

31 October 2016

**LCCSA RESPONSE TO CONSULTATION TO THE
PROPOSAL ON THE FUTURE OF CAMBERWELL
GREEN AND HAMMERSMITH MAGISTRATES' COURTS**

The London Criminal Courts Solicitors' Association (LCCSA) represents the interests of specialist criminal lawyers in the London area. Founded in 1948, it now has almost 750 members including lawyers in private practice, Crown prosecutors, freelance advocates and many honorary members who are circuit and district judges.

The objectives of the LCCSA are to encourage and maintain the highest standards of advocacy and practice in the criminal courts in and around London, to participate in discussions on developments in the criminal process, to represent and further the interest of the members on any matters which may affect solicitors who practice in the criminal courts and to improve, develop and maintain the education and knowledge of those actively concerned with the criminal courts including those who are in the course of their training.

The LCCSA has decided to only respond to those questions which are pertinent and within the ambit of knowledge and concerns.

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Introduction and general comments

The proposal to close two further courts in London is ill conceived, short-sighted and appears to be yet another crass austerity measure. As is noted in the Foreword, there will be just 18 magistrates courts remaining once the current round of closures is completed. In a very short period of time London has lost more than half of its court houses for youth and lower crime work. Now you plan to close two busy inner London courts one of which was only opened 20 years ago.

In the Foreword Mr Jennings comments that London has the densest concentration of magistrate's courts in the country. There is a reason for that – London has by far the largest population estimated as being 8.674 million in 2015. The population is projected to rise, not fall and according to the Mayor of London's office it will reach 10 million in 2029.

London's transport infrastructure struggles to cope with the city's increasing population and the impact of increased travel times in the consultation paper is poorly thought out and presented. The proposals focus exclusively on the location of the courts which will take the work in relation to the courts earmarked for closure. This completely ignores the fact that many court users already face a long and difficult journey and when for instance it is stated that Hendon is just under 1 hour from Hammersmith the reality is that for many, this means a journey of up to 1.5/2 hours from their home address.

Then we have a gripe about the reliance on data from Google Maps for calculating driving times when these are obviously based on there being no other traffic on the roads and arguably all ATS's switched to green. Even the police using blues and twos would struggle to meet the stated journey times. Therefore we argue your proposals as far as travel times are concerned are yet again predicated on a completely unrealistic premise.

Meanwhile the lay magistracy suffers from falling numbers and low morale as its members becoming increasingly frustrated with the MOJ and HMCTS's direction of travel. This is recognised in the report of the House of Commons Justice Committee which was published earlier this week. These proposals will further dilute the notion

of local justice and result in cases being heard by justices with no local knowledge whatsoever.

1. Do you agree with our proposals to close the two identified magistrates' courts? Would these proposals have any particular impacts for you or any group you represent?

Since the time Camberwell Green Magistrates' Court (CGMC) was planned and constructed, the demographic and developmental make-up of South London has changed significantly. Elephant and Castle Shopping Centre rose griffin-like from the craters of German bombs, and high-rise housing estates sprung up to house the post-war population boom. Residents of Inner South London had much to be optimistic about. The reality of the past 50 years has been very different and in stark contrast to the planners' vision.. Poverty has fuelled crime, and Camberwell Green and its neighbouring areas Peckham, Brixton and Walworth have had to grapple with decades of gang violence, race relations issues and substance misuse.

Inner South London feels very isolated at time - just a few miles from Westminster but worlds apart in terms of living standards. CGMC should stay open for many reasons, but what is perhaps the most important reason is also the least tangible: to stop the feelings of alienation and desertion in the poorer areas of Inner South London. And now plans to close the local magistrates' court: the inescapable conclusion is that Central Government's interest in the area has been timeously piqued for no other reason than to reap the benefits of gentrification that has finally arrived in Camberwell, along with its corresponding property price spike.

The site where CGMC is based would be worth a lot to the Treasury if it were to be sold (although we are not told what it is valued at), and we understand the need to ensure that scarce state resources are used in the most efficient way to ensure that tax-payers get value for money and citizens have decent facilities to use. But putting aside for a moment the value of the site, it makes complete sense for the boroughs of Lambeth and Southwark to have a local court-house. They are, correspondingly, the boroughs with the highest homicide rate in the capital over the years 2000-2012. They can be intimidating places to live at times. The presence of a local court-house

(and its ubiquitous police officers) reassures residents, deters potential criminals, helps in ensuring that lay magistrates are familiar with the area, and makes visits more convenient for users. There is inherent merit in having a system of local court-houses, indeed, this has been our system of justice for centuries.

