



Northern Ireland
Assembly

Committee for Justice

OFFICIAL REPORT (Hansard)

Rationalisation of the Court Estate:
Northern Ireland Courts and Tribunals Service

18 March 2015

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Alastair Ross (Chairperson)
Mr Sammy Douglas
Mr Tom Elliott
Mr Paul Frew
Mr Alban Maginness
Mr Patsy McGlone
Mr Edwin Poots

Witnesses:

Mr Ronnie Armour	Northern Ireland Courts and Tribunals Service
Mr Peter Luney	Northern Ireland Courts and Tribunals Service

The Chairperson (Mr Ross): I welcome Ronnie Armour, the chief executive of the Northern Ireland Courts and Tribunals Service (NICTS), and Peter Luney, head of court operations. You should be aware that the meeting is being reported by Hansard and the report will appear on the Committee website in due course. You may brief the Committee when you are ready, and we will then open up the meeting to questions.

Mr Ronnie Armour (Northern Ireland Courts and Tribunals Service): Thank you, Chairman. I welcome the opportunity to brief the Committee on our draft proposals for the rationalisation of the court estate, proposals that were published on 28 January of this year. I begin by acknowledging the sensitive nature of the proposals and the impact that they will have on court users, if implemented. I very much appreciate the concerns that have already been expressed today and previously by the Lord Chief Justice, court users, local communities and public representatives. Earlier this week, we started a series of public meetings in the courthouses, and we had the opportunity in Armagh to hear at first hand the concerns of the local community. It is important for me to set the challenging financial context of the modernisation programme that we have instigated. It is equally important to assure members that no final decision has been taken on any court closure. Court closures should be a measure of last resort, but, in reality, in the absence of getting additional funding and/or identifying alternative areas for cuts in our budget, I fear that it is an option we will have to take up.

Since 2010, our funding allocation has been reducing. Most recently, during the financial year 2014-15, we faced a reduction of £2.7 million, and a further £1.8 million will be removed from our baseline for 2015-16 in a few weeks' time. That reflects a reduction of £4.4 million, or 10.8%, in our departmental allocation since 1 April 2014. On top of that, we as an organisation have to fund our inflationary pressures. In highlighting the figure to members, it is important to note that it is only part of the picture as far as our funding is concerned. Courts Service funding is based on two elements: our allocation from the Department of Justice and the income that we generate through fees.

In the context of reducing business volumes in a number of court areas, we anticipate a reduction of approximately £1.9 million in our income in the coming financial year. Consequently, in addition to having to find savings of £1.8 million, as we begin the new financial year, we face a number of unfunded pressures, one of which relates to the £1.9 million reduction in our income that I have just mentioned. It is our expectation that our departmental allocation and the level of our income will continue to reduce in subsequent years. Looking briefly at our expenditure, I can tell the Committee that over 60% of our budget is allocated either to staff costs or to judicial and tribunal members' salaries and costs. The remainder is required to meet the cost of our contracts, operating and maintaining the court estate, and other elements over which I have limited or no control, including our contribution to the UK Supreme Court, juror expenses, summons server fees and professional witness fees.

I want to assure the Committee that we are not taking an easy option when it comes to how we consult on rationalisation. Having made the reductions required of us, and having identified those required for the coming year, our options for further reductions are limited as we look to 2016-17 and the years beyond. In essence, it is becoming an issue of people or buildings. Looking at the future with less money and, as a result, fewer staff, we simply will not be able to deliver our business in the same way. Radical change will undoubtedly be required unless additional funding is found.

We have therefore established a modernisation programme, which is aimed at ensuring that the Courts and Tribunals Service is structured and resourced to provide efficient and effective service delivery to our court users and has a workforce that is equipped for a new and increasingly challenging environment. That programme is consistent, I believe, with the Executive's public-sector reform and restructuring programme. The programme has five elements: a review of service delivery and operating models throughout the organisation; a consultation on the future shape of the court estate, which is the issue that we are discussing today; a review of our funding model, focused on increasing income-generation; a review of the Courts Funds Office; and a project focused on workforce planning, not least in the context of the Executive's voluntary exit scheme. It is worth noting that the Courts Service has already faced a reduction of 42 posts, and we anticipate a further reduction of 36 posts in 2015-16. That equates to an 11% reduction in our staffing complement since 1 April 2014. Approximately 88% of our staff are engaged in front-line and operational duties.

