NO - I do not agree that closing Northallerton Magistrates' Court at this time is a good solution for North Yorkshire as alternative provision is not in place.

Within the context of broader modernisation as part of HMCTS reform plans, upgrading courts and disposing of those which are not fit for purpose is anticipated. However, I cannot see how the description of "not fit for purpose" and "out of date" can be applied to the Magistrate's Court at Northallerton given upgrades in 2004 which resulted in flexible rooms, cell facilities and the only DDA compliant court building in North Yorkshire. The building assessment which is alluded to in the 'Fit for Purpose' consultation (2.13) has not been published. The future courts view from HMCTS is very heavily focussed on digital justice and flexible rooms ('Fit for Purpose', 4.84) – both features which Northallerton can arguably provide should it be maintained.

The consultation states that the cost of operating Northallerton is £140,000 but there is no comparison of that cost against the other courts in North Yorkshire or other courts in the consultation list, nor is there any indication of the savings HMCTS would benefit from through the closure. Furthermore, given the use of Northallerton by North Yorkshire Police as a dedicated traffic court and for police prosecutions, and as the primary court for business by North Yorkshire County Council Trading Standards, without suitable digital provision this proposal may come at a net cost to the taxpayer as they face extended travel times and costs.

Importantly there is no mention of how savings made would be reinvested. It is my belief that savings found in North Yorkshire should be returned here given the urgent need to invest in sustainable access to justice through digital infrastructure.

Quite rightly identified in both the national and Northallerton consultations, linking courts digitally is vital to improving public access to justice and securing efficiency in the services provided. In the 'Fit for Purpose' consultation, HMCTS promise not to close buildings in anticipation of reform, only as it starts to take effect (5.11). It is absolutely crucial that HMCTS honour this in North Yorkshire given the shrinking estate and the continued lack of a solution to increase and improve access to justice.

The proposal presumes that courts in North Yorkshire meet the alternative provision criteria, and are ready to accommodate several simultaneous virtual hearings, with live link and virtual court facilities in 'other local civic centres' already up and running across the county. This is an unrealistic and dangerous assumption. While our CJ partnership aspires to this, video-enabled justice is in its infancy here, let alone flexible listings, and will need substantial investment to make it a reality in North Yorkshire.

North Yorkshire has seen the closure of Selby (2013), Richmond, Pickering and Whitby (2001) courts. The current consultation proposes to exacerbate existing issues of access for those needing to travel across the county and could leave the largest rural county in England with just three courts. This decision, should it be taken, would be made without a full understanding of the impact of previous closures on delivering justice across the county, on misleading analysis of travel times to other courts, and at a time when technological capabilities are not yet rolled out in North Yorkshire. *If closure is not on the anticipation of reform*, reducing the courts estate in North Yorkshire should be put on hold until there is confidence locally that access to justice is ensured.

Access would be impacted negatively. The travel times and assumptions in the proposal grossly misunderstand the geography and ease of public travel in North Yorkshire. All cherry-pick the best travel times available regardless of the arrival time, ignore the multiple and sometimes complex connections, are dependent on timely connections which are rare, and on a frequency of transportation which does not exist. Analysis beyond Google would show that if connections are missed, people would be stranded at stations or bus stops for hours, or potentially even overnight.

Moreover, because of the infrequency of public transport, there is a distinct likelihood of defendants, victims and witnesses for both sides to be travelling on the same buses or trains. Analysis done by my office into journeys from more rural parts of Richmondshire show that this is a guarantee rather than a likelihood. This creates real possibility of collusion, intimidation and interference with justice.

b) If we close Northallerton Magistrates' Court what are your views on the proposed options for re-allocating the work?

There is a worrying lack of detail in explaining how the redistribution of demand by postcode would work in practice. It is important that HMCTS provide reassuring evidence that postcode reallocation has been thought through. Postcodes in North Yorkshire can be the same over large areas, and sometimes only contain one or two properties.

That this has been carefully considered is important given the access to justice and the travel times, which may significantly impact on court sittings and adjournment rates due to late arrival in court. This would in turn increase costs across CJ partners.

