

Response from Jason, Ablewhite, the Police and Crime Commissioner for Cambridgeshire and Peterborough to the consultation on the closure of Cambridge Magistrates Court

20th March 2018

Details about the consultation can be found here: <https://www.gov.uk/government/consultations/cambridge-magistrates-court-proposal-on-its-future>

Thank you for your letter of January 18, 2018 drawing my attention to your department's public consultations on the proposal to close Cambridge Magistrates' Court. I would like to draw to your attention to some of the issues that it raises and set out a vision for how as partners we can work together in the long term to ensure that residents in my county have appropriate access to modern and cost-effective justice.

I have stated publically that I am deeply concerned about the announcement that the Magistrates Court in Cambridge could be closed. This could have a significant impact on police resources in the county and for many other organisations within the criminal justice system. I and many of my residents and the local services who work closely with victims and offenders, need to be convinced that any new arrangements have been fully thought through and that any changes provide a sensible, affordable and effective service for the public. Any changes need to consider impact on all organisations involved in local criminal justice.

I believe we have the ability here in Cambridgeshire to 'get better together'. It is vital that criminal justice partners do not, when budgetary pressures arise, retreat into their silos and introduce cuts on a unilateral basis. We should explore the potential opportunities that exist to develop a single joined up vision for local criminal justice, one that does not leave partners behind or at worst disregard them completely. We need to shrink together, explore ways that we can share the financial burdens and release efficiencies across all agencies. I would like to see us working more collaboratively on estates programmes. There are many excellent examples across the country of Justice Hubs, buildings which can meet shared aspirations and fiscal constraints. We have the opportunity to develop such here on the outskirts of the City which, with a more joined up approach, would allow the MoJ to achieve its aims whilst still ensuring that local people get access to justice locally.

I, like many others, welcome the Ministry of Justice's (MoJ) decision to establish clear principles that will inform any future court closures and estates reform. I also note its other ongoing public consultation: Fit for the Future – transforming the court and tribunal estate. It is with these in mind that I have developed my response further. However, I also draw your attention to specific concerns that I have regarding the Equality Impact Assessment and the separately published Impact Assessment.

Focusing in on the three principles you have adopted, I and my office have undertaken a wide stakeholder engagement process, led through the Local Criminal Justice Board which I chair. This board recently met to listen to and debate the findings of this process, which I believe are worthy of further careful attention.

Access to Justice

1. **Victims of crime, particularly vulnerable victims and survivors of domestic abuse or sexual violence will need alternative means to give evidence.** For many there exists a limited window of opportunity to secure and retain their continued engagement in the criminal justice process. For many the spectre of having to face their abuser in court is a step too far and the use of alternative means such as video links are vital. In Cambridgeshire we have already centralised the Youth and Domestic Violence (DV) court in Huntingdon and I am told that up to 84% of all witnesses give their evidence by video link. However, they do this by attending court buildings like Cambridge Magistrates Court. This too places a great deal of stress and anxiety upon those who deserve the most support. Local victim support service providers cited that on many occasions victims face the indignity of having to sit with offenders and other victims in public waiting areas then being publically highlighted as a Domestic or Sexual Violence survivor by court staff when they are waiting to be called. Confidence in the criminal justice system is already low with only 48% of the public viewing it as effective and this drops further for adults who have been a victim of crime¹. Ensuring victims, especially

¹ Ministry of Justice - Public confidence in the Criminal Justice System - Analytical Summary 2015

victims of domestic and sexual violence, remain engaged throughout the process is proving more and more challenging. What the proposal does not articulate in any detail is what alternatives, such as mobile or non-court-based video link facilities are planned to be introduced. And most importantly how these will enable access to justice, recognising the needs of the most vulnerable.