The service delivery and court rationalisation strands of the project go hand in hand. Put simply, those projects are about fundamentally changing how and where we work as we seek to stabilise our financial position. The proposals contained in the consultation document before you today are based on careful analysis using the set of criteria outlined at paragraph 5.1 of the consultation document. Having carried out that analysis and satisfied ourselves that our proposals are deliverable, we are proposing to replace the current seven statutory court divisions with three administrative divisions, known as the north-eastern, south-eastern and western court divisions. Within the structure, we are proposing the closure of five courts and three hearing centres, and, following the closure of Newtownards and Lisburn courthouses, the reopening of the Old Townhall Building as a family justice centre. The closure of those eight venues would deliver recurrent savings for the Courts Service of just over £1 million net per annum and would allow us to deliver further recurrent savings through a reorganisation of administrative business at the remaining court venues, and, indeed, through the introduction of a more streamlined management structure. In addition, the Prison Service would anticipate savings of just under £400,000 per annum as a result of the prisoner escort and custody services having to attend and work at fewer venues. We expect that fewer court venues would facilitate the Public Prosecution Service (PPS) as it separately considers rationalisation.

Before turning to the potential benefits that would flow from having a smaller court estate, I want to acknowledge once again the genuine concerns that have been raised with us. They are around overcrowding, the potential for increased delay and our ability to have operational effectiveness. We believe that, by working with the judiciary and other stakeholders, we can address those issues and mitigate at least some of the impact.

In the context of our challenging financial position, what benefits can we derive from the proposals? First, a smaller estate will allow us to deploy better our diminishing resources, both our people and capital funding. The provision of some specialist court centres will facilitate the collocation of judges dealing with particular types of business, as the Lord Chief Justice indicated, and that will offer greater scope for judges to work collaboratively and therefore provide greater flexibility. Our business will be delivered mainly from more modern court buildings, and there will be resource benefits for other justice organisations facing challenging budget reductions.

Chairman, the consultation will run until 30 April, and we will, over the coming weeks, continue our programme of public meetings in each of the court venues under consideration. During the summer months, we will analyse the responses that we receive, with a view to making recommendations to the Minister of Justice in the autumn, at which point we will also wish to brief this Committee. It is not our intention to proceed with any court closures prior to April 2016, at which stage any closures agreed would be implemented incrementally.

I hope that that is a helpful introduction to the position that we are in. I am happy to deal with any questions that Committee members may have.

The Chairperson (Mr Ross): Thank you very much, Mr Armour.

You said that this was about people, not buildings. I think that you will find sympathy for that view. Indeed, Mr Frew made the same remark in the previous evidence session. What is important is people's experience when they are in those buildings. Obviously, we have a consultation, and there is no predetermined outcome to that, but, if the general acceptance is that there will be a rationalisation of the estate in some form or other, is it the Department's intention to seek to upgrade the courthouses that remain, given that, in the previous session, we heard about the need to have greater space for lawyers and clients to meet each other and about the experiences that people have? Even if they are travelling a longer distance to get to a courthouse, it is about the experience that they have when they are there. If it is a better and quicker experience, perhaps that is a trade-off that they are willing to accept. Is there a view that you will be looking to upgrade whatever courthouses remain?

Mr Armour: It is certainly our intention to make a number of adjustments, but I would not want to oversell that point. Our capital allocation is very limited. We did not get our capital bid for this year, and pretty much every penny that we got has been allocated for the incoming year. Although I would say that we will make some adjustments, I would not want to leave the Committee thinking that those will be extensive. It is our intention to look seriously at upgrading the Old Townhall Building. We hope to turn that into a family justice centre, but, beyond that, we will be limited in what we can do.

The Chairperson (Mr Ross): Has the Department carried out an assessment of how much money will be required to upgrade the courthouses to modern standards?

Mr Armour: We have not carried out a detailed assessment. We have looked at a number of changes that we would need to make, but we have not done any sort of detailed financial analysis of that at this stage, partly because we have not yet established which courthouses will close and what the impact of that will be.

The Chairperson (Mr Ross): Presumably, that work will be done at the end of the consultation, when a decision is taken.

The Lord Chief Justice also talked about areas of reorganisation in the court system, such as evening sittings, weekend sittings and the digitalisation of court hearings. Has the Department done any work on any such proposals to mitigate some of the concerns about reducing the court estate?

