

**Northern Ireland Courts
and Tribunals Service:
An inspection of the adequacy
of the courts estate**

May 2012

Criminal Justice Inspection
Northern Ireland
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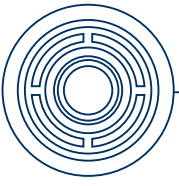
Northern Ireland Courts and Tribunals Service: An inspection of the adequacy of the courts estate

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List of abbreviations

CICAP	Criminal Injury Compensation Appeals Panel
CJI	Criminal Justice Inspection Northern Ireland
DoJ	Department of Justice
HMCS	Her Majesty's Court Service
NICTS	Northern Ireland Courts and Tribunals Service
NISRA	Northern Ireland Statistics and Research Agency
PFI	Private Finance Initiative
PPP	Public Private Partnership
PPS	Public Prosecution Service for Northern Ireland
PSNI	Police Service of Northern Ireland
RCJ	Royal Courts of Justice



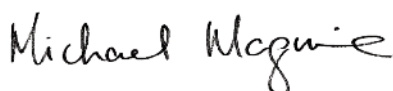
Chief Inspector's Foreword

An effective and efficient court estate is a critical dimension of the administration of justice in Northern Ireland. It also comes at a high cost. The value of the courts estate in 2010-11 was estimated at £203 million, with maintenance costs at an average of £1.5 million per annum, and requiring £44 million of capital investment in the last eight years. The broad aim of this inspection was to examine the adequacy of the current courts estate in meeting the requirements of court business and to consider the Northern Ireland Courts and Tribunals Service (NICTS) approach to managing its estate in addressing the future delivery of court business within a changing environment.

The analysis of the current courts estate shows considerable variations in the quality of the facilities available. Using the NICTS own assessment criteria of the 21 court facilities in operation in Northern Ireland, five are assessed as 'high quality', eight assessed as 'medium quality' and eight assessed as 'poor quality'. There are also significant variations around the utilisation of court venues and the cost of court business. All of this information points to the need for an estate strategy which considers the overall nature of court provision and the different options that might be suitable going forward. In an effort to address this issue the NICTS commissioned a consultancy report which highlighted a preferred option involving the development of three 'super courts' and six 'satellite' venues at a cost of £75 million.

The development of the NICTS Estate Strategy has however, been overtaken by events including the devolution of policing and justice and the integration of the NICTS within the Department of Justice (DoJ). It is clear from discussions with officials that the amount required to address the strategic needs of the courts will not be available within the current financial climate and because of competing demands upon the DoJ capital investment programme. What is not clear is given that Plan A is not acceptable (the preferred option), what is Plan B? The current process of addressing the localised nature of ongoing maintenance and intermittent upgrading of facilities when monies are available, do not seem to Inspectors to be feasible, and run the risk of good money being poured after bad. It is essential that the NICTS and the DoJ address the strategic issue of the courts estate and identify a clear plan of action for the development of the estate now and in the future.

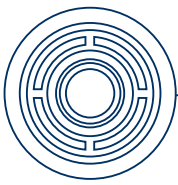
The inspection was undertaken by Stephen Dolan and Dr Ian Cameron of CJI. My thanks to all those who participated in the inspection process.



Dr Michael Maguire
Chief Inspector of Criminal Justice in Northern Ireland
May 2012

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Executive Summary

The provision of a high quality estate that meets the justice needs of communities and the current and future needs of users, at reasonable costs and with reasonable access is a commitment of the NICTS. The courts estate is located across Northern Ireland and the work of the Crown and Magistrates' Courts is co-located in a number of the major buildings with Magistrates' Courts being held in most of the court properties. A recent review of tribunals in Northern Ireland transferred the overall responsibility for the support of a number of tribunals, including infrastructure, to the Courts Service.

In total there are 27 freehold and leasehold court sites¹ located across Northern Ireland and a number of leasehold office properties in and around Belfast city centre, used mainly for the Coroner's Service, the Enforcement of Judgements Office, administrative services and the Tribunal Service. The most recent annual accounts published in 2010-11 quote the net book value of land and property held by the NICTS at just over £203 million (which includes £39 million of on-balance sheet Private Finance Initiative (PFI) contracts). In the last eight years annual maintenance has averaged £1.5 million with £44 million of capital investment in that period.

Although on the face of it the budget provision appears adequate, there were insufficient resources to bring all of the estate properties up to the highest standard and in the case of the five hearing centres, some £3 million is required to do so. Inspectors found the NICTS approach to managing its estate had centred mainly on reactive maintenance informed by local needs, upgrades of existing facilities when funding permitted and occasional new builds – many as a result of bomb damage. The end result is an estate that reflects historical locations, of variable quality, tempered by initiatives from the NICTS to raise standards and meet local demands. In the face of compliance with statutory requirements, rising corporate standards and forecast volumes of court business, the NICTS needs to consider the estate as a whole, rather than focus on local requirements.

Inspectors found that the level of utilisation varied considerably across the estate from a high of 91% (Laganside) to a low of 27% (Armagh). Similarly, costs varied considerably. An analysis of utilisation rates showed that the average for all courts in Northern Ireland was 67% in 2009, and this had remained fairly stable, averaging 66% in 2011. On closer observation the average sitting time per court day in Northern Ireland was roughly four hours per day, very similar to the average figure for Magistrates' Courts in England and Wales. However, when the cost of the court accommodation was factored into the equation, the average court day in Northern Ireland cost £1,768. An exercise considering the courts estate in England and Wales defined a viable court as having 80% utilisation and estimated the average cost of a court day to be £860.

¹ Comprising 21 courts (freehold), one court PFI (Laganside) and five leasehold properties in Belfast city centre.

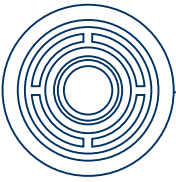


Although the number of cases disposed by the courts showed an overall increase of 13% since 2005-06, this probably reflects past trends. As a possible indicator of future trends the 7% fall in cases received by the Public Prosecution Service for Northern Ireland (PPS) might foretell a fall in the business of the courts.² Added to this, initiatives to reduce delay, increase alternatives to court, the exercise of discretion by police and diversionary measures, aim to decrease the level of business facing the courts and provide an opportunity to review the number of court venues. Another consideration is the demand for improved access to facilities, better provision of special measures and higher quality accommodation that cannot be provided at all of the NICTS venues.

By any measure the courts estate is of highly variable quality and on any assessment of fitness for purpose, the NICTS faces immediate challenges at around half of its properties with other properties presenting problems in the longer-term. The consultancy report commissioned by the NICTS proposed a solution to this by developing three 'super courts' and six 'satellite' venues at a cost of £75 million. In light of reductions to the NICTS capital budget and the priorities set by the DoJ this is no longer viable. As an alternative this report proposes that the NICTS focuses on a strategy that delivers those elements of the preferred option that are affordable within its annual capital funding, realises savings by closing the least efficient court venues, increases productivity at the others and prepares separate business cases for new build projects in Londonderry and North Down to take advantage of any reprioritisation or reallocation of the DoJ capital budget.

The restrictions imposed on the transfer of court business between Magistrates' Courts by the current County Court divisions contributes to the inefficient usage of the estate. This report recommends that the NICTS brings forward proposals on the creation of a single jurisdiction for Northern Ireland County Court divisions taking into account the findings of their recent consultation on this issue.

² Public Prosecution Service for Northern Ireland Annual Report and Accounts 2010-11.



Recommendations

Strategic:

- The DoJ and the NICTS need to make an immediate decision whether or not to move to the development of an Outline Business Case seeking investment in the preferred option or develop an alternative strategy (Paragraph 4.25).
- (Pending recommendation above) By the end of 2012 the NICTS should develop an estate strategy based on a series of individual projects that deliver those elements of the preferred option that are affordable within the capital funding available to the NICTS (Paragraph 5.7).
- (Pending first recommendation above) By the end of 2012 the NICTS should develop separate contingency business cases for development of the Londonderry and Newtownards court venues incorporating options to co-locate the functions of other DoJ agencies (Paragraph 5.8).
- The NICTS should bring forward proposals to close the five hearing centres within two years of this report by transferring the work of these courts to other suitable court venues (Paragraph 5.10).
- The DoJ, in collaboration with the NICTS, should advance proposals to create a single jurisdiction (supported by administrative arrangements) for both County Courts and Magistrates' Courts in the next suitable justice legislation (Paragraph 5.23).

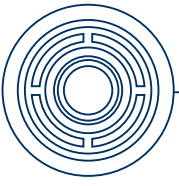
Operational:

- The NICTS, in conjunction with the Northern Ireland Statistics and Research Agency (NISRA), should use projections of business volumes across the courts estate to plan the required future capacity in developing an estates strategy (Paragraph 2.6).
- The NICTS should monitor utilisation levels for individual courts with a view, if necessary, to transfer business across the courts estate to achieve a level of utilisation above the current average of 67% (Paragraph 2.14).
- The NICTS should develop performance measures, and where possible, benchmarks to identify efficiencies to be delivered in the forthcoming spending review period (Paragraph 3.23).
- The Strategic Planning Group should incorporate a programme/project management role for capital works in its Terms of Reference and have a governance role in respect of any post-tender variations (Paragraph 5.14).
- By end of 2012 the NICTS should prioritise the use of court room venues over leasing of premises for the hearing of tribunals (Paragraph 5.18).

Section



Inspection Report



CHAPTER 1:

Background and introduction to the inspection



Background to the Northern Ireland Courts and Tribunals Service estate - the portfolio

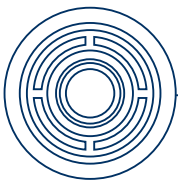
- 1.1 In April 2010, following devolution of justice to the Northern Ireland Assembly, the Courts Service became an agency of the DoJ for Northern Ireland. In tandem with the change to the NICTS' departmental status, the NICTS portfolio brought together properties that were previously the preserve of the Courts Service and the various assets dedicated to the delivery of tribunal activities, formerly managed by a variety of Northern Ireland Civil Service departments.
- 1.2 In total there are 27 freehold and leasehold court sites³ located across Northern Ireland and a number of leasehold office properties in and around Belfast city centre, used mainly for the Coroner's Service, the Enforcement of Judgements Office, administrative services and the Tribunals Service. The most recent Annual Report and Accounts published in 2010-11 quote the net book value of land and property held by the NICTS at just over £203 million (which includes £39 million of on-balance sheet PFI contracts). In the last eight years annual maintenance has averaged £1.5 million with £44

million of capital investment in that period. A full list of all the properties is included in Appendix 2 and a list of the tribunals administered by the NICTS is given in Appendix 3.

Introduction to the inspection

- 1.3 The provision of a high quality estate that meets the justice needs of communities and the current and future needs of users, at reasonable costs and with reasonable access is a commitment of the NICTS. The courts estate is located across Northern Ireland and the work of the Crown and Magistrates' Courts is co-located in a number of the major buildings with Magistrates' Courts being held in most of the court properties. A recent review of tribunals in Northern Ireland transferred the overall responsibility for the support of tribunals, including infrastructure to the Courts Service. The work of tribunals are conducted in a variety of venues and their location throughout the estate to some extent continues to reflect the legacy arrangements of the previous departments.
- 1.4 Anticipating the needs of disparate groups of users, accounting for changes in demographics, providing value for money, recognising many legitimate

³ Comprising 21 courts (freehold), one court PFI (Laganside courts) and five leasehold properties in Belfast city centre.



legacy issues and meeting the special needs of the Northern Ireland criminal justice environment, is a significant challenge. Investing capital to replace upgraded facilities along with the continual maintenance of infrastructure cost the NICTS £12.6 million in the last three years. Leveraging further capital investment is hampered by the deterioration in the economic landscape and presents a barrier to the strategic development of the courts estate as envisaged by the NICTS.

