

**DERBYSHIRE COUNTY COUNCIL  
IMPROVEMENT AND SCRUTINY COMMITTEE – RESOURCES**

**24 September 2015**

**Report of the Director of Legal Services**

**Response from Derbyshire County Council to the Proposal to Close  
Buxton Courts**

**1. Purpose of the Report**

To ask Members to consider and approve a formal response, on behalf of the County Council, to the proposed closure of Buxton Courts.

**2 Information**

Her Majesty's Courts and Tribunals Service (HMCTS) has recently published consultation documents on their proposals to close a number of Court service locations across the country.

In Derbyshire, the affected Courts are the Buxton Magistrates' and County Courts which are located in Peak Buildings, Terrace Road, Buxton and the Improvement and Scrutiny – Resources Committee has been requested to develop the formal response from the Council which is to be submitted before the consultation deadline of 8 October.

The Committee Members were invited to consider the proposals set out in the consultation document, gather evidence from the Council's departments where appropriate, invite the opinions of the Members representing the High Peak area and agree a formal response for submission to HMCTS.

The Council's Strategic Directors, Directors and other senior officers were asked to provide information on how the Court closures would impact on their areas of service, particularly in respect of local people who receive Council support, or those who require the intervention of the justice system for whatever reason.

Responses from officers and local Members were considered by the working group on 10 September. The information and evidence on issues such as the inconvenient and costly implications for people travelling to the alternative Courts at Chesterfield, was set out in a report to that working group meeting - a summary of which is Appendix 2 of this report.

Although the Committee was asked to collate a response on behalf of the County Council, Members also received a copy of the initial response to the

consultation by local Magistrates which challenged some of the evidence put forward by HMCTS. The working group Members concurred with the Magistrates' submission in that some of the details of HMCTS information was flawed and potentially misleading. This was particularly pertinent in respect of the following examples;

- *Disabled access to the Courts at Buxton.* The working group did not feel this evidence was entirely accurate and was not substantial enough to warrant relocation of the Buxton Courts. Members consider that transferring the services to the Chesterfield location would impose additional transportation problems for people who had mobility difficulties
- *Maintaining "Access to Justice".* The HMCTS' own statistical evidence, provided in the Impact Assessment, refers to the numbers of people in the local communities affected by the proposed closures who would have access to a Court within particular travel times. In respect of Buxton, only 59% of people could access the alternative Court within an hour using personal transport – with a very disappointing figure of 0% of people being able to access Court services within an hour using public transport. These figures appear to be the lowest across the country and Members consider this to be entirely unacceptable as providing "Access to Justice" for the people of Buxton and the surrounding area.

Having given full consideration of the evidence and information provided, the working group Members have produced a formal response on behalf of the Council and this is detailed in Appendix 1 to this report.

### **3. Considerations**

In preparing this report the relevance of the following factors has been considered: financial, human relations, legal and human rights, prevention of crime and disorder, equality and diversity, environmental, health, property and transport considerations.

### **4. Officer's Recommendations**

The Committee is requested to agree the formal response, to be submitted on behalf of the County Council, to the HMCTS proposal to close the Magistrates' and County Courts at Buxton and that this response be submitted to HMCTS by the Director of Legal Services before the consultation deadline of 8 October 2015.

**John McElvaney**  
**Director of Legal Services**

## **Appendix 1**

### **Draft response from Derbyshire County Council to the consultation on the proposal to close Buxton Magistrates' and County Court**

#### **Question 1: Do you agree with the proposals? What overall comments would you like to make on the proposals?**

Derbyshire County Council does not support the proposed closure of Buxton Magistrates' and County Court. There are serious concerns about the impact it will have on residents in the High Peak Borough of Derbyshire. The Council appreciates that in a time of reducing budgets HM Courts and Tribunal Service (HMCTS) is under considerable pressure to identify savings. It is, however, important to balance the financial gains achieved by rationalising the Courts Service with the need for local people to be able to access justice fairly and with relative ease.

Relocation of the Courts Service to Chesterfield will result in journey times being longer for the vast majority of residents travelling from High Peak. HMCTS estimates that if travelling to Chesterfield Court by public transport 73% of one-way journeys will take more than two hours. This is in stark contrast to 2% of journeys to Buxton Court that would take the same amount of time. Where currently 73% of car journeys to Buxton Court take less than 30 minutes only 3% of car journeys to Chesterfield Court will be completed in the same time.