2. **Increase pressure/cost on VCS.** Local victim support service providers expressed concern that the burden of securing vulnerable victims attendance at court will fall to them if no alternatives are introduced. It is unrealistic they say, to expect many of the victims they support to be able to travel the additional distance expected, they face a significant challenge in many cases encouraging the victim to go to Cambridge Magistrates. Travelling to Huntingdon or even Peterborough does not bode well.
3. **Virtual Courts/Live Links are not delivering on their expected benefits, nor is the evidence base reflecting the value of their use or the potential uptake sufficiently developed.** There has already been heavy investment in this technology in recognition of its potential. However, optimism of its benefits is not shared across the system. All too often colleagues have cited, audio or video failures, applications for evidence by video link not being put to the Magistrates. Officers still being called 'just in case' and all too often to mitigate the absence of either CPS or Court staff to ensure the smooth running of a case. Whilst the facilities do exist in stations across the county they are being underutilised due to wider systemic issues in the CJ process which can only be mitigated by officers continuing to attend court. This lack of confidence in the use of technology is leading to its underutilisation. I also note in particular the comments contained within the Justice Committee's recent letter to the Undersecretary of State for Justice (dated 27th February 2018) that draws specific attention to certain socio-economic groups who would face substantial barriers to access as non-users of the internet. These groups are also amongst the most vulnerable and are indeed disproportionately represented as both victims and offenders in the criminal justice system. Further development and implementation of video links need to carefully consider how justice is made accessible to all. It also must be sufficiently robust from a technical standpoint. And that it is supported by changes in the court rules to mandate where necessary and appropriate, as a matter of course rather than by exception, the use of video links.
4. **There is a significant pressure on court listing availability within the current arrangements. In the county we already find that the majority of cases take between 4 and 8 months to get to trial with some examples extending to 19 months.** I note from your consultation that the estate at Cambridge is significantly underutilised. The inference being that insufficient demand is being placed on the system to fill the available courts and that consolidation across Huntingdon and Peterborough will enable best use of court time. The local feedback and data analysis leads to a somewhat different interpretation. The lack of court utilisation is not due to lack of demand but the lack of staffing in Cambridge to enable courts to even sit. The analysis in the consultation does not provide evidence that staffing will be sufficient in the new model.
5. **The new locations proposed do not have the space available to accommodate partner organisations that are expected to be available to the court.** Engagement with local partners highlighted this point and I share their concerns. Both alternative locations have limited office and ancillary space and consolidation will only increase this pressure.
6. **The move will likely lead to a financial and productivity impact on partner agencies, through redeployment (redundancy, retirement) and then recruitment and training of new staff. It will increase the financial burden on staff that service the current location due to, in some cases, a 200% increase in travel costs.** This feedback directly conflicts with your principle for access to justice; to take into account the needs of users and support the requirements of other agencies. I believe there are opportunities to collaborate and these should be explored, but clarity of such arrangements is required ahead of this change.
7. **Relocation of existing staff would not meet expected workload.** Similarly, the proposal does not appear to take into account the demands of other agencies. I would be keen to ensure that any HMCTS Local Implementation Team pays specific attention to the demands and pressures facing partners and makes sure that measures are put in place and given the time to take hold before the court is closed.

8. **The proposal could lead to an increase in demand on policing through Fail to Appear.** I have received mixed reports on this matter. The centralised Youth and DV court experienced a reduction in fail to appear warrants being issued. Yet some of my fellow Police & Crime Commissioners in other counties point to an increase. I suggest that before any decisions are made this matter is explored in more detail so that the indirect demands being placed on organisations like the Police are known.

9. **Travel times to the proposed alternatives fail to take into account local transport networks and facilities.** In October 2016 the Justice Committee recommended maintaining the standard that at least 90% of users can reach their nearest magistrates court by public transport within one hour. Within your proposal you identify that routes exist between Cambridge and Huntingdon which will meet this target. What the proposal does not consider is that a significant number of court users come from the areas surrounding Cambridge City, East Cambridgeshire and South Cambridgeshire. For these users all bus routes to and from Huntingdon must first go through Cambridge. This is explored in more detail below.

Fig. 1 - Sample Bus journey times from main population centres in South and East Cambridgeshire:

To arrive at Court for 10:00am	Departure Time	Arrive Cambridge city centre	Arrive Huntingdon	Total Journey Time h:mm
Cambourne To	08:06	08:34	09:49	1:43
Huntingdon	07:57	08:38	09:49	1:52
Duxford to Huntingdon	07:18	08:37	09:49	2:31
Ely to Huntingdon	07:19	08:20	09:34	2:15

Equality Impact Assessment

Ensuring Access to Justice cannot properly be considered without also exploring the potential for its impact on court users with protected characteristics. Here in Cambridgeshire we enjoy a rich diversity both in terms of residents but also economy, infrastructure and geography. This richness also masks a more complex side from a criminal justice perspective.

