

Consultation on local courts

The Local Government Association (LGA) is a voluntary membership body and our 422 member authorities cover every part of England and Wales. With the other organizations in the Local Government Group, we work to promote, support and improve local government.

We are writing in response to the HMCS consultations on proposals to close some magistrates and county courts in order to save public money while also improving the services provided to court users. We do not intend to comment on the closure of courts in particular areas, which are a matter for the local authorities in those areas. However we do wish to comment on the impact the overall closures of magistrates and county courts will have on communities and the administration of justice.

Councils' use of courts

Local authorities are significant users of the courts system over a wide range of civil and criminal matters. This use ranges from seeking Anti-Social Behaviour Orders to tackle local anti-social behaviour, to applications to take children into care, to recovering council tax arrears, to enforcing planning legislation, through to bringing prosecutions over a variety of offences including sales of alcohol and tobacco to children, the actions of rogue traders and commercial fly tipping. The examples given here are not, of course, a comprehensive list of all the occasions when councils need to apply or bring cases to courts.

Given the importance of courts to the responsibilities of local authorities the LGA believes that it is vital that the decision on whether to close 103 magistrates' and 54 county courts that are underused and inadequate in England and Wales should be taken in conjunction with local councillors. As the local democratically elected representatives of their communities they will be aware of the impact the closures will have on residents in the areas they represent and also of the affect the proposals will have on council activities.

Joined up management of public assets

From a local government viewpoint, we are concerned that these proposals are being made in isolation from the wider issue of the management of public assets in localities. At a time when all public services are being asked to make significant reductions in expenditure joined up management across services of the public sector estate offers scope for considerable savings and efficiencies and service improvements. The Local Government Group has been pursuing a conversation with the government about radically reshaping the state through devolved place based budgets. This would mean councils along with the various

parts of the criminal justice system and other partners considering together how best to deliver services in an area rather than working along traditional organizational boundaries. It would also mean bringing together the management of the various estates and assets in the hands of different public services to make better use of them and improve the local delivery of services.

Delays in bringing cases to court

Although we welcome the Government's intention to think afresh about how to create a more modern fit-for-purpose justice system in line with the way we live our lives today, and agree that not all disputes need to be resolved in court, we are concerned at the impact the closures will have on the speed with which justice is delivered.

Long delays in court proceedings are unacceptable to victims of crime who quite reasonably expect that they should not be kept waiting for long periods of time before their cases are resolved. Furthermore the closures are likely to add to the time and distance victims and witnesses have to spend travelling to court, with the potential that adjournments and delays in the court hearings will mean a considerable trek to and from court before a case is finished.

In addition if courts are busier, there may also be problems in keeping victims and witnesses separate from offenders. A recent report from the Victims Commissioner called victims and witnesses the 'poor relations' in the criminal justice system and said that there was too much inconsistency in the delivery of help for victims and witnesses. The proposed court closures do not inspire confidence that victims and witnesses and the wider community will see swift, visible and local justice and there is a risk that if magistrates courts are closed then local people are less likely to be aware of how offenders are being punished by the courts, when it is widely, but erroneously, believed that criminals are generally treated leniently by the courts.

Delays in bringing cases to court also have serious implications for local authorities being able to tackle some of the serious issues facing their communities and residents. The UK's largest children's charity, Barnado's, published new data recently showing the unprecedented delay in the courts in England and Wales. Vulnerable children are waiting on average more than a year (57 weeks) in unstable family homes or emergency foster placements before a county court decides if they will be taken into care. In the family proceedings (magistrates) court the average time is 45 weeks – more than 10 months. The government has a responsibility to ensure that the proposed court closures do not exacerbate this situation.

Local courts: making use of alternative venues



Given the current financial climate the LGA believes we need to consider a more innovative approach to where and when courts meet, including the use of alternative public buildings. The LGA supports the publicly stated concerns by the Magistrates Association about the impact the proposals will have on the speed with which cases are dealt with. We also therefore support their suggestions for courts to be able to sit locally in other public buildings, in particular using buildings such as council offices. This is particularly important in rural areas where court closure may mean that people have long and inconvenient journeys to make. In addition to making use of council chambers the LGA believes consideration should also be given to harnessing technology more effectively so that people do not necessarily have to attend court physically when they give evidence or access court services.

In conclusion, we think it is clear that it is vital that the overall impact of the proposed court closures are considered as well as the impact in individual local areas which are the subject of the HMCS consultation. We would welcome the opportunity to discuss these points in more detail if you would find that helpful.