And Camberwell Green Magistrates' Court is very much a success story. It has a utilisation rate above the London average. It acted as the pilot court for the virtual court scheme, now rolled out across the country. It has benefited from investment in technology. It is fully accessible and has 2 lifts. It is open 6 days a week (not 5 as erroneously stated in the consultation document). It is newer than Croydon Magistrates' Court and has better facilities. It has a large custody suite, with plenty of space for expansion if necessary in the area near where immigration detainees are kept. There is a large plaza outside the court-house, and it faces a brand new library and Camberwell Green itself, significantly renovated just this year. The area is starting to look like the hub of the community. Is it a good idea to raze all this to the ground, just because the windows need replacing? We would suggest not.

The members of the London Criminal Courts Solicitors' Association have seen a great deal of change in the administration of criminal justice in the years since it was founded. And we firmly believe that Camberwell Green Magistrates' Court should stay open. Not because it is, for example, an architectural gem, or because we are enamoured with its subtle charm. It is quintessentially modernist, and we have no particular love for the building itself. There is nothing sentimental about this submission. No, the reason it must stay open is because of what it represents - criminal justice in Inner South London. It is the last bastion of justice there - the list of South London magistrates' courts which have closed in recent years is long. It serves people South of the river in historic areas like Newington which have always had local court-houses. The British justice system, embodied in court-houses, is a source of pride for its citizens. People shouldn't be made to spend 3 hours on a bus trundling along to Outer London and back just to pay a fine for riding their bicycle on the pavement (for example). It is degrading. If there were a viable local alternative, we would welcome and support it, but there isn't, and so the Association must oppose the closure of Camberwell Green Magistrates' Court.

If Camberwell Green Magistrates' Court were to close, the impact on our members would be great. A number of solicitors' firms would have to close offices and consider moving nearer the re-located courts. Those in Camberwell, Walworth, Bermondsey, London Bridge, Brixton etc would need to seriously consider their position, and closures would be inevitable. Travel time is not claimable for most magistrates' court work under Legal Aid, and those charging private rates for travel must remain competitive. It will simply not be viable for most firms to maintain offices in Inner South London any longer, and densely populated areas which rely on criminal defence solicitors (in particular those benefitting from Legal Aid) will become legal advice deserts. In recent years, Law Centres and charities have been forced to close: there is no alternative.

Margins in criminal legal aid work are so low that many smaller firms will not be able to afford the significant costs and time in moving offices. Law firms which have their bread and butter in crime, often offer additional legal services in areas like housing, community care and mental health law, and there will be an associated knock-on effect for these areas of law. The impact on our members is likely to be redundancies in the short to medium term, and increased commuting times in the long term. A 2014 Office of National Statistics Study demonstrated that increased commuting time results in unhappiness and anxiety.

Hammersmith is a modern court which only opened in 1996. It has excellent transport connections being close to stations with 3 underground lines not to mention a plethora of bus routes. The court rooms are spacious; there are several consultation rooms albeit some have been sequestered by other stakeholders in recent years. In the cells youths can be kept separately from adults and indeed the youth court is self-contained with its own entrance. The consultation observes that while the county court on the ground floor has closed its space has been earmarked for the soon to be relocated Repossession Court.

2. Do you have any views regarding our proposals for those under the age of 18?

Camberwell Green YC

We wholeheartedly oppose the closure of Camberwell Green Youth Court. It currently caters for the young people of the London Boroughs of Lambeth and Southwark.

In 2015 a report was produced entitled Serious Violence in Lambeth Needs Assessment. It confirmed that Lambeth has a large number of children who have had disruptive, difficult and even violent childhoods (evidenced by the numbers who are “looked after” and subject to care plans). It also confirmed that there are high levels of deprivation in the borough and almost one third of children are living in poverty. In addition, there are high rates of mental illness among young people in the borough, particularly among young people who use the Youth Offending Services.

It is of note that Lambeth has been identified by the Home Office as a priority borough for support in relation to gang and serious youth violence.

