



HMCTS Consultation

Ministry of Justice
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Councillor Peter John

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September 2015

Dear Sir/Madam,

Consultation – Proposal to close Lambeth County Court

I am writing in response to this consultation on behalf of Southwark Council as an interested party to the proposed change.

On the 16th July 2015 the Ministry of Justice and HM Courts and Tribunal Service began consultation on proposals to close a number of County Courts, Magistrates Courts and Tribunals in England and Wales. If these proposals are implemented it will result in the closure of Lambeth County Court with workloads and hearings transferred to Wandsworth County Court in Putney.

Background

Lambeth County Court is the nearest county court for Southwark and its residents; it is easily accessible – within 25 minutes or less journey time from our Tooley Street offices, the council's Head Office, by public transport, with a variety of travel options e.g. bus or tube. Travel to Lambeth County Court from the south of the borough will take slightly longer, possibly up to an hour. There are also disabled parking facilities close to the court.

Southwark Council consider Lambeth County Court to be a well run and efficient court with friendly and helpful court staff. The resident Judges understand the complexity and challenges the council face in managing a large housing stock across a very diverse community. The court has a crucial role in ensuring that access to justice for all Southwark residents is maintained.

Objection to the Proposal

The Council wishes to register its objection to the proposal for a number of reasons. If the court were to close this would create a serious obstacle to access to justice for some of Southwark's most disadvantaged and vulnerable residents. Lambeth County Court, although located in Lambeth is reasonably accessible to Southwark residents wherever they live in the borough. The proposal to replace the current service with provision at

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Wandsworth County Court would represent a significant reduction in accessibility for Southwark residents.

Journey Times to Wandsworth

The journey times contained in the consultation document do not represent an accurate reflection of the actual journey times to reach either the current court building nor the proposed replacement building. This applies both to the stated car journey times and the public transport times. It is generally recognised that transport connections from west to east and vice versa are relatively poorly developed outside of central London. The main transport routes in London primarily operate between the centre and adjoining and outer boroughs. Lambeth County Court is well located and residents are able to access it through a variety of transport infrastructure.

The current journey time to Lambeth County Court from our Tooley Street offices in SE1 is about 22 minutes by tube and 36 minutes by bus. The journey is straightforward, direct and does not require the combined use of the tube and bus.

Conversely, the journey to Wandsworth County Court from our Tooley Street offices will take approximately 1 hour and 33 minutes by bus, involving two separate bus journeys and 15 minutes walking. The fastest route possible will take at least 50 minutes by tube, train and an approximate 25 minutes walk. The journey could take our residents up to three times longer than attending Lambeth County Court and is complex as it involves changing on various modes of transport across the network.

If Lambeth is closed, the transfer of cases to Wandsworth will have a significant and detrimental impact on the most vulnerable of our residents who will have to undertake a complex and expensive journey to seek access to justice. The additional journey time, cost and location could act as a deterrent to seeking justice or attending court to defend actions brought by the council.

For our disabled residents who have a disability the use of public transport is difficult as much of it is often not wheelchair accessible, unlike the bus service. Residents with mobility problems will be seriously disadvantaged by the closure of Lambeth County Court.

Lambeth Current Workloads

- The vast majority of contested and uncontested possession applications issued by the council in respect of residential accommodation are heard at Lambeth County Court. This work includes unauthorised occupations, squatter possession actions, including fast track interim possession applications, possession on Housing Act grounds and access injunctions.
- Contested housing disrepair proceedings listed for one day or less (hearings in excess of one day are usually transferred for hearing elsewhere).
- Commercial property possession actions.
- Other commercial property disputes, e.g. dilapidations, access injunctions.
- Debt actions and debt enforcement actions.

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Case Data

Several departments across the council attend Lambeth County Court on a daily basis. I have detailed below the comments received from the relevant areas together with current information on case throughput.

Housing Central Operations Services

Housing Central Operations services use Lambeth County Court on a daily basis for rent arrears, eviction, possession hearings, unauthorised occupants and tenancy fraud cases. Many of the residents to which these cases relate are vulnerable or in financial difficulties.

Income and investigation officers attend all hearings that are scheduled for escalated related cases, they also ensure the attendance of benefits officers at all possession hearings if information is requested on housing benefit status.

Attendance is required daily by income and investigation officers, with average monthly combined caseloads of 180-200 with 8-10 cases heard daily. Over the period of a year, approximately 2,000 cases from Southwark are referred to Lambeth.

Housing Benefit Service

The Southwark Housing Benefits Service provide ongoing benefits support to the Housing Department by attending Lambeth County Court alongside the authority's housing officers. Benefits officers attend all possession hearings as well as those cases that have been ordered by the Judge for council tenants and, occasionally, for Registered Social Landlord (RSL) tenants. Numbers and attendance vary month-on-month but, on average, attendance is required four days weekly covering around 50 cases monthly.

Legal Services

Legal officers are required to attend Lambeth County Court to issue applications, defend proceedings and represent the council. A brief review of the court diary for June 2015 to August 2015 records 99 hearings requiring a lawyer's attendance at court. This is in addition to council staff from other areas. It is estimated that on average between 20 to 40 hearings are listed per month in Lambeth County Court.

Cost and Resources

A significant number of council officers attend Lambeth County Court on a daily basis in order for the council to discharge its housing management functions and ensure the council complies with the law and court procedure. Access to justice by our residents is important in holding the council to account for our actions.

