



**OFFICE OF THE POLICE & CRIME  
COMMISSIONER FOR THAMES VALLEY**

**RESPONSE TO MINISTRY OF JUSTICE CONSULTATION  
'HM COURTS & TRIBUNALS SERVICE ESTATES REFORM'**

Q No.	Question & Response
1	<p><b>Do you agree with the proposals? What overall comments would you like to make on the proposals?</b></p> <p>There are three Magistrates' Courts in the Thames Valley that are earmarked for closure; Aylesbury, Bicester and Newbury.</p> <p>I have no problem with the closure of the buildings themselves. They are badly maintained and their run down and generally scruffy appearance is detrimental to the seriousness of the function they perform.</p> <p>What does concern me is that the function is being moved away from the three towns. There is no need for this, as there are alternative sites, e.g. town halls and Council Chambers, in all three locations that can easily be used as courts with little or no expense.</p> <p>The cost savings accruing to the MoJ (HMCTS) will be outweighed by the additional costs to policing. If police officers, victims and witnesses are all able to take part effectively in court cases by video link and other digital technology then much of the problem can be removed. However, at present I am not confident that we can progress to a court system in which only the magistrates, lawyers and defendants are actually present.</p>
2	<p><b>Will the proposals for the provision of court and tribunal services have a direct impact on you? If yes, please provide further details.</b></p> <p>There are 5 main reasons for not moving the courts away from these locations:</p> <ol style="list-style-type: none"> <li>1. There will be a considerably larger burden put on police time. Operational police officers will have to travel well outside their local areas to attend courts. This involves not only the travelling time and expense, but also a great deal of waiting in courts for cases to be called. Frequently the cases are deferred at short notice and the entire police officer's day is wasted. The cost of this to the police with rapidly diminishing budgets and far fewer officers will be considerable, and will outweigh the cost advantages of closing the courts. If legal and technical arrangements can be put in place that obviates the need for police officers to attend court, other than by CCTV, then this objection no longer applies. However I doubt whether this will be the case.</li> <li>2. Victims and witnesses will have to travel considerable distances, often from rural areas, with little or no public transport to get to the court. Very often they will have to use the same transport as the perpetrators. In my role as 'Victims supporter' I find this a retrograde step. Again if CCTV can be used in all cases then this is not an issue.</li> </ol>

	<p>3. As court cases are frequently put back it means that witnesses and victims will often travel all day for a case not to be held. This is hardly supporting the victim and putting their needs first. Furthermore, it will also mean that the victim and witnesses will probably not bother to attend the court again and the case will then fail. The defence lawyers are well aware of this and will deliberately endeavour to defer cases at the last moment. Again it is a huge waste of police time, and bad for police morale. However, it is acknowledged that CCTV does overcome this <i>provided</i> it does not dilute the prosecution case.</p> <p>4. Justice will not be seen to be done locally. It is important that cases are covered by the local media so that the public are aware that malefactors from their area are being brought to justice. If the cases are held miles away from the area in which they are committed then there will be no local media coverage. Local newspapers will not send their reporters to cases miles away that have a high probability of being cancelled.</p> <p>5. The pool of people prepared to become Magistrates will become smaller. Local people will not be prepared to travel considerable distance to sit on the bench. We will end up with a purely urban based magistracy that lives in the court area. They will not understand local issues of the victims or the perpetrators.</p>
<p><b>3</b></p>	<p><b>Are there other particular impacts of the proposals that HM Courts &amp; Tribunals Service should take into account when making a decision? Please provide details.</b></p>
	<p>As stated above in my response to Q1, at present I am not confident that we can progress to a court system in which only the magistrates, lawyers and defendants are actually present. I present a legal view of how this initiative is likely to play:</p> <p>Virtual courts can be used to assist the police service by allowing defendants in custody at a police custody suite to appear at a first hearing by video link to a Magistrates' Court and to increase the Court flexibility (for example, allowing video first hearings and/or case management hearings to take place without the need for full attendance in person). This may result in an increase in the number of cases that are heard on the day of charge and a reduction in the time from charge to the first hearing. It may also allow for more timely case management and direction hearings.</p> <p>'Live Links', to allow police officers, staff or witnesses to give evidence in summary trials by video link, may be appropriate in some cases, for example, if a police officer's evidence is not challenged or is not contentious and, therefore, their appearance at the trial in person is not needed to properly test the evidence. The ability for police witnesses to give evidence from police stations or other local venues could save time, allowing them to progress paperwork and resume front line duties more quickly. However when evidence is significantly contested or contentious, such 'live links' are likely to be less effective.</p> <p>Guidance in civil courts on the use of video links (see, in particular, the Practice Direction to CPR 32, Annex 3) has already highlighted the following issues:</p> <ul style="list-style-type: none"> <li>• A judgment is required in every case not only as to whether it will achieve an overall costs saving but as to whether its use will be likely to be beneficial to the efficient, fair and economic disposal of the litigation.</li> <li>• It needs to be recognised that the degree of control that the court can exercise over a witness at the remote site is, or may be, more limited than it can exercise over a witness physically before it.</li> </ul>