Mr Armour: We have taken a number of steps in recent years to make improvements in the area of digitalisation. For example, there is a significant uptake in the online small claims service and in fines received by way of telephone and online payments. We are continuing to work on digitalisation, and the Department recently established a programme board to look at digitalisation moving forward across the justice family. Therefore, some work has been done on that. As the Lord Chief Justice indicated, minimal work, if any, has been undertaken on evening and weekend sittings, but doing that would come with a cost. The Lord Chief Justice mentioned the closure of Laganside Courts at 6.00 pm. We took that decision in order to reduce our expenditure, not least on security for the building. All of that would need to be taken into account if we were to proceed in that way.

The Chairperson (Mr Ross): Finally, before I open the meeting up to members, are there any early findings from the responses to the consultation so far that you would like to share with the Committee?

Mr Armour: There are no specific findings. The key issues that are being raised with us so far are around concerns about overcrowding, travelling to and from the new venues, and the potential for delay. At this point, we have received some written responses but not a significant number. The Minister has met a number of delegations, and, as I said earlier, we have started our public

consultation process. Those are the three key areas that are being raised on each of those occasions.

Mr Frew: Thank you very much for your presentation, Ronnie, and your answers so far.

You heard my questions to and discussion with the Lord Chief Justice around Mid and East Antrim District Council looking to avail itself of further space outside of its responsibilities. I know that the Minister had up a delegation from that council, and that was one of the most salient points that was put across. In your opinion, is it a possibility that the courthouses will be opened up to other public agencies and bodies to use in the evenings or at weekends — mostly in the evenings, I would imagine — for council business in the corporate sense? The council has found that there may well be a shortage of space for corporate meetings.

Mr Armour: Absolutely. You are right: we did receive a delegation from that particular council, whose representatives raised that point with the Minister. He, too, was open to the possibility and said that he was happy to work with officials in the Courts and Tribunals Service to see what the possibilities are. It is certainly an option that is worthy of further consideration and some detailed work.

Mr Frew: Obviously, you are trying to save money, and you would not want to burden our already overburdened ratepayers with huge rental values for space in the courthouses. Do the figures for sharing the space add up?

Mr Armour: The simple answer to that is that I do not know at this stage. We would need to see a proposal from that particular council or, indeed, any other council. The Courts and Tribunals Service needs to make further reductions. We have identified the potential for making almost £1.1 million of savings. To be honest, it will be challenging to make a business case that would stack up, but, for our part, we are more than willing to work with councils and others to see whether that can be done.

Mr Frew: Regarding the old logic and where we are at the moment, whereby most or all market towns have a courthouse — you can understand the history and the logic behind that when it comes to access to justice — when you look at the proposed map for courthouses, it is very clear that Ballymena, or rather Mid and East Antrim District Council — I am sorry, Chairperson — is indeed the only council area, albeit it is a super-council area, that does not have a border with Belfast that does not have a courthouse. When it comes to access to justice, does that not worry you? If we look at that council area and all the constituent parts within the council boundaries, I have to say that to have no court provision would alarm me and, I am sure, a lot of my constituents in North Antrim.

Mr Armour: I recognise the concerns that are being raised about that council area not having its own court located within the council boundaries. We have been looking at how best we can do our business and how we can streamline that to deliver efficiencies. One might argue that Antrim courthouse is only 12 or 15 miles down the road and that the travelling distance to Coleraine is not unacceptable either. We have been looking at it from that point of view rather than from the starting position that each of the 11 super-councils should have its own courthouse. I accept, however, that it is an issue of concern to your constituents.

Mr Frew: When you use the distance argument, you can travel both ways. You could talk about the distance from Coleraine to Ballymena or from Antrim to Ballymena.

Mr Armour: You could.

Mr Frew: I am sorry for sounding so parochial, but I am trying to establish the wider logic for the decisions, if I can.

Mr A Maginness: All politics is local.

Mr Frew: Absolutely. Antrim courthouse is pretty much a new build, having been built in the past 15 years. Even with new builds, when an architect designs a building, he is given a green book for schools, an education and library board area or whatever and it is very clear that there is a restriction there straight away, because it is also a cost-saving exercise that you design a building for that time and not for the future. Some of the buildings that are being retained are quite old, but, even with the newer buildings, are you 100% convinced that they are fit for purpose, not only to cater for needs now but in the future, if the neighbouring courthouses close down? I am not talking about the size and

scale of the building; I am talking about the space for consultation and the fact that you might have different court scenarios in the same corridor and building where alleged criminals are mixing with children or families and the recipe and cocktail that that could create.