The London Borough of Southwark is not much better. It accommodates 32% of children in poverty according to government child poverty statistics; the rate of referral to social services and the rate of children defined as ‘in need’ is higher than the inner London rate. The rates of violent crime are higher than the England average, as are first time entrants to the youth justice system. There is a severe shortage of affordable housing to meet the need and 12% of households live in overcrowded conditions. Southwark is the largest local authority landlord in London.

The District Judges and lay magistrates who sit at Camberwell are well aware of the specific difficulties of the young offenders from these two boroughs. They have specialist knowledge of the organisations who work with them; the staff at the court are trained to acknowledge the gang tensions and manage the lists to minimise the risk of violence.

The building itself is a self contained youth court with a separate entrance to the Magistrates Court. The cell area also has provision to hold young people in secure accommodation away from those who are remanded in custody. The seating area is spacious, there are three consultation rooms and the youth court can facilitate trials

involving both screens and live link without difficulty. The waiting time for trials is relatively short which is essential given that youth cases should be tried quickly.

A. The proposal to send youths to Wimbledon is not acceptable. The estimated car journey is of no relevance as very few young defendants' families have access to a car which is unsurprising given the statistics above. Parking facilities for defendants at Wimbledon are very limited in any event and parking within the town centre is pricey. Train journeys are prohibitively expensive for both the young defendant and accompanying adult, again given the statistics above. There is no direct route from either borough. The seating area in Wimbledon Youth Court is small and contained within a basement. The magistrates are local to the area and have little concept of poverty and other related issues, dealing as they do with much shorter lists from more affluent boroughs.

B. The proposal to send youths to Croydon is not acceptable. This is a youth court which we would submit is not fit for purpose in its current format. The waiting area is extremely small and claustrophobic, housed as it is in the basement. There are only 2 consultation rooms and due to its location there is no phone reception or wi-fi connectivity. This prevents defence solicitors from working while waiting (remuneration for working having been abolished some years ago) and does not support the ethos of modernisation described at the start of the consultation. This has required the digitalisation of all working within the criminal justice system. As the Youth Court is a closed court, the layout of the youth court at Croydon is particularly difficult, hindering the advocates' ability to get the attention of the list caller or ascertain when the bench is not sitting. This in turn hampers the smooth running of the court.

Again we question the relevance of the driving distance of the court. Parking facilities at the court are similar to that of Wimbledon and few young defendants have access to a car. Again there are no direct transport links from Lambeth and Southwark. The nearest direct rail link from Southwark to Croydon is New Cross Gate and this is serviced by Southern rail, a company notorious for delays, cancellations and generally poor service.

C. The proposal to send youths to Bromley is not acceptable. Again the estimated journey by car is irrelevant for the same reasons as above. The estimated journey time by train fails to take into account that the train station is a long walk from the court necessitating a walk through the length of the town centre. There was difficulty only this week with trials requiring screens and the court not having sufficient. Screens and live links are frequently required for youth court trials.

In summary none of the proposals are attractive to us, as representatives of young people from both Southwark and Lambeth. They fail to take into account the high levels of violent offences that occur in these boroughs, many of which are incidents of “postcode violence”. The gang cultures that operate in both boroughs are based on the local estates, and requiring young defendants to travel both to and through boroughs in which they have legitimate fears for their safety shows little understanding of the daily work of Camberwell Green Youth Court.

The closure of Balham Youth Court caused huge concern at the time, necessitating the travel of Lambeth young people into Southwark. To some extent this concern is well founded. This week alone, young clients of this firm have reported being robbed at knifepoint and threatened with a lit firework whilst out of their home borough.

There are currently inevitably occasions when young defendants’ families cannot afford to bring the defendant to court. Fortunately these occasions are not common as the court sits within the London Borough of Camberwell and is on one direct bus route from the London Borough of Lambeth. However these occasions will become more frequent when families are expected to fund journeys to the outer travel zones. The cost of our advocates’ travel to all three proposed courts is between £7 and £8 a day using the train. It will be a difficult issue for the courts to manage and the only option would appear to be the issuing of warrants for those defendants who cannot afford to travel. The alternative courts proposed do not have the capacity to deal with the additional numbers who will then appear in custody.

In addition to the cost, the time spent in those journeys is time that could be better spent at school, not just for defendants but for witnesses as well. Many of the cases

at Camberwell Green Youth Court involve young witnesses who will also suffer disruption at having to travel further for the hearings. Police officers who are prosecution witnesses will also be inconvenienced; our experience of their giving evidence via live link from the police station in the pilot scheme at Croydon is that it is not workable.

