

North Yorkshire County Council
Corporate and Partnerships Overview and Scrutiny Committee
12 March 2018

Consultation on the closure of Northallerton Magistrates' Court

1 Purpose of report

- 1.1 To invite the Committee to comment on the draft County Council response to the Ministry of Justice and Her Majesty's Courts & Tribunals Service consultation on a proposal to close Northallerton Magistrates' Court.

2 Background

- 2.1 On 18 January 2018 the Ministry of Justice and HM Courts & Tribunals Service published a consultation document proposing the closure of Northallerton Magistrates' Court to consolidate and improve the efficiency of courts in the area. The consultation seeks the views of everyone with an interest in the work at this court and runs for 10 weeks, ending on 29 March 2018.
- 2.2 The proposal is close Northallerton Magistrates' Court and transfer the workload to courts in York, Harrogate, Skipton and Middlesbrough.
- 2.3 The consultation document sets out travel times for Richmond, Ripon, Bedale, Sowerby, Leyburn, Hawes and Northallerton to these alternative courts. It also states that during the 2016/17 financial year, the operating costs of Northallerton Magistrates' Court were approximately £140,000 and the court sat for a total of 1,474 hours out of a possible 3,810 available hours.
- 2.4 The proposed closure is part of the larger £1 billion investment in the process of reforming court and tribunal services throughout the country; and proceeds from the sale of the building would go contribute to this investment.
- 2.5 The consultation is seeking views on whether Northallerton Magistrates' Court should be closed, the proposed reallocation of work, any other options which might work, and whether or not the range and extent of the equality impacts have been correctly identified.
- 2.6 The draft NYCC response to the proposal can be found at appendix 1.
- 2.7 The full consultation document can be accessed at <https://consult.justice.gov.uk/digital-communications/northallerton-magistrates-court-future-proposal/>

2.8 The final County Council response will be agreed with Cllr Carl Les as the relevant Executive portfolio holder.

3 Recommendation

3.1 That the Committee review the draft County Council response to the Ministry of Justice and Her Majesty's Courts & Tribunals Service consultation on a proposal to close Northallerton Magistrates' Court.

Neil Irving
Assistant Director Policy and Partnerships
1 March 2018

Appendix 1: Draft NYCC response to Ministry of Justice questionnaire

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1. Northallerton Magistrates' Court:

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

No. North Yorkshire County Council appreciates and understands the current financial constraints placed upon the HM Courts & Tribunals Service. However, we do not feel the document successfully sets out a case for closing Northallerton Magistrates' Court. 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 justice.

The consultation document is of a poor quality and does not provide sufficient information to allow for intelligent consideration and response. We discovered that changes (corrections) were made to the consultation document sometime after it was first published, but these weren't announced or publicised.

When we responded to the proposed merger of the Local Justice Areas (LJAs) in North Yorkshire in 2014 we called on the government not to use the merger as a precursor to closing magistrates courts in North Yorkshire in the future. The resulting North Yorkshire LJA meant that outside of York there are just four magistrates courts: Skipton, Scarborough, Harrogate and Northallerton to serve England's largest county. The first version of the document incorrectly stated on page 5 "*There are five magistrates' courts currently situated in North Yorkshire. These are located at York, Skipton, Harrogate, Northallerton and Teesside in Cleveland.*" Teesside is not in North Yorkshire nor the North Yorkshire LJA. As cases are normally listed in the LJA where the offence took place or where the defendant lives, it would seem to be unusual to see people from North Yorkshire or offences taking place in North Yorkshire to be considered in Teesside.

The consultation documentation states the number of hours utilised for each court but does not calculate the utilisation rates and it also does not include any regional or national comparator levels. There is also no indication of how this has changed over time, if it has reduced and if so, what factors have contributed to it. The reallocation of work would appear to increase the utilisation of the court with the highest current utilisation rate much more than those with the lower rate but there is no indication in the document of the predicted impact on the other courts. The documentation does not provide all that data required to make a reasonable assessment of the issue.

