House of Commons
Welsh Affairs Committee

Welsh prisoners in the prison estate: follow–up

Ninth Report of Session 2009–10

Report, together with formal minutes, oral and written evidence

Ordered by the House of Commons
to be printed 23 February 2010
The Welsh Affairs Committee

The Welsh Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Office of the Secretary of State for Wales (including relations with the National Assembly for Wales).

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Summary

There is a pressing need for more prison places in Wales. There are only four prisons in Wales, all of which are in South Wales. There is little provision for juvenile and young offenders, and there are no prisons at all for women.

The announcement of a preferred prison site on the former Dynamex Friction industrial site near Caernarfon raised expectations for people in North Wales that this need would be met. The local economic effect would also have been dramatic. We were disappointed when the Ministry of Justice withdrew from the site following the results of due diligence procedures, stating that it was not suitable for prison development. The withdrawal from the Caernarfon site also caused understandable disappointment in the area.

The Government has now announced its intention to consider alternative sites in regions across England and Wales, meaning that North Wales can no longer be assured of securing a prison. This is a backward step when there is a pressing need for the immediate creation of prison facilities in North Wales. The Government should give priority to identifying a site in North Wales. While the main requirement of a prison in North Wales would be to house male prisoners, we note that there is also a lack of places for female prisoners and young prisoners in North Wales. In the context of the Corston Review, we strongly support the development of alternatives to custody for women and young people. However this is an opportunity to create provision in North Wales for these groups, although ideally on a separate site.

There is a tension between the size of the prison needed to accommodate prisoners from North Wales and the Government’s intention to build prisons of 1,500 places. We do not believe that North Wales should be denied a prison it so badly needs due to a rigid policy on size on the part of the Ministry of Justice. We urge the Government to be flexible in its approach, which would be consistent with the considered views expressed in recent reports by the Justice Select Committee.

It is imperative that the Wales Office and the Welsh Assembly Government work with local government and local MPs to identify suitable sites for a new prison in North Wales. The Secretary of State for Wales must continue to impress upon the Ministry of Justice the need for a prison in North Wales.

While our observations about the need for additional prison places relate primarily to North Wales, where the situation is most acute, we note that there is a shortage of prison places for women and young prisoners in other parts of Wales and we call on the Ministry of Justice to bring forward proposals to address the shortfall.
1 Introduction

Background

1. The need for new custodial facilities in Wales has been clear to us for some time. In June 2007, we published a Report following an inquiry into Welsh prisoners in the prison estate, which recommended that “the National Offender Management Service draws up plans to develop new prison accommodation in North Wales. The prison should be medium sized (with at least 500 places)”. In response to that Report, the Government stated that “the strategic priority, at present, for new prisons for Wales is being assessed. This assessment includes the request for sites to be identified in North Wales for possible inclusion in a future building programme. The date set by the Government for final consideration is the end of August 2007”.

Announcement of a new prison site

2. Some time after our Report, on 5 February 2009, the then Prisons Minister, David Hanson MP released a press notice announcing that the 27-acre Dynamex site near Caernarfon had been chosen as the site for a new prison in north Wales. He said:

   This is an important announcement for the people of Wales. A new prison would help bring considerable economic benefits to this part of Wales as well as providing much needed additional places for us.

3. We warmly welcomed this announcement. However, just over six months later we received a letter from the Ministry of Justice, informing us it had decided not to go ahead with construction of the prison on this site. The letter stated that contamination of the land and the cost of construction had proved higher than expected: “Our due diligence procedures have therefore led us to conclude that the site does not lend itself to prison development and does not represent value for money for the taxpayer”.

Our inquiry

4. The decision not to proceed with the site near Caernarfon was a disappointment both to those working in the criminal justice sector in Wales and to local authorities and others who had hoped to see positive economic benefits from the construction of a prison. We are convinced that there is still an urgent need for prison facilities in North Wales. We therefore decided to reopen our inquiry and issued a call for written evidence on 13 October 2009. We received a number of submissions which are printed with this Report, including from the Ministry of Justice, the Wales Office, local authorities in Wales and those working in criminal justice. We raised this issue with the Secretary of State for Wales

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1 Welsh Affairs Committee, Third Report of Session 2006-07, Welsh Prisoners in the Prison Estate, HC 74
2 Welsh Affairs Committee, Welsh Prisoners in the Prison Estate, HC 74
3 Cm 7195
4 "Prisons Minister David Hanson announces new Welsh prison", Ministry of Justice press release, 5 February 2009
5 Ev 24
during our annual session scrutinising the work of his department on 27 October. On 8 December, we took oral evidence from Maria Eagle MP, Minister of State, Ministry of Justice and Mr John Aspinall, Director for Estate Capacity, National Offender Management Service.
2 The prison estate in Wales

5. There are only four prisons in Wales, all of which are in the south of the country. There is little provision for juvenile and young offenders, and there are no prisons at all for women. In June 2007, we published a Report, *Welsh Prisoners in the Prison Estate*, which addressed concerns about the holding of Welsh prisoners in prisons outside Wales, in many cases a long way from their homes.6 Our Report concluded that:

... new prison places should be provided in North Wales, where currently none exist, and in South Wales, where there is a high demand for places for male adult prisoners and, separately, for young offenders. New provision is also needed for juvenile offenders. We believe there should be a new approach to the treatment of female prisoners along the lines proposed by Baroness Corston in her report on vulnerable women in the prison system. This would include small, community-based residential units for female offenders offering a range of rehabilitation services, and small custodial units for those serving longer sentences.

The need for a new prison in North Wales

6. There is at present no custodial facility in North Wales. Evidence from the North Wales Criminal Justice Board reported that there are 718 prisoners from North Wales serving sentences over 12 months within the prison estate throughout England. No North Welsh prisoners are in a Welsh prison.7 The majority of male prisoners from North Wales are held at HMP Altcourse in Merseyside. Most recent records indicate that around 300 Welsh prisoners are held there.8

7. The Minister of State with responsibility for prisons at the Ministry of Justice, agreed that there was a shortfall of around 800 places for prisoners in North Wales.9 Our 2007 Report had recommended:

... the development of new prison facilities in North Wales for male prisoners, including young adult offenders (aged 18-20) and remand prisoners. This would enable prisoners to maintain better contact with their families and communities, and assist their resettlement on release. It would improve the efficiency and effectiveness of those agencies working with prisoners, in particular the probation service, by reducing the resources they devote to travelling to prisons outside Wales, and it would create a more cohesive and effective criminal justice system for Wales at a time when a single administrative unit for the courts service in Wales is being created.10

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7 Ev 30
8 Ev 28
9 Q 70
8. The evidence we received during this follow-up inquiry was unanimous in its support for these recommendations, highlighting “compelling arguments for the creation of prison facilities in North Wales”. These emphasised reduced prisoner transport times and improved accessibility for support workers and probation officers as well as family and friends. A number of submissions highlighted a recurrent overnight homelessness problem, when offenders released from a prison some distance from home are unable to access housing services:

By the time they have travelled from Altcourse to Liverpool Railway Station, commuted through several train changes and arrived in many towns in North Wales, it is too late to register for housing, and they become homeless on their first night back home [...] If there were a prison in North Wales then all the Welsh agencies would be able to provide the appropriate support from within the walls of the prison, ensuring that the offender had the best support from release, thus helping to prevent re-offending opportunities/temptation.

9. We also heard that Welsh language provision was currently inadequate. The North Wales Criminal Justice Board notes that “Despite 95% of North Wales's male adult prisoners being sent initially to HMP Altcourse, there is still only one Welsh-speaking staff member, the Chaplain”. The Prisons Minister acknowledged that:

… our capacity to deal with the medium of Welsh in the system across the whole of the country is certainly not developed; there is more that we need to do. Clearly having a prison in North Wales would enable us to focus some of the extra support that would assist in that respect in the place where it is needed. I think that would be one of the advantages of us being able to find a place in North Wales that we could use to build more capacity.