I am committed to reducing reoffending and any measures that put this at risk must be given serious and thorough consideration. With this in mind I would draw your attention to the following information that is available through 2016 Cambridgeshire Offender Needs Assessment which is available through Cambridgeshire County Council.²

1. **This proposal will have a disproportionate impact on BME offenders and on a cohort of Cambridge City based offenders who already have high levels of complex needs (Financial, Housing, Drugs, Alcohol, Mental Health).** The Offender Needs Assessment and Community Rehabilitation Company (CRC) data shows that Cambridge City has a higher representation of BME offenders than other areas in the county that could be affected by the closure - 16.6% v 6.8% of all offenders. This is markedly different from your own assessment which is based on South East regional census data. In addition, when one looks at the CRC offender cohort much higher proportions of those in Cambridge City have assessed needs for emotional (35%) and drug (29%) support. The additional burden of travelling to Huntingdon or Peterborough will impact on those groups of offenders who have the highest needs, most complex and chaotic lifestyles and who are at greatest risk of reoffending. In this way there is potential for indirect discrimination.

2. **Using comparison data based on South East regional 2011 census data does not enable accurate assessment of equality impact and similarly the impact assessment for victims and witnesses with disabilities has not been fully developed.** I have found from data held by the Court Based Witness Service that the percentage of disabled victims and witnesses attending court in Cambridgeshire is 14.7% higher than the south-east census data. Likewise, the level of disabilities assessed does not reflect local understanding which points to mental health and learning disabilities accounting for a significant 11.1% of all witnesses attending court. This again creates indirect discrimination.

² <http://cambridgeshireinsight.org.uk/community-safety/victim-offender-needs-assessment>

3. **There are also considerable inequalities across the county.** Local needs assessments have highlighted higher crime rates, poorer educational outcomes, health and life expectancy in areas of deprivation in Cambridgeshire and Peterborough. Although there is not necessarily a direct relationship between unemployment and crime, there can be links especially for young people, and it is worth noting that the *“quality of employment has a stronger influence on individuals’ involvement in crime than the mere fact of having a job”*. Education, skills and employment reduce offending and reoffending, as well as improving individual’s health, wellbeing and productivity.³

Impact Assessment

In addition to the Equality Impact Assessment the MoJ have published an assessment of the wider business benefits and their perceived impact. I note from this that of the eight courts facing closure Cambridge has the second highest operating costs. I also note that the vast majority of savings will come from the sale of Blackfriars Crown Court leading to an overall net benefit from the proposed closures of £3.1m over 10 years. I recognise the imperative that the MoJ face, especially when one considers they are facing a £400m maintenance bill on its existing estate. The location in Cambridge is in my view an outlier, it is located in the heart of the city in what is without doubt the most expensive block of real estate in the county and possibly even the eastern region. This is reflected in the leasing costs.

What the Impact Assessment does not consider, either through its two limited policy options or through an understanding of the local strategic context, is the potential for an alternative site for a court. One based in a far most cost-effective location on the outskirts of the city, collocated with other justice partners in a single Justice Hub. Some excellent examples of this, such as the Warwickshire Justice Centre⁴ and Hatfield Magistrates Court, can be found around the country and each are delivering benefits for all agencies and especially victims and witnesses. Taking such an approach locally would enable the three principles to be met and aid the release of the somewhat limited benefits that closure brings.

- a. Journey time for use would not be increased and in many cases could be reduced due to the proximity of key transport routes that serve the city.
- b. Vulnerable victims and witnesses could be supported in bespoke facilities designed from the outset with their needs in mind.
- c. The cost of leasing estate could be reduced.
- d. Designing a new justice hub in partnership would enable HMCTS to build in the flexibility, efficiency and technology they need in their estate from the outset; in line with ‘Court of the future design guide’⁵.

I would like to open a dialogue work the MoJ to explore the options locally. The Impact Assessment presents certain assumptions that may naturally lead one to certain conclusions but do not reflect the what is known here in Cambridgeshire.

The General Modelling Assumption is that there will be no change in the volume of court cases. Building on the points I have raised earlier regarding Equality Impacts, it is important that the MoJ take into account the wider strategic context, in terms of growth, that is facing the county and, in particular, those who live and work in Cambridge city as a consequence of the new Cambridgeshire & Peterborough Combined Authority (CA) operating under an elected Mayor.