In 2014 road traffic cases were centralised in Northallerton in line with Ministerial policy for the creation of dedicated traffic courts in each police force area. Traffic cases are a growing area and York is used to support the centralisation in Northallerton, which indicates that the court in Northallerton could be utilised more for this purpose if wanted. The consultation does not mention this fact and does not detail where road traffic cases will be considered in the future.

The consultation document and the impact document only provides information on the operating costs of the courts proposed for closure. It is therefore not possible as a consultee to ascertain if the costs of operating Northallerton are out of line with others in the region. There is also no indication of how this has changed over time, if it has reduced and if so, what factors have contributed to it. There is also no information on income generated. The documentation does not provide all that data required to make a reasonable assessment of the issue.

This proposals come on top of the closure of Selby Magistrates' court in 2013, the proposal to close Skipton Magistrates' court in 2010 and the closure of Richmond, Pickering and Whitby Magistrates' courts following consultation in 2001. Each of these closures results in people living in rural areas having to travel further and further afield. When Richmond Magistrates' Court were closed, the consultation stated there would "always" be Northallerton Magistrates Court. Large areas of North Yorkshire are in the top 5% most deprived for access to services in the country. For some residents journeys by public transport to a neighbouring magistrates' court can take over an hour. Also depending upon the time of day that the case is heard it is not always possible for them to travel back home by public transport in the same day. Travelling from some areas there will only be one option for public transport which would result in the possibility of both the defendant and witnesses travelling on the same bus or train. The proposals are likely to increase travel claims and the number of 'no shows' from defendants and claimants.

The proposal moves away from the concept that local justice is best served by magistrates who are local people with an understanding of local circumstances. Teesside is located in Middlesbrough, an urban centre which has no comprehension of the principles, values and day-to-day issues of life in the deeply rural areas of Richmondshire. Even within North Yorkshire, the areas are very different and have different perspectives on life and community issues.

The document states "*Northallerton is situated 23 miles from Teesside, 32 miles from York, 32 miles from Harrogate and 46 miles from Skipton. There are good road, rail and bus links to both Teesside and York.*" There are good links to Northallerton and this is why it is such a good place for the Magistrates' Court to be located. However, it is not true of all the areas that access Northallerton. Areas of Richmondshire in particular do not have good links. Richmond and Catterick Garrison have regular bus services that connect them to Darlington while Leyburn is a hub for local bus services through Wensleydale and across to Richmond. The most rural parts of the plan area have more limited services, and frequency depends on how close they are to the main routes through the area.

The consultation states that given the age of the building (1937), the facilities offered are out of date, neither modern nor fit for current or future purposes. However, other than highlighting the lack of separate waiting facilities for prosecution and defence witnesses there are no details of what this means. York Magistrates' Court is substantially older (1891) and the consultation document states its facilities are adequate despite accessibility issues - disabled access is only available if attendees notify the Court beforehand as access requires staff assistance. It does not mention

that York Magistrates' Court had to close due to flooding December 2015 / January 2016 and could potentially be at risk again. Again the consultation document does not provide that data to allow consultees to make an informed view on the argument. The document does not clearly set out facilities for each court or provide any information on maintenance costs or other factors.

An analysis of the facilities listed on the Court and Tribunal Finder pages of the gov.uk website allows an easier comparison of the facilities in the courts – and suggests that the facilities at Northallerton are not out of step with others locally.

	Northallerton	Harrogate	Skipton	Teesside	York
Guide Dogs welcome	√	√	√	√	√
Baby changing facility available	√	√	√	√	√
Disabled access	√	√	√	√	
Disabled access requires staff assistance					√
Disabled parking can be arranged	√			√	
Accessible toilets available	√	√	√	√	
Private interview rooms available	3	3	2	8	5
Hearing enhancement facilities	√	√	√	√	
Prayer/quiet room available	√				√
Public pay phone	√				
Public toilets	√				√
Public waiting room	√				√
Refreshments			√	√	√
Video conference and prison link facilities		√	√	√	√
Youth court video link facility	√				
Vulnerable witness waiting area					√