Mr Armour: I did not come here today to convince the Committee that this will be easy; our proposals are very difficult and will be very challenging to deliver. I believe that the capacity is there for us to do what we are proposing to do, but I accept that to deliver it we will require very careful management. We will need to work very closely with the judiciary, which is responsible for listing and so forth.

We have tried to utilise the most modern buildings, but I accept entirely that they were built at a point in time. They have been future-proofed to a certain extent, but we believe that they are the best that we have in the estate. The consultation recognises that when it is possible to spend more money upgrading the court estate, it would be our intention and desire to do that. At this point in time, however, we are not in that position, so we are trying to make the best of what we have in very difficult circumstances.

Mr Frew: The Lord Chief Justice is very clear that he believes that the statutory duty and obligations of the Department have waned or been put to one side with the consultation on proposed closures. How do you see that argument?

Mr Armour: The Minister recognises the Department's statutory obligations, as do I. Collectively, we all share the objective of delivering an efficient and effective service that meets the needs of our court users; however, I have to do that within tight financial constraints. That is why we established a modernisation programme to ensure, as best we can, that we look at every aspect of our business and we look at where we do our business to ensure that, as far as we reasonably can, we meet all our statutory obligations. I am committed to working with the Lord Chief Justice and with the Minister as together we try to do that, but there is no question that it will be challenging.

Mr Poots: You said that relatively few people use public transport. How many people walk?

Mr Armour: Yes. A survey that we did in 2011 indicated that a small number of people use public transport.

Mr Poots: How many people?

Mr Armour: I do not have an answer to that at this point.

Mr Poots: That is very surprising —

Mr Peter Luney (Northern Ireland Courts and Tribunal Service): We have the figures; we just do not have them to hand. The survey covered the number of people who walked.

Mr Poots: You have not put them out there either.

Mr Luney: I have no difficulty; I can certainly make them available. My recollection is that it was a relatively small percentage, but rather than trying to recollect, and recollect wrongly, I can provide the figures to the Clerk.

Mr Poots: If you look at Enniskillen or Lisburn, the ability to walk to court is —

Mr Luney: It was an issue that was raised in the last consultation as well. That is why I recall that it was a relatively small percentage.

Mr Poots: In the last decade, there was a proposal to build a new courthouse in Ards or Bangor and to have a County Court in Lisburn. Did you folks get it wrong?

Mr Armour: No. The financial situation has changed dramatically, as we know, in recent years. As I indicated, if we were in a different financial position, we would look to enhance the estate. At this point, I am not suggesting that that would mean a new build in Lisburn or in north Down. I think that the close proximity to Belfast facilitates us doing something different in that area.

Mr Poots: Which will cost the Prison Service less: transferring prisoners from Maghaberry to Lisburn or their travelling twice the distance to Belfast? You say that that is an issue, but you are going to make them travel twice as far.

Mr Armour: The Prison Service has provided us with figures. Looking across the estate, the figure is £390,000. I do not have specific figures for transfer from Maghaberry to Lisburn, but the figure that the Prison Service provided — and it is its estimate, not mine — is in the region of £390,000 across the Province.

Mr Poots: I daresay that, by closing Lisburn, you are adding costs as opposed to making a saving.

Sir Declan's description of Laganside, with solicitors bawling out to try to have clients hear them, an intolerable din, people standing in makeshift queues all over the place, overcrowding and so forth, made it sound more like Paddy's market than the Royal Courts of Justice. How many cases go through Lisburn and Newtownards a year?

Mr Armour: We will look at the figures for Lisburn and Newtownards. However, I will first address the general point. There is no question that the Lord Chief Justice is right: at 10.00 am or 10.30 am, Laganside Court is an extremely busy place. He indicated that that is one of the reasons why he is asking the presiding district judge to look at the listing of business. Laganside Court is much less busy in the afternoon than it is in the morning. That is why we need careful and skilful management if we are to accommodate the business in the way that we suggest. Peter has the figures for 2014.

Mr Luney: Most of the business done in Lisburn is Magistrates' Court criminal business. In 2014, it dealt with 2,072 cases, which was down from 3,009 cases in 2010. It dealt with 418 civil cases, which was relatively static, and 341 family cases, which was a small reduction.

Mr Poots: And Newtownards?

Mr Luney: Newtownards dealt with 3,696 criminal cases, which was an increase from 2,741 in 2010; however, the main reason for that increase is that it includes the Bangor workload. As we know, criminal business has fallen by more than 20% anyway. Newtownards dealt with 1,300 civil cases and 1,247 family cases. At the minute, Newtownards deals with family proceedings business coming from Downpatrick. Under the proposals, that business would go back to Downpatrick, which would be an ease for those users.