Our proposal for an alternative to Camberwell Green Youth Court, if it has to close, is for a purpose built Inner London Youth Court to be built in the Inner London area where it can properly be staffed by personnel with experience of the local issues, local knowledge and with shorter, cheaper journeys.

Hammersmith YC

Obviously we oppose the closure of Hammersmith YC. For option 1 City of London MC it will require court users especially youth defendants and their appropriate adults to travel into zone 1 in rush hour this being the most expensive journey on public transport. We have already commented above on the incidence of poverty among youth court users. Within the jurisdiction of Hammersmith YC there are pockets of real deprivation notwithstanding the general affluence of the surrounding area. Very few parents and AA's of those appearing have access to private motor transport which is perhaps fortunate because there is nowhere to park at City of London.

With regard to facilities at City of London there is only the one entrance and we do not see how this could be altered having regard to the listed status of the building. In the cells there is only one consultation room which can significantly impact on how quickly cases can be called on.

As for option 2 Highbury Corner MC there are again the same concerns re travel costs, distance (see introductory comments) and facilities. In the cells there are 5 consultation rooms albeit two are wholly inadequate being cells with a glass partition across the bench.

Of even greater concern is the issue of gangs which has already been addressed in our response above to the CGMC proposals. HCMC already serves no fewer than 4

London boroughs and to this HMCTS wishes to add gangs from another 3 boroughs. This is likely to lead to increased tensions and will also place court users at risk on their way to and from court as they have to travel through and into boroughs with which they are not familiar.

HCMC also has a particular issue with touting by the principal and staff one notorious firm. This option will enable that firm to have the opportunity to prey on yet more vulnerable court users as they are diverted away from the court duty schemes.

As far as option 3 is concerned, most of what is stated above in relation to the Camberwell Green YC also applies to the proposal to relocate Hammersmith YC to Wimbledon.

- 3. Do you have views on the options proposed for the relocation of the work from either of the courts proposed for closure? Are there other options you would like to be considered, including, for example, whether the work could be managed by changing the operating hours for courts?**

Camberwell Green MC

The Association believes that the contingency plans are poorly thought through, illogical in many ways, and completely unsatisfactory.

Option 1 - relocate all CPS work to Croydon Magistrates' Court.

Camberwell Green Magistrates' Court covers Central and Inner South London. It is a completely different areas to Croydon, which, although is a London borough, is another distinct metropolitan area which is historically separate to London. Croydon Magistrates' Court is not an acceptable substitute.

Too Far

Croydon is simply too far from Southwark and Lambeth. The journey by car can be easily an hour, and by bus, from some areas currently served by Camberwell Green

Magistrates' Court, the journey can take an hour and a half. We know this through years of our members' experience, not just by using Google Maps. Our members often spend hours at Croydon Magistrates' Court waiting for clients to arrive from Inner London, as their buses crawl slowly along congested transport arteries passing through busy population centres. There are no express buses and there are no motorways. The trains from Victoria and London Bridge to East Croydon can be fast, but they are also expensive and beyond the reach of many of current Camberwell Green Magistrates' Court users. Accessibility of public transport is not currently of a sufficient standard to facilitate this plan.

Our members report that both defendants and defence witnesses take time off of work to attend court. Camberwell Green is close enough to Central London that if you work in the latter, you can take a couple of hours off work to attend court. If you had to attend Croydon, you'd realistically have to take the day off. Croydon is too far from Southwark and Lambeth. An Outer London court cannot be a substitute for an Inner London court.

Loss of local knowledge

There is a real benefit in judges knowing the nature of the society over which they preside. The District Judges and lay magistrates at Camberwell Green tend to know the area, and this has an impact in their decision-making, which may manifest in carrot or stick; compassion or stern punishment, depending on the situation. This contributes to the improvement of local society and complements other tools and institutions. Local charities assist court users. Vulnerable court users' social workers attend court with them, and assist judges in coming to the right decision. Judges and court staff will often direct the prostitute to the womens' shelter and the destitute man to the homeless hostel. They know that there are local alternatives to just sending defendants to prison. Judges and magistrates over time, individually and institutionally, get to know the fabric of their society. They know what type of sentence will rehabilitate certain groups, and which perpetuate negative cycles. This would all be lost if a judge local to Croydon was dealing with a resident of Rotherhithe, for example.