Source: court and tribunal finder / gov.uk

The closure may reduce your efficiencies and operating costs but will increase inefficiencies and operating costs for our Trading Standards Service. The service uses Northallerton Magistrates' Court as a private prosecutor and to obtain warrant and Regulation of Investigatory Powers Act (RIPA) authorisations. The closure of Northallerton Magistrates' Court will mean considerable more time spent travelling, at least an hour each way, this will add to the time pressures on the team. It may also lead to complications in trading standards cases sent to the crown court as under the current arrangements, cases initially prosecuted by North Yorkshire County Council Trading Standards in Northallerton currently go to Teesside but if cases are initially prosecuted in Skipton, Harrogate or York or Skipton they may go to Bradford, York or Leeds. This again would considerably increase travelling time and add other administrative complications.

We understand that some administrative staff have already been moved out to York which, if correct, suggests pre-determination which would be a breach of the Gunning Principles regarding consultation endorsed by the Supreme Court.

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

The closure of Northallerton Magistrates' Court will extend travelling times beyond the "reasonable distance" criteria for people living in rural areas of the district, particularly for those who have to rely on public transport. In our previous response to court closure we stated that reasonable distance is defined by the majority of the public to be within a 60 minute commute of their nearest court by public transport. It is already the case that for users of public transport living in some areas of the district, travelling times to Northallerton exceed the 60 minute commute. Even by your calculations, many of which we would challenge, you estimate that currently three areas have a public transport public transport commute of 60 minutes or more but under your proposed changes this would increase this to five and the average commute would be 75 minutes. There are no details of how you calculated your average commuting times which means we have been unable to challenge this in any detail.

The consultation document demonstrates a lack of understanding of North Yorkshire and its population. The population figure in the consultation document for Richmond is incorrect as are most of the travel times for Richmond. Travel times are given from Sowerby when the market town is Thirsk. It does not include any understanding of the issues of travelling certain routes other than the time and distance given on google maps. It also misses out a number of towns that we would expect to see considered and does not really consider the more isolated rural areas.

The area that would be impacted upon by this proposal the most is Richmondshire. The population of the district spread over 1,318 km² miles covering a large northern area of the Yorkshire Dales including Swaledale and Arkengarthdale, Wensleydale and Coverdale. In Richmondshire 76.0% (40,833 people) live in rural areas and of these 11.8% (6,359 people) are in the two most rural categories. 20 out of 34 LSOAs in Richmondshire are within the 20% most deprived in England in terms of Geographical Barriers to Services (which looks at road distances to key services). This very rural district already has to travel a considerable distance to Northallerton for justice and this proposal will increase it.

All the options mean considerable travelling for people from Hawes and other locations in Upper Wensleydale. The proposal is to send people to Skipton. This may look good on paper to people who do not know the area but the road between the two is isolated and can be impossible to pass in the winter. The car route used in the consultation document in winter requires the driver to go over either Fleet Moss, Newby Head, or The Stake Pass, all roads having to surmount fell top summits of between 1,800 – 2,000 feet high and are very often impassable for days at a time in the hostile weather that prevails in the Upper Dales. For example on

several days in February and March 2018 all three routes were closed by snow. This could mean that through no fault of their own, but down instead to dreadful weather, a defendant would be sentenced in their absence simply because they were unable to reach Skipton Magistrates' Court. The A684 from Hawes to Northallerton is never closed by snow as it is priority one gritted. This is why Northallerton is the preferred location for accessing services over Skipton. The alternative route to Skipton via Leyburn would take around 2 hours and would be around 60 miles. The public transport option you quote takes 1 hour 32 minutes but this involves getting a bus and a train and would not get anyone to court before 11:10am.

The proposal to send people from Ripon to Harrogate is sensible for those that live in Ripon and its immediate area; and is what we would have expected to happen currently. However, for those residents from the north of Harrogate district in Masham and surrounding areas it will prove more difficult. The earliest that a person travelling by public transport from Masham would be able to attend a hearing at Harrogate Magistrates' Court would be 10:30am. This journey would involve travelling to Ripon and then catching a second bus. The journey takes around 1 hour 20 minutes rather than the 43 minutes you quote from Ripon.

