

## **HIGH PEAK BOROUGH COUNCIL**

### **Report to Corporate Select Committee**

**30 July 2018**

<b>TITLE:</b>	<b>Impact of Buxton Magistrates' and County Court Closure</b>
<b>EXECUTIVE COUNCILLOR:</b>	<b>Cllr Emily Thrane – Executive Councillor for Finance &amp; Operational Services</b>
<b>CONTACT OFFICER:</b>	<b>Linden Vernon – Senior Officer, Governance &amp; Member Support</b>
<b>WARDS INVOLVED:</b>	<b>Non-Specific</b>

#### **1. Reason for the Report**

- 1.1 To provide an overview of the impact of the closure of the Buxton Magistrates' and County Court in June 2016.

#### **2. Recommendation**

- 2.1 That the report be noted.

#### **3. Executive Summary**

- 3.1 The Ministry of Justice conducted a consultation exercise between July and October 2015 with regards to the future of a number of court locations across the country. This included a number of buildings, including Buxton Court, where it was believed that the ability to deliver an efficient service had been compromised by poor facilities, where usage was low and where the building did not provide appropriate value for the public money spent on it.
- 3.2 On 11 February 2016 it was confirmed that Buxton Court would close and that the workload would move to Chesterfield Justice Centre and Stockport Magistrates' and County Courts. Buxton Court closed during June 2016 in addition to courts in Macclesfield and Tameside.
- 3.3 The Borough Council needs to use HM Courts and Tribunals Services (HMCTS) for a range of issues. These include collecting Council Tax/Business Rates arrears, taking prosecutions with regards to

environmental crime/anti-social behaviour, collecting housing rent arrears or applying for eviction warrants.

3.4 The views of various Council services have been sought in order to assess the impact of the closure of Buxton Court in 2016. This has found a number of issues relating to:

- A reduction in the number of residents attending court.
- A potential reduction in access to support services in some cases.
- A need for Council Officers to attend courts more regularly at an increased number of locations.
- A lack of consistency with regards to the level of evidence required which has resulted in more evidence now being prepared for all cases.
- The performance of individual courts, which can vary considerably.

3.5 The changes being made by HMCTS have also recently been the subject of reports issued by the National Audit Office and the House of Commons Public Accounts Committee. Both of these reports find that the change programme is very ambitious and raise concerns with regards the ability to deliver its objectives on time and on budget.

#### 4. **How this report links to Corporate Priorities**

4.1 Effective use of financial and other resources to ensure value for money.

#### 5. **Implications**

##### 5.1 Community Safety - (Crime and Disorder Act 1998)

It is reported that the closure of the Buxton Court has had an impact on victims of domestic abuse.

##### 5.2 Workforce

There has been an increase staff time required to travel to and attend courts.

##### 5.3 Equality and Diversity/Equality Impact Assessment

Feedback suggests that there has been a greater impact on people from vulnerable groups.

##### 5.4 Financial Considerations

There has been an increase in costs related to staff time and transport.

##### 5.5 Legal

Officers need to attend court for a range of issues detailed within the report.

##### 5.6 Sustainability

There has been an increase in the number of occasions that officers need to attend court and the amount of mileage incurred.

- 5.7 Internal and External Consultation  
The feedback from a range of council services has been sought.
- 5.8 Risk Assessment  
None.

Mark Trillo  
**Executive Director (People) & Monitoring Officer**

**Web Links and  
Background Papers**

Provided within the main body of the report.

**Contact details**

Linden Vernon  
Senior Officer, Governance & Member Support  
Email: [linden.vernon@highpeak.gov.uk](mailto:linden.vernon@highpeak.gov.uk)  
Tel: 01538 395613