Poor facilities

Croydon Magistrates' Court has a poor standard of facilities. It does not have the amenities of a modern court-house. It requires a significant investment in technology - some of the courts do not even have plug sockets to charge laptops during trials. The toilet facilities are often badly equipped and do not have sufficient cubicles. It does not have a users' car park, despite its suburban location. It is not that near a train station, bus stop or tram stop (10 minute walk). The advocates' room is very small, has a single table, and can accommodate only 2 advocates comfortably. There is one, small, lift. It requires significant investment to meet modern standards for public buildings.

Other Jurisdictions

The Croydon Magistrates' Court building currently hosts a Crown Court annex, Family Courts and the Coroner's Court. The consultation does not suggest alternative accommodation for those courts.

Impact on our members

Croydon is simply too far for many of our members to commute to on a regular basis. See also response to question 1 above.

Option 2 - divide CPS work between Croydon Magistrates' Court and Lavender Hill Magistrates' Court

Lavender Hill Magistrates' Court has the distinct advantage of being located in the part of London which it serves. For this reason, in principle, we see no problem with moving Lambeth work to Lavender Hill Magistrates' Court.

However, Lavender Hill will require significant investment in order to make it a viable solution. And Option 2 does not propose for all of Camberwell's CPS work to move to Lavender Hill; only the Lambeth side of it. The proposal is then for Southwark CPS

work to move to Croydon. In these circumstances, there will still be 2 courts: Lavender Hill and Croydon instead of Camberwell and Croydon. In effect, one will be closed and another (re)opened. We do not see how this addresses the stated aims of efficiency by having fewer buildings to maintain. Because of this, and the amount of money that it would cost to get Lavender Hill 'on stream', Option 2 is fundamentally flawed and would serve only the interests of the outsourced consultants and strategists involved in the processes.

Hammersmith MC

We can see how moving the work to Westminster is an attractive proposition. Nonetheless the proposal is flawed. The court is already well used particularly as extradition work has expanded exponentially and there does not appear to be any imminent downturn in this type of work. At present 5 of the 10 courts are used exclusively for extradition work and we question whether Westminster has the capacity to absorb all the work from Hammersmith.

In terms of facilities we accept there is a reasonable supply of consultation rooms on the main court floors although we note how a number of rooms originally designated as such have been requisitioned by other agencies such as drugs workers. The situation in the cells is markedly different where in effect there are only 5 consultation rooms. Lawyers already have to queue to see their clients and we anticipate this situation would be exacerbated by the transfer of work from Hammersmith. At least in Hammersmith a quick consultation can take place through the wicket – that option is not available at Westminster.

With regard to travel times we again draw attention to previous comments above. We also note that the court is located in zone 1 thereby increasing travel costs for already impoverished court users.

The alternative option is Hendon MC. As John McEnroe once famously enquired of an umpire at Wimbledon 'you cannot be serious?'. While the court was extended in 2007 some of it is over 100 years old which has been a reason for closing other courts in London. In terms of facilities it already offers limited consultation facilities for those on bail with at least 2 of the rooms originally designated as such having

been taken over by other stakeholders. In the cells the consultation facilities are wholly inadequate there being just 3 rooms available all with thick glass making effective dialogue very difficult. Lawyers frequently have to queue for access and then wait afterwards to be let out. This means cases are often delayed and the situation would worsen if Hammersmith work is transferred to Hendon. In addition one of the court rooms is effectively a glorified meeting room.

As for travel the consultation paper already concedes that Hendon is 12 miles from Hammersmith MC. Across an already congested capital city in 26 minutes? That is complete nonsense. Also as stated in our opening the proposal takes no account of someone who lives for instance on the far side of the area serviced by Hammersmith say in deepest Fulham? The lack of adequate public transport is also a concern as Hendon underground station is some distance from the court. Indeed to state that the travel time between Hammersmith MC and Hendon tube station is 59 minutes is a little disingenuous as it fails to take into account that onward travel by bus is required in order to reach the court. As for travelling to court by car, while the surrounding area is generally not controlled parking is very limited in the vicinity of the court.

4. Do you think our proposals could be extended to include other London courts? No, we oppose the closure of these courts.

5. Do you have any further suggestions for improving the efficiency of the criminal court estate in London? We do and have communicated our ideas to the MOJ repeatedly over the past 5 years.

6. We would welcome views on our assessment of the impacts of this proposal on those with protected characteristics.