The consultation document does not effectively cover all the communities in Richmondshire. There is a need to consider Reeth (and thus the other communities in Swaledale and Arkengarthdale), Gunnerside in Swaledale and Langthwaite in Arkengarthdale. There is no indication of which court residents in these area would access, and if it is Teesside how they might get there and back in a day on public transport. In addition Catterick Garrison has the largest population in the district and this has not been considered.

The table below shows journey times to these areas calculated on the same basis as the consultation document. The alternatives would all increase journey times much more considerably for the rural areas than Catterick Garrison.

		Reeth	Gunnerside	Langthwaite	Catterick Garrison
Population		730	273*	231~	16,440
North Allerton	Miles	26	31.6	29.1	15.4
	Car	45 mins	56 mins	1 hr	35 min
	Public Transport	1 hr 36	2 hr 23	1 hr 10	1 hr 12
Teesside	Miles	39.3	45.4	45	30.3
	Car	1 hr 20	1 hr 40	1 hr 20	1 hr 10
	Public Transport	2 hr 10	2 hr 50	2 hr 32	1 hr 46

York	Miles	60.4	62.5	59.1	45.3
	Car	1 hr 50	2 hrs	1 hr 50	1 hr 30
	Public Transport	1 hr 54	2 hr 45	2 hr 40	2 hr
Harrogate	Miles	45.4	51.6	49.1	35.3
	Car	1 hr 25	1 hr 40	1 hr 40	1 hr 15
	Public Transport	3 hr 52	3 hr 21	3 hrs 7	2 hr 38
Skipton	Miles	38.5	53.2	66.9	42.2
	Car	1 hr 25	1 hr 40	2 hrs	1 hr 20
	Public Transport	3 hrs 22	4 hr 25	not possible	3 hr 10

Source: Google – longest time in range used.

* population for Melbecks Parish which includes Gunnerside

~ population of Arkengarthdale Parish

c. What other options do you think might work?

Under the principle of ensuring access to justice, the consultation document states; *“To ensure continued access to justice when assessing the impact of possible closures on both professional and public court and tribunal users, taking into account journey times for users, the challenges of rural access and any mitigating action, including having facilities at local civic centres and other buildings to ensure local access, modern ICT and more flexible listing, when journeys will be significantly increased.”*

However, you do not present any such options for the more remote communities that currently use Northallerton. We would ask you to consider the use of more local facilities rather than the alternative courts proposed if you must insist on closing Northallerton.

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

The closure would also impact on the delivery of our Trading Standards Service. The service uses Northallerton Magistrates’ Court as a private prosecutor and to obtain warrant and Regulation of Investigatory Powers Act (RIPA) authorisations. The court has already reduced the number of private prosecution days that they have to once a month and this has resulted in longer waits for return dates. For prosecutions one of our staff has to attend, this proposal could significantly increase

their travelling time and if cases are distributed across 4 different courts it could increase administrative inefficiencies for our service. For warrant and Regulation of Investigatory Powers Act (RIPA) applications, decisions are made in private prior to the morning or afternoon sessions, a Trading Standards staff member will need to appear, give evidence and answer questions. The closure would considerably increase the time the investigator needs to make these applications and so takes significant time away from investigations. Trading standards officers frequently appeared at Selby Magistrates' Court to prosecute traffic regulation matters on behalf of NYCC Highways. These cases are now listed at York and the combination of additional travel time (because of congestion in York) and a busier court list means officers might have to spend a whole day at court and travelling to court rather than half a day. The majority of our staff are based in Northallerton this means that the closure of Northallerton will mean considerable more time spent travelling, at least an hour each way, this will add to the time pressures on the team.

It may also leave to complications in trading standards cases that are sent to the crown court. Under the current arrangements, cases are initially prosecuted by NYCC Trading Standards in Northallerton and then go to Teesside Crown Court. The team have developed good working relationships with Teesside and would not want to lose this link. If cases are initially prosecuted in Skipton, Harrogate or York these would go to Bradford Crown Court, York Crown Court or Leeds Crown Court. Applications for Orders under the Proceeds of Crime Act 2002 are also made at Teesside Crown Court by accredited financial investigators employed by the trading standards service and again it would require additional time and other resources if these applications had to be moved to another crown court on the basis that any trial would be elsewhere. In addition the usual chambers used by NYCC Trading Standards is in Middlesbrough so counsel would have to travel further and would not be able to attend to preliminary hearings whilst attending other matters at Teesside.