- 1.5 It is axiomatic that an estate strategy is more than simply providing a portfolio of buildings in particular locations with a maintenance programme. Such an approach is a management tool and lacking any strategic overview tends to focus on individual buildings with resources dedicated to meeting short-term and often parochial needs. The adequacy of an estate requires a longer-term approach with the attendant difficulties of predicting demand, foreseeing innovations in delivery solutions and securing funding.
- 1.6 This inspection report therefore focuses on the processes, metrics, benchmarks and resources dedicated to making the estate work now and in the future (detailed Terms of Reference are included at Appendix 1). It does draw conclusions about the appropriateness of some court venues but does not conduct an inventory of the individual buildings that comprise the estate - to do so would repeat the work of the NICTS. Rather the focus was to assess how well the future needs of the estate was determined, how the estate was positioned to meet future needs and how an appropriate courts estate strategy could be developed.

- 1.7 The inspection used condition surveys and analysis provided by the NICTS, analysed court statistics, reviewed corporate and business plans and discussed the current delivery and future plans for the estate with a range of Courts Service officials. The inspection report also drew upon the consultant's report commissioned by the NICTS.

- 1.8 The approach to providing an adequate courts estate practised in other jurisdictions is more indicative rather than comparative. Therefore, whilst the inspection considered recent developments by the courts in England and Wales and in the Republic of Ireland, they are not used as definitive benchmarks but more general indicators. The methodology for the inspection is given in Appendix 1.

CHAPTER 2:

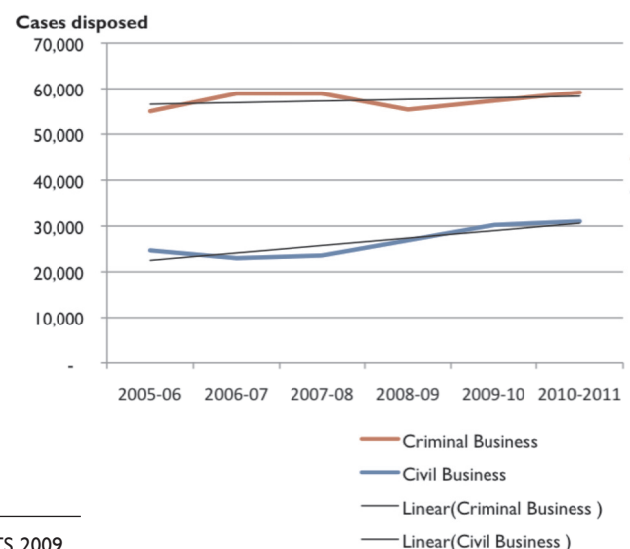
Assessment of court usage

2.1 One measure of the adequacy of the courts estate is to measure how well it meets users' needs. There must be an adequate number of court rooms, in the right locations with the right facilities to meet the needs of the various parties attending court. The right facilities include: waiting rooms for victims, witnesses, defendants and the jury; consultation rooms for legal representatives; cells, where necessary for holding defendants; Judges' chambers; and segregated circulation routes so that the Judge, jury, and defendants can make their way to the court without meeting each other. Over the past number of years the NICTS has assessed the needs of users and consulted with various users and stakeholders whilst recognising that the demands being placed on the courts estate are not being fully met. The NICTS cited the twin fold increases in business volume and requirements for improved facilities as key factors in exposing the relatively poor condition and limited capacity of some court venues. In this inspection Criminal Justice Inspection Northern Ireland (CJI) focuses upon the assessment of the usage and condition of the court venues.

Business volumes - recent trends

2.2 In the most recent review of its estate⁴ the NICTS forecast increased court business in line with increased general population supported by trends in the number of cases disposed. In its annual reports the NICTS quoted a 13% increase since 2005-06 in the number of cases disposed in both the criminal and civil courts⁵. These increases in workload are quoted in the NICTS consultant's report⁶ as the rationale behind the need to expand the capacity of the courts estate.

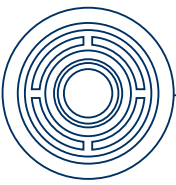
Figure 1: Volume of cases disposed in Criminal and Civil Courts 2005-10



⁴ Estates Management Strategy – Strategic Outline Case Final Report, NICTS 2009.

⁵ NICTS Annual Reports 2009-10 to 2010-11.

⁶ Estates Management Strategy – Strategic Outline Case Final Report, NICTS 2009.



Business volumes - future workload

- 2.3 Using the number of cases disposed as a measure to forecast court business raises the issue that court disposals reflect historic trends as cases take some time to reach court, and does not reflect recent falls in levels of crime. Also the number of cases received or disposed under-estimates the actual workload facing the court. A review of PPS files showed an average of six hearings per case,⁷ and in 2008 there were 140,000 adjournment orders for defendants in the Criminal Courts⁸. The future workload is as much dependent upon the number of hearings as it is on the number of cases prosecuted.
- 2.4 In the last three years a number of initiatives aimed at reducing the volume of court business in Northern Ireland was introduced. The Criminal Justice Board sponsored an Action Plan to reduce avoidable delay in the criminal justice system, including commitments to streamline the management of cases, reduce adjournments, review first hearings, along with other initiatives looking at early pleas. The Criminal Justice Act 2011 includes alternatives to prosecution through the issue of penalty notices by the police for offences such as disorderly behaviour and breach of the peace. Most recently, the Access to Justice Report included recommendations that aim to reduce the volume of business in Civil Courts.
- 2.5 The combination of these measures will reduce the volume of court business by reducing the number of hearings per case and the number of

cases prosecuted. Although more trend data is required, the number of cases received by the PPS fell by over 7% in 2010-11, perhaps reflecting the use of diversionary measures and the reduction in overall crime rates.⁹ The NICTS currently records statistics on court business and whilst these factor into the day-to-day management of individual courts there is a benefit in projecting the future volume of business across the entire estate and linking this to the development of the estates strategy.

- 2.6 **The NICTS, in conjunction with the Northern Ireland Statistics and Research Agency (NISRA), should use projections of business volumes across the courts estate to plan the required future capacity in developing an estates strategy.**

Analysis of utilisation – sitting days

- 2.7 An equally important factor in estimating the required court capacity is the level of utilisation of the various court venues. However, NICTS officials told Inspectors that measuring utilisation is not straightforward. Measuring the number of cases going to court appears an obvious solution, but cases vary in length and complexity with implications for the scale of court resources required.
- 2.8 To overcome some of these problems the NICTS adopted a high level measure of courts utilisation. Using an analysis of the nature of court business and the capacity of the courts at their disposal, they calculated a total available annual capacity of 17,791 sitting days across the entire Northern Ireland courts estate.

⁷ Avoidable Delay, CJI, June 2010.

⁸ Ibid.

⁹ PPS, Annual Report 2010-11.



2.9 With 11,990 actual sitting days the overall utilisation figure for the NICTS in 2008 was 67.4%. In 2010-11 it was 65.7% and in 2011-12 it is currently 66%.¹⁰ Although there is no target utilisation figure, NICTS officials believed that the overall figure of 67.4% was low and indicated an over provision of facilities which has not changed in the last two years. Using a similar approach a review of court venues in England and Wales established a principle that the utilisation of courts should improve to 80%. Although they recognised that local variations would mitigate against all courts reaching this figure, the introduction of a utilisation target provided a measure against which court venues could be assessed. The result being closure of less well used courts and a commensurate increase in the utilisation of the remaining courts¹¹. Applying this to Northern Ireland would only leave four court venues, so obviously other factors must be brought into the equation. The utilisation for each court is shown below. There is a significant range within these figures

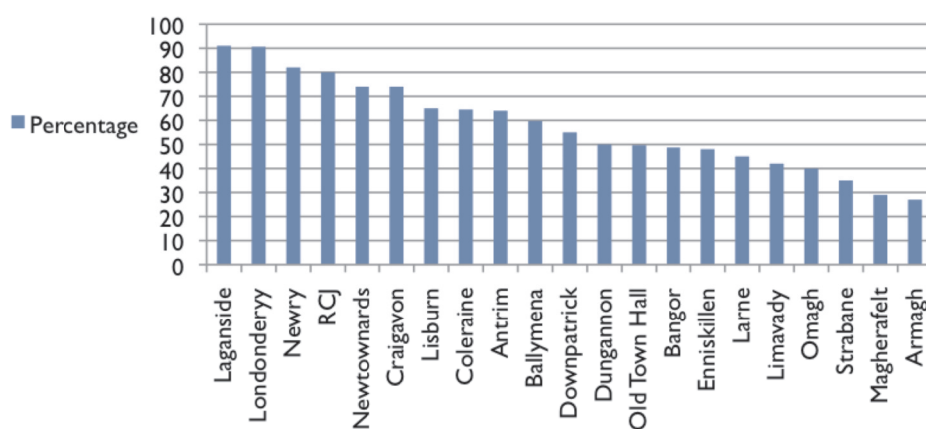
from Laganside (91%) to Armagh (27%) – but 12 of the 21 venues had utilisation levels below 60% and the five courts reclassified as hearing centres (Strabane, Limavady, Larne, Magherafelt and Bangor) all recorded utilisation levels below 50%.

Analysis of utilisation – sitting time per day

2.10 The broad measure of utilisation used by the NICTS gave some insight into the use of court capacity, but NICTS estates management officials stated that more detailed analysis would be preferable. One way of doing this is to analyse utilisation using the actual sitting time per day mirroring the approach taken by Her Majesty’s Courts Service (HMCS) when reviewing the utilisation of Magistrates’ Courts in England and Wales.¹²

2.11 Using the statistics published in the NICTS Court Bulletins for Magistrates’ Courts covering the quarter October 2010 to December 2010, Inspectors determined the average sitting day in

Figure 2: Sitting days - a proportion of availability

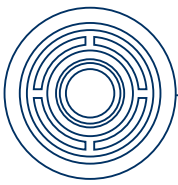


The utilisation rate across the NICTS estate in 2008 was 67.4% and 65.7% in 2010-11. The target efficiency level in England and Wales is 80%.

10 Estates Management Strategy – Strategic Outline Case Final Report, NICTS 2009.

11 Proposal on the provision of Courts Services in Her Majesty’s Court Service (HMCS) Bedfordshire, Hertfordshire and Thames Valley, consultation paper CP01/10, 23 June 2011, HMCS.

12 Ibid.



Northern Ireland Magistrates' Courts to be 3 hours 57 minutes, ranging from 2 hours 27 minutes (Newtownards) to a high of 5 hours 47 minutes (Enniskillen). There is evidence that basing utilisation simply on court days over-estimates the utilisation of the courts. As an example, the NICTS analysis conducted in 2008 found that Newtownards Court sat on 73% of the available court days. However, as the average sitting time per day in Newtownards was lower than the average sitting time per day in Northern Ireland, the utilisation rate was closer to 63%. The same applies to any court where the daily sitting time falls below the average.

Table 1: Average sitting times in Northern Ireland courts

Court	Average sitting times per court
Crown Court	3 hours, 12 minutes
Magistrates' Court	3 hours, 57 minutes
County Court	3 hours, 18 minutes
High Court	2 hours, 30 minutes

2.12 The average daily sitting times for Adult Criminal, Youth and Family Courts in Northern Ireland during the period October 2010 to December 2010 are given at Table 2. There is significant variation and Inspectors did not draw direct comparisons between the individual courts as local factors render such comparisons difficult, and analysis should be conducted over a longer timeframe. In discussion with NICTS officials, and based on their long-term experience of the delivery of court business, it was agreed that a general conclusion could be drawn that some

courts are more efficient than others. There was scope to analyse the court sitting times and setting a reasonable minimum standard for each court would raise the efficiency of a number of the courts.