10. In addition, a new prison would bring significant employment benefits to the region. Mr John Aspinall, Director for Estate Capacity, National Offender Management Service told us that a 600 to a 900-place prison could provide around 400 full time equivalent jobs and a contribution of £7 million to the local economy.

11. The North Wales Criminal Justice Board concluded that:

Since the last submission, the case for a North Wales prison has increased, as we are now sentencing more offenders to custodial sentences, despite reviewing the sentencing options to identify alternative methods of punishing the offenders [...] a prison in North Wales would help all the criminal justice agencies, and other
partners to provide a far more effective service to the offenders, and to ensure a smooth passage back to their community with support packages readily in place.  

The call for a new prison to be built in North Wales was also strongly supported in evidence from the Wales Office and the Welsh Assembly Government.

**Provision for female offenders in Wales**

12. Our evidence suggested that a new North Wales prison could be linked with provision of same site facilities for women prisoners and/or young offenders. Only a small number of women from North Wales (around 35) are currently in custody. Women prisoners from North Wales are held at either HMP Styal in Cheshire (around 15 prisoners) or HMP Drake Hall in Staffordshire (around 20 prisoners). In our 2007 Report, we noted that “Imprisonment far from home harms both female prisoners and their children”, and recommended that:

... new custodial centres for women be provided in Wales of the smaller, community-based type recommended by Baroness Corston. As a minimum, two such units should be established, one in North Wales and one in South Wales.

Evidence submitted to this inquiry by the Public and Commercial Services Union noted that:

Welsh mothers and babies serve their sentences within units in England, and the average distance adult women in prison were held from their home or committal court address is 57 miles. In 2007, around 800 women were held over 100 miles away.

13. In its evidence, the National Offender Management Service (NOMS), an arm of the Ministry of Justice, told us that it is investigating alternatives to custody for vulnerable women who are not serious or dangerous offenders, investing £15.6 million over two years. This includes grant funding to The Women’s Turnaround Project (Safer Wales Ltd), launched in November 2007 with the aim of providing women offenders and those women at risk of offending in Wales with a multi-agency, community-based service that addresses their individual risks and needs. Services include advice on a range of issues including: legal issues, housing, education and training, employment, families and relationships, health, finance and substance misuse. The project is also part of the Intensive Alternative to Custody pilot and provides court assessments on women at risk of short term custodial sentences who appear before particular courts in Dyfed Powys and South Wales. The grant funding will build on the Women’s Turnaround Project team and enable development of

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17 Ev 30
18 Ev 36, Ev 38
19 Ev 21
20 Q 3
21 Ev 28
22 Ev 33
the project across West Wales. Funding will also be used to open a ‘physical’ one stop shop in Cardiff Bay.23

**Young offenders**

14. The majority of young offenders from North Wales are held at Stoke Heath Young Offender Institute in Shropshire (around 70 offenders), while HMP Parc, Bridgend, South Wales, has a unit with a capacity for 64 young people under 18.24 Parc Prison is Wales’s only generic training prison. In our 2007 Report, we recommended that:

NOMS, in partnership with the Welsh Assembly Government, should examine the evidence for the effectiveness of prison education and training programmes which is emerging from work commissioned by the Government following the Report of the Education and Skills select committee, and consider how the findings can be applied in Wales. They should identify any gaps in evidence relating specifically to Wales and, if necessary, commission further research.25

15. Evidence submitted to this inquiry by the Public and Commercial Services Union argued that the training and educational opportunities available at HMP Parc are insufficient to meet demand:

... HM Chief Inspector of Prisons [...] found some improvements, but that it was under-resourced for its training role. There were only 70 education spaces for its 1,200 prisoners and only 289 work places. Some of these were in contract workshops with too few opportunities to gain work-related skills; and at any one time, there were at least 400 officially unemployed prisoners. Many of those in the contract workshops were in fact unoccupied.

Inspectors also found “staff still lacked the training and confidence to engage positively with prisoners or challenge them”. There were particular failings in diversity with few staff or managers having been trained so that “they lacked cultural awareness and were reluctant to challenge racial issues and name-calling” and a common theme in private prisons is that indiscipline is prevalent “use of force among young adults was high, reflecting the level of fights and assaults”.26

16. There is no current custodial provision for young offenders in North Wales. The North Wales Criminal Justice Board told us that:

NOMS are now producing reoffending information for all probation areas, and we have noted that in North Wales we are seeing a higher reoffending rate than in many areas, particularly those with community prisons [...] From the research we have started to do into the reasons why we have high reoffending rates, we have identified, that a number of prisoners who are a long way from North Wales actually commit

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23 Ev 28
24 Ev 28
26 Ev 33
offences within the prison they are in, due to the fact our area cannot support them as well as we could if we had a North Wales prison.27

The submission notes that “On average each person is 93 miles away from their home area, against a YJB [Youth Justice Board] target of no more than 50 miles”.

17. Evidence from the Youth Justice Board provided an update on developments since our 2007 Report, including the introduction of a revised governance structure and strategy and increased resources.28 The Board is aiming to increase the number of places available for young offenders in secure accommodation in North Wales. However funding for this has not yet been secured.29

The need for additional capacity in South Wales

18. Whilst the need for more prison places is particularly acute in North Wales, South Wales is also suffering from under-capacity. Evidence from the Public and Commercial Services Union states that, of the 20 most overcrowded prisons in England and Wales, three were Welsh prisons, namely HMP Swansea (second most overcrowded) with 395 prisoners although designed for 230 men, HMP Usk (sixth most overcrowded) with 256 prisoners and 153 places, and HMP Cardiff (fifteenth most overcrowded) with 797 prisoners and 548 places.30

19. In its evidence, NOMS acknowledges that “there is a strategic need for additional prison places in Wales. The most recent analysis of the prisoner population suggests that the total shortfall of places in Wales is currently 1,500 places in total, with a shortfall of around 700 places in South Wales and 800 places in North Wales”.31 In oral evidence, the Minister, in accepting the need for a prison in North Wales, stated:

The only way that we can address that completely satisfactorily is to build more provision in Wales, which is why we accept that there is a need, particularly in the north. As the Committee will know, we are extending places at Parc which will help deal with some of the shortfall in places in South Wales, but that does not really help the North Wales’ situation. The only way we could do that properly would be to find a suitable site and build, as we are hoping and planning to do, in North Wales.32

NOMS notes that a planned expansion at HMP Parc, Bridgend, will reduce the shortfall in South Wales by 330 places, with the potential for a further 138 places. This will still leave a shortfall of over 200 places in South Wales.

27 Ev 30
28 Ev 39
29 Ev 39
30 Ev 33
31 Ev 28
32 Q 4
Conclusion

20. The conclusions of our 2007 Report still stand. There is a pressing need for more prison places in Wales. This need is particularly acute in North Wales, where there are at present no custodial facilities. We also note that provision for female prisoners and young offenders is lacking across Wales. In the context of the Corston Review, we strongly support the development of alternatives to custody for women and young people. However, this is an opportunity to create provision in North Wales for these groups, although ideally on a separate site.
3 The Caernarfon site

Choice of site

21. The Ministry of Justice was the lead department in selecting and consulting on a new prison site in North Wales. Following our 2007 Report, the Ministry of Justice wrote to the Wales Office in August 2008, stating that four Welsh sites had been shortlisted for development. On 5 February 2009, David Hanson MP, then Minister of State in the Ministry of Justice, announced the 27-acre former Dynamex Friction industrial site near Caernarfon as the preferred site for a new prison in Wales.

22. The Caernarfon site was chosen over four possible sites including one in Wrexham at the Firestone factory. Giving evidence, the Minister said:

   We have a list of criteria against which sites are measured and we compare them in that way. This decision was made before I was the Minister in charge of this […] But that is the normal process; we have a list of criteria and we weigh up sites against it.