High Peak is rural in nature and in some areas public transport options are limited. Car ownership in certain district wards in High Peak is very low. In Gamesley 45.5% of households do not have access to a car and there are five other district wards where a third of households do not have access to a vehicle. This means that for many people their only option will be to travel by public transport. As there are no direct train or bus routes (to Chesterfield from the main towns in High Peak) this would involve one, two or even three changes. From Buxton, Chapel-le-Frith and Glossop the train journey takes two hours or more. With services generally operating on an hourly basis a return trip could take up a large part of the day necessitating leaving early and getting home late. For people with young children or dependant relatives this will present an almost impossible challenge.

#### **Question 2. Will the proposals for the provision of court and tribunal services have a direct impact on you? If yes, please provide further details.**

The Council is concerned that the closure of the Courts in Buxton could lead to a significant number of witness statements being retracted if domestic

violence victims are expected to travel to Chesterfield. Witness retraction is the main reason for unsuccessful domestic violence prosecutions and the result of this is that there is no intervention with the perpetrator and victims are left vulnerable and at risk. In the last 12 months there were 92 domestic violence cases heard at Buxton Magistrates' Court so its closure could have a significant impact on families and children suffering domestic violence in the High Peak area.

Similarly in youth offending cases there may be a possible rise in non-attendance and more warrants being issued as a result of it being more difficult for young people (with their parent/carer) to travel to Chesterfield. In educational welfare cases the impact on a young person's attendance at school is generally much better when parents attend court proceedings compared to when parents do not attend proceedings. The closure of Buxton Court is likely to have an impact on the service's ability to engage with families who do not attend Court due to the extra cost and commitment to get to the Chesterfield Court. A significant number of family proceedings from High Peak are already dealt with in Chesterfield or Derby and staff members report that families do struggle to get to these courts. Ideally it would help the service if Buxton Court was open more frequently to overcome these issues. This would also reduce the time and costs for professionals having to attend Court in other areas as Educational Welfare teams are based in Buxton and Glossop.

**Question 3: Are there other particular impacts of the proposals that HM Courts & Tribunals Service should take into account when making a decision?**

Given the scale and impact of the proposals, nationally and locally, the Council would like to see greater flexibility in where cases are listed, with future arrangements taking local transport links into account.

It is noted that local justice areas (LJA) are used to determine which Magistrates' Court should hear a particular case and that LJA's do not apply to any other court or tribunal jurisdiction. It is also noted that the consultation does not include any proposals for changes to local justice areas (LJA) and that such changes would be subject to separate local stakeholder engagement by the appropriate Judicial Business Group (JBG).

**The Council requests that a review of listing arrangements is carried out as a matter of urgency.**

Given that all High Peak train lines run into Manchester - it would make sense to look at a North West option, specifically either Stockport or Manchester. In addition Macclesfield (for Buxton) and Ashton (for Glossopdale) may be alternatives. It is noted that HMCTS consultation document for the North West region includes proposals to close both Macclesfield (with its caseload

transferring to Crewe) and Stockport (with its caseload transferring to Manchester). If Buxton were to close perhaps transferring the caseload to Stockport would improve the viability of the Courts in Stockport and the Council would like a response to this suggestion.