**7. Detail**

- 7.1 On 14 September 2015 the Corporate Select Committee scrutinised representatives from the Ministry of Justice with regards to its consultation document "Proposal on the Provision of the Courts and Tribunals Service in the Midlands Region". This made the case for closing a number of court buildings where it was believed that the ability to deliver an efficient service had been compromised by poor facilities, where usage was low and where the building did not provide appropriate value for the public money spent on it. The proposals included the potential closure of Buxton Court in addition to a number of other local courts including Macclesfield, Tameside and Stockport.
- 7.2 A formal response to the consultation was subsequently issued by the Council which strongly opposed the closure of Buxton Court and the transfer of work to Chesterfield. This included concerns with regards to forecasted travel times to Chesterfield and inconvenient public transport arrangements which could act as a disincentive for people to attend court, particularly the more vulnerable, thus impeding or delaying the delivery of justice.
- 7.3 On 11 February 2016 the [consultation response](#) was published which confirmed that Buxton Court would close and that the workload would move to Chesterfield Justice Centre and Stockport Magistrates' and County Courts. It was stated that consideration would also be given to some family public law being moved to Manchester Civil Justice Centre. The response further stated that across the Civil and Family jurisdictions, cases from Buxton and the surrounding catchment areas were already being heard at Chesterfield, Derby and Nottingham. Buxton Court closed during June 2016 in addition to courts in Macclesfield and Tameside.

- 7.4 Following the latest Ministry of Justice consultation exercise "[Fit for the Future: transforming the Court and Tribunal Estate](#)" in January 2018 the issue of court closures was raised in the [House of Commons](#) on 6 March 2018 by the Member of Parliament for High Peak, Ruth George, who asked Lord Chancellor and The Secretary of State for Justice, Rt Hon. David Gauke MP what recent assessment his Department had made of the effect of court closures on access to justice, adding that the police had stated that it now takes them a whole day to take someone to court, whereas it used to take less than half a day.
- 7.5 The response stated that maintaining access to justice was a key principle when changes to the estate were proposed which included the assessment of the impact on access to justice, principally, the changes in travel time for court users. The reform programme would improve access to justice for many users, while allowing many needs to be met without the need to attend court. Online solutions and video hearings would also make access to justice easier. The latest consultation proposes further reductions in the HMCTS estate with the increased use of the Manchester Court Centre.
- 7.6 The Borough Council needs to use HM Courts and Tribunals Services for a range of issues. These include obtaining Liability Orders for Council Tax/Business Rates arrears, to take prosecutions with regards to environmental crime/anti-social behaviour and to collect housing rent arrears or apply for eviction warrants.
- 7.7 The views of various Council services have been sought in order to assess the impact of the closure of Buxton Court in 2016. This has found a number of issues summarised below:
- Residents and Council Officers now need to travel to a range of courts. Derby or Manchester are used for Crown Court business (e.g. housing arrears) whilst Chesterfield is used for functions dealt with by the Magistrates' Court (e.g. Council Tax /Business Rates Collection). However, some hearings can also take place at Stockport or Sheffield Courts.
  - Previously residents could see representatives from Buxton Citizens Advice Bureau at Court and continue to receive support from them after their court appearance. Residents can now receive support from alternative agencies but ongoing help may be limited due to the distance to travel for assistance.
  - Before the closure of Buxton Court the Council found that approximately 50% of tenants attended court hearings. Officers have found that this has reduced considerably, particularly for hearings held at Manchester Court. A consequence of this is that tenants are not receiving free benefits/debt advice which is available at court offices.
  - Officers understand that the Buxton Court closure has had an impact on the ability of victims of domestic violence to attend court hearings.

Crossroads Derbyshire provides a range support services to victims of domestic abuse. They have reported an increase in the amount of staff time spent supporting victims in court, many of whom do not have access to legal aid and who would have struggled and maybe would not have attended without support (by November 2017 32 cases were supported, 18 of which would have previously been dealt with at Buxton Court) . They have also highlighted that there is only one bus to Chesterfield that would arrive in time for a morning court session which leaves at 7.30am. For service users with children this is a difficult task unless they have childcare (most don't as they are single parents following the break-up of the relationship). As this is the only suitable bus there would also be a possibility that the perpetrator would be travelling on the same bus, posing further risk and duress to the service user.