We are also concerned that re-allocation proposals do not factor in the capacity of alternative facilities. Even if only 11% of work in Northallerton is local to the DH postcodes, a large proportion of the remainder is police prosecution, traffic cases or trading standards work, run out of Northallerton because of its proximity to North Yorkshire Police Headquarters and North Yorkshire County Council.

Reallocating work to York and Skipton are important options but if work is to be immediately reallocated to those courts, the delivery of justice in North Yorkshire would suffer immense damage. Furthermore, York is liable to flood and would not reopen should it flood again due to the cost of refurbishment. In this scenario work would have to be taken up by Harrogate and Skipton as Leeds would be at capacity due to the changes proposed there. Skipton, while able to cope with greater capacity, cannot yet boast technological capabilities sufficient enough to take work from across the county, nor does it have custody facilities closer than Harrogate.

c. What other options do you think might work?

While I do not agree with the closure of Northallerton Magistrate's Court at this time, the attention to developing the estate in North Yorkshire is welcome. It is possible that necessary modernisation of the estate can be achieved in partnership with local criminal justice partners in a way which would minimise the impact of closure in the future, learn from the lessons of previous closures, and can be achieved alongside ongoing and future developments in digital access.

Investment is required in infrastructure and services which would mitigate the risks inherent in the current proposal.

I am developing a Mobile Live Links solution in partnership with North Yorkshire's criminal justice services. This would provide a truly mobile digital access point in a van that would be able to attend remote or isolated locations. This would provide access to justice for vulnerable or disabled victims or witnesses, take section 28 evidence, or provide a link facility for police or professional witnesses or offenders.

Given the small number of public cases being heard in this area a single van would be able to provide the cover required to mitigate extended journey times, reducing adjournment due to non-attendance. Ultimately this would increase engagement with, and reinforce a local notion of, justice.

Alongside this a programme of static live links is needed to enable North Yorkshire Police and North Yorkshire County Council to undertake their business remotely, and flexible listings are required to make these solutions possible.

With investment the mobile live links solution could be active by the end of the year, but funding is currently not available. The 'Fit for Purpose' document makes it clear that in the eyes of HMCTS, value for money can mean 'investing more in order to get a significantly better result' (4.21). Working in partnership with local services, the MoJ and HMCTS should co-invest in this solution to make their proposals viable and 'rural proofed' in the future.

Concurrently with this, investment is required to upgrade and renew HMCTS estate in York and Skipton. York estate is very outdated and is largely unfit for purpose. Skipton is more modern but requires digital infrastructure.

York Magistrate's Court is liable to flooding, which has already happened once, and due to costs of refurbishment would be unlikely to reopen if it flooded again. It is also an unsuitable building for modern access (requiring man-handling for disabled access). City of York Council is currently investigating a large One Public Estate programme, which the police are also engaged in. I would propose that North Yorkshire Police and HMCTS work together to scope a joint police/courts site with joint custody facilities which would save costs and bring efficiencies.

Skipton has capacity which would make it an ideal site from which flexible listings could be heard. By upgrading digital infrastructure at Skipton a model could be developed similar to the South-East Video-Enabled Justice programme.

d. Would these closure and re-allocation proposals have any particular impacts for you or any group you represent?

We face the very real risk of public withdrawal and a reduction in rural communities' justice engagement should physical access points like Northallerton Magistrates' Court be removed at a time when the digital alternatives are underdeveloped and untested in rural environments.

As the situation stands, the proposal would mean that, outside of York, the largest county in England will be left with just three Magistrate's Courts in especially challenging geography. These proposals and the impact they will have on partners and the public on a summer's day might be justifiable, but the potential for disruption in winter months and the costs that will result in for both HMCTS and partners is a hidden cost which should be considered at least as seriously as maintenance costs.

The impact assessments in the consultation is based on travel times for court users but a closer look into those travel time makes it clear that the times do not reflect the reality of traveling from areas which will be affected by the closure of Northallerton Magistrate's court.