³ Cambridgeshire OPCC Response to the Cambridgeshire and Peterborough Independent Economic Review. 14th February 2018

⁴ https://www.nao.org.uk/wp-content/uploads/2012/05/Improving_the_criminal_justice_system.pdf

⁵ Fit for the future: transforming the Court and Tribunal estate – Page 37-42

- a. Cambridgeshire & Peterborough, and Cambridge city in particular, is one of the fastest growing and most diverse areas of the country. The CA mandate to grow both strategic transport links and housing in the Cambridge City area with an expected population growth of 100,000 by 2031.⁶
- b. Growth in the City, East and South Cambridgeshire, areas that are currently serviced by Cambridge Magistrates court, is forecast at 24% by 2030.
- c. In the 10 years considered by this assessment the projected population growth in Cambridge City will be 15.2%, East Cambridge 19.6% and South Cambridgeshire 18.5%
- d. It is anticipated that over the next 20 years the 15-24 age group is expected to increase by 18% and this age group currently accounts for 50% of policing demand.⁷

All of the above need to be considered within future modelling. The on-going costs arising from travel time impacts for court users makes assumptions that do not reflect local understanding. Paragraph 41 states Police travelling time will be offset by shorter travel for other staff where work is transferred to. This presumes that local policing activity will be undertaken by officers and staff based in the Huntingdon or Peterborough areas, which is simply not the case. Our recent local policing review has in fact increased the number of officers policing the area covered by the current magistrates' court.

Summary

It is surprising and disappointing that the MoJ is seeking to withdraw from Cambridge. Ensuring access to justice is an important principle that I, the residents of Cambridgeshire and court users recognise and value and in considering my response to the proposal I have sought the views of many of those who would be affected. I acknowledge the financial pressures that the MoJ face however I do consider that there are significant risks if this becomes the primary factor driving their decision making. I have explained in detail my concerns, the risks and costs that partner agencies like the police will face and the impact on some of our most vulnerable residents, however to summarise:

- Victims and offenders, especially the most vulnerable victims and survivors or the most prolific of offenders with complex needs face the added burden and challenge of attending court many miles from their home. The risk is that victims disengage, and offenders fail to appear has the potential to further increase the costs on policing and other agencies whilst, potentially, further undermining confidence in the criminal justice process.
- There does not appear to be a coherent plan for live links or virtual courts and there is a risk that unless this does enable access to justice there will be an even greater impact on court users.
- There is already significant pressure on court availability due to a lack of staffing and the analysis does not demonstrate that this will be improved in the future.
- The proposed locations do not have the space to accommodate partners agencies and they are expected to pick up the cost of relocating staff or making redundancies in response to the change.
- There is a potential for an increase in demand on policing through a greater number of defendants failing to appear.
- The travel time analysis does not reflect local understanding and transport networks.
- There is indirect discrimination arising from the disproportionate impact on BME offenders, victims and witnesses from the Cambridge area.
- The anticipated growth in the Cambridge area has not considered in the development of the Impact Assessment which accompanies this consultation.

The risks I have highlighted above can be mitigated, if we work together as partners to deliver a better, more cost effective and joined up criminal justice process here in Cambridgeshire. I acknowledge that demand for courts may fall as more justice moves online but the most vulnerable need support. We should be working together to develop solutions that alleviate the risk of victims disengaging and losing confidence, building on our

⁶ Cambridgeshire County Council Research Group - 2015 based Population and Dwelling stock forecasts <http://cambridgeshireinsight.org.uk/populationanddemographics>.

⁷ Cambridgeshire Police & Crime Commissioner Medium Term Financial Strategy 2018/19 to 2012/22

existing video links and developing new solutions that meet their needs and ours. Closing Cambridge Magistrates' Court may very well be the right solution for the MoJ in the short term, but the local strategic context and growth calls for a long-term solution. To deliver this there is a need for breathing space, time to come together, to discuss, develop and deliver a partnership solution.

I opened this letter with a vision that as partners we should be exploring ways that we can evolve and get better together. I am firmly of the view that this proposal, whilst perhaps understandable when viewed purely from a financial perspective, has not recognised the potential to explore other opportunities. Opportunities to collaborate and where appropriate shrink together but to do so in a manner that does not have an adverse impact. I have a vision for a single Justice Hub, on the outskirts of Cambridge which would enable all justice partners and court users to benefit from better access, improved facilities for victims and witnesses, more efficient working arrangements and shared services which can release savings without undermining the important independence that each of us value. I would welcome the opportunity to develop this further.

Jason Ablewhite

Police and Crime Commissioner