	<ul style="list-style-type: none"> <li>• Delay in transmission could lead to witnesses being talked over.</li> <li>• Picture quality and/or angles could impact on the assessment of a witness.</li> <li>• Documents being referred to or exhibits put to or prepared by a witness will need to be copied and available for witnesses and the Court (this may not always be practical depending on the case).</li> </ul> <p>There are similar issues that will have to be considered by Criminal Courts if video links are to become the norm because witnesses or officers are no longer able to attend a local court (due to court closures). It is envisaged that there will be a number of cases where the courts will rule that an efficient and fair trial can only take place if witnesses attend in person.</p> <p>In criminal cases currently, to use a video link for a witness an application must be made by the party wanting the witness to be called in that manner (Criminal Procedure Rule 29.24). The application must include setting out why it would be in the <i>interests of the efficient or effective administration of justice for the witness to give evidence by live link</i>. The other party can also make representations in response, e.g. why video links are not appropriate in any given case (rule 29.26). It is anticipated that in contested cases often the Defence (or Prosecution) will require the attendance of witnesses in person to ensure their evidence can be properly tested and the fact finder (Magistrates or DJ) can properly assess the witnesses demeanour, etc., and/or to allow them to properly consider and present original exhibits.</p> <p>If video links are to become standard practice because of court locations/closures, not only may a number of cases not be allowed to proceed with the use of video links due to the nature of the case but court time could also become further burdened with the requirement to deal with and adjudicate on increased numbers of applications for/against the use of video links.</p> <p>It remains that video links and technology have a significant role to play in improving the efficiency and costs of the administration of justice. However, unless the potential issues with the use of video links in contested trials are fully addressed, it may not remove the need for police officers and witness to attend trials in person.</p> <p>Therefore while the closures of local courts may not be so significant in terms of preliminary hearings and case management, it could cause significant time and costs implications for police officers, victims and/or other witnesses who have to travel greater distances to attend court in person. For this reason it is considered essential that local trial courts (whether held at Magistrates' Courts or other venues) are maintained.</p>
4	<p><b>Our assessments of the likely impacts and supporting analysis is set out in the Impact Assessment accompanying this consultation.</b></p> <p><b>Do you have any comments on the evidence used or conclusions reached?</b></p> <p><b>Please provide any additional evidence that you believe could be helpful.</b></p> <p>No specific comments or additional evidence</p>
5	<p><b>Are there alternatives to travelling to a physical building that would be a benefit to some users?</b></p> <p><b>These could include using technology to engage remotely or the use of other, civic or public buildings for hearings as demand requires.</b></p> <p><b>Please explain your answer, with specific examples and evidence of the potential demand for service where possible.</b></p>

	An increase in the use of video links and digital technology should be welcomed to improve efficiency and costs of the criminal justice system. However, it should not become an excuse to close or remove local courts. While technology has a place and role to play in the administration of justice it would not always be appropriate for trials to be conducted by video in distant locations.
<b>6</b>	<b>Please provide any additional comments that you have.</b>
	The programme for Transforming Summary Justice can overcome some of the problems that these closures will cause but until this is in place and proved to work then the function of the local Magistrates Courts should continue to be discharged locally.

**Anthony Stansfeld**  
**Police and Crime Commissioner for Thames Valley**

**7th October 2015**