Mr Poots: In the general melee, 8,000 or 9,000 cases will go mainly to Laganside with some being dispersed elsewhere.

Mr Armour: Yes, but that would be in the context of the reopening of the Old Townhall building and the transfer of family business there.

Mr Poots: How much will that cost?

Mr Armour: I do not have a figure for that at this point, as we have not done a detailed analysis or put together a business case. That is something that we intend to do when the consultation exercise is closed.

Mr Poots: There are a lot of figures missing, which leads us to a very speculative discussion.

Mr Luney: On capacity, there are no plans to double up sittings under the proposals. Where a sitting is moved from one venue to another, it is put into an empty slot. There is no increase of court lists. I agree that having more court sittings simultaneously will mean a greater footfall and more people in the building. I take on board the point that the Chief Justice made about his visit. He went at 10.30 am, which is the peak time in Laganside and in most of the courts around the Province, whether Lisburn, Ards or anywhere else. Trying to find consultation rooms at that time will be next to impossible. That is why I welcome the suggestions from the Chief Justice that the judiciary will look to see what is possible in scheduling business and spreading business across the day. Had the Chief Justice gone back to Laganside at 12.00 noon or 2.00 pm that day, he would have found a very different situation. In fact, I know that, at 2.00 pm, both level 2 and level 4 were virtually empty.

Mr Poots: Given the public disruption, savings of about £1 million are relatively small. Since you cannot tell us how much it will cost to close Lisburn and Newtownards, for example, and open the other court, it is very hard for anybody to arrive at the conclusion that it will be a real cost-saving measure on top of the inconvenience that will be caused to the public and the fact that you will have two council areas in that area that do not have a court; Ballymena is the other one.

Mr Armour: I accept your point. We have indicated that the closure of Lisburn and Newtownards is predicated on reopening the Old Townhall. We have also indicated that, because of the capital constraints that we face, some of these proposals will have to be delivered incrementally. However, we are not dealing at the moment with unlimited finance for the work that we would do at the Old Townhall building. We will look at, and enter into discussions with the judiciary around, what is required at the Old Townhall and do a costing exercise in due course. You are right that we do not have those figures to hand at the moment as part of the consultation.

Mr Luney: Even if turning the Old Townhall into a family justice centre is a longer-term project and involves capital spend that we do not have at the minute, the aspirational outcome of having a dedicated family justice centre is one that we would certainly be keen to see happen. That is a view that the Chief Justice said that he shares.

The Chairperson (Mr Ross): Surely if the impetus for rationalising the courts estate is about money and your budget, you have to prove that it will actually save money. If you do not know how much it will cost to upgrade other courtrooms or to reopen the old courthouse here, how can you have a proposal that is based on budgetary considerations?

Mr Armour: The proposal is based on the resource savings that we need to deliver. To go back to the original point, we have taken £4.4 million out of the Court Service up to this point. We know that more will be expected from us. As the Justice Minister has said on a number of occasions, we know that we are not going to have the money to run the 20 courts that we currently have. We are in a difficult position. The Chief Justice said, quite rightly, that rationalisation would be much easier to sell and deliver if we were replacing what we are taking away with something significantly better and more modern. However, we are not in that position. It is about looking at this stage so that we can plan for the future and deliver savings. It is focused on the resource savings that we need to make. I did indicate that, across the court estate, we will be in a position to make minimal change in terms of our capital expenditure. We will have to live and work with that. Unfortunately, that is the position that we are in.

Mr Poots: I see that the comparator for these areas was Ballymoney, Carrickfergus and other towns. However, the real comparator for Lisburn is Londonderry, which actually has a slightly smaller population than Lisburn. The accumulated population of north Down and Ards should be the comparator there. This is a very flawed piece of work. The absence of the evidence requested today does not fill me with any optimism that it is a properly thought-through piece of work.

Mr A Maginness: Thank you for your submission, Mr Armour. The Lord Chief Justice was very frank about the strains that would be put on the justice system if closures were to take place. As far as I can recall, he said in his evidence that there are 22 courthouses and that, according to this proposal, we would end up with 10. Are those figures correct?

Mr Armour: I think that the Lord Chief Justice is referring to 22 court houses prior to the closure of Larne and Bangor; we currently have 20 court houses. In our figures, we include the Royal Courts of Justice here and Mays Chambers, where the coroner sits. Our position is that it is 20 down to 12, rather than 20 down to 10.