The closure and re-allocation proposals will have the biggest impact on people in rural areas without access to cars, in particular people living in Richmondshire. The barriers to housing and services Sub-Domain in the government's Indices of Deprivation 2015 shows that 56% of the district falls into the top 20% most deprived in the country. This very rural district already has to travel a considerable distance to Northallerton for justice and this proposal will increase it.

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

If the LJA is not a restriction then Darlington would make a more sensible option for many of the areas that currently use Northallerton, particularly areas of rural Richmondshire. Richmond and Catterick Garrison have regular bus services that connect them to. Under the current proposals some court attendees would need to travel via Darlington to get to Teesside.

Table showing those communities for which Darlington would be more convenient than the option proposed. The shading in green indicates the proposed court in the consultation document, Darlington is highlighted in orange.

		Richmond	Bedale	Leyburn	Hawes	Northallerton	Reeth	Catterick Garrison
Teesside	Miles	28.6	31	39.8	55.8	22.4	39.3	30.3
	Car	55	45-1	1 hr 10	1 hr 40	28 - 40	1 hr 20	1 hr 10
	Public Transport	1 hr 25	1 hr 12	2 hr 16	3 hrs 21	37 mins	2 hr 10	1 hr 46
York	Miles	51.9	42.9	52.7	69.1	32	60.4	45.3
	Car	1 hr 30	1 hr 15	1 hr 40	2 hrs	1 hr 10	1 hr 50	1 hr 30
	Public Transport	1 hr 27	1 hr 11	1 hr 48	2 hrs 48	34 mins	1 hr 54	2 hr
Skipton	Miles	43.7	45.9	34.7	30.9	46.5	38.5	42.2
	Car	1 hr 25	1 hr 15	1 hr 10	1 hr 10	1 hr 25	1 hr 25	1 hr 20
	Public Transport	2 hr 44	2 hrs 37	3 hrs 12	1 hrs 32	2 hr 5	3 hrs 22	3 hr 10
Darlington	Miles	13.2	21.3	24.2	39.1	16.6	39.3	16.5
	Car	35 min	40 min	50 min	1 hr 15	35 min	1 hr 20	40 min
	Public Transport	34 min	1 hr 7	1 hr 21	2 hrs 37	13 min	2 hr 10	54 min

Source: Google Maps

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

No.

4. 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?

No. You have summarised the data on the characteristics of sex, disability, race and religion at a high level against the North East as a whole but this does not effectively paint the picture of the area concerned. At first glance North Yorkshire may appear to be a largely mono-cultural county with little ethnic diversity. Research conducted on behalf of North Yorkshire Equality and Diversity Strategic Partnership highlights the 'super diversity' with BME (black and minority ethnic) groups being spread right across the county. This can lead to the invisibility of some groups and difficulties in providing appropriate services. The majority of residents are white British but there are increasing numbers of people from different ethnic groups.

The diversity of the area that this proposal will impact, has been shaped by the military with a younger age profile and more diverse population than the rest of North Yorkshire. 10% of the population of the Garrison are from non-white ethnic groups compared to 2.7% across North Yorkshire. Nepalese and Fijians have settled around Catterick Garrison and Topcliffe in Hambleton, with 858 Nepalese living in Richmondshire in 2011.

Another sizeable minority group in the area are the established communities of Gypsies and Travellers and Showpeople. It is the one minority ethnic group in North Yorkshire for which the proportion of the population is as high as the English national average. North Yorkshire is also participating in the Syrian Vulnerable Persons (SVPs) Relocation Scheme and Vulnerable Children's Resettlement Scheme and a number of refugee families have been resettled in Richmondshire and the Northallerton area. There is no consideration of the impact of these groups in your proposal.