2.13 As a measure the sitting time in a court does not reflect all the work taking place in a court. It does not include time working in chambers and time when the judiciary are sitting in chambers, but as an indicator the results for the hearing centres and the low levels at Newtownards and Armagh reflect the commonly held views of courts staff and confirm the findings of the earlier analysis of utilisation at the five hearing centres.

2.14 The NICTS is charged with providing court facilities and has a remit to improve efficiency and effectiveness¹³. To date NICTS record utilisation data and it contributes to the operational deployment of the estate facilities, but this is based upon the existing systems and organisation. The potential change to a single jurisdiction, improvements in information and communication technology, shared services and the combined management of courts and tribunals will require changes to processes and a greater emphasis on utilisation as any increases in utilisation will lead to a reduced demand for new court space in particular. Recording the utilisation figures for the courts should be taken further and **the NICTS should monitor utilisation levels for individual courts with a view, if necessary, to transfer business across the courts estate to achieve a level of utilisation above the current average of 67%.**

¹³ NICTS Agency Framework Document 2011.



Table 2: Actual sitting times – Northern Ireland Magistrates’ Courts, October 2010 to December 2010

Court	Adult Criminal Day		Youth Criminal Day		Family Day	
	Average sitting days	Average sitting time (mins)	Average sitting days	Average sitting time (mins)	Average sitting days	Average sitting time (mins)
Laganside	241	226	39	260	68	189
Dungannon	42	268	6	230	10	282
Londonderry	53	232	9	240	22	258
Strabane	22	204	3	126	-	-
Lisburn	34	253	6	189	14	294
Omagh	30	257	6	85	11	268
Downpatrick	23	277	7	232	3	146
Antrim	19	261	5	167	6	275
Ballymena @ Antrim	23	243	6	109	16	195
Enniskillen	25	347	6	197	3	190
Banbridge @ Newry	15	259	2	265	2	160
Newry	35	246	6	116	18	220
Craigavon	32	236	5	154	15	166
Bangor	24	237	-	-	2	145
Larne	13	187	3	116	6	158
Limavady	13	263	-	-	-	-
Coleraine	43	266	5	244	13	243
Newtownards	47	147	12	128	41	131
Magherafelt	14	197	5	137	1	70
Armagh	20	260	4	237	1	120

Court facilities

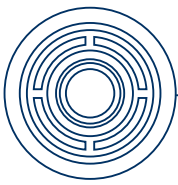
2.15 The focus on delivering improved services to customers and other court users increased the demands on the court facilities and ultimately exposed deficiencies across the estate, and particularly in the older buildings. Alongside the raised expectations of court users, compliance with the Disability Discrimination Act and the Corporate Homicide and Manslaughter

Act, demanded improvements to infrastructure and the driver for much of the NICTS annual expenditure on courts infrastructure became a programme to upgrade every building.

Register of facilities

2.16 The NICTS implemented a programme of improvements to develop the facilities offered at each of its court houses. A recent audit assessed the facilities





provided at its court venues. Using 25 separate criteria (covering amongst other things, access, facilities for juries, video links, consultation rooms, and public facilities) the NICTS drew up a register of facilities. Despite investment a number of venues still performed badly in terms of statutory compliance with the Disability Discrimination Act (for example, universal access, loop system) and special measures for vulnerable witnesses (designated separate waiting area, remote evidence link).

- **Larne** - no universal access, no area for vulnerable witnesses/remote evidence link.
- **Bangor** - no universal access, no remote evidence link, issues separating defendants and witnesses.
- **Strabane** - no universal access, no remote evidence link.
- **Limavady** - no universal access, no area for vulnerable witnesses/remote evidence link.
- **Magherafelt** - no universal access, limited loop system, no area for vulnerable witnesses/remote evidence link.
- **Corn Exchange** - no universal access, limited loop system, no remote evidence link.
- **Lisburn** - no universal access, limited loop system, no remote evidence link.
- **Enniskillen** - no universal access, limited loop system.

2.17 The nature and location of these buildings renders it impossible to overcome all the deficiencies. In some cases there is limited room, others are poorly designed, most of them are old buildings, some are listed and the investment required to bring them up to standard is high. The upshot of this is that the current NICTS infrastructure

cannot meet all user needs and a strategy of upgrading every building will not work especially in light of the increased restrictions on the NICTS budget.

Improving business efficiency

2.18 The assessment of need also must take into account the anticipated developments in the way the NICTS delivers its business. In the last corporate planning cycle the NICTS delivered a number of programmes to improve business efficiency including:

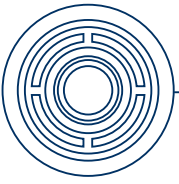
- information and communication technology enabled business processing;
- web based services; and
- the Courtroom Technology Programme.

2.19 Whilst, in the main these initiatives were successful, the nature and condition of the older court venues presented significant difficulties in extending information and communication technology facilities and underlined the inadequacies in the courts infrastructure. The approach adopted of trying to realise the benefits of the modernisation programme across the estate only served to underline the inadequacies in the courts infrastructure. There are variations in the utilisation of the court venues and NICTS officials confirmed that some courts are more efficient than others. Setting minimum standards with regular monitoring of usage statistics should be used to increase the efficient use of the estates assets. A more strategic approach would have incorporated the delivery of the benefits with a rationalisation of the estate and resources targeted to deliver most benefit.



2.20 Overall, the benefits to be delivered by the estate are changing. Recent indicators point to a fall in the volume of court business in the medium-term but rising expectations of users, compliance with statutory regulations and increasing corporate business standards have exposed the deficiencies in the estate infrastructure. The shift in demand from volume requirements to quality issues requires the NICTS to maximise usage of the higher quality assets, close the least efficient venues and utilise the limited capital spend on delivering quality services rather than maintaining increasingly inadequate court venues.





CHAPTER 3:

Assessment of the estate portfolio



The adequacy of the estate

- 3.1 Assessing the adequacy of the courts estate is best done from a number of perspectives. The quality of the infrastructure, the accessibility, the fitness for purpose and the long-term viability of the building are all major factors. The perspective of users, gathered through customer surveys and consultations with users, is also a key indicator. Looking at each of these in turn and drawing together the salient features gives a good overview of the adequacy of the estate.

Quality of infrastructure

Assessment of fitness for purpose

- 3.2 As part of an overall review of its estate the NICTS conducted an assessment of the fitness for purpose of its court buildings in 2009. The process was necessarily a partially subjective exercise, although one that was rendered less so by reference to appropriate standards.
- 3.3 The NICTS evaluated the various buildings against a prioritised list of fit for purpose criteria covering present and future business need. The Court

Standards Design Guide (2007) was the basis for the qualitative model used by the NICTS for evaluation of the court buildings. (The specific evaluation criteria and applied weightings are provided in Appendix 5).

- 3.4 Each court property was scored against four categories: location, accessibility, form and layout and function. Within these categories specific weighted criteria were evaluated to provide a quantitative assessment of fitness for purpose. The process used information from the Courts Service, a consultation with staff from the Commercial and Estates Branch and property condition surveys. The assessment of facilities (an updated evaluation of the facilities available to court users is given in section 2.17 as an element of the assessment of court usage) available to court users also informed this exercise. To verify the scores attributed to each property the Regional Business Manager of each property along with other Court Service Managers validated the scores based on their understanding of operational effectiveness and issues across all locations. There are three general categories of court venues arising at cut-off thresholds corresponding to scores of 75 and 60.

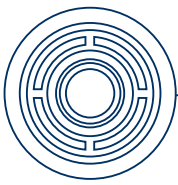


Table 3: NICTS fit for purpose assessment

Court Venue	Score Max = 100.0 (Average = 64.7)	Standard
Laganside	94.6	High
Antrim	85.1	
Dungannon	84.7	
Royal Courts of Justice (RCJ)	77.3	
Newry	75.7	
Craigavon	72.2	
Coleraine	71.7	Medium
Armagh	70.7	
Downpatrick	65.3	
Old Town Hall	63.5	
Londonderry	62.5	
Enniskillen	61.3	
Newtownards	59.2	
Omagh	58.8	Low
Ballymena	54.5	
Bangor	54.2	
Magherafelt	53.2	
Strabane	50.9	
Lisburn	47.7	
Limavady	45.2	
Larne	38.3	

Condition surveys

3.5 Alongside the NICTS fitness for purpose exercise, Inspectors reviewed the condition surveys commissioned by the NICTS and incorporated the most recent developments, upgrades and repairs to the court properties. These surveys give a comprehensive and independent assessment of the fabric of the Court Service properties. The condition surveys assessed the quality of the buildings from four aspects:

- building and civil engineering;
- mechanical and electrical engineering;
- health and safety; and
- Disability Discrimination Act compliance.

3.6 Inspectors combined the condition surveys, data from maintenance and improvement works, audits of compliance with the Disability Discrimination Act and site visits, to form an overall view of the court properties as at 2011 (see Table 4). In



conjunction with the NICTS Estates staff and the views expressed by local Court Business Managers, Inspectors arrived at an assessment of the quality of the court properties and identified three categories with the general properties below:

- **High quality:** Overall condition is good. No building work required, health and safety issues are of operational nature. Generally good compliance with Disability Discrimination Act requirements with some modifications required to meet health and safety standards and provision of special measures.
- **Medium quality:** Overall condition is good, minor building work required, health and safety issues operational and requiring some alterations. Some non-compliance with Disability Discrimination Act requirements, modifications and minor works required to meet health and safety standards and provide special measures.
- **Poor quality:** Overall condition is fair, major building works required now or in the short-term, health and safety issues require significant work. Significant non-compliance with Disability Discrimination Act requirements. Infrastructure presents barriers to ensuring Disability Discrimination Act compliance and provision of special measures.

3.7 Overall the general ranking of the NICTS courthouses has not changed a great deal in three years, despite £4.9 million spent on maintenance and £7.8 million on improvement works. The same five courthouses rank as high

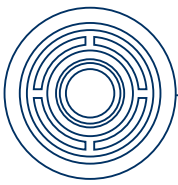
Table 4: Quality of venues re-assessed by CJI using conditions surveys and site visits

Venue	Standard
Laganside Dungannon Newry Antrim RCJ Coleraine	High
Armagh Craigavon Downpatrick Ballymena Londonderry Enniskillen Omagh Newtownards	Medium
Lisburn Old Town Hall Strabane Larne Limavady Magherafelt Bangor	Poor

quality. The five hearing centres still rank as poor quality. Ballymena and Omagh courts move up to medium quality following refurbishment works. However, Old Town Hall had deteriorated and Newtownards and Lisburn still rank as poor quality despite recent expenditure.

3.8 Inspectors found the main drivers for the allocation of funding are the condition surveys prepared by the Estates division and requests for funding from the local Business Managers.





Although there is an approval process within the NICTS Business Support Division, it is directed more by financial controls than a prioritisation of courthouses within an overall strategic development plan. Similarly, local Managers account for spending against budgets set for each court, but these are incremental in nature and do not relate to a performance-based estate strategy.

Cost of the court venues - measuring cost efficiency

3.9 A key element in assessing the adequacy of the courts estate and developing a management strategy is the cost of the court venues. There is a tipping point when the maintenance and refurbishment costs of a property outweigh the cost of total replacement. Alongside this the cost of a building must be set in the context of the volume of business being conducted and is best measured using the cost per unit of business. Added to this mix is a need to consider the alternative use value as an adequate building might have a substantial market value warranting its sale and relocation to another venue.