Mr A Maginness: I do not fully understand that. There seems to be a different interpretation of sites if not courts themselves.

Mr Armour: The Courts Service would say that it has 20 sites — 20 locations — at the moment and, if we were to close the eight court houses under consideration, that would go down to 12 locations.

Mr A Maginness: OK. The Lord Chief Justice seemed to say that this would not work without serious strain on the system. Surely that must have some resonance with the Department. It is a very forthright point of view for the Lord Chief Justice to express. Have you any comment to make on that?

Mr Armour: I absolutely accept the Lord Chief Justice's concerns. I told the Committee that this will be difficult to achieve and will add pressure on the court estate. In our consultation papers we believe that we have outlined for the public a way in which this could be done. However, there is no question that it will require us all working together very carefully to manage the business and to list cases for the judiciary if we are to mitigate the strains and the pressure that the Lord Chief Justice is concerned about. However, we think that it can be done, although it will be very challenging.

Mr A Maginness: Mr Poots made the point that there will be several thousand cases coming from Newtownards and Lisburn to Belfast. Are you seriously suggesting that they can all be accommodated in the town hall site?

Mr Armour: We are saying that they could be accommodated in Laganside. As Peter indicated a few minutes ago, we are moving that business into areas where there is spare capacity and spare slots in the system at the moment. We believe that it is possible to do that. I think that the Lord Chief Justice's discussions with the presiding district judge about the listing of business at different times in the day other than 10.30 am is a very positive and helpful development that will certainly aid us in doing that.

Mr A Maginness: Court cases can be quite lengthy, and backlogs can build up during the day and so forth. Even if you sit a little later in the morning, there will still be a build-up in the evening time.

Mr Armour: As Peter said a few minutes ago, Laganside is a very busy place in the morning, as are all court houses. However, we contend that they are less busy in the afternoon, and that is why we think that there is scope to improve managing the complexities of court volumes.

Mr A Maginness: Fermanagh District Council wrote a letter to the Committee dated 6 March expressing its opposition to the proposed closure of Enniskillen court house with all court business to be moved to Omagh, particularly in view of the statistics outlined in a report of 2012 that deemed Enniskillen to be a considerably less expensive location for the provision of court services. It is a very salient point to make when deciding, if you have to decide, between Omagh and Enniskillen.

Mr Armour: Yes. I have not seen the letter, but it is a point that has been made to us by others. I will let Peter take you through some of the detail of Enniskillen and why we reached the conclusion that we did.

Mr Luney: During the process that we adopted in coming up with the proposals, we did not just look at the eight venues that are in the paper now; we looked at all our venues and assessed them on capacity, business volumes and accommodation to identify which fell at the lower end of the spectrum. At the same time, we looked to see where there was another courthouse that we could move business to. On your suggestion, Mr Maginness, we looked to see whether there was capacity to move Omagh business either to Enniskillen or to Dungannon, but, with the number of sittings that Omagh deals with, it was not possible to move that business without streamlining the calendar, and that was not within our remit. Enniskillen has two courtrooms, and Omagh has four; that is why Omagh had the capacity to take business from Enniskillen and Strabane. That is the approach that we took.

The Criminal Justice Inspection report referred to the cost per hour, which you mentioned in the letter, and that Enniskillen has the lowest cost per hour. That reflects the low running costs of Enniskillen and also perhaps the underutilisation of the other courthouses. By moving Enniskillen and Strabane business into Omagh, if that is what happens, the cost per hour there will reduce while, at the same time, releasing savings towards our overall running costs.

Mr A Maginness: It is a bit like punishing someone for performing well. That is how it seems to me.

Mr Luney: I take that point. However, the consultation paper was predicated on trying to reduce our overall costs, and the only way to do that through this was to reduce the number of venues that we operated from.

Mr A Maginness: I get the general thrust. By the way, I am not advocating the closure of Omagh. This is a result of money pressures; everybody accepts that. I accept that you are not saying that this is a desirable reform; it is being imposed on you as a result of budget cuts. However, in my opinion, it will not work, as courts are difficult places to manage at the best of times. It is not running a factory or

an office; it is dealing with human beings in very difficult and very pressured circumstances. I do not think that this will work, but I do understand the rationale, given the budget.