23. The Director for Estate Capacity at the National Offender Management Service told us that the choice had been between the Wrexham and Caernarfon sites, which scored much higher than their nearest competitors:

   The Wrexham site I think scored slightly higher than the Caernarfon site and the differences were about things to do with being in the green belt, things about how close to the urban area; but they were both good scores. Some of the factors being considered were the distances in relation to courts, some of the Welsh language issues and the issues about support or not depending on community views, because David Hanson, the former Minister, ran the national public debate and got a lot of information about views about the different sites. So there was a whole lot of information to come to that decision.

24. The February 2009 announcement of the Caernarfon site stated that the timing of building the new prison had not been determined, but that preliminary negotiations would be opened with Bluefield Caernarfon Ltd., the current owners of the site, and that a planning application would be prepared in consultation with Gwynedd Council. The letters sent to interested parties stated that acquisition of the site would be subject to satisfactory negotiations with the owners, confirmation that contamination on the site would not seriously inhibit any prison development, and a successful application for outline planning permission.
Due diligence process

25. In a letter to our Chairman, the Minister of State said that she had withdrawn from the Dynamex site because “Our due diligence procedures have […] led us to conclude that the site does not lend itself to prison development and does not represent value for money for the taxpayer”. This announcement came as a surprise to us, as well as to the Secretary of State for Wales, who told us that “To be perfectly frank, the fact that the due diligence did not allow the prison construction to proceed on that site was a big surprise to me and to all of us”. We therefore asked the Prisons Minister for further details of the due diligence process and when exactly it had become obvious that the site was not suitable for prison development. She told us that the due diligence process:

… threw up issues which were more serious than had been anticipated. For example, we knew that there was contamination on the site before the announcement in February but we did not have a full picture that the remediation necessary was much more extensive than had been thought; that the costs of that remediation were much higher; and some of the environmental and legal issues which the due diligence process exposed were much more serious than had been anticipated. So consequently once we looked much more closely it became apparent to us that the site in fact was not suitable for prison development in the way in which we had hoped it would be ...

The Minister provided us with copies of the due diligence reports which the Ministry of Justice had commissioned. These included a draft environmental report by WS Atkins, environmental consultants, dated May 2009. Mr John Aspinall, Director for Estate Capacity at the National Offender Management Service told us that the report advised that “we would have to remove that contaminated material off site and that is quite a big earthworks operation to do that. That is why the remediation cost is so high”, and a legal report by Pinsent Masons which concluded that the way in which the ownership of the site was divided into parcels was legally complex. Mr Aspinall explained that it had indicated:

… if you had unlimited time and money it is not impossible to resolve all these issues. It would take months, if not years to resolve them. And I tested them on a level of complexity with zero as the simplest and ten as the most complex and they said that eight was the kind of number that they were thinking of in terms of complexity. So there is an awful lot of detail behind some of these parcels [of land] that can make it very difficult.

26. In contrast, evidence submitted by Bluefield Caernarfon Ltd., the prospective vendor of the site, stated that they had discussed issues relating to contamination, legal ownership of the land and the suitability of the site with the Ministry of Justice at an early stage and that “during the due diligence process the MoJ implied that they were satisfied with these

37 Ev 24
38 Evidence to the Welsh Affairs Committee on the Wales Office Annual Report 2009, 27 October 2009, Q 25, HC 1075-i, Session 2009-10
39 Q 12
40 Q 16
41 Q 20
individual issues or had extensive knowledge and information of the key issues”. Bluefield also argued that the level of remediation required by the Ministry of Justice “was based on cleaning the site to ‘greenfield’ standards which depending on the site’s end use could be considered as excessive”. It also noted that other options for site development were being investigated, including housing. However the Director for Estate Capacity at the National Offender Management Service said that the remediation necessary for a large prison covering most of the site would be more extensive than the remediation required for more flexible development for residential or retail purposes:

That [prison] layout intrudes into the landfill site and that is principally the difference. As soon as we have to go in there and excavate the landfill site then we have to do all the remediation, is what it amounts to. Different developments would not necessarily have to go into that part of the site or do that kind of remediation.44

27. Our evidence suggests that one of the main sticking points in negotiations between Bluefield and the Ministry of Justice was the price for the site. In her evidence, the Minister said that:

... the guide price and the price which the landowners suggested that they were looking at was between £12 million and £24 million. Our technical and legal advice was that with the remediation necessary to make the site suitable to build the prison that the land value was in fact negative, so we were a very long way away, the owners of the site and ourselves, from even being in the same ballpark in respect of the value.45

In supplementary written evidence, the Minister added:

...following the failure to agree on the value of the site, the Valuation Office Agency (VOA) were instructed to carry out an independent assessment of its value. Taking into account the estimated cost of full remediation and demolition costs required for prison development of a minimum of £10.3m, the VOA estimated a significant negative value for the site of between - £5.7m and -£7.9m.46

28. In contrast, Bluefield told us that a guide price for the site had been discussed at an early stage and that no objections had been raised: “BCL rightly or wrongly believed that the MoJ had addressed and understood all of these issues. If the issues were of such a concern the MoJ had the ability and time to enter into meaningful discussions with BCL or our engineers prior to any official announcement”. The submission concluded that, as the landowner, Bluefield was disadvantaged by the need to take the site off the market during the due diligence process. In its submission, which is printed with this Report, Bluefield
strongly criticised the thoroughness of the Ministry’s due diligence process in this and other respects.\textsuperscript{49}

**Announcement of site**

29. The announcement for the preferred prison site raised expectations for the people in Wales, especially those in North Wales, where the local economic effect in the area alone would have been dramatic with an estimated boost of £7 million and a possible 400 full time jobs. When giving evidence the Minister admitted that:

> I think with hindsight the fact that we announced the preferred site ahead of due diligence—although the announcement did make it clear that the choosing of the site was subject to due diligence working out satisfactorily—I do accept that announcing the preferred site in the way in which we did raised expectations that we would be building on that site ...\textsuperscript{50}

The Secretary of State for Wales commented:

> I was really pleased about it and it had universal support. It was really disappointing when we were told — I was personally told by the Minister of State — that due diligence had shown that actually the site in Caernarfon was not suitable and I have had correspondence with the honourable member for Caernarfon on this matter. It was extremely disappointing.\textsuperscript{51}

30. In retrospect, the announcement of a preferred site for a new prison in North Wales, on 5 February 2009, could be described as premature in light of the fact that due diligence had not been concluded. There had been no substantive negotiations with the owners of the site. We welcome the Minister’s acknowledgment that the announcement had raised expectations for the people of North Wales that a prison would be built on the site, and that withdrawal from the Caernarfon site has caused disappointment in the area.