3.10 The NICTS had ranked the cost of the properties in its portfolio by estimating the annual running cost per square metre for each NICTS building.¹⁴ Figure 3 provides a summary of the cost per metre for each of the court venues. Laganside the most heavily used court venue situated in Belfast is, not surprisingly the most expensive. The range of costs included some major

variances with Strabane, unusually for a hearing centre, and Lisburn (a relatively small court venue) recording very high costs. This probably reflected higher than normal maintenance at these venues.

3.11 In isolation the absolute costs of a court venue are only an incomplete indicator of efficiency. At first glance the cost of hearing a case in a court venue would appear to be the most useful measure of efficiency in a particular court venue. However, there are many variable costs (i.e. those that rise and fall in line with the volume of usage) associated with the hearing of a court case. Court cases in themselves vary in complexity with a consequent impact on the length of the hearing and there is no reliable basis upon which to forecast the length of court time a case will occupy.

3.12 A recent analysis of court costs revealed that the accommodation component was a relatively minor element in the overall cost of any single court case. In one case that consisted of a preliminary hearing the cost of accommodation was £90 out of a total of £2,528 (3.6%).¹⁵ In another Magistrates' Court case the accommodation costs were £60 of a total £4,867 (1.2%).¹⁶ In a case that included Magistrates' and Crown Court hearings the cost was £400 from a total of £16,268 (2.5%). Thus confirming that trying to compare accommodation costs at various courts using the cost per case is not particularly useful as other cost elements far outweigh the cost of the infrastructure.¹⁷

14 Based upon expenditure in 2009.

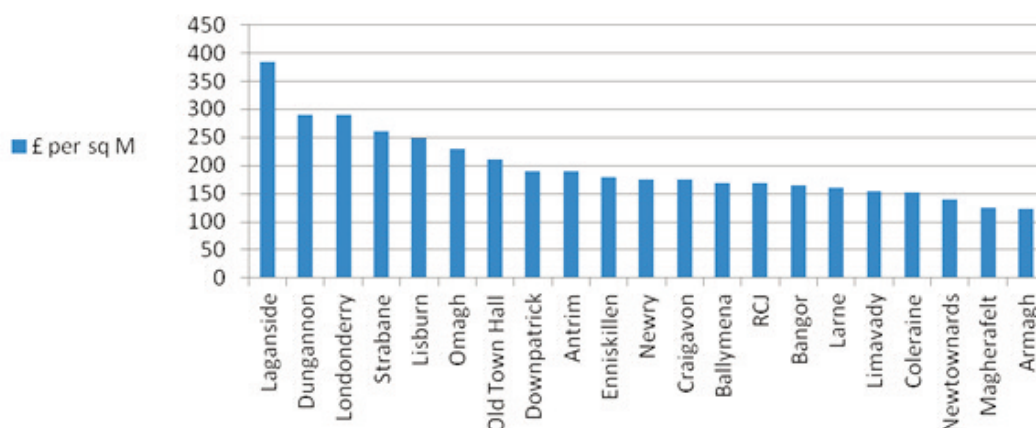
15 Northern Ireland Assembly (Written Answers) AQW 5142/11.

16 Northern Ireland Assembly (Written Answers) AQW 4533/11.

17 Northern Ireland Assembly (Written Answers) AQW 4568/11.



Figure 3: Cost of accommodation



Unit cost of court sitting time

3.13 In accepting that the number of cases would not provide a reliable assessment of the costs of court activity, the National Audit Office sought to provide a more accurate comparator of the relative costs of court accommodation by measuring the average cost per hour of a sitting in a Magistrates’ Court in England and Wales. This was calculated to be £215 per hour¹⁸ giving a cost of an average four hour court day of £860. In the previous section the variation in the sitting time per court day exposed a range of usage levels across the court venues in Northern Ireland. Combining the sitting times per court with the cost of running the court venues adds another dimension to the analysis of efficiency.

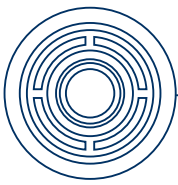
3.14 Using the cost of the NICTS court venues and the times of actual court sittings (Source: NICTS/NISRA Quarterly Court Bulletins) the cost per hour of court sitting time can be estimated. The unit cost for each of the NICTS court venues is given in Table 5.

Table 5: Cost per hour of sitting – NICTS court venues

Venue	Cost per hour of sitting
Enniskillen	£183
Lisburn	£197
Laganside	£290
Coleraine	£304
Newtownards	£307
Bangor	£338
Londonderry	£380
Larne	£398
Limavady	£425
Omagh	£449
Newry	£450
Antrim	£490
Dungannon	£522
Magherafelt	£534
Downpatrick	£614
Strabane	£641
Craigavon	£658
Armagh	£739
AVERAGE	£440

¹⁸ Crown Prosecution Service – Effective Use of Magistrates’ Courts hearings; NAO HC 798 Session 2005-2006.





3.15 As expected, variances in running costs and the differences in utilisation, give rise to a wide range of unit costs per hour of court sitting time. The average is £440 per hour of sitting time, giving an average cost per four hour court day of £1,760 or just over double of that in England and Wales. Currently, the five hearing centres require further expenditure in the order of £3 million¹⁹ to comply with the requirements of the Disability Discrimination Act and the condition surveys. Incorporating these costs would significantly raise the cost per hour in these venues with Strabane and Magherafelt, for example, becoming the most expensive courts per unit of court time. Although the usual caveats apply, namely, that averages conceal a range of figures and comparing like for like is difficult, two main themes emerge: the average cost per hour in Northern Ireland is higher than England and Wales, courts with low levels of utilisation have very high costs; Armagh and Dungannon and the hearing centres are not only expensive now but the outstanding expenditure would make them very expensive indeed.

Conclusion: overview of the management of the court venues

3.16 In the last corporate business planning cycle, 2008-11, the NICTS adopted a strategy primarily focused on delivering improved services to all court users. In conjunction with efforts to provide increased access to justice at a local level the NICTS attempted to improve standards across the entire estate.

3.17 There is evidence to suggest the renewed focus on customers and the

development of customer excellence standards had worked. A 2009 Customer Exit Survey recorded that over 80% of respondents were satisfied with the overall court facilities and 90% were satisfied with the service provided by court staff. Some of the specific improvements quoted by court users were the improved facilities for disabled people, families, more video links, more consultation rooms and better public areas.

3.18 Whilst there was progress in developing the infrastructure (specifically works at Ballymena and Newtownards), and improvement works recommended in a recent CJI inspection report were mostly completed,²⁰ Inspectors found evidence that the enthusiasm of staff in meeting customers' needs was as important. In the poorer venues particularly, staff would meet disabled clients in an accessible part of the building if stairs, for example, prevented them gaining access to the public offices. Similarly, staff converted various rooms to be used for consultations, video linkages, family rooms and used free space to provide facilities for the public. A definite spirit of 'can do' prevailed.

3.19 The investment in meeting the needs of customers and court users was successful, but as condition surveys show, the condition of the estate has not dramatically improved. As it stands, the courts element of the estate are a range of buildings of different age, construction and state of repair. They have varying costs and a range of levels of utilisation, with an overall level of utilisation that NICTS officials confirmed was low.

¹⁹ Source: NICTS estates.

²⁰ An inspection of Prisoner Escorting and Court Custody arrangements in Northern Ireland, CJI, October 2010.



3.20 Inspectors revisited the fitness for purpose analysis conducted by the NICTS in 2008 using condition surveys, updated maintenance programmes and discussions with NICTS estate officials. Inspectors found that the original general assessment of the quality of the estate held true with some minor changes. The diagram (as illustrated in Figure 4 at the end of this chapter) summarises this analysis. Essentially, the buildings on the right-hand side of the divide do not pose immediate issues for the NICTS, whereas those on the left suffer from low utilisation, poor quality or both. The importance of this is that the challenge facing the NICTS is not confined to the hearing centres, as at least another six court properties are either not fit for purpose or not well used.

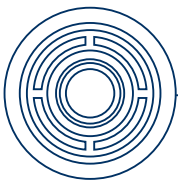
3.21 A *de facto* strategy aimed at bringing the entire estate up to a particular standard of service provision was not feasible within the resources available. In fact there was a risk that increased investment in courts with low utilisation could reduce efficiency. Without addressing the utilisation issue the NICTS will not increase efficiency through additional investment across the entire estate and a strategy of improving efficiency with prioritised investment and, where necessary, closures of less efficient courts was needed. The Courts Service in England and Wales faced a similar challenge and following a major review rationalised its estate to improve utilisation and service delivery with the closure of over 100 (around 20%) of its least productive court venues. Similarly, the Irish Courts Service reduced the number of court buildings from 200 in 1999, to 116 in 2009, with a view to further reducing the number below 100 by 2013.

3.22 Inspectors noted that data capture focused on activity measures – published in the court bulletins or annual reports – but there was little evidence of comparative benchmarking to manage performance. The Police Service of Northern Ireland (PSNI) uses benchmarks of its estate performance and assesses these against police forces in Great Britain. The benchmarks that the NICTS should consider include:

- **rent** – *per internal square metre*;
- **rates** – *per internal square metre*;
- **estate management** – *own staff – cost per internal square metre*;
- **all energy** – *per internal square metre*;
- **all maintenance** – *per internal square metre*;
- **size of estate** – *measured against population, staff numbers, functional distribution*;
- **total estate costs** – *as a percentage of gross revenue costs/per square metre/per hour of sitting time*;
- **occupied space** – *per WTE*; and
- **space utilisation** – *proportion of surplus space*.

3.23 **The NICTS should develop performance measures, and where possible, benchmarks to identify efficiencies to be delivered in the forthcoming spending review period.**

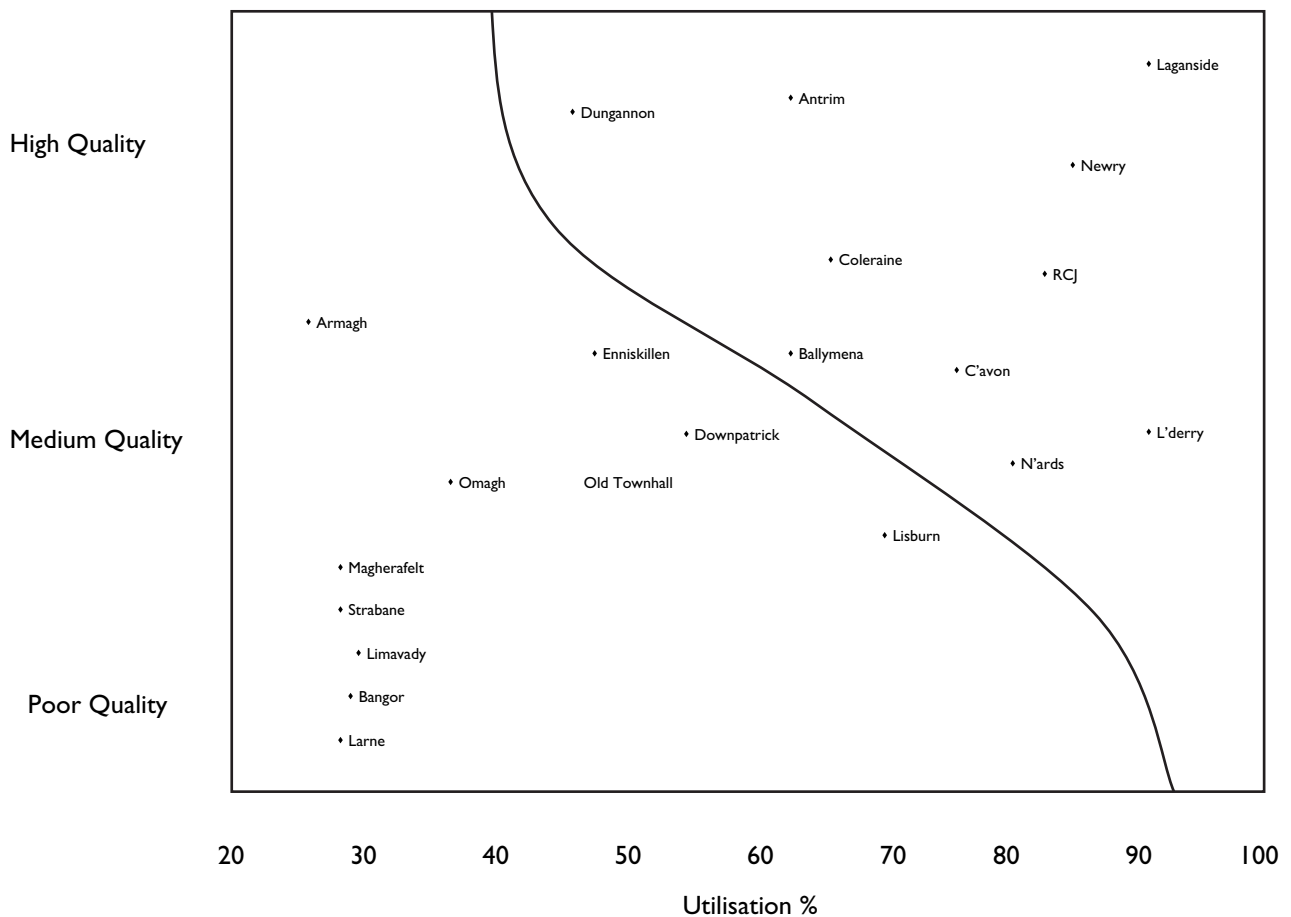
3.24 Figure 4 overleaf partitions the NICTS court venues using a combination of utilisation and fitness for purpose. The venues to the left of the dividing line require particular action because they are either lower quality or under utilised and represent the short-term challenge to the NICTS. Those to the right of the dividing line benefit from either higher utilisation or are of higher quality and can be considered in the



