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Your Ref:  
Our Ref: **SA/JMc**  
Date: **5 October 2015**



Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

Dear Sir/Madam

**Hinckley and Bosworth Borough Council - Response to HMCTS Consultation - Hinckley Magistrates Court**

Set out below are the responses from Hinckley and Bosworth Borough Council to the proposals detailed in the Ministry of Justice Consultation Proposal on the provision of court and tribunal services in the Midlands region. Our comments relate to the specific proposal to close the Magistrates Court at Hinckley in Leicestershire.

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

It is difficult to provide a definite response to the first part of this question, without having a more detailed understanding of the 21% court utilisation rate quoted in the consultation document. Further detail on this would be appreciated.

A further option that could be considered is: "Could more matters be heard at Hinckley Magistrates Court?" Currently, many of the matters that are listed for hearing by Hinckley and Bosworth Borough Council are heard at Leicester Magistrates Court, this may also be the case for other court users and consideration may be given to maximising utilisation of the court by increasing the numbers of cases heard, thus also addressing the concerns listed under Question 2 below.

In the absence of an understanding of the 21% and assuming that further cases cannot be heard here, alternative solutions have been suggested in the response below.

**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 proposals may have a direct impact on both residents of Hinckley, and officers of Hinckley and Bosworth Borough Council for the following reasons:

- Residents may choose not to travel to Leicester for a variety of reasons. Namely:  
**Cost** - If the matter being heard is one of a financial nature, the expense of travelling by any means may be cost prohibitive.  
**Time** - Directly linked to the above, additionally, an individual may not be able to take time away from work to travel and attend court. Whilst it is detailed the road system is good, this isn't relevant to anyone using public transport. Summonses are normally all returnable at the same time for a sitting e.g. 2pm, so could take a whole afternoon for a matter to be dealt with and travel time too.  
**Travel** - Defendants and witnesses may find themselves travelling together on the same public transport; in particular circumstances this is not appropriate.

**Availability** - Serious concerns have been highlighted for officers of HBBC. Leicester Magistrates Court is currently extremely busy (utilisation not detailed in the consultation document). Concerns have been raised that this busy court will not be able to accommodate the cases from Hinckley Magistrates Court, in addition to those already heard there. This will then have an impact in cases being listed due to the increased volume in work. This is particularly concerning for those cases which impact on victims/communities.

**Questions 3: Are there other particular impacts of the proposal that HM Courts & Tribunal Service should take into account when make a decision? Please provide details.**

There are many impacts that need to be taken into consideration. All are detailed below: Voluntary sector organisation provides support to residents when attending the Magistrates Court e.g. CAB. Budgets and capacity are unlikely to extend to be able to deliver and support residents attending court in Leicester. This will have a negative impact on residents and their access to natural justice.

Location may be an issue for court attendees, which means they may not attend court. A blockage in system due to the increased demand, which may lead to adjournments, non-attendees not having warrants issued etc. This will increase overall costs and, where there is a community/victim impact, could lead to issues not being resolved in a timely manner. The negative impact on Hinckley officers, due to delays, and the cost of repeated travel to Leicester - both financial and time wise.

Consultation has taken place with the Community Safety Partnership. The police, in particular, have identified an impact on their officer time in relation to obtaining search warrants, which are currently obtained in the majority of cases from Hinckley Magistrates. To attend locations other than Hinckley to obtain these warrants would pose a significant increase in officers time, travelling to and from the respective locations and their organisation will incur additional costs around vehicle mileage and usage. They have also identified the operational demands already on Leicester Magistrates court, which could further increase time if resources aren't increased.

**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? Please provide any additional evidence that you believe could be helpful.**

Our assessment forms the basis for the comments in this response.

**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 hearing as demand requires. Please explain your answer, with specific examples and evidence of the potential demand for the service where possible.**

Hinckley and Bosworth Borough Council, along with its partners, County Council, Job Centre Plus and CAB operate out of the Hinckley Hub. The Hinckley Hub is located near to Hinckley town centre and has a number of public and officer meeting rooms. The building is flexible in its use and there is potential for it to be used for suitable types of hearings, and to be utilised for video or telephone link. There is also potential for accommodating the civil enforcement officers who be relocated from Hinckley Magistrates. Hinckley and Bosworth Borough Council would welcome further discussions on this.

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**Question 6: Please provide any additional comments.**

Hinckley & Bosworth Borough Council together with North West Leicestershire District Council and Harborough District Council currently have matters for Business Rates and Council Tax heard at Hinckley Magistrates court. (The three authorities work in partnership). Officers are based at Hinckley, in a building very close to the existing Magistrate Court Building.

Previously, cases were heard at Leicester Magistrates Court. This was not an effective use of time for both officers and citizens, and as a direct result cases were transferred back to Hinckley Magistrates Court.

The time taken to travel to court, extended waiting at Leicester and also the confusion when nine authorities in total were heard made this unworkable. This led to chaos and confusion for customers who didn't understand why officers couldn't deal with other authorities' enquires, staff time taken to attend court and support staff to deal with customers.

If the hearings are moved to Leicester Magistrates Court, this will see an increase in court costs (costs allowed have to be reasonable for the time taken). Those summonsed to court are often those who have limited financial means and will add a further burden to those people.

Whilst considering the impact on residents and their wellbeing, it would be useful to know if there will be an increase in duty solicitors, if this proposal goes ahead. Failure to provide this service would be a failure to users of the service.

As a local authority, we have a duty to the residents and need to consider the wider implications of this proposal and the impact on those who, by virtue of the fact they have a need to attend Magistrates Court, may be considered vulnerable.

We hope that these comments are useful to you and will be happy to provide further information or discuss our comments with you, if that will be of help

Yours faithfully

**Steve Atkinson**  
**Chief Executive**  
**On behalf of Hinckley and Bosworth Borough Council**