Mr Armour: I have tried to be honest with the Committee and have said that it will be very difficult and painful. You are absolutely right that, in the financial position that we are in, both in our allocation from the Department and the significant reduction in our income because of reducing business levels, we have to do things very differently. This is but one element of the programme that we are looking at to reform the Court Service. As I said, we are looking at every aspect of our business to see whether we can do things differently or whether there are things that we can stop doing. Later in the year, we will be looking to have a consultation on our fees. Indeed, after this session, we will be talking about one such fee. You are right that that is the position that we are in, and we are trying to make the best of a very challenging circumstance.

Mr McGlone: Thanks for your presentation. You were here through what the Lord Chief Justice said there. Are we at the point or coming to the point where the Department would be failing and not fulfilling its statutory duty to access to justice?

Mr Armour: No, I do think that we are at that point, and we are unlikely to get to it, certainly not in the foreseeable future. As I said, I think that it is incumbent on us all to work to ensure that we do not get to that point and that we address the very valid concerns that the Lord Chief Justice has, and that we all have, but are we at that point? No, I do not think that we are. However, the road ahead will be very difficult for us.

Mr McGlone: I take it that you are not saying that he is wrong in his analysis.

Mr Armour: I do not think that the Lord Chief Justice said that we are at that point; he said that we needed to be careful that we did not get to that point. I am saying the same. We are not at that point, but we need to work together to ensure that that does not become a reality, but it will be complex and difficult.

Mr McGlone: The only other point that I will make, and you heard me making it to him, do we run the risk, through changes to legal aid and the isolation issue of the accessibility to the geographic locations of these courthouses, that access to justice becomes the preserve of the rich?

Mr Armour: I do not think that we do. I was interested in the Lord Chief Justice's comments about a remote link to some areas, and that has taken place in other jurisdictions. It is not an issue that we have looked at in any detail, but I was interested and encouraged by his point that that is something that we could look at.

Mr McGlone: Following on from that, Mr Armour, we all know the plethora of problems arising as a result of this and other things with budgets. We have heard one or two wee nudges and suggestions from the Lord Chief Justice around those sorts of things. What sort of work is the Department anticipating doing around more creative approaches to the problems that are arising as a consequence of budget pressures and closures of courts and the likes of that?

Mr Armour: The Lord Chief Justice gave the good example of the Ards pilot, which is at a very early stage. However, he is absolutely right that the initial outcome from that exercise is very promising. It is exactly the right thing to do. We are looking at a pilot of mediation for small claims. The Department is looking at a number of areas and working with the Court Service. There are opportunities there, but he is equally right in saying that you cannot deliver a lot of these things at the flick of switch overnight and that it will take time.

While we are working through these processes, and I have no doubt that they will bear fruit in the years to come, the difficulty that I have, and which the Department has, at the moment is living within the resources that we have as we try to do those things. The Lord Chief Justice was clear, and I have been clear today, that we do not anticipate any court closures for at least another 12 months, and, thereafter, it will be done incrementally. That is time that can be wisely used to look at how we can develop and roll out the likes of the Ards pilot that he mentioned.

Mr McGlone: Would it be a fair enough comment to say that, because of the situation that you are in, you are basically firefighting? While you are firefighting over here, you do not have the time perhaps. Maybe the 12 months will allow you time to consider and reflect creatively on other options.

Mr Armour: When I took up post in September 2014, there is no doubt that we were firefighting. A week or a fortnight after taking the job, our budget allocation was reduced by another £1 million in-year. That resulted in the decision that the Lord Chief Justice mentioned in relation to the temporary closure of the Old Townhall.

What we have been trying to do is stabilise the position. That is why the modernisation programme that we have established is critical to us because it is looking at different aspects of our business in an effort to position the organisation in the best way we can to meet the challenges that lie ahead. However, you are right: we have been firefighting, and we will be firefighting over the next 12 months.

The Lord Chief Justice rightly drew the Committee's attention to the fact that we are closing the tribunal hearing centre in Bedford House and moving tribunal business to the RCJ. My colleagues and I did not take that decision lightly — I share the Lord Chief Justice's concerns — but, because of that, we will save something in the region of £320,000 in the incoming financial year. Along with the £120,000 from the closure of Linum Chambers, where the Parole Commissioners are, that contributes to the £1.8 million savings that we need to make next year. Through the Executive's exit scheme, we are also looking to downsize by at least 36 posts, which is another £800,000 that we are taking out of the business. The difficulty is that you can do only so much of that, and, whilst the Lord Chief Justice rightly points to some of the pilots and the staff savings that may be generated from those in years to come, he equally acknowledges that you do not do that at the flick of a switch. To an extent, we are firefighting but are now also trying to position ourselves, and the court closure proposals are part of positioning ourselves for the years to come.