medium to longer-term. The hearing centres are the poorest quality, have the lowest utilisation, require significant investment and present the immediate challenge. The NICTS has recognised this and is consulting on the proposal to permanently close these venues. Whilst this would be of immediate cost benefit the transfer of business from these centres to some of the other courts will create pressures in venues that already

suffer from infrastructure deficiencies. Newtownards, Londonderry, Omagh and Lisburn are particular examples of this. In summary, this diagram shows that the challenges facing the NICTS are not confined to the hearing centres and a programme of limited closure with reactive maintenance will not address the needs of the estate in the longer term.

Figure 4: Analysis of fitness for purpose and utilisation



CHAPTER 4:

The management of the NICTS Estate



The approach so far

4.1 To date, the approach adopted by the NICTS can be characterised as one of annual investment in maintaining the infrastructure of the estate with capital investment in new build, often to replace bomb damaged courts and, significantly, the opening of a major new court at Laganside in Belfast through a PFI arrangement. There has not been an overarching strategy with defined objectives for the whole estate but a series of more localised projects. The NICTS had developed feasibility studies for individual large scale capital projects – such as the redevelopment of the Bangor/Newtownards courts within a new complex, a major refurbishment to envelope Ballymena courts and extensive refurbishment or relocation of Londonderry courthouse. In each instance the level of capital funding required was significant and prompted management to scale back these projects with the aspiration that an overarching estate strategy would deliver the benefits of these individual schemes alongside greater efficiencies across the entire estate. In practice, neither the overarching strategy had emerged, nor had the individual projects gone ahead as originally planned. The destruction of certain courts through

bomb damage tended to drive a policy of local replacement, and alongside the organisation of the courts divisions supported by local management teams, further emphasised a localised approach.

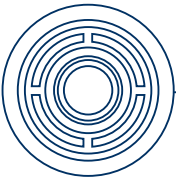
4.2 In the last ten years the NICTS has acknowledged reductions in the volume of court business and reduced footfall through the introduction of improved technology, although still at a localised level. A couple of examples illustrate that point. In 2001 the NICTS, as a result of falling volumes of business, recommended the closure of Clogher, Cookstown and Kilkeel Courts, with Limavady Court retained for the hearing of only adult criminal business.²¹ Similarly, continued low levels of utilisation at a number of court venues coupled with improved options for online service delivery identified potential efficiency savings. Following consultation, hearing centres were created at five court venues, and the public offices at Bangor, Larne, Limavady, Magherafelt and Strabane are now closed on non-court sitting days²².

Business Modernisation and Customer Service Strategy

4.3 At strategic level, the minutes of the NICTS Board record extensive efforts

²¹ Northern Ireland Courts Service Consultation Document, Court Accommodation in Northern Ireland 2001-10.

²² Northern Ireland Courts Service (January 2009), Proposals for Court Hearing Centres at Bangor, Larne, Limavady, Magherafelt and Strabane.



being directed towards delivering improved services to customers and court users. This led to the development of an ambitious Business Modernisation and Customer Service Strategy²³ that defined the challenge for the NICTS in terms of improving services to all its court users and indirectly drove the management and development of the estate.

- 4.4 Particularly relevant is the statement from the Business Modernisation and Customer Service Strategy that *'the Courts Service is committed to ensuring that court users have access to accommodation of the highest quality. Customers can expect to find a consistently high standard at all court venues. All of our venues will provide a comfortable, clean and secure environment for all users and will meet the specific needs of victims, children and persons with disabilities'*.
- 4.5 The commitment to raise standards across the entire estate was qualified to recognise that the required funding might not be available. Thus, the NICTS committed to a Value for Money Delivery Agreement²⁴ that stated *'over the current CSR period... considerable investment will be needed to upgrade and replace some of the courthouses, coupled with a potential closure of courthouses that have reached the end of their useful economic life'*.
- 4.6 The NICTS Corporate Plan 2008-11 outlined how these commitments would be met. An explicit commitment to *'modernise the court estate to enhance service delivery... develop a new three-year*

strategy to explain how we will modernise the courts...(and) initiate a Disability Discrimination Act Strategy for the court estate' was the clearest statement to date that the NICTS would produce a comprehensive estate strategy.

- 4.7 In light of generally positive feedback from customer surveys it begs the question why change anything?
- 4.8 The most compelling arguments were that forecast rising business volumes and the increasing demands to deliver a high quality service to all users at all court venues presented a challenge that could not be simply met by a piecemeal approach of upgrading the current properties. The condition surveys confirmed that the estate is of a variable quality with a number of courts, in a poor state of repair; not amenable to upgrade with the gap between the best and worst venues increasing. The approach to date has been short-term and localised, and the absence of an overall comprehensive long-term strategy has contributed to the decline in the fabric of the estate. A comprehensive estate strategy that answers the question of long-term provision of adequate court facilities was essential.

Strategic review of the estate


Suitability of estate properties

- 4.9 The NICTS commissioned the development of a Strategic Outline Business Case (referred to as the consultant's report).²⁵ The essence of

23 Northern Ireland Courts Service (2009), Delivering Quality Services; the Business Modernisation and Customer Service Strategy of the Northern Ireland Courts Service, NICTS.

24 Northern Ireland Courts Service (January 2009), Value for Money Delivery Agreement 2008-11; delivering the Spending Review 2007, NICTS.

25 Estates Management Strategy – Strategic Outline Case Final Report, NICTS 2009.



this approach was to assess the estate against certain objectives, create a series of development options to meet these objectives, and use an economic appraisal to select a preferred option. The suitability of the estate was assessed against four specific elements:

- location;
- accessibility;
- form and layout; and
- functionality.

(Details of the assessment criteria and the relative weightings are given in Appendix 5).

4.10 Overall, the outcome of this assessment aligned with the outcome of the earlier condition surveys and is similar to the assessment made by Inspectors in this report. The newer Courts were considered most suitable – Laganside, Antrim, Dungannon. The five hearing centres (Magherafelt, Strabane, Larne, Limavady, Bangor) were least suitable, and Lisburn, Londonderry and Ballymena were less suitable. Under-investment in the estate, particularly outside Belfast, contributed to this, as the condition surveys show that major refurbishment of mechanical and engineer plant, roofing and windows was needed in a number of courthouses. In the last eight years the NICTS has invested £44 million in its court estate. The Republic of Ireland Courts Service invested €140 million capital expenditure in its court estate in the last six years (albeit the Irish Courts Service has a larger portfolio). Ironically, in some cases, improved service delivery (such as paying fines online and centralising administration through ICOS) reduced footfall at some courts lowering their utilisation levels and further undermining their delivery of value for money.

Delivery objectives for the estate

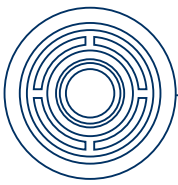
4.11 Having established a general assessment of the estate properties the NICTS defined the following strategic objectives:

- To provide an estate that is fit for purpose in terms of flexibility and condition.
- To provide an estate which is readily accessible by court and tribunal users.
- To provide a strategy that is capable of implementation.
- To provide a strategy and estate that promotes the NICTS identity and supports the NICTS in delivering the modernisation agenda promoting confidence in the criminal justice system.

Short list of options

4.12 In the consultant's report an initial long list of potential options was assessed against the objectives stated above, to produce a short list of options:

- **Do minimum** – the current court estate is brought up to a basic functional use.
- **Do minimum plus** – as above with assumed closures of the five hearing centres and some capital expenditure at Ballymena, Newtownards, Londonderry and Lisburn.
- **Three super courts** – super courts would be provided in Belfast (Laganside and the RCJ), Dungannon and Londonderry for the East, South and West of the Province conducting High Court, Magistrates' and Youth Court and major County Court hearings.



- **Three super courts and six satellites** – emphasis on the three main centres, above but incorporates six existing locations across the province.
- **Seven venues based on existing NICTS divisions** – these are located at Belfast (Laganside and RCJ) Antrim, Craigavon, Dungannon, Londonderry, Newry and Newtownards conducting High Court, Magistrates’ and Youth Court business and major County Court hearings.
- **Eleven venues based on proposed Review Public Administration regions** – these are located in Belfast (Laganside and RCJ), Londonderry, Newry, Dungannon, Ballymena, Ards, Coleraine, Antrim, Lisburn, Craigavon, and Omagh conducting High Court, Magistrates’ and Youth Court business, County Court hearings.

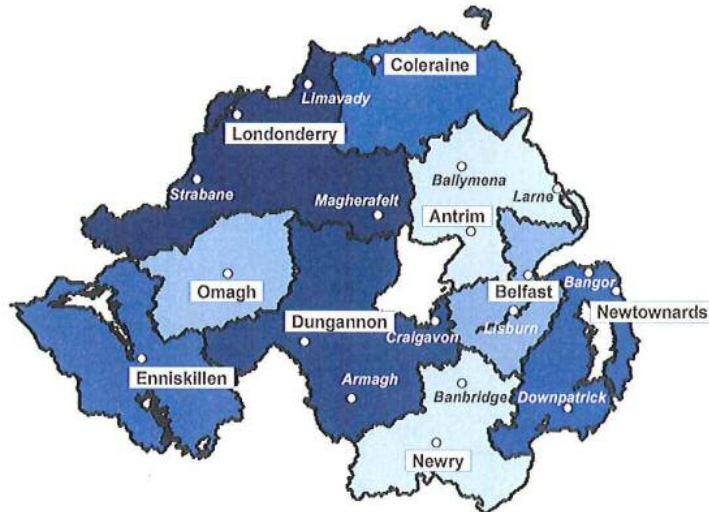
Identification of the preferred option

4.13 The short-listed options were assessed in more detail against the four objectives developed earlier, combined with a measure of the economic costs and benefits (detailed in Appendix 4). Table 6 below gives an overall ranking of the options when the cost is combined with the level of benefits provided by each option. This is achieved by dividing the benefits score by the Net Present Cost to give a nominal cost per unit of benefit. The preferred option retains six satellite court venues at Antrim, Coleraine, Enniskillen, Newry, Omagh and Newtownards. In the case of the latter either through redevelopment of the existing site or acquisition and development of a new site in North Down. Figure 5 is a geographic representation of how the preferred option would provide court coverage across Northern Ireland. The court venues in italics are marked for possible closure and the super courts and satellite courts are in highlighted boxes.