While the travel times indicated in the consultation are real, the consultation cherry-picks the best times available regardless of the arrival time at the anticipated court destination. Many of the examples arrive mid-day or depart before the end of the day, and several of the examples fail to highlight that members of the public may have to wait hours for their return journey in the unlikely event of making it to court for a morning hearing.

The complexity of the journeys is ignored in the consultations entirely.

Where an individual would have to travel two hours to court, those journeys do not involve one train or bus. The likelihood of people withdrawing from the justice system is likely to increase should people be expected to make a journey which involves two busses, a train and a long wait in

a remote town – not to mention the likelihood of difficulties in the event of a public transport link being missing or running late.

The consultation also fails to reference the likelihood of perpetrators, victims and witnesses having to travel on the same transport route. From analysis done by my office into a handful of the journeys from Stokesley, Reeth, Sowerby, Hawes and Leyburn, that is a guarantee rather than a likelihood. This creates a real possibility of collusion, intimidation and interference with justice.

It is difficult to see how complex journeys which arrive and leave at times which will increase the likelihood of no-shows or missed appointments could be considered “acceptable”, and there is therefore a very real risk of losing witnesses, and courts struggling to cope with the impact of ‘no-shows’ as a result of unreasonable journeys which would regularly be expected of the public if Northallerton were to close.

While I agree that older buildings are a cost to HMCTS, in Northallerton’s case, no analysis has been done on the costs to other organisations involved in the delivery of justice which are also funded out of taxpayer’s money. The impact on policing in England’s largest rural county in the event of court closure has not been considered within the impact assessment or within the consultation document itself. The result is that we don’t yet know whether the proposed closure aimed at balancing HMCTS books will actually save tax payers money in the longer term. A wider costing assessment should be a central consideration in any decision made if the decision on closing Northallerton is truly to be for public benefit.

Do you think our proposals could be extended to include other courts?

Not in terms of closure. However any future proposal to close Northallerton must include a significant investment into renewal of York and of Skipton at a minimum.

Do you have any further suggestions for improving the efficiency of the criminal court estate in the North East?

In light of the Justice Secretary’s agreement to devolve criminal justice powers in London, I hope very much that criminal justice in North Yorkshire can follow suit. HMCTS should engage with partners in the LCJB to develop a solution for North Yorkshire which ensures that our justice system is both rooted in the communities it serves, and is ready in advance of closures rather than left to struggle to cope and innovate following ‘quick win’ decisions.

Investment is necessary as set out above. Considerable investment has been made elsewhere, and this is lagging in these areas where access to justice is, if anything, more difficult and complex.

Do you think we have correctly identified the range and extent of the equality impacts? Do you have any other evidence or information concerning equalities that you think we should consider?

It is my belief that the consultation proposal pays insufficient attention to the challenge of North Yorkshire’s rurality and geography, and would disproportionately affect the access of elderly, disabled and remote communities in this area which is not taken into account.

Despite the recognition in the national consultation that alongside strategic locations there is a need to make provision for other locations – usually rural areas – HMCTS proposed estates strategy only identifies “major towns and cities in England and Wales with good transport links,

serving large populations” as key strategic locations; a position which suggests that justice in rural locations is of a significantly lower priority.

HMCTS have also stated that there will be cases where shutting a court will be deemed unacceptable but no parameters on what is or is not acceptable have not been provided. This leaves the small rural communities of North Yorkshire vulnerable in decisions regarding access to justice as there are too few people for the impact to be considered as seriously as it might be in more populous areas.

DEFRA Rural Proofing guidelines specifically reference “mobile, outreach and home services” and “virtual delivery” as options which need to be considered in the event of changes to services in rural areas, to ensure that implementation is appropriate for those communities. While HMCTS have included the option of retaining existing courts and tribunals “even though they may not be well utilised or have a narrower range of facilities compared to our larger hearing centres” the consultation over Northallerton’s future demonstrates that these principles are not being applied in this case.

It is therefore imperative that the MoJ and HMCTS postpone plans to close Northallerton court and work with criminal justice partners in North Yorkshire to ensure that closure in the future would not negatively impact the public. It is my belief that small inexpensive changes in policy design may make a large difference to outcomes for rural areas like North Yorkshire.