\textsuperscript{49} Ev 15  
\textsuperscript{50} Q 11  
\textsuperscript{51} Evidence to the Welsh Affairs Committee on the Wales Office Annual Report 2009, 27 October 2009, Q 22, HC 1075-i, Session 2009-10
4 Current Site Search

New site search announcement

31. In December 2007, Lord Carter’s Review of Prisons\(^{52}\) recommended that the Government implement a package of measures to increase the capacity of the prison estate and reduce the projected need for new prison places. The review recommended new ‘titan’ prisons to hold 2,500 prisoners each. On 27 April 2009, the Justice Secretary announced plans to abandon the three proposed 2,500 place ‘titan’ prisons in favour of five 1,500 place prisons, to be privately built and operated, and to be completed by 2014. Sites for two of these prisons in London and Essex have already been identified.\(^{53}\)

32. A site search for the remaining prisons was announced on 27 October 2009, to be conducted in areas of greatest strategic need, including North Wales. The Minister for Prisons stated:

… we are starting a fresh search for sites on which to build new 1,500 place prisons. This search will be more open and transparent than previous searches and we will be asking local authorities, landowners and other interested parties to identify potential sites. We will look across the country for sites to serve areas with greatest demand for prisons places. The search will be focused on London, the North West, North Wales and West Yorkshire. Finding the most appropriate place for a new prison is of paramount importance. They should be located in those areas where there is the greatest need, areas where the greatest number of prisoners come from.\(^{54}\)

33. In evidence to us, the Minister repeated that the new site search would be “more open and more transparent” than the previous process.\(^{55}\) Acknowledging that withdrawing interest in a site after raising expectations that a prison would be built could cause “disappointment”,\(^{56}\) the Minister clarified how the new search would be undertaken:

… we will be announcing a shortlist of sites, doing due diligence on all of them which will cost three or four times as much for us […] But we hope that by doing this we will be clearly able to actually build a prison on one of them with all the benefits that that will bring for us and for the area that we finally choose.\(^{57}\)

The Minister agreed that proposals for new prisons could “at first be controversial” and that once a site was identified, “consultation with local MPs, local authorities and residents will be undertaken”.\(^{58}\)

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\(^{52}\) Securing the future: Proposals for the efficient and sustainable use of custody in England and Wales, December 2007

\(^{53}\) Ev 28

\(^{54}\) HC Deb, 27 October 2009, col 10WS

\(^{55}\) Q 88

\(^{56}\) Q 84

\(^{57}\) Q 82

\(^{58}\) HC Deb, 27 October 2009, col 10WS
**Criteria for new site**

34. In its supplementary evidence, the Ministry of Justice provided the criteria against which sites would be assessed:

- Site with 35 acres developable area (or larger if not capable of 4 storey development);
- No clear impediments to achieving planning permission for a prison;
- Available for sale and without site assembly issues;
- Sufficiently flat developable area;
- Suitable shape for development;
- Security not compromised by overlooking from adjoining land uses;
- Previously developed/Brownfield site;
- Close to or within large urban conurbations, both for addressing closeness to home and accessing an available pool of labour;
- Within one hour road journey time (peak) of key courts serving the key location in the region;
- Good access to public transport and motorways/trunk roads;
- No significant rights of way or other third party rights;
- Ground conditions such that no abnormal costs expected during development, i.e. not marsh/flood plain;
- No or manageable contamination;
- Possible to connect to water/sewage/gas/electricity without unreasonable cost;
- No known major factors relating to adjoining land that could prejudice development.59

35. Anglesey County Council stated that in addition to these criteria:

We would appreciate further information from the Ministry of Justice on their prison site requirements, including in particular the utility services needs, so that these and other relevant technical issues can be checked.60

36. **We are disappointed that, having withdrawn from the site in Caernarfon, the Government has now announced its intention to consider sites in regions across England and Wales. This is a backward step when there is a pressing need for the**

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59 Ev 26
60 Ev 12
immediate creation of prison facilities in North Wales. The Government should give priority to identifying a site in North Wales.

**North Wales prison capacity**

37. Based on the UK average of about 1.4 prisoners per 1,000 population, it is estimated that the North Wales area generates roughly 949 prisoners in total (all categories). The Minister acknowledged that the new bids would be for sites with the capacity for a 1,500 place prison and acknowledged that there was no need in North Wales, on its own, for a prison of this size.

38. Nevertheless, witnesses commented that it would be possible for North Wales to support a prison of 1,500 places by other means. Denbighshire County Council stated:

... it may be possible to create a critical mass by not looking only at male prisoner numbers. Accommodating independent women and young offender units on the same site for Wales’ domiciled offenders would free up potentially around 1,500 spaces in England.

It further suggested:

Secondly, within only 30 to 40 miles of the site identified in Denbighshire [...] are the conurbations of Chester, the Wirral, Liverpool and Merseyside. To make up numbers it may be necessary to transfer into the North Wales prison a relatively small number of prisoners originating from these nearby English border areas.

39. The Minister commented that there was “clearly potential” for a prison to sit on the border between North Wales and the North West to get the 1,500 capacity, and that this was a possibility that could be considered:

Whenever one has criteria and trying to build capacity of something like a prison there is never any one site that is 100% absolutely perfect that meets absolutely all of the criteria 100%. There is always a balancing act of competing demands. So we would expect in respect of any site for it to be very good on some of the criteria and perhaps not quite as perfect in respect of others. Choosing the shortlist of sites is a process of trying to maximise the benefit that one is looking for in respect of all of those criteria when weighed against each other.

40. **There is a tension between the size of the prison needed to accommodate prisoners solely from North Wales and the Government’s intention to build prisons of 1,500 places. We do not believe that North Wales should be denied a prison it so badly needs due to an inflexible policy on size on the part of the Ministry of Justice. We welcome the Minister’s commitment to look at different options and urge the Government to be**
flexible in its approach to finding a solution, which would be consistent with the considered views expressed in recent reports by the Justice Select Committee.

**Co-ordination and co-operation**

41. Within North Wales, the Minister stated that the Government was looking at sites in, or near to Conwy, Denbighshire, Flintshire, Gwynedd, Isle of Anglesey, and Wrexham. She confirmed that she had currently received 4 bids from sites in North Wales, including Rhosgoch in Anglesey, the Firestone site on the Wrexham Industrial Estate, and Greengates Farm, St Asaph in Denbighshire, and were “looking for as many as people wish to offer”. We received evidence from the Isle of Anglesey County Council, Wrexham County Borough Council and Denbighshire County Council specifying how they meet the “physical, locational, operational, and potential town planning requirements for a new prison site”.68

42. The Minister commented that she welcomed a co-ordinated effort from North Wales, with “local organisations who have an interest in this—landowners, public authorities—putting their heads together and coming up with the best sites”. She further stated:

> I know that the North Wales Criminal Justice Board has been trying to draw people together; the Welsh Assembly Government and the Wales Office have shown a great interest in this which we appreciate. If the outcome is that we can have some sites that might better meet our criteria that we might actually be able to build on, I would be very happy with that.70

43. Dr Brian Gibbons, then Minister for Social Justice and Local Government in the Welsh Assembly Government, told us that following the Government’s initial decision to identify suitable sites for a prison in North Wales in 2008, the Welsh Assembly Government had “provided assistance in these site searches”. This assistance would continue to be provided to the Ministry of Justice during the current search for a site.72

44. While the Wales Office was consulted as part of the public debate on a prison in Wales, and expressed support for a new prison,73 it informed us that it had “no direct input” into the Ministry of Justice’s consultation for an initial site in 2008. In August 2008, the Secretary of State was informed of the four shortlisted Welsh sites, but following this:

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66 Ev 26
67 Q 74
68 Department of the Environment, Transport and the Regions (DETR) circular 03/98
65 Q 85
69 Q 85
70 Ev 38
71 Ev 38
72 Ev 38
73 Ev 26
74 Ev 36
The Wales Office was not formally notified of the selection of the former Friction Dynamics/"Ferodo" site at Caernarfon as the preferred site. It was not involved in the due diligence process undertaken on the site.75

The Ministry of Justice commented that the due diligence procedure was a “matter for NOMS”.76

45. The Secretary of State for Wales was told of the Minister’s decision to withdraw interest from the Caernarfon site on 22 September, with the decision announced the following day. The Minister confirmed that between her appointment in June and the communication in September there was no contact with the Secretary of State:

… but you have to remember that I came into the job when the due diligence was all going on and so my own contact with him was to tell him what the decision was in respect of what the outcome of the due diligence had been and what the implication of that was for our interest in the site.77

46. In evidence to the Committee on the Wales Office Annual Report, the Secretary of State outlined the discussions the Wales Office had had with the Minister for Prisons following the decision not to build on the Caernarfon site:

Wayne David, Parliamentary Under Secretary of State for Wales, met with the Minister for Prisons to discuss a new round of site search on 22 October [2009]. At that meeting he reiterated the Wales Office’s view that a new prison in North Wales would be beneficial to the area, both for the good management of offenders from the area—particularly those who speak Welsh, and for the economic benefits it would bring.78

47. Following the announcement of a new site search, the Minister of Prisons wrote to the Secretary of State for Wales and the First Minister regarding the site search, and “invited […] help in finding suitable sites”.79 The Minister acknowledged that engagement with the Wales Office and the Secretary of State was in contrast to the previous selection of the Caernarfon site, and that it was sensible to make use of the knowledge of officials in the Wales Office and the Assembly:

It is certainly my style as a Minister to always try and engage with those who have an interest in respect of what can be controversial developments […] The new process is an attempt to try and be more open and more transparent.80

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75 Ev 36
76 Ev 26
77 Q 91
78 Evidence to the Welsh Affairs Committee on the Wales Office Annual Report 2009, 27 October 2009, HC 1075 – i, Session 2009-10
80 Q 88
48. We urge landowners and public authorities to work together to identify suitable sites for a prison in North Wales. We welcome the co-ordinating role played by the North Wales Criminal Justice Board.

49. The Wales Office and the Welsh Assembly Government must work with local government to identify suitable sites for a new prison in North Wales. We also see a role for North Wales MPs to join with the Secretary of State for Wales and the First Minister to promote such engagement. We are reassured that the Secretary of State continues to impress upon the Ministry of Justice the need for a prison in North Wales.
5 Conclusion

50. We are disappointed that, having withdrawn from the site in Caernarfon, the Ministry of Justice has now announced its intention to consider sites in both England and Wales, meaning that North Wales can no longer be assured of securing a prison site. This is a backward step when all parties recognise the need for the immediate creation of prison facilities in North Wales. We are also concerned at the apparent mismatch between the size of prison needed to accommodate prisoners solely from North Wales and the Government’s intention to build prisons of 1,500 places. There is a pressing need for more prison places in Wales. This need is particularly acute in North Wales, where there are at present no custodial facilities. The Ministry of Justice must adopt a flexible approach that makes that possible.

51. We note that provision for female prisoners and young offenders is lacking across Wales. In the context of the Corston Review, we strongly support the development of alternatives to custody for women and young people. However this is an opportunity to create provision in North Wales for these groups, although ideally on a separate site.

52. It is imperative that the Wales Office and the Welsh Assembly Government work with local government and local MPs to identify suitable sites for a new prison in North Wales. The Secretary of State must continue to impress upon the Ministry of Justice the need for a prison in North Wales.
6 Conclusions and recommendations

The prison estate in Wales

1. The conclusions of our 2007 Report still stand. There is a pressing need for more prison places in Wales. This need is particularly acute in North Wales, where there are at present no custodial facilities. We also note that provision for female prisoners and young offenders is lacking across Wales. In the context of the Corston Review, we strongly support the development of alternatives to custody for women and young people. However, this is an opportunity to create provision in North Wales for these groups, although ideally on a separate site. (Paragraph 20)

Announcement of site

2. In retrospect, the announcement of a preferred site for a new prison in North Wales, on 5 February 2009, could be described as premature in light of the fact that due diligence had not been concluded. There had been no substantive negotiations with the owners of the site. We welcome the Minister’s acknowledgment that the announcement had raised expectations for the people of North Wales that a prison would be built on the site, and that withdrawal from the Caernarfon site has caused disappointment in the area. (Paragraph 30)

New site search announcement

3. We are disappointed that, having withdrawn from the site in Caernarfon, the Government has now announced its intention to consider sites in regions across England and Wales. This is a backward step when there is a pressing need for the immediate creation of prison facilities in North Wales. The Government should give priority to identifying a site in North Wales. (Paragraph 36)

4. There is a tension between the size of the prison needed to accommodate prisoners solely from North Wales and the Government’s intention to build prisons of 1,500 places. We do not believe that North Wales should be denied a prison it so badly needs due to an inflexible policy on size on the part of the Ministry of Justice. We welcome the Minister’s commitment to look at different options and urge the Government to be flexible in its approach to finding a solution, which would be consistent with the considered views expressed in recent reports by the Justice Select Committee. (Paragraph 40)

5. We urge landowners and public authorities to work together to identify suitable sites for a prison in North Wales. We welcome the co-ordinating role played by the North Wales Criminal Justice Board. (Paragraph 48)

6. The Wales Office and the Welsh Assembly Government must work with local government to identify suitable sites for a new prison in North Wales. We also see a role for North Wales MPs to join with the Secretary of State for Wales and the First Minister to promote such engagement. We are reassured that the Secretary of State
continues to impress upon the Ministry of Justice the need for a prison in North Wales. (Paragraph 49)
7 Formal Minutes

Tuesday 23 February 2010

Members present:

Dr Hywel Francis, in the Chair

Nia Griffith
Mrs Siân James
Mr David Jones

Alun Michael
Hywel Williams

Draft Report (Welsh prisoners in the prison estate: follow-up) proposed by the Chairman, brought up and read.

Ordered, That the Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 52 read and agreed to.

Summary agreed to.

Resolved, That the Report be the Ninth Report of the Committee to the House.

Ordered, That the Chairman make the Report to the House.

Written evidence ordered to be published on 24 November and 15 December was ordered to be reported to the House for printing with the Report.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned until Tuesday 2 March at 10 a.m.]
Witnesses

Tuesday 8 December 2009

Maria Eagle MP, Minister of State, Ministry of Justice and Mr John Aspinall, Director for Estate Capacity, National Offender Management Service

List of written evidence

1. Letter from Abenbury Community Council to Councillor Aled Roberts, Wrexham County Borough Council  Ev 11
2. Written evidence from Isle of Anglesey County Council  Ev 12
3. Written evidence from Bluefield Caernarfon Limited  Ev 15
4. Written evidence from Denbighshire County Council  Ev 21
5. Letter from Maria Eagle MP, Minister of State, Ministry of Justice, to the Chairman  Ev 24
6. Written evidence from Maria Eagle MP, Minister of State, Ministry of Justice  Ev 24
7. Further written evidence from Maria Eagle MP, Minister of State, Ministry of Justice  Ev 25
8. Supplementary written evidence from Maria Eagle MP, Minister of State, Ministry of Justice  Ev 26
9. Supplementary written evidence from Maria Eagle MP, Minister of State, Ministry of Justice  Ev 27
10. Written evidence from the National Offender Management Service, Ministry of Justice  Ev 28
11. Written evidence from the North Wales Criminal Justice Board  Ev 30
12. Written evidence from Public and Commercial Services Union  Ev 33
13. Written evidence from Rt Hon Peter Hain MP, Secretary of State, Wales Office  Ev 36
14. Written evidence from Wrexham County Borough Council  Ev 37
15. Written evidence from Dr Brian Gibbons AM, Minister for Social Justice and Local Government, Welsh Assembly Government  Ev 38
16. Written evidence from The Youth Justice Board for England and Wales (YJB)  Ev 39
List of unprinted evidence

The following memoranda have been reported to the House, but to save printing costs they have not been printed and copies have been placed in the House of Commons Library, where they may be inspected by Members. Other copies are in the Parliamentary Archives, and are available to the public for inspection. Requests for inspection should be addressed to The Parliamentary Archives, Houses of Parliament, London SW1A 0PW (tel. 020 7219 3074). Opening hours are from 9.30 am to 5.00 pm on Mondays to Fridays.

Three maps of the proposed site, submitted by the Ministry of Justice
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Oral evidence

Taken before the Welsh Affairs Committee
on Tuesday 8 December 2009

Members present:
Dr Hywel Francis, in the Chair

Nia Griffith
Mr David Jones
Mr Martyn Jones
Alun Michael

Witnesses: Maria Eagle MP, Minister of State, Ministry of Justice and Mr John Aspinall, Director for Estate Capacity, National Offender Management Service, gave evidence.