The transfer of cases to Wandsworth County Court will result in numerous council officers undertaking increased journey times to court from 22 minutes to up to 93 minutes with a corresponding increase in travel costs.

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| Journey times to Lambeth and Wandsworth County Courts | | | | | |
|---|-----------|--|---|--|--|
| Location | Post-code | Travel time by bus to Lambeth County Court | Travel time by bus to Wandsworth County Court | Fastest travel time to Wandsworth County Court | Notes |
| Southwark Council office | SE1 | 36 mins | 1 hr 33 mins | 50 mins | <i>Fastest journey involves rail, tube and 25 mins walk</i> |
| Camberwell Green | SE5 | 35 mins | 1 hr 19 mins | 59 mins | |
| Peckham Rye | SE15 | 36 mins | 1 hr 22 mins | 55 mins | |
| Rotherhithe | SE16 | 56 mins | 1 hr 49 mins | 54 mins | <i>Journey to Wandsworth requires three separate buses</i> |
| Elephant & Castle | SE17 | 16 mins | 1 hr 13 mins | 40 mins | |
| West Dulwich | SE21 | 48 mins | 1 hr 22 mins | 44 mins | <i>Fastest route requires bus, overground and rail</i> |
| East Dulwich | SE22 | 45 mins | 1 hr 19 mins | 55 mins | <i>Fastest route requires three separate rail journeys</i> |
| Sydenham Hill | SE21 | 1 hr 6 mins | 1 hr 45 mins | 54 mins | <i>Fastest route requires two rail journeys, one bus journey and 31 mins walking</i> |
| | | | | | |
| <i>Source: Transport for London</i> | | | | | |
| <i>Note 1: Travel time calculated in order to arrive at court for 9.00am on a Monday morning, assuming no disabilities. No waiting time has been allowed for.</i> | | | | | |
| Court addresses: | | | | | |
| Wandsworth County Court: 76-78 Upper Richmond Rd, Putney, London SW15 2SU | | | | | |
| Lambeth County Court: Court House, Cleaver St, London SE11 4DZ | | | | | |

The proposed move to Wandsworth County Court will also add considerably to the travelling time for Southwark Council officers. This would add to the costs for the local authority and also for local voluntary and community agencies that provide advocacy services for residents facing legal action which could result in the loss of their home.

The consultation paper provides no analysis around the statement that '*during 2014/15 financial year Lambeth County Court was utilised for approximately 39% of its capacity*' or the conclusions to be drawn from this. Further data about the usage of the court and the number of applications/hearings listed would be helpful.

The consultation paper makes reference to the use of digital technology reducing the need for people to attend court, however many of the cases that Southwark have in Lambeth County Court are not suitable for a digital solution and require a court appearance. It should also be noted that the general roll-out of digital technology across the court service has been extremely slow due to a lack of resources.

Other Observations

With the reductions in Legal Services commission funding we have noted an increase in the number of litigants in person; these are people who have been unable to access funding to instruct a solicitor. More litigants in person who have to travel further to access justice could result in more cases being adjourned due to the late arrival or non attendance of the litigant.

The proposals provide no information about the level of increased resources which will be implemented, digitally or otherwise, at Wandsworth County Court to meet the increased workload from Lambeth. Without further analysis of this, there is a significant risk that performance standards will reduce resulting in cases taking longer to progress through the system, more delays in issuing matters at court and a poorer service to the council and our more vulnerable residents.

Alternative Provision

Central London County Court

The council object to the proposals to close Lambeth County Court for the reasons detailed in this letter. The consultation paper does not consider the option of transferring the cases to the Central County Court in the Strand. This option would benefit our residents as it is nearer to Southwark with good transport links, journey times would take about 45 minutes from the centre of the borough and would be significantly cheaper. However, our experience is that the Central London County Court has significantly increased its workloads over the last few years following the closure of other County Courts in central London. During this period we have noticed a significant decline in the service provided by the Central London County Court; examples include failure to serve notice of hearings and significant delays in listing cases.

Although the Central London County Court is closer to Southwark and would result in only a slight increase in the journey times for our residents, the location of the court, at the rear of the Royal Courts of Justice, is not easy to locate and accessibility to the court for our residents who have a disability would need to be improved.

Southwark Council

The consultation paper invites consultees to consider whether alternative provision through civic or other public buildings is required to meet their needs. Southwark Council strongly object to the proposals and believe the closure of Lambeth County Court would create a

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serious obstacle to access to justice for many of our most disadvantaged and vulnerable residents due to the cost and increased journey times to Wandsworth.

There are also increased costs and resource implications for council officers with increased journey times, increased travel costs and more time out of the office which could result in more resources being required to cover workloads while officers are out for extended periods at court.

Southwark believe that to protect our most vulnerable residents the presence of a County Court is required in Southwark, Southwark is prepared to offer our premises at 160 Tooley Street as a possible venue for a County Court to sit on a regular basis to hear Southwark cases.

Impact on the Public Purse

From the consultation we have undertaken within our council, we fail to see how the closure of Lambeth County Court will result in a saving to the public purse. Increased transport costs and travel time will result in an overall increase in costs to the council. Residents will also incur additional costs in attending court. The increase in cases referred to Wandsworth could lead to a reduction in performance by the court, resulting in cases being adjourned, and hearings delayed. The overall impact of the closure will increase the costs to the public purse and reduce access to justice for many of our most vulnerable residents.

Yours sincerely,

Councillor Peter John
Leader, Southwark Council