Table 6: Overall assessment of the short-listed options

Option	Net Present Cost (£m)	Benefits score	Ranking
Three super courts and six satellites	276.8	75.5	1
Eleven venues based on proposed Review of Public Administration regions	240.3	59.0	2
Three super courts	287.2	70.5	3
Seven venues based on current NICTS divisions	270.2	61.0	4
Do minimum	248.6	53.5	5
Do minimum plus	316.2	61.0	6

Figure 5: Overview of proposed court locations



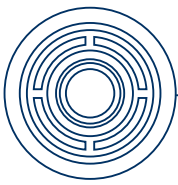
4.14 The development of five new courts at Laganside (incorporating a Youth and Family Complex to replace business currently conducted at Old Town Hall), three new courts at Dungannon, and two each at Londonderry and Antrim would accommodate the business transferred following the closure of other courts. The creation of a Tribunals Centre in the extended facility at Laganside is part of this option with PFI being the preferred procurement route. The option also proposes that regional Tribunals could be accommodated in the less formal courts provided in the three main complexes.

4.15 The hub/satellites model resonates with the strategic direction adopted by HMCS in England and Wales. One of the features of this arrangement is the centralisation of core support functions, such as finance and human resources. Following the devolution of justice, the Northern Ireland DoJ now has access to the shared services providing finance and human resources to the Northern Ireland Civil Service.

Affordability

4.16 A key requisite of the option analysis - and simple economics - is an assessment of the affordability of each of the options. The preferred option was to be achieved within a timeline commencing in 2011 and finishing in 2015 for an investment of £75 million with annual savings of £2.6 million. Therein lies the difficulty with this proposed strategy. The NICTS capital budget for new build in the current spending review period is around £2 million per annum - a cumulative £10 million over the project timescale - creating a capital funding pressure of £65 million. On their own the estimated annual savings do not present a compelling investment argument with a return on capital extending to almost 30 years.

4.17 The reality is that five or six years ago the additional funding was probably available, but the criminal justice environment was facing major change. Now the criminal justice environment is



more settled but the funding is not available. Not only has the economic climate deteriorated with public finances tightening but any NICTS bids for capital investment must compete against already well established departmental priorities, such as a new Police Training College, and the wider priorities governing the allocation of the Northern Ireland Block.

Summary of the consultant's report

- 4.18 The consultant's report provided the NICTS with a clear preferred route, namely a significant capital programme using a public partnership arrangement. This brings with it a number of serious challenges that may well render it unfeasible.
- 4.19 The business case approach – which by its nature is an all or nothing bid for investment – presented (and continues to present) the DoJ, and the NICTS, with a difficult proposition. Namely, to try to implement a preferred option that is not affordable or to resort to a 'do minimum' option that leaves them open to criticism for not providing value for money. This position is not helped by the elapsed time since the presentation of the report and a decision on the way forward by the NICTS.
- 4.20 In the face of the intractable funding problems the consultant's report has had a very short shelf-life eliciting the inevitable disquiet about the cost effectiveness of this approach. Another point of potential criticism is the preferment of a PFI/Public Private Partnership (PPP) approach to the development of the estate at the Laganside site. However, the extension

of the PFI contract at Laganside should not be viewed through the optics of other PFI schemes where the criticism centred on poor risk transfer, poor estimation of demand and less than favourable returns on expenditure. The PFI scheme at Laganside is a successful project. The level of utilisation shows that demand is high, the quality of the building ten years after construction is high and the cost of running business at this site is low compared to the other court venues. For these reasons, PFI remains a viable option for the development of the estate at Laganside.

- 4.21 In previous consultation exercises the reaction to less radical proposals, such as the creation of the hearing centres and proposals for a single jurisdiction indicated that changes to the physical presence of court venues would meet serious opposition. The Judiciary have previously expressed the view that courthouses should have a civic presence, and the delivery of local justice was better served through a local presence. The NICTS therefore, need a logical estate strategy that is shown to meet the needs of users, comply with statutory requirements and deliver improved value for money.

Local management – local priorities

- 4.22 In the absence of an agreed strategy the management of the estate had revolved around maintaining operational capacity with separate, and in some cases, such as Ballymena, quite significant improvement works, covering access, health and safety measures and requests from the Court Business Managers. Inspectors discussed the process of estate management with local Court Administrators and the



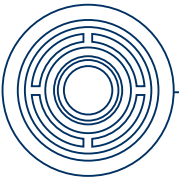
evidence was that local Managers tended to manage their business to reflect local demands. Their knowledge of the consultant's report was limited, ranging from no awareness of the strategy to an acknowledgement that one existed without knowing any of the detail. Leading to the conclusion that the consultant's report was a document for internal consumption rather than a development strategy.

4.25 The DoJ and the NICTS need to make an immediate decision whether or not to move to the development of an Outline Business Case seeking investment in the preferred option or develop an alternative strategy.

4.23 The other risk of this operational approach was that local imperatives elided with strategic plans and became the policy driver. As an example, compliance with statutory requirements at the five hearing centres, which by every measure are the least productive of the NICTS venues, created a capital expenditure liability of £450,000 to meet standards for disability access and an additional £200,000 plus of annual running costs. The NICTS has in fact spent £755,000 on the five hearing centres from 2007 to date. However, all options in the consultant's report, bar the 'do nothing' option, recommended closure of the hearing centres.

4.24 Since 2008 £2.8 million was invested in Ballymena, Lisburn and Newtownards; the consultant's report earmarked these venues for closure as early as 2015. In the absence of an agreed strategy, the ongoing risk was that the NICTS will continue to invest in properties that do not provide value for money. The NICTS and the DoJ need to decide on the feasibility of implementing the preferred option. In light of the very real funding difficulties the NICTS should develop an alternative strategy.





CHAPTER 5:

An alternative approach



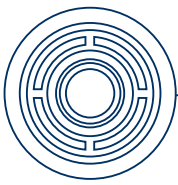
5.1 Although the NICTS has produced a comprehensive Strategic Outline Business Case, and has invested energy and commitment to establish a proposed way forward, it is now suffering from inertia in the face of the affordability issues. The DoJ has committed capital to major projects and it would be difficult to reprioritise these to fund the development of the NICTS estate. In discussion with NICTS and DOJ senior officials, Inspectors concluded that the prospect of significant additional funding being made available was unlikely. As concluded in the previous chapter, without significant additional funding it would not be possible to implement the preferred option and the NICTS should consider an alternative approach.

Strategic planning

- 5.2 In 2011 the NICTS aimed to move forward the development of the estate and established a Capital Investment Strategy Board, since incorporated into a Strategic Planning Group. Inspectors confirmed with NICTS Senior Management that in essence the NICTS initially aimed at delivering the preferred option identified by the consultants by using the annual capital budget to deliver a series of smaller projects over an extended timescale.
- 5.3 The table below outlines the major elements of the preferred option identified in the consultant's report.

Table 7: Timeline to implement preferred option

Preferred Option	2013	2014	2015
Three super courts and six satellites	Close old Town Hall. Build new courtrooms at Laganside PFI (5) and Londonderry (2).	Build new courtrooms at Antrim (2), Dungannon (3) and Newtownards (3). Close Ballymena, Bangor, Limavady, Magherafelt and Strabane.	Close Armagh, Craigavon, Downpatrick, Larne and Lisburn.



5.4 This appeared to Inspectors to be a very difficult proposition, as the affordability issues inherent in the preferred option cannot be overcome by simply extending the timeframe. Although some elements of the programme could be delivered, the larger scale capital projects (for example, new builds at Londonderry or North Down) would not appear possible given the available capital to the NICTS is around £2 million per annum. Another factor is that the larger capital elements of the project would span more than one spending review period with increased uncertainty that funding would be available throughout the programme of works. Alongside this, the use of end year flexibility is more centralised within the Northern Ireland block with an emphasis on delivering Programme for Government priorities, rather than departmental priorities. Combining the uncertainty of funding and the absence of guaranteed end year flexibility, creates a risk that adequate funds would not be available to complete the major works.

5.5 Rather than strictly adhere to a strategy that is not deliverable, the NICTS, through its Strategic Planning Group, should develop an alternative estate strategy that delivers those elements of the preferred option that are affordable

within the capital funding available to them. Complementing this, the Courts Service should develop individual business cases for new build projects in North Down and Londonderry targeting DoJ capital funding. The Department is undertaking a review of its estate and identifying opportunities for co-location of business areas is one main theme. This presents opportunities for the NICTS to prepare business cases for court venues that align with the DoJ Strategy. There is also the opportunity to utilise capital funding arising from in-year slippage in the larger DoJ projects. This would be subject to approval by the Agency Board, the DoJ and Department of Finance and Personnel.

5.6 Without being overly prescriptive, the Strategy should include consideration of expanding the PFI contract at Laganside providing Youth and Family Courts and a Tribunal Centre. This allows closure of Old Town Hall and Cleaver House. Utilising the NICTS annual capital budget the development of courts at Antrim and Dungannon in 2014 and 2015 could be funded. The Strategy should also recognise that the Newtownards and Craigavon Courts will have to be retained in the medium-term, although they should not be a priority for major investment.

Table 8: Possible timeline for an alternative strategy

New Strategy	2012-13	2014	2015	2016-20
Development of existing estate and bids for new build.	Extend PFI to build courtrooms at Laganside (5) and Tribunal Centre. Close Old Town Hall and Cleaver House.	Close Bangor, Larne, Limavady, Magherafelt, and Strabane. Build new courtrooms at Antrim (2), Coleraine (1).	Build new court rooms at Dungannon (3). Close Armagh.	Business cases for Londonderry and Newtownards replacements. Close Craigavon, Lisburn, Downpatrick, Ballymena.



- 5.7 **By the end of 2012 the NICTS should develop an estate strategy based on a series of individual projects that deliver those elements of the preferred option that are affordable within the capital funding available to the NICTS.**
- 5.8 **By the end of 2012 the NICTS should develop separate contingency business cases for development of the Londonderry and Newtownards court venues incorporating options to co-locate the functions of other DoJ agencies.**

The hearing centres

- 5.9 The low level of utilisation of the courts was previously discussed. In the context of the overall Strategy there is an opportunity to increase the efficiency of the current estate and rationalise the property portfolio without extensive capital investment. A brief analysis of the

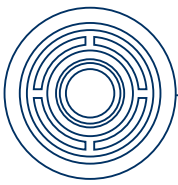
October to December 2010 quarterly statistics²⁶ showed the combined throughput in the five hearing centres represented less than 10% of total court business. To put it into perspective, achieving a minimum standard of four hours sitting time per court day across all the other Magistrates' Courts in Northern Ireland, would release the capacity to accommodate the work conducted in the hearing centres without a need to replace all the physical accommodation of the hearing centres. (The rationalisation of the courts in England and Wales includes an aim to raise utilisation to 80% across their estate with an average sitting time per day of 4 hours, 30 minutes.) The projected running cost of the hearing centres in 2012 is £672,000 per annum and closure would realise over £640,000 of savings per annum. There would be no staff losses as staff would manage the transferred business of the hearing centres at the major court venues.