Q1 Chairman: Good morning and welcome to the Welsh Affairs Committee inquiry on Welsh prisoners in the Prison Estate. Minister, could you introduce yourself and your colleague please?

Maria Eagle: Good morning, Chairman. I am Maria Eagle, the Minister of State, the minister responsible for prisons in the Ministry of Justice; and I have John Aspinall with me and I will leave him to say what it is that he does.

Mr Aspinall: I am the Director of State Capacity in the National Offender Management Service.

Chairman: Thank you very much for that. I will ask Nia Griffith to ask the first question.

Q2 Nia Griffith: Welcome to the Committee. Can I ask you first of all, do you accept the need for a prison in North Wales?

Maria Eagle: We accept that there is a shortage of spaces in North Wales for prisoners, offenders who are sent to prison from North Wales and we accept that across Wales as a whole there is a shortfall of about 1,500 places; so there are 1,500 fewer places than there are prisoners with Welsh addresses who have been sent into custody; so, yes.

Q3 Nia Griffith: Do you accept that South Wales may have other solutions that would be worth exploring, particularly for vulnerable women, which could be rolled out from a different source, perhaps?

Maria Eagle: Indeed we do accept that and we have had a policy over the last two years, since Jean Corston’s report into vulnerable women in prison, of trying to divert those who are not serious or dangerous offenders from custody where that is appropriate. I am the champion for women in the common law justice system and my department, led by my push on this, has been providing money for new community provision that we hope will enable sentencers to have confidence that where it is not necessary to send vulnerable women to prison there are alternatives in the community to which they can send them instead. Only 3% of women prisoners are categorised as high risk of harm as opposed to 11% of men. So whilst obviously some women offenders are dangerous and do need to be sent to prison, many are not and we believe that alternative provision is appropriate. There is alternative provision which we fund in South Wales, the Women’s Turnaround Project, and we are starting to fund some developing provision in North Wales as well that we hope would enable us to take forward that policy. There are only a very small number of women from North Wales who have been sent into custody at present, Chairman, of the order of about 35 or so—it varies from day to day, but a small number.

Q4 Alun Michael: Could I take up one other general issue about prisoners in Wales or prisoners from Wales before we come to some more specific issues? Parc Prison is Wales’ only generic training prison and I am sure you would agree that education and training is essential to reducing the likelihood of reoffending by prisoners once they are released. What that means is that Welsh prisoners very often have to go outside Wales in order to have educational opportunities. How are you addressing that issue for the future?

Maria Eagle: The only way that we can address that completely satisfactorily is to build more provision in Wales, which is why we accept that there is a need, particularly in the north. As the Committee will know, we are extending places at Parc which will help deal with some of the shortfall in places in South Wales, but that does not really help the North Wales’ situation. The only way we could do that properly would be to find a suitable site and build, as we are hoping and planning to do, in North Wales.

Q5 Alun Michael: There are also quite important issues about the way that prisons operate and the role of the prison officer, which have been raised in the Justice Select Committee’s recent report. Is that something you feel likely to be able to respond to positively, particularly, for instance, the educational opportunity for prison officers?

Maria Eagle: Obviously I gave evidence to the Justice Committee and read their report with interest, and obviously we want to respond as positively as we can to the points that they made. Clearly one of the most important influences on offenders once they are in custody is the people that they deal with on a day-to-day basis—the prison officers and staff inside the prisons—and one of the
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keys to success in people turning their lives around is those relationships. So it is important, we accept fully, that they are as positive as possible and as informed as possible and as well trained as possible to do as good a job as possible. I do think that there have been big improvements over the last few years in this respect, particularly in terms of offender learning where we have seen a 15-fold increase in sentences people can go into officer learning, where we have enabled offenders now to do proper, real qualifications instead of in the past, before the Offender Learning and Skills Service went into our prisons, quite often people would do courses that did not lead to qualifications and that were not recognised outside, and that is not as helpful in terms of reducing re-offending and giving people an opportunity to turn their lives around whilst they are in custody as providing a provision which actually is recognised outside. Some of the changes we are now proceeding to make to our offender learning provision—there are constraints with short sentences, people can’t finish learning, even if they are available—will assist with that because we are moving to much more modular arrangements which will allow people who are even perhaps remanded for a short period of time to do some work towards a module, towards a qualification that actually they will be able to take away with them and it will mean something elsewhere. That, I think, is entirely positive.

Q6 Hywel Williams: Very briefly, how is offender training through the medium of Welsh provided? For example, computer training in my area requires you to be able to work through the medium of Welsh, so is that provided for? Secondly, offender training for young offenders? There was possibly an inaccurate report in the local press of a young man from my constituency who could scarcely speak English, as a young offender being held in England and his Welsh medium education therefore being interrupted. That is just one case and I would not want to argue anything from that, but perhaps you can give some evidence on this.

Maria Eagle: Of course I am happy to take up any individual instances where Members come across that kind of thing because that is clearly a concern and a big issue for that individual. I do think that it would be fair to say, Chairman, that our capacity to deal with the medium of Welsh in the system across the whole of the country is certainly not developed; there is more that we need to do. Clearly having a prison in North Wales would enable us to focus some of the extra support that would assist in that respect in the place where it is needed. I think that would be one of the advantages of us being able to find a place in North Wales that we could use to build more capacity.

Q7 Mr Martyn Jones: Minister, could a prison built in North Wales provide a boost to the economy and how many job opportunities would it create?

Maria Eagle: Prisons do provide a boost to local economies. One of the reasons is because they provide jobs and the jobs that they provide are usually recruited locally—the vast majority are recruited locally. And because the entire system is expanding it is not as if we would be moving people from somewhere else—we are recruiting in that respect to our new prisons, and clearly it is best to recruit locally. So there would be the economic impact of good, pensionable jobs depending on the size of the prison. The number of staff that one would have is directly related to the size of the prison and so the bigger the prison—this is a crude way of putting it—the more jobs that will be created. We would be able to provide the Committee with calculations—I do not know if John has them with him—that indicate the economic impact that we would foresee from different sized prisons. Obviously we are looking to build prisons of approximately 1,500 at present. So we would be very happy to provide the Committee with that. As well as the jobs we do of course procure other services and some of those would also be likely to come from local business. John, do you want to add anything?

Mr Aspinall: Just as a rough ballpark figure for a 600 to a 900-place prison something like 400 full time equivalences and we think about £7 million in the local economy.

Q8 Mr Martyn Jones: Mark Polin, the new Chief Constable in North Wales, has expressed some concerns about the need to visit inmates for reasons of justice—to collect them for interview and so on. Also many of the population speak Welsh, as has been mentioned already. Have you met with him to discuss the logistic of handling inmates in this way?

Maria Eagle: I have not met with him. I do not know whether or not any of my officials have had contact. I doubt it, would be my answer; but I can certainly check.

Mr Aspinall: Not that I am aware.

Q9 Mr Martyn Jones: But you are aware obviously of the problems of picking people up.

Mr Aspinall: We are conscious of prisoners in North Wales that the average distance is about 70 miles, which is a lot higher than other distances; so we are conscious of that issue as we look for the new site in North Wales.

Q10 Mark Williams: Can I turn now to the emergence of the Caernarfon site and then with its withdrawal. The Caernarfon site was selected from four possible sites, which included one in Wrexham at the Firestone factory. Why initially was Caernarfon chosen over the Wrexham option?

Maria Eagle: We have a list of criteria against which sites are measured and we compare them in that way. This decision was made before I was the Minister in charge of this and so I do not have any personal knowledge of the precise nature of the comparison that was made. But that is the normal process; we have a list of criteria and we weigh up sites against it. John might like to add something in respect of this particular site search.