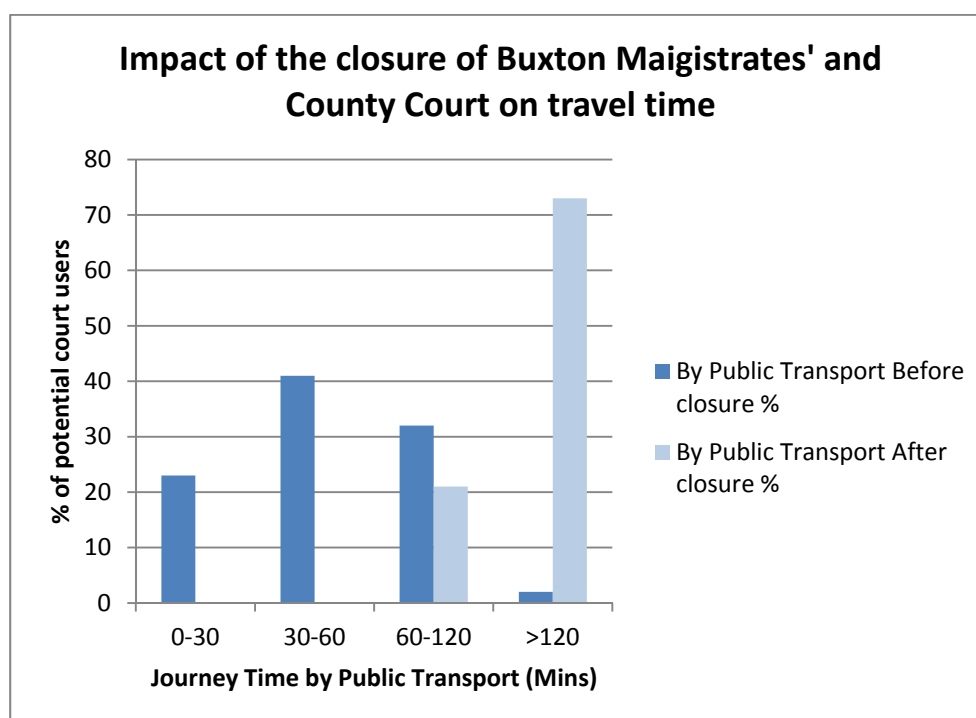
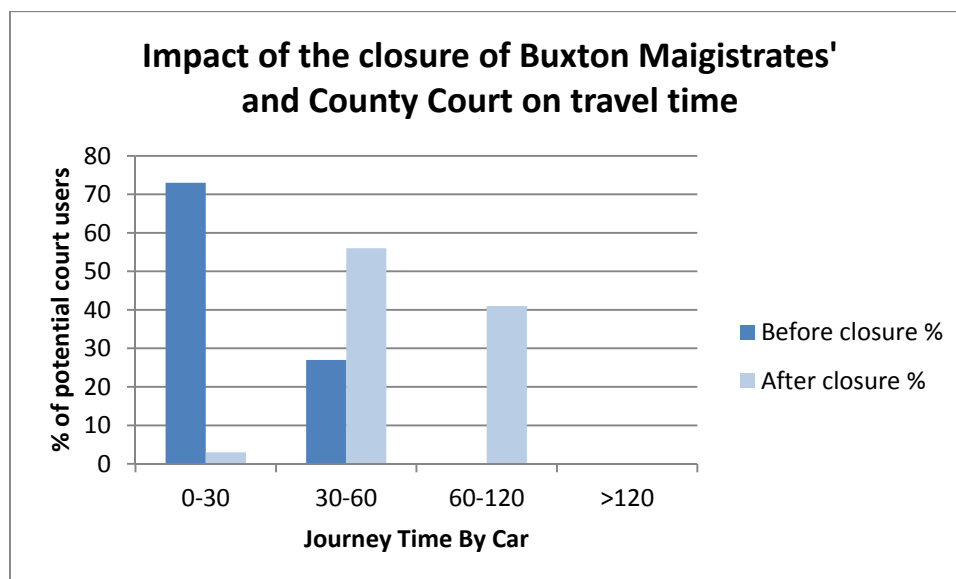
**Question 4. Our assessment of the likely impacts and supporting analysis is set out in the Impact Assessment accompanying this consultation. Do you have any comments on the evidence used or conclusions reached?**

The analysis of journey times in the impact assessment is grossly misleading. The conclusion that the “The majority of the people living in the areas affected by the Court closures will be within an acceptable travelling distance of the court where the work is transferred to” is not true for residents living in the catchment area for Buxton Magistrates’ and County Court.

The impact assessment states (paragraph 107) that nationally “on average 93% of the population will still be able to travel to their nearest Court in under one hour by car, and 59% by public transport”. The HMCTS own figures, in the consultation document however, show that if the Buxton courts were to close only 59% of journeys by car will be under one hour and 0% of journeys by public transport.

Elsewhere in the impact assessment (paragraph 75) it is stated that nationally 29% of people will remain within 30 minutes of their closest court (more than 80% by car). In the case of Buxton Courts closing 0% would be within 30 minutes to the nearest Court by public transport and 3% by car.