Table 9: Relative utilisation of hearing centres

Court Venue	Court division	No. Cases received Oct to Dec 2010	% of Divisional Total	% of NICTS Total
Limavady	Londonderry	256	20%	1.9%
Magherafelt	Londonderry	266	21%	1.9%
Larne	Antrim	154	9.4%	1.1%
Bangor	Ards	377	26%	2.8%
Strabane	Fermanagh and Tyrone	286	12.6%	2.1%

²⁶ Magistrates' Court Bulletin October to December 2010, NICTS (NISRA).





5.10 **The NICTS should bring forward proposals to close the five hearing centres within two years of this report by transferring the work of these courts to other suitable court venues.**

Disposal receipts

5.11 Closing courts raises the possibility of disposal receipts. A professional valuation of the court estate was carried out in 2009 and the properties listed below were the only ones adjudged to have any alternative use value.

Table 10: Alternative use values as at March 2009

Court Venue	Alternative Use Value
Antrim	£1.75m - £2.0m
Laganside (rear site)	£1.50m - £2.0m
Coleraine	£1.75m - £2.0m
Craigavon	£1.50m - £1.75m
Dungannon	£1.25m - £1.75m
Lisburn	£0.5m - £0.6m
Newtownards	£1.0m - £1.25m
Strabane	£0.3m - £0.4m
Total	£9.55m - £11.75m

5.12 In the current climate these receipts are probably over estimates but in the longer-term receipts from Lisburn, Craigavon and Newtownards could contribute to the development programme.


Programme management

5.13 The creation of the Strategic Planning Group is aimed at providing a governance framework to deliver the benefits of the preferred option over an extended timeframe, cf Table 7 and paragraph 5.2. One consequence of delivering the capital works over an extended timeframe is the greater dependence on traditional design and build procurement as smaller scale capital builds do not deliver the economy of scale savings and transfer of risk that lend themselves to PPP/PFI solutions. The use of design and build will demand increased NICTS input to manage change, run the procurement process, manage contracts and provide programme management skills. The Strategic Planning Group should undertake a specific programme management role and allocate resources to fulfil this role. Allied to the programme and project management roles is a need for the Strategic Planning Group to manage post tender variations to contract.

5.14 **The Strategic Planning Group should incorporate a programme/project management role for capital works in its Terms of Reference and have a governance role in respect of any post-tender variations.**

Performance management and benchmarks

5.15 The Strategic Planning Group could also use comparative analysis of benchmarks and performance indicators across the estate. The individual metrics are known to the estates division and operational Managers but the Strategic Planning



Group is an opportunity to bring together the available data and use this as a driver in developing an estate strategy that delivers on efficiency as well as customer service. A simple analysis of the costs of Dungannon and Armagh Courts indicates relatively high costs being incurred per hour of court sitting time, £522 and £739 respectively. The National Audit Office found the average cost per hour of a sitting in a Magistrates' Court in England and Wales to be £215 per hour²⁷ and the average in Northern Ireland is £442 per hour; over double. These two courts also have low utilisation rates (47% and 27%) respectively and one option to improve efficiency is to transfer business to less used courts. The Strategic Planning Group should develop efficiency savings arising from the management of the estate to be delivered in the next three-year spending review period.

Tribunals

5.16 The transfer of responsibility for tribunals to the NICTS brought with it an addition to the courts estate in the form of freehold and a number of leasehold buildings. Some rationalisation of the estate had already commenced with a number of small tribunals relocating from their existing premises at Headline House and Castle Buildings, to more efficient space at Bedford House, Belfast. There remain further opportunities for consolidation amongst the tribunals, most notably the Tribunal Appeals Service and the Criminal Injury Compensation Appeals Panel (CICAP).

5.17 The long-term strategy is to create a Tribunal Centre on the Laganside Court complex. In the meantime there is the opportunity to relocate tribunal work to court venues. Court venues provide a wide geographic distribution, good access for disabled users, incorporate excellent security features and support the administrative features of tribunal work. Some users of tribunals expressed concerns that formal court surroundings were off-putting as they were identified with the criminal justice system. During site visits Inspectors noted that the NICTS had created less formal court facilities for use by tribunals in many courthouses, and these offered a high standard of accommodation. The NICTS should prioritise the use of court venues over hired premises for the hearing of tribunals.

5.18 **By end of 2012 the NICTS should prioritise the use of court room venues over leasing of premises for the hearing of tribunals.**

Jurisdictional boundaries

5.19 The five hearing centres (Magherafelt, Strabane, Bangor, Limavady and Larne) are by any measure the poorest venues in the NICTS portfolio. Further investment will not provide value for money as the venues cannot reach the required corporate standards without disproportionate spending. Although there are court venues with capacity to accommodate the transfer of business from these venues the current court divisions present an obstacle to transferring business from Magherafelt to Antrim and from Limavady to Coleraine.

²⁷ Crown Prosecution Service – Effective Use of Magistrates' Courts hearings; NAO HC 798 Session 2005-2006.



5.20 Historically Northern Ireland has been divided into County Court divisions and petty sessions (i.e. Magistrates' Courts) districts based on the boundaries for local Government districts (Appendix 7). Within a particular division, cases at Magistrates' Courts may be heard in any court but not in a court located in another division. Thus a case listed in Strabane Magistrates' Court may not be heard in Londonderry but must be heard in Omagh or Enniskillen. Similarly, a Magistrates' Court case may transfer from Larne to Antrim but not to Belfast. The irony of this arrangement is that travelling from Larne to Antrim on public transport requires a changeover whereas there is a direct rail and bus link to Belfast. An earlier consultation exercise went so far as to recommend retention of the venue at Larne due to the poor transport links with the alternative venue at Antrim.²⁸

5.21 These court divisions contrast with the single jurisdiction governing High Courts, Crown Courts and Coroners Courts' proceedings whereby a High Court, Crown Court or Coroners' Court can sit in any Court Division although the actual court room that may be used is dictated by the availability of, amongst other things, a jury room, the level of court business and public access.

5.22 On 1 March 2010, the NICTS published a consultation paper entitled '*Redrawing the Map – a consultation on court boundaries in Northern Ireland*'. The conclusion drawn from the consultation is that there is a broad measure of support for the principle of a single jurisdiction for County Courts and

Magistrates' Courts in Northern Ireland that is underpinned by flexible administrative arrangements. This presents an opportunity to review the physical infrastructure free from constraints imposed by statutory requirements. A single jurisdiction already exists for the Magistrates' Courts in England and Wales and preparations are now underway to create a single jurisdiction for the County Courts in England and Wales.

5.23 The DoJ, in collaboration with the NICTS, should advance proposals to create a single jurisdiction (supported by administrative arrangements) for both County Courts and Magistrates' Courts in the next suitable justice legislation.

²⁸ NICTS Consultation Document, Court Accommodation in Northern Ireland 2001-10.

Section



Appendices





Appendix 1: Terms of Reference and methodology

An inspection of the adequacy of the courts estate

Introduction

Criminal Justice Inspection Northern Ireland (CJI) proposes to inspect the adequacy of the Court Service Estate.

The court plays a fundamental part in any justice system. It is the duty of the Northern Ireland Courts and Tribunals Service (NICTS) to facilitate the working of the courts within a reasonable travelling distance of communities and ensure value for money. The size and shape of courts differ greatly from large court centres covering a number of jurisdictions to much smaller venues in small towns. The common thread between them all is their independence and their connection to the community they serve. An effective estate strategy will take into account changes in population, workload, transportation and communication links over time and seek to reflect these changes by providing a relevant and up to date court estate.

Context

Courts have not been immune to changes in the way justice is delivered and the demands of modernisation. The NICTS has not stood still with the introduction of increased usage of video link, the provision of special measures for vulnerable groups and compliance with disability legislation. However, these measures are not universally available across the entire estate and legacy infrastructure and limited funds hinders modernisation.


Meeting the changing needs of the local community and providing value for money are key elements of the NICTS focus on customer service. Adding this to the increasing financial pressures faced by all public service bodies and the need to maximise utilisation and realise value for money from the court estate is paramount. CJI will inspect the approach adopted by the NICTS to review its estate and the strategy and associated delivery plans and impact assessments used to provide suitable and cost effective infrastructure.

Her Majesty's Courts Service (HMCS) has recently undertaken a National Estate Strategy across England and Wales to review the utilisation of all courts and marry this to the longer-term usage of technology and alternative resolutions not requiring a court setting. Coupled with this HMCS are reviewing the Local Justice Area boundaries and introducing changes that will provide greater availability of Magistrates' skills and expertise to local communities. Although direct comparisons are not easily made the underlying processes and assessments used by HMCS will provide some benchmarks for the CJI inspection.

Aims of the inspection

The broad aims of the Inspection are to:

- Review the NICTS Estate Strategy and associated plans in the short-term (five years) and the long-term (25 years).

- 
- Review the management information and associated performance management metrics used by the NICTS to provide a suitable estate. Examples include:
 - workload/capacity of courts and court areas;
 - state of accommodation, Disability Discrimination Act, custody, facilities for other users, acknowledgment of proposed changes to the police estate and custody plans; and
 - longer-term demographics.
 - Assess the adequacy of the current estate using NICTS performance management metrics and comparison with benchmarks.
 - Look to lessons learned in other comparable jurisdictions exhibiting best practice.
 - Identify with the NICTS improvements to the performance management of the estate and make recommendations.
 - Discuss any emerging issues and consider inclusion in the inspection report.

Methodology

The following methodology is proposed.

- Desktop reading and review of NICTS strategies, procedures and plans for the estate.
- Research of other agencies' strategies and other reports relevant to this inspection.
- Consultation with the NICTS to develop the scope of the inspection, planning of fieldwork, handling emerging issues and developing the approach to the inspection.
- Structured interviews with relevant personnel, site visits to representative courts and consultation with other agencies as potential benchmark/best practice guidance.
- Discussion of emerging findings and feedback to agency.
- Drafting and refining of report.

Fieldwork will take place during April to August 2011 with agencies, dependent on the availability of key staff. Statistical and other information relevant to the inspection to be made available to CJI by the NICTS.

Design and planning

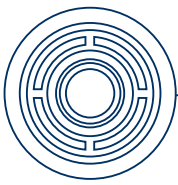
A preliminary meeting was held with the NICTS to flag up the imminent inspection and allow the NICTS to carry out an informal stock take of the relevant material they possess. A further meeting will be arranged to clarify the key information for the inspection, delivery of the relevant documents and arrangement to meet NICTS personnel.

Reporting and action plan

A draft inspection report will be produced by the end of August 2011 and shared with the NICTS for factual accuracy checking in line with existing protocols.

Publication and closure

Following factual accuracy checking by relevant agencies and internal CJI QA processes the final draft inspection report will be sent to the Minister of Justice seeking approval to publish. Once permission to publish has been received from the Minister a date of publication will be identified by CJI and communicated to the main agencies involved in the inspection and to the Department of Justice (DoJ). A report and covering letter will be sent by CJI to other agencies and stakeholders identified as needing sight of the report prior to publication. A press release will be prepared by CJI and will be shared with the agencies involved and with the DoJ.