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Mr Aspinall: The Wrexham site I think scored slightly higher than the Caernarfon site and the differences were about things to do with being in the green belt, things about how close to the urban area; but they were both good scores. Some of the factors being considered were the distances in relation to courts, some of the Welsh language issues and the issues about support or not depending on community views, because David Hanson, the former Minister, ran the national public debate and got a lot of information about views about the different sites. So there was a whole lot of information to come to that decision.

Q11 Mark Williams: None the less, the announcement was made on 5 February regarding the new prison and that announcement, the release of that press release had been made before the substantive negotiations at least had happened with the owners of the site. Expectations were dramatic—I think excitement would be the word—in parts of Wales at the announcement and that was unfortunate, wasn't it?

Maria Eagle: I think with hindsight the fact that we announced the preferred site ahead of due diligence—although the announcement did make it clear that the choosing of the site was subject to due diligence working out satisfactorily—I do accept that announcing the preferred site in the way in which we did raised expectations that we would be building on that site, yes.

Q12 Hywel Williams: Minister, you say in your letter to our Chairman that the Dynamex site "does not lend itself to prison development". Could you explain what you mean by that?

Maria Eagle: Yes. Our due diligence process which commenced after the site was announced was subject to due diligence—threw up issues which were more serious than had been anticipated. For example, we knew that there was contamination on the site before the announcement in February but we did not have a full picture that the remediation necessary was much more extensive than had been thought; that the costs of that remediation were much higher; and some of the environmental and legal issues which the due diligence process exposed were much more serious than had been anticipated. So consequently once we looked much more closely it became apparent to us that the site in fact was not suitable for prison development in the way in which we had hoped it would be and that was why in September we made the decision we did to withdraw our interest in the site. There was also an issue with price and with the value for money issues, as well as those extra liabilities and technical issues that the due diligence process threw up.

Q13 Hywel Williams: Bluefield Caernarfon, the company, is now looking at further options, including housing and leisure.

Maria Eagle: Yes.

Q14 Hywel Williams: I do not expect you to answer on their behalf, of course, but how can they be doing that if it is not acceptable as a prison site? I might even ask you would you be happy to buy a house there?

Maria Eagle: I am going to ask John to come in and give you some technical reasons why that might be, but just to say generally that the prison development would cover most of the entire part of the site and we believe that the remediation that would be necessary for that would be more extensive than the remediation that would be necessary for careful development in other ways of things like residential and retail; but perhaps I can ask John to give you some fuller details.

Mr Aspinall: We provided copies of the suitable site and I do not know if that is helpful or not. What that shows is the prison layout in relation to the site.3

Maria Eagle: I hope that Members have seen these maps because we sent them over specifically to assist Members in their consideration of this.

Q15 Chairman: Yes, we have them.

Maria Eagle: There are three different maps.

Mr Aspinall: We have a map showing the parcels of land, a map showing some of the constraints and then we have a plan at the bottom showing the layout that we developed before the announcement in February, to show how we could accommodate a 600 or a 900-place prison on the site. That layout intrudes into the landfill site and that is principally the difference. As soon as we have to go in there and excavate the landfill site then we have to do all the remediation, is what it amounts to. Different developments would not necessarily have to go into that part of the site or do that kind of remediation.

Q16 Hywel Williams: From the third map, clearly it does not say a huge amount but that would mean that the engineered landfill site on the left hand side of the second map would have to be excavated rather than capped—I think was one of the options.

Mr Aspinall: Atkins are advising us that as we have put the layout above both of the landfill areas we would have to remove that contaminated material off site and that is quite a big earthworks operation to do that. That is why the remediation cost is so high.

Q17 Alun Michael: Just a quick question: surely that would affect the price of the site rather than ruling it out?

Maria Eagle: Yes, but the guide price and the price which the landowners suggested that they were looking at was between £12 million and £24 million. Our technical and legal advice was that with the remediation necessary to make the site suitable to build the prison that the land value was in fact negative, so we were a very long way away, the owners of the site and ourselves, from even being in

3 Not printed
the same ballpark in respect of the value. We did have a process whereby we were very open with the landowners; we told them the assumptions that had been made about value. They asserted the value that they believed was correct but were not as open as we might have hoped in respect of telling us the basis upon which they valued the land and the way in which they did it.

Q18 Alun Michael: It was not the condition of the land as such; it was a dead end in terms of there being anywhere to go in terms of value?

*Maria Eagle:* It was not only that because there was a mixture of more serious problems in respect of the land and our legal advice suggested that some of the ownership issues—you will see, for example, the map that is headed “Site Ownership Parcels” that there are a number of parcels. The landowners told us that they owned one parcel—that is the Bluefield parcel, the big parcel that is edged purple—and controlled the other parcels, the Lendline parcel and Trevor’s parcel. In fact there were other legal constraints in respect of those two parcels which made it a much more complicated legal issue than had been anticipated originally. If Members can see that pink line between the Lendline parcel and part of the Bluefield parcel, which if we look at the map of our prison layout would be right in the middle of the site that is unregistered land of unknown ownership; so there is a quite complicated legal issue there. Clearly we would not want to build something across that and then have an owner arrive who told us that it was theirs. So this was a much more complicated legal, technical and environmental issue than we had hoped it would be at the beginning of the process.

Q19 Hywel Williams: Did you have any information from Bluefield as to the potential ownership of that piece of land? It seems strange to me that they might be offering a site to you without telling you clearly who owns all of it. Did you enter into negotiations with Bluefield at all?

*Mr Aspinall:* Before the announcement was made we knew from Bluefield that they owned one parcel—that is the Bluefield parcel, the main Bluefield parcel, and that their language was that they had “control” over the other two parcels; so they had options on the other two parcels. That is what we knew. After the announcement we appointed Pinsent Masons to look at a lot of the legal issues and then this is the information that has come out as part of that process in terms of some of the conditions that are attached to various parcels on the site.

Q20 Hywel Williams: Would you in the normal course of events when acquiring parcels of land actually enquire about what “control” means before making an announcement?

*Mr Aspinall:* It was one of those things that we needed to investigate and sort out. It is often true of a development that there are options on plots of land, to pull all that together. If I could quote what Pinsent Masons said to me about the level of complexity here, which was that if you had unlimited time and money it is not impossible to resolve all these issues. It would take months, if not years to resolve them. And I tested them on a level of complexity with zero as the simplest and 10 as the most complex and they said that eight was the kind of number that they were thinking of in terms of complexity. So there is an awful lot of detail behind some of these parcels that can make it very difficult.

Q21 Hywel Williams: Can you therefore address the point that Bluefield claim that no negotiations took place about the price of the site?

*Mr Aspinall:* There was an awful lot of discussion about the value after the announcement and in our processes our valuers talked to Bluefield and talked to their valuers and it was quite a robust process of discussion. After two or three months we were not really getting very far and that was the moment when we appointed the District Valuer to come in and try and do an independent valuation. The idea would be that having come to a view about the valuation we could either make an offer or not make an offer on price—but based on that information.

Q22 Hywel Williams: At what point, therefore, did you come to the conclusion that it did not represent value for money? Can you give us a date?

*Maria Eagle:* We came to that conclusion just before we announced that we were not pursuing our interest in the site. Ministers would have had advice from officials about where we were with all of these issues and took a decision that we announced pretty swiftly after having made the decision in September that we now did not believe it was possible or value for money to build a prison on that particular site because of these added complications thrown up by the due diligence process.

*Mr Aspinall:* The valuation given to us by the District Valuer was a significantly negative sum.

*Maria Eagle:* The District Valuer—to give you the numbers—valued the site at minus £5.7 million to minus £7.9 million. That would have taken account of the full remediation and demolition costs as our own due diligence process suggested we required in order to build a prison. The guide price that BCL were looking for was between £12 million and £24 million and there is a significant difference.