Mr Elliott: Thanks again for the presentation. I am pleased that Mr Maginness has weighed in strongly behind Enniskillen courthouse and the very efficient nature in which it does things. *[Laughter.]*

Mr McGlone: At least we can agree on something.

Mr Elliott: In reply to an earlier question, you said that, while it is about cost savings, there is no clear identification of how much will be saved. I met people involved in the legal profession and others last week, and the clear indication was that the closure of some courthouses will cost money in the longer term, because people will probably not attend their hearings, there will be additional travel costs, and there is the entire process of access to justice and family courts. There is a huge strain and burden on parents and young families. I am trying to establish whether you have thought all that through.

Mr Armour: Yes. The simple answer is that we have thought that through. Our position is very clear in the consultation document: we feel that we can achieve recurrent savings of £1.1 million a year plus the savings that other justice organisations will achieve. I very much take the point about travel costs for individuals, and I am not unsympathetic to the impact that some of this will have on people in rural communities who have to travel. I suppose that, in defence, one might argue that a lot of those people travel for other public services as well. That does not ease the burden on them — I am not suggesting that it does — but, if we are looking at the issue purely from a funding position, my focus is on the funding that it will save the Courts Service to enable us to live within our budget allocation. However, I absolutely acknowledge that there is an impact for others.

Mr Elliott: Do you accept that there is also a negative financial impact?

Mr Armour: I do not think that there is a negative financial impact for the Courts Service, but I accept that there is a negative financial impact for others.

Mr Elliott: Your argument is that there is none for the Courts Service.

Mr Armour: Our position is in the consultation document, where we identify recurrent savings of £1.1 million.

Mr Luney: The costs to the Courts Service of additional staff travel and so on have all been netted off. Those are the net savings.

Mr Elliott: You said that you cannot make other changes at the flick of a switch. Do you see the proposed closure of the courthouses as an easy option?

Mr Armour: No, I do not. In my opening remarks, I said that it is far from an easy option and should be an option of last resort. Equally, I have to be clear and say that, having made the savings that we made between 1 April last year and going into the incoming financial year, our scope to make further savings is extremely limited. To take £4.4 million — 10.8% — out of any business in little over 12 months is extremely challenging. It is not an easy option by any means.

Mr Elliott: I accept that it is not easy to find those savings in other places, but have you looked? I am looking at figures. In Enniskillen courthouse on Monday 23 February, 50 cases were listed for hearing, and six were heard. That is a terrible percentage by anybody's reckoning. I do not know why that was the case. On the Wednesday of the same week, 14 cases were listed, and three were heard. Have you, in conjunction with the Courts Service, established why so few listed cases are heard?

Mr Armour: I cannot give an answer for the specific dates that you mention.

Mr Elliott: I accept that.

Mr Armour: The difficulty that I face is that I do not have control over the listing of cases. There is a variety of reasons why cases are listed but cannot proceed — through nobody's fault, I suspect. However, I accept your point about those figures. They are certainly very challenging and very telling.

Mr Elliott: My question to you, Ronnie, was this: have you explored with the Courts Service how that can be changed?

Mr Armour: I am more than happy to have those conversations with —

Mr Elliott: So you have not had the conversations.

Mr Armour: I represent the Courts Service. I have not had a specific conversation with the Lord Chief Justice about how that might be addressed. I suspect that a variety of very good reasons lie behind those figures. Equally, I accept that there is an onus on all of us to do whatever we can and the best we can to improve what appears on the surface, at least, to be an unacceptable position.

Mr Luney: There is undoubtedly an issue about cases being more case-ready when they come to court, and it has been under consideration. In particular, it relates to charge cases. The figures that you quoted surprise me a bit.

Mr Elliott: They surprised me too, Peter.

Mr Luney: You would want to see those types of figures in the remand court in Laganside, where charge sheets come in very soon after arrest, but Enniskillen has much more mixed business and a lot of summons cases. Normally, when summonses come in, all the statements are there, and they are ready to go. It is a very low disposal rate for a mixed court or a summons court.

Mr Armour: I am more than happy to look at the dates that you mention and to see what the statistics were, for example, for the month. That might give a better picture of how business is progressing.

The Chairperson (Mr Ross): Thank you very much, Ronnie and Peter.