Appendix 2: NICTS property portfolio

Building Name	Royal Courts of Justice
Address	Royal Courts of Justice, Chichester Street, Belfast
Post code	BT1 3JF
Building Type	Office Accommodation/Courthouse
Building Usage	Court Business
Building Age	1933

Building Name	Laganside Courts
Address	45 Oxford Street
Post code	BT1 3LL
Building Type	Office Accommodation/Courthouse
Building Usage	Court Business
Building Age	2001

Building Name	Mays Chambers
Address	Mays Chambers, May Street
Post code	BT1 3JL
Building Type	Office Accommodation/Courthouse
Building Usage	Court Business
Building Age	Unknown

Building Name	Newtownards Court Office
Address	Newtownards Court Office, Regent Street
Post code	BT23 4LP
Building Type	Courthouse
Building Usage	Court Business
Building Age	1968

Building Name	Bangor Courthouse
Address	Bangor Courthouse, 6 Quay Street, Bangor
Post code	BT20 5EA
Building Type	Courthouse
Building Usage	Court Business
Building Age	1850

Building Name	Downpatrick Courthouse
Address	Downpatrick Courthouse, English Street
Post code	BT30 6AD
Building Type	Courthouse
Building Usage	Court Business
Building Age	1855



Building Name	Derry Courthouse
Address	Derry Courthouse, Bishop Street
Post code	BT48 6PQ
Building Type	Courthouse
Building Usage	Court Business
Building Age	1813

Building Name	Limavady Courthouse
Address	Limavady Courthouse, Main Street
Post code	BT49 0EY
Building Type	Courthouse
Building Usage	Court Business
Building Age	1914

Building Name	Magherafelt Courthouse
Address	Magherafelt Courthouse, Hospital Street
Post code	BT45 5DG
Building Type	Courthouse
Building Usage	Court Business
Building Age	1871

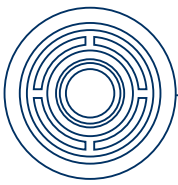
Building Name	Ballymena Courthouse
Address	Ballymena Courthouse, 9-13 Ballymoney Road
Post code	BT43 5EH
Building Type	Courthouse
Building Usage	Court Business
Building Age	1846

Building Name	Coleraine Courthouse
Address	Coleraine Courthouse, Mountsandel Road
Post code	BT52 1NY
Building Type	Courthouse
Building Usage	Court Business
Building Age	1989

Building Name	Antrim Courthouse
Address	Antrim Courthouse, 30 castle way
Post code	BT41 4AQ
Building Type	Courthouse
Building Usage	Court Business
Building Age	1994

Building Name	Larne Courthouse
Address	Larne Courthouse, Victoria Road
Post code	BT40 1RN
Building Type	Courthouse
Building Usage	Court Business
Building Age	1903



**Building Name** **Craigavon Courthouse**

Address Craigavon
Post code Central Way
Building Type Courthouse
Building Usage Court Business
Building Age 1986

Building Name **Lisburn Courthouse**

Address Lisburn Courthouse, Railway Street
Post code BT28 1XR
Building Type Courthouse
Building Usage Court Business
Building Age 1970

Building Name **Armagh Courthouse**

Address Armagh Courthouse, The Mall
Post code BT61 9DJ
Building Type Courthouse
Building Usage Court Business
Building Age 1809

Building Name **Newry Courthouse**

Address Newry Courthouse, 22 New Street
Post code BT35 6JD
Building Type Courthouse
Building Usage Court Business
Building Age 1901

Building Name **Omagh Courthouse**

Address The Courthouse, High Street, Omagh
Post code BT78 1UD
Building Type Courthouse
Building Usage Court Business
Building Age 1820

Building Name **Enniskillen Courthouse**

Address Enniskillen Courthouse, East Bridge Street
Post code BT74 7BP
Building Type Courthouse
Building Usage Court Business
Building Age 1821



Building Name **Strabane Courthouse**
Address Strabane Courthouse, Derry Road
Post code BT82 8DT
Building Type Courthouse
Building Usage Court Business
Building Age 1920

Building Name **Dungannon Courthouse**
Address Dungannon Courthouse, 46 Killyman Road, Tyrone
Post code BT71 6FG
Building Type Courthouse
Building Usage Court Business
Building Age 2001

Building Name **Old Town Hall building**
Address Old Town hall, 80 Victoria Street
Post code BT1 3SA
Building Type Office accommodation/Courthouse
Building Usage Court Business
Building Age 1870

Building Name **Bedford House**
Address Bedford House, Bedford Street (Overall)
Post code BT2 7DS
Building Type Office accommodation/Courthouse
Building Usage Court Business
Building Age Unknown

Building Name **Laganside House**
Address Laganside House, 23-27 Oxford Street
Post code BT1 3LA
Building Type Office accommodation
Building Usage Court Service HQ
Building Age Unknown

Building Name **Corn Exchange Building**
Address 2nd Floor, Corn Exchange Building, 31 Gordon Street
Post code BT1 2LG
Building Type Office Accommodation
Building Usage Criminal Injury Tribunals
Building Age Unknown





Appendix 3: Northern Ireland tribunals administered by the NICTS

Tribunals administered by Northern Ireland Courts and Tribunals Service

- Care Tribunal;
- Charity Tribunal Health and Safety Tribunals;
- Criminal Injuries Compensation Appeals Panel for Northern Ireland;
- Lands Tribunal;
- Mental Health Review Tribunal Northern Ireland Act (National Security Certificates) Tribunal;
- Northern Ireland Valuation Tribunal;
- Pensions Appeal Tribunals;
- Rent Assessment Panel;
- Social Security and Child Support Commissioners;
- Special Education Needs and Disability Tribunal;
- The Appeals Service;
- Traffic Penalties Tribunal; and
- Tribunal under Schedule 11 of the HSS (Northern Ireland) Order 1972.

Appendix 4: Fitness for purpose evaluation model

Categories	Ref	Criteria	Weighting	Overall Marks Available
Location (10%)	A	Within 15 mins walk of at least one form of public transport	40%	4.00
	B	Within 15 mins of at least one public car park	40%	4.00
	C	Close to local solicitors' offices	20%	2.00
	D	Quick and easy access for large custody vehicles	25%	2.50
	E	Quick and easy access for judges' vehicles	25%	2.50
Accessibility (25%)	F	Compliance with DDA legislation	25%	6.25
	G	Logical, well signposted space from main entrance to Courthalls and Courtrooms, and back to entrance/exits.	25%	6.25
Form and Layout (25%)	H	Civic presence – recognisable as a court to help engender respect for decisions.	20%	5.00
	I	Generous gathering space outside entrance.	10%	2.50
	J	Architecturally exciting	10%	5.00
	K	Approachable – no high security compounds and not visually oppressive	10%	2.50
	L	Segregated circulation routes to ensure separation	25%	6.25
Function (40%)	M	Natural ventilation and lighting	25%	6.25
	N	Capable of accommodating large flows of public	10%	4.00
	O	Ease of movement	10%	4.00
	P	Up to 12 courts all on one level; larger courts developed over 2-3 levels	10%	4.00
	Q	Simple form with clear sight lines to reduce vandalism	10%	4.00
	R	Number of consultation rooms per Court	15%	6.00
	S	Number of vulnerable witness rooms per Court	15%	6.00
	T	Provision of flexible space with an opportunity to adapt to future requirements	15%	6.00
U	Provision of raised floors and capacity to meet IT requirements throughout	15%	6.00	



Appendix 5: Evaluation criteria and assessment of short-listed options

Using the evaluation criteria and weightings explained below the NICTS scored the options. The three main court complexes, with or without satellite courts, emerged as the most attractive options.

Evaluation Criteria	Weighting
Provision of a fit for purpose estate	45%
Location of provision	30%
Ease of implementation of the solution	15%
NICTS identity	10%

Qualitative assessment of options (Benefits)

Criteria (objective)	Weighting and factor	Do minimum plus	Do minimum	Three super courts	Three super courts and six satellites	Seven venues based on NICTS divisions	Eleven venues based on proposed RPA regions
Provision of a fit for purpose estate	45%	9	18	45	40	31.5	22
Location of provision	30%	30	27	12	18	15	21
Ease of implementation of solution	15%	13.5	12	4	9	7.5	10
NICTS identity	10%	1	4	9	8	7	5
TOTAL	100%	53.5	61.0	70.0	75.0	61.0	58.0

The Net Present Costs of each option are given below. Not surprisingly the ‘do minimum’ option is the least expensive, although on a discounted basis the ‘do minimum – plus’ option is most expensive as it incorporates maintenance of most of the estate and capital works.



Quantitative assessment of options (Costs)

Option	Net Present cost £m	Variance to do nothing	Ranking
Do minimum	248.6	-	2
Do minimum plus	316.2	67.6	6
Three super courts	287.2	38.6	5
Three super courts and six satellites	276.8	28.2	4
Seven venues based on existing NICTS divisions	270.2	21.6	3
Eleven venues based upon RPA regions	240.3	-8.4	1

Combined assessment (Costs and Benefits)

Option	Net present cost (£m)	Benefits score	Ranking
Three super courts and six satellites	276.8	75.5	1
Eleven venues based on proposed RPA regions	240.3	59.0	2
Three super courts	287.2	70.5	3
Seven venues based on current NICTS divisions	270.2	61.0	4
Do minimum	248.6	53.5	5
Do minimum plus	316.2	61.0	6





Appendix 6: Review of courts in England and Wales

Bedfordshire, Hertfordshire and Thames Valley

Magistrates' courts

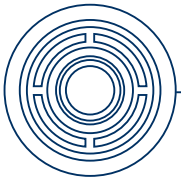
Current Local Justice Area	09/10 Courtroom hours available	09/10 hours of use	Courtroom utilisation 09/10 (a)	Magistrates' courts (courts in grey are to close)	Future Local Justice Area	Courtroom hours available	Hours of use (c)	Estimated courtroom utilisation (b)
Bedfordshire	17,152	13,085	76%		Bedfordshire	17,152	13,085	76%
Bedford and Mid Bedfordshire	7,233	4,877	67%	Bedford	Bedford and Mid Bedfordshire	7,233	4,877	67%
Luton and South Bedfordshire	9,919	8,208	83%	Luton	Luton and South Bedfordshire	9,919	8,208	83%
Hertfordshire	27,278	19,330	71%		Hertfordshire	28,476	25,163	88%
East Hertfordshire	4,960	3,757	76%	Hertford	East Hertfordshire	9,919	7,305	74%
North Hertfordshire	4,960	3,548	72%	Stevenage				
Central Hertfordshire	8,679	6,934	80%	St Albans				
West Hertfordshire	8,679	5,091	59%	Hemel Hempstead, Watford	West & Central Hertfordshire	12,399	12,025	97%
Thames Valley	60,361	40,575	67%		Thames Valley	79,292	59,835	75%

Notes a. Utilisation figures are taken from HMCS performance database 'One Performance Truth' April 2009 to March 2010. The full annual availability of one magistrates' court is assessed as 1239.9 hours.

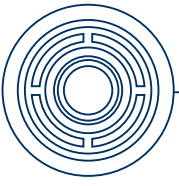


Appendix 7: Northern Ireland court divisions

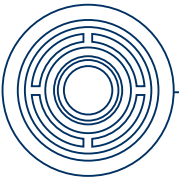
County Court division	Petty Sessions districts	Local Government districts	Courthouses
Antrim	North Antrim	Coleraine Ballymoney Moyle	Coleraine
	Ballymena	Ballymena	Ballymena
	Antrim	Antrim	Antrim
	Larne	Larne	Larne
Ards	Down	Down	Downpatrick
	Castlereagh	Castlereagh	
	Ards	Ards	Newtownards
	North Down	North Down	Bangor
Armagh and South Down	Armagh	Armagh	Armagh
	Newry and Mourne	Newry and Mourne	Newry
	Banbridge	Banbridge	Banbridge
	Belfast and Newtownabbey	Belfast Newtownabbey Carrickfergus	RCJ Laganside Old Townhall
Craigavon	Craigavon	Craigavon	Craigavon
	Lisburn	Lisburn	Lisburn
Fermanagh and Tyrone	East Tyrone	Cookstown Dungannon	Dungannon
	Omagh	Omagh	Omagh
	Strabane	Strabane	Strabane
	Fermanagh	Fermanagh	Enniskillen
Londonderry	Londonderry	Derry	Londonderry
	Limavady	Limavady	Limavady
	Magherafelt	Magherafelt	Magherafelt














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