Q23 Hywel Williams: They make the point and they say that it is no more contaminated than any other brownfield site, and I understand that prisons are usually built on brownfield sites, are they not? They also say that they offered to clear the waste and also to accept any liability into the future if you came to an agreement about price. Is that the case or not?

*Maria Eagle:* They did make various offers to remediate the land but we had no common understanding between us about what remediation meant. They meant remediation of a certain kind. Our technical advice and legal advice was very strongly that the remediation that was needed was much more extensive. This is a complex site in terms of its contamination. It might assist the Committee
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for Mr Aspinall to go through some of the contamination that there is on this site, if you wish to hear how complicated it is.

**Mr Aspinall:** In the Lendline parcel there is asbestos. There is an engineered cell where asbestos was placed in trenches. There are other things in there—phenols. We have had methane being monitored. There is a whole range of contaminants—we could give a list of what has been found. The sorts of remediation that our consulting engineers were proposing was excavating about 60,000 cubic metres of material and taking it offsite, and I think the nearest site that we could take it to was somewhere like Chorley in Lancashire. This was a very expensive operation. That was not the only thing we had to do. So it was the scale of the remediation that led to such a lot of cost.

**Q24 Hywel Williams:** The impression I had been given previously was that the cost effective and acceptable solution was just to cap it where it was, rather than to remove it. Was there a change in opinion within your department from the time previous to the announcement to when you came to your final decision? Did you change your minds from capping to the removal?

**Mr Aspinall:** No. We were told before the announcement in February that remediation would be less than £1 million. After we had started our due diligence, after the announcement is when our consulting engineers came up with the scale of what that remediation would have to be. We accept that this is the remediation needed for a prison development and there may be other developments that do not need that level of remediation; but it is clear from the plan of the prison that we need to go into that area and as soon as you need to go into that area you need to excavate the foundations and all sorts of things and we have to address then the issue of the contamination that is in there.

**Q25 Hywel Williams:** So who told you it would be £1 million?

**Maria Eagle:** The owners of the site estimated that that is what the remediation would cost, and this was before we had done our due diligence in the detail in which one would expect us to do it if we were going to spend millions of pounds building a prison on the site.

**Q26 Mr David Jones:** Returning to the issue of due diligence work, if we look at the timescale here I think that the Ministry first approached the owners of the land in the summer of 2008; is that not right?

**Maria Eagle:** That sounds about the right time.

**Mr Aspinall:** I think we had four meetings with them before the announcement, yes; I think beginning in the summer.

**Q27 Mr David Jones:** And there was a further meeting at the Marriott Hotel in Liverpool on 10 December; were you present at that meeting?

**Mr Aspinall:** I was not but there were NOMS officials at that meeting.

**Q28 Mr David Jones:** That was I think probably the most substantive meeting in terms of agreeing that you would progress the potential acquisition of this site from the landowners; is that not right?

**Mr Aspinall:** There are file notes of those meetings and my understanding of that meeting is that the main issue was to confirm that BCL was still willing to sell the site. That was the main issue at the meeting.

**Q29 Mr David Jones:** At that stage officials from the Ministry were provided with a CD which contained a copy of a site investigation that had been undertaken on behalf of the landowners.

**Mr Aspinall:** Some information, yes, but that was the WSP site investigation and that site investigation was just for the Bluefield parcel and not for the Lendline parcel.

**Q30 Mr David Jones:** So that did not relate to the most contaminated area of the site, is that right?

**Mr Aspinall:** No, we did not get that information until after the announcement—it was part of the due diligence process, that is my understanding of what we were provided.

**Q31 Mr David Jones:** The due diligence work was organised on your behalf by Atkins and we have been provided with a copy of a draft report dated May 2009.

**Mr Aspinall:** Yes, that is the report.

**Q32 Mr David Jones:** This is clearly not the final copy, given that it is called the draft report—there must have been a later report, is that right?

**Mr Aspinall:** I am not aware that there was a later copy, given that it is called the draft report—there have been provided with a copy of a draft report dated May 2009.

**Q33 Mr David Jones:** So you relied upon the draft report?  

**Mr Aspinall:** We relied on that report, is my understanding.

**Q34 Mr David Jones:** As the final copy. 

**Mr Aspinall:** It is quite normal to be given a copy of a report with “draft” on it.

**Q35 Mr David Jones:** I am not making any criticism of that. That is dated May 2009.

**Mr Aspinall:** Yes.

**Q36 Mr David Jones:** So as far as the Ministry was concerned, as far as the physical characteristics of the site were concerned this was the report upon which you relied in deciding not to proceed with the acquisition?

**Mr Aspinall:** That was part of the package. The other issues were from the Pinsent Masons’ advice—

**Q37 Mr David Jones:** Sorry, before we get on to that—Pinsent Masons dealt with the legal issues.

**Mr Aspinall:** Yes but they also advised on some of the environmental liabilities attached to what was found in the Atkins’ report.
Q38 Mr David Jones: I understand. So this was dated May and you did not make your announcement that you were not proceeding until September.
Maria Eagle: That is right.
Mr Aspinall: There was a whole series of gathering information together that came in at different dates, and then putting advice together.

Q39 Mr David Jones: I think that after this report was received by you there was a meeting between you, Minister, and your officials and representatives of the landowners at your office?
Maria Eagle: Indeed. I met the landowners at their request because I thought it would be impolite not to and there was a meeting in my office in London, yes, ahead of the final decision having been made.

Q40 Mr David Jones: That was in August.
Maria Eagle: It was in early August I recall; I could provide the Committee with the precise date.

Q41 Mr David Jones: During the course of that meeting you gave no indication to the landowners that you were not proceeding with the acquisition of the site.
Maria Eagle: The decision had not been made at that stage; I made it clear to them that the decision had not been made and told them that I would get back to them as soon as a decision had been made.

Q42 Mr David Jones: You had, according to your memorandum, announced on 27 April that five new 1,500-place prisons would be built by 2014.
Maria Eagle: Yes.

Q43 Mr David Jones: Were those over and above the 800 or so places that would be available at Caernarfon?
Maria Eagle: The commitment that we are proceeding to meet in various ways, including building and extending existing prisons is to get to 96,000 places by 2014; so all of our developments at present are a part of the plan to get to that level.

Q44 Mr David Jones: What I am trying to ascertain is how an 800-place prison in Caernarfon would fit in with that overall scheme that you have just mentioned. Would they be superfluous to requirements, taking into account the decision to construct five new 1,500-place prisons in April 2009?
Maria Eagle: No. They would have made a contribution, had they been able to build on that site, say, to that commitment to 96,000 places and it would have had the merit of enabling us to provide places in North Wales where there is currently an acknowledged shortfall.

Q45 Mr David Jones: So on that basis had you proceeded with the 800-place prison in Caernarfon would it have been the case that you would then have been looking for maybe another prison of similar size and four 1,500-place prisons?

Q46 Mr David Jones: So on that basis are you telling the Committee that you would have been pursuing an 800-place prison in Caernarfon and another five 1,500-place prisons?
Maria Eagle: I think it is perfectly possible that we would have been doing that, yes.

Q47 Mr David Jones: Surely you are in a position as Minister to say whether it was the case or not? It is not a question of what was possible; what was your intention?
Maria Eagle: The intention is to get to 96,000 places by 2014 in various ways and to enable us to withdraw some of our older unsuitable places across the estate in England and Wales that we would rather not keep people in at present. There are various different ways in which one might get to that level by the fixed date. My capacity building programme, led by John and his team, has various schemes underway at any one particular time, some of which happen and some of which do not.

Q48 Mr David Jones: So it is not the case, you are saying, that you had a change of policy which rendered an 800-place prison in Caernarfon redundant and surplus to requirements?
Maria Eagle: No.

Q49 Mr David Jones: Thank you.
Maria Eagle: That was not a part