- There is need for Officers to attend courts more regularly, approximately 5 times per month. Travel times/costs have therefore increased when attending court (sometimes up to 3 – 4 hours travel time and £30 cost for a return journey, plus officer time). It can now take 3 hours to attend one hearing as opposed to a much shorter duration experienced when Buxton Court was open. Officers have also reported that the remaining courts may be overburdened leading to longer waiting times experienced at Court.
- Additional Officers are sometimes required to be available to attend hearings as cases may now be listed for the same day at different court locations, potentially on the same date as a housing eviction (approximately 10 per year).
- In Buxton Officers previously received details of court sitting days (2 days per month) and could organise workload around those dates. Hearings can now be set any day of the month and court applications can now be split over a number of hearing dates resulting in additional journeys to Court.
- Officers have also found that, due to dealing with an increased number of Court Judges in housing arrears cases, there can be a lack of consistency with regards to the level of evidence required and a need to provide additional information. This has led to some cases being adjourned for additional evidence to be submitted and therefore more than one journey being made to court for the same case. Consequently this has now resulted in more evidence now being prepared for all cases.
- The performance of individual courts can vary considerably. For example housing eviction warrants may be issued very quickly at one court (e.g. within 1 or 2 days) but may take much longer (e.g. over 6 weeks) from elsewhere.

7.8 On the 30 April 2018 the National Audit Office published its report "[Early progress in transforming courts and tribunals](#)". This reviewed the HMCTS change programmes that started in 2016 with the aims of introducing new

technology and working practices to modernise and upgrade the justice system. By March 2023, HMCTS expects to employ 5,000 fewer staff, reduce the number of cases held in physical courtrooms by 2.4 million cases per year and reduce annual spending by £265 million. The report concluded:

*“HMCTS faces a daunting challenge in delivering the scale of technological and cultural change necessary to modernise the administration of justice, and achieve the savings required. It has responded to early concerns by extending the timetable and improving its governance and programme management. But there is a long way to go to achieve the planned transformation and overall HMCTS is behind where it expected to be at this stage.*

*The scale of the challenge is increasing and the programme is under significant pressure to meet what is still a demanding timetable. There are unresolved funding gaps, and trying to fit savings around spending commitments and demand pressures could undermine services. Government’s record of transforming public services suggests the overall benefits of the changes are likely to be smaller than expected and will take longer to achieve. HMCTS has already reduced the scope of the portfolio and scaled back planned benefits. Given the extent of changes planned, there is a very significant risk that, despite the best efforts of HMCTS and other parties, the full ambition of the change portfolio will prove to be undeliverable in the time available. HMCTS will need to be flexible and to adapt its approach if things do not go to plan.”*

7.9 The National Audit Office made the following recommendations which aim to create a shared understanding of the challenges and improve cross-system working:

- HMCTS should allow enough time to engage with affected parties within the justice system.
- HMCTS should resist pressure to claim savings until planned changes are fully embedded.
- HMCTS should provide greater transparency of its objectives and progress and be clear how it is adapting plans in response to risks.
- HMCTS should work with the Ministry of Justice and HM Treasury to address the system-wide consequences of planned changes.

7.10 The [House of Commons Public Accounts Committee](#) has also scrutinised the Courts and Tribunals Service and published its report on 20 July 2018. Its summary stated:

*“HM Courts & Tribunals Service’s £1.2 billion programme to modernise courts is hugely ambitious and on a scale which has never been attempted anywhere before. Transforming the courts and tribunals system in this way will change how people access justice by digitising paper-based services, moving some types of cases online, introducing virtual hearings, closing courts and centralising customer services. Such sweeping changes will be extremely challenging to deliver. The performance of HMCTS to date shows that it has much to learn if it intends to do everything it plans. Despite extending its timetable from four to six years, HMCTS has already fallen behind, delivering only two-thirds of what it expected to at this stage, and it still has not shared a sufficiently well developed plan of what it is trying to achieve.*

*The pressure to deliver quickly and make savings is limiting HMCTS’s ability to consult meaningfully with stakeholders and risks it driving forward changes before it fully understands the impact on users and the justice system more widely. HMCTS needs to ensure that the savings expected from these reforms are genuine rather than the consequence of shunting costs to other parts of the justice system such as the police, prison service or Crown Prosecution Service, all of which have their own pressures to manage. Without a better grip on these wider issues, there is a significant risk that HCMTS will fail to deliver the benefits it expects.”*