The graphs below show the pre and post travelling times if the Buxton Courts were to close. They clearly illustrate the dramatic impact that the closure would have on journey times. When compared with the charts in the impact assessment, showing the impact of the closures nationally (page 16) and in the Midlands (page 30), it is immediately apparent that High Peak residents will not have the same access to justice as residents in other parts of the country.



**Question 5. Are there alternatives to travelling to a physical building that would be a benefit to some users? These could include using technology to engage remotely or the use of other, civic or public buildings for hearings as demand requires. (Please explain your answer, with specific examples and evidence of the potential demand for the service where possible.)**

Whilst there may be a place for greater use of video links in the future it is questionable whether internet provision across the High Peak area is capable of supporting this currently. Also some of the subtleties of cross examination

might be lost if hearings are conducted by video link, although this could perhaps be improved if the video link had a subtitling facility.

Conducting hearings without offenders being present in court would remove the opportunity for face to face assessments to take place with, for example, probation services and substance misuse services and that this could impact negatively on sentencing requirements. Therefore any alternative provision would need to take account of this.

**Please provide any additional comments that you have.**

During the preparation of this submission the County Council received a copy of an initial response to the consultation by local Magistrates which challenged some of the evidence put forward by the HMCTS. The Council concurs with the Magistrates' submission in that some of the details of the HMCTS information were flawed and potentially misleading, particularly with regard to the facilities at Buxton. The Council understands that the local Magistrates will be submitting their own response to address these issues in detail, and notes the following:

- the consultation rooms are of a high standard
- there are rooms and a separate entrance that allow segregation of witnesses
- there is a video link in a separate building to allow vulnerable witnesses to give evidence
- there is a public lift which allows access to all areas except the enquiry counter, which is accessed via a flight of stairs
- "reasonable adjustments" (as referred to in the Equality Act) are in place to enable all court user to access the services of the enquiry counter

## **Appendix 2**

### **Summary of comments from departments and local Members**

#### **Time, cost and complexity of travel**

- A significant proportion of the comments made by departments and local Members relate to the time and complexity of travelling to Chesterfield.
- Relocation of the court services to Chesterfield will result in journey times being longer for the vast majority of residents travelling from High Peak.
- HMCTS estimates that if travelling to Chesterfield Court by public transport 73% of one-way journeys will take more than two hours. This is in stark contrast to 2% of journeys to Buxton Court that would take the same amount of time.
- Where currently 73% of journeys to Buxton Court take less than 30 minutes only 3% of car journeys to Chesterfield Court will be completed in the same time.
- If travelling by car the court buildings at Chesterfield are approximately one hour from each of the five market towns in High Peak. From Buxton the journey is 50 minutes and from New Mills it is 65 minutes (assuming weather conditions are good, and the traffic is light). From Buxton this will mean that the journey to court will be increased by 50 minutes, from Glossop, New Mills and Chapel 35 minutes and Whaley Bridge 20 minutes. In winter conditions these journeys could take considerably longer.
- High Peak is rural in nature and in some areas public transport options are limited. Whilst car ownership in High Peak as a whole is slightly better than the national average, in certain district wards car ownership is very low. For example in Gamesley 45.5% of households do not have access to a car. In Whitfield the figure is 39.8% and Buxton Central 35.9%. This means that for many people their only option will be to travel by public transport. As there are no direct train or bus routes (to Chesterfield from the main towns in High Peak) this can involve one, two or even three changes and would require an early morning start to reach the court for 9:00 am. From Buxton, Chapel-le frith and Glossop the train journey takes two hours or more and from New Mills and Whaley Bridge the journey is approximately 1 hour 45 minutes. Those attending court will also need to allow time to travel from their home to the local station and to walk from Chesterfield station to Chesterfield Court. With services generally operating on an hourly basis a return trip could take up a large part of the day and mean leaving early and getting home late. For people with young children



or dependant relatives this will present a considerable challenge.

- A return train ticket from Glossop is approximately £36, and from Buxton, New Mills, Whaley Bridge, Chapel-le-Frith £32

### **Impact on services**

- **Youth Offending** raised concerns about a possible rise in non-attendance and more warrants being issued as a result of it being more difficult for young people (with their parent/carer) to travel to Chesterfield. In particular they mentioned families without their own transport (living in locations where public transport is not a realistic option) who may not have sufficient funds for taxi travel to Chesterfield.
- **Educational Welfare** suggested that the closure may have an impact on engaging families who may not attend court due to the extra cost and commitment to get there. The impact on a young person's attendance at school is generally much better when parents attend court proceedings compared to when parents do not attend proceedings. A significant number of family proceedings from High Peak are already dealt with in Chesterfield or Derby and staff members report that families do struggle to get to these courts. Ideally it would help the service if Buxton Court was open more frequently to overcome these issues. This would also reduce the time and costs for professionals having to attend court in other areas as Educational Welfare teams are based in Buxton and Glossop.
- **Community Safety** raised concerns that the closure of the court in Buxton could lead to a significant number of witness statements being retracted if domestic violence victims are expected to travel to Chesterfield. Witness retraction is the main reason for unsuccessful domestic violence prosecutions and the result of this is that there is no intervention with the perpetrator and victims are left vulnerable and at risk. In the last 12 months there were 92 domestic violence cases heard at Buxton Magistrates' Court so its closure could have a significant impact on families and children suffering domestic violence in the High Peak area.
- **Legal Services** have reported that approximately 4% of care proceedings across the county and 25% of the work of High Peak offices are heard at Buxton Magistrates' Court, and that for professional local witnesses the court at Buxton offers convenience and short travelling times. However it is acknowledged that for court users with mobility difficulties Buxton Court presents a number of challenges which are better addressed by both Chesterfield and Derby.
- **Trading Standards** commented that closure of the County Court would have no impact on them in delivering their service and closure of the

Magistrates' court would only have a minimal impact as a relatively small number of cases (12 cases per year) are heard at Buxton. It was however noted that it could have a significant impact on defendants and potential witnesses in a contested case.

- **Property Services** have advised that Buxton Court is housed in a County Council owned property and have declared an interest in taking surrender of the lease. This would enable Property Services to undertake alterations and improvements (including improvements to fire escape routes) that would allow the Council to utilise the whole of the building. The building also houses Buxton Museum and currently the upper floor offices, above the museum, are vacant due to inadequate fire escape provision.

## **Alternative provision**

The consultation document invites comments on alternatives to travelling to a physical building, and puts forward a number of approaches including using technology to engage remotely or the use of other, civic or public buildings for hearings as demand requires.

### **Accessing court hearings remotely**

- Community Safety feel that conducting hearings without offenders being present in court would remove the opportunity for face to face assessments to take place with, for example, probation services and substance misuse services and that this could impact negatively on sentencing requirements. Therefore any alternative provision would need to take account of this.
- Whilst there may be a place for greater use of video links in the future it is questionable whether internet provision across the High Peak is capable of supporting this currently. Also some of the subtleties of cross examination might be lost if hearings are conducted by video link, although this could perhaps be improved if the video link had a subtitling facility.

### **Review of listing arrangements**

- Given the scale and impact of the proposals, nationally and locally, Members and services would like to see greater flexibility in where cases are listed, with future arrangements taking in to account local transport links.
- It is noted that Local Justice Areas (LJA) are used to determine which magistrates' court should hear a particular case and that LJA's do not apply to any other court or tribunal jurisdiction. It is also noted that the consultation does not include any proposals for changes to LJA's and that

such changes would be subject to separate local stakeholder engagement by the appropriate Judicial Business Group (JBG).

- The Council's response to the consultation offers an opportunity to clearly state the Council's support for a review of listing arrangements. Given that all High Peak train lines run into Manchester - it would make sense to look at a North West option, specifically either Stockport or Manchester. In addition Macclesfield (for Buxton) and Ashton (for Glossopdale) may be alternatives. However, HMCTS consultation document for the North West region includes proposals to close both Macclesfield (with its caseload transferring to Crewe) and Stockport (with its caseload transferring to Manchester). A suggestion might be for Buxton's caseload to be transferred to Stockport as this would help to improve the viability of that court in Stockport.

### **Cllr Tony Kemp**

- As I understand it everyone would have to go from the High Peak to Chesterfield. Fine if you have a car and lots of spare time, less so if you have to use public transport, have to work/look after kids/dependent relatives/etc/etc. Going by car takes me about 40/45 minutes out of rush hours and using back by-ways, so an hour and a half round trip. To get there from Glossop is even worse, and potentially impossible in parts of winter. There are probably far more people called as witnesses than defendants and some may be less than enthusiastic about doing their civil duty if it's going to take up the whole day and cause them so much inconvenience. Even worse, many cases are postponed (the majority after everyone has got to court; some because the defendant is the only person not there!) and often this happens several times.

### **Cllr Caitlin Bisknell**

- Access is the biggest issue here - as someone has already said - getting to Buxton is difficult enough, never mind getting to Chesterfield. But it's not just about people getting to court – it's about how accessible the court building is too, and I accept that given its age, Buxton is probably not the best - although I understand some works were done relatively recently to make it more accessible.
- On a good day, with light traffic and your own car it's a minimum of a 1.5hours round trip from Buxton and 2hours from Glossop or New Mills to Chesterfield.
- By public transport it's a minimum of 3hours from Buxton and 4hours from Glossop or New Mills, to Chesterfield.

- If witnesses and defendants have to be at court for the start of proceedings ie 10am then it will result in even longer journeys by public transport.
- The consultation document says: "Trains between Buxton and Chesterfield run at least hourly, and require one to two changes." This is misleading - trains leave Buxton once an hour - and, as is implied, but not stated, do not run directly from Buxton to Chesterfield. 'At least' hourly is also deceptive - except for the first five trains of the day between 0602 and 0748, trains depart hourly from Buxton.
- Clearly - from a public transport point of view, given that all High Peak's train lines run into Manchester - it would make sense to look at a North West option, specifically either Stockport or Manchester. In addition Macclesfield (for Buxton) and Ashton (for Glossopdale) may be alternatives.
- However, looking at the proposals for the North West I note that there are proposals to close both Macclesfield (caseload moves to Crewe) and Stockport (caseload moves to Manchester). If Buxton's caseload was transferred to Stockport would help to improve the viability of that court too.
- Given the scale and impact of the proposals, nationally not just local, it seems absurd to insist on sticking within pre-existing boundaries (silos!) which do not recognise transport links. No doubt we will be told it will cause problems crossing regional and police force boundaries!
- But I really think there is a case for saying to the MoJ that they need to look at the bigger picture if they want an effective and accessible justice service.

### **Cllr David Wilcox**

- Glossopdale Councillors have prepared a press release (below).  
Essentially our view is to keep the court in Buxton but if that is not feasible list cases in Manchester rather than Chesterfield.

#### **County Council members fight for local people to have access to a local court**

Glossopdale County Councillors have vowed to oppose a government proposal to close Buxton Magistrates and County Court and transfer hearings to Chesterfield.

The proposed closure is contained in a Ministry of Justice publication of 16<sup>th</sup> July on the provision of court and tribunal services in the Midlands region.

The 54 page document recommends the closure of 14 courts across the Midlands. But local Councillors believe that reasonable alternatives have not been considered.

The ministry calculate that 75% of people from High Peak attending the court in Chesterfield will have a journey time of more than 2 hours, not involving the time taken to travel from home to the local station and the walk from Chesterfield station to Chesterfield Court.

But as Councillor Damien Greenhalgh was keen to point out, the travelling time between Hadfield and Chesterfield is also 2 hours 15 minutes, costs £35.90 and involves two changes, at Manchester and Sheffield.

“Ironically,” he says “both Manchester and Sheffield have courts at which hearings are regularly listed.”

“It was only a few years ago that the court in Glossop was closed,” says Councillor Dave Wilcox. “We had to accept that the facilities available were unsatisfactory and that subsequently the problems with the Town Hall Building would have forced closure in any case.”

Councillor Ellie Wilcox says that she acknowledges that facilities at Buxton are not good, but that time taken travelling to and from courts has to be considered, particularly when people travelling are innocent until proven guilty.

The Councillors are urging the ministry of justice to step out of its regional straight jacket and recognise that if Buxton has to close then the options available in Greater Manchester should be up for serious consideration.

“Many Glossopdale residents access transport, education and health services over the border, so why not justice, which should be consistently administered across the UK regardless of geography,” added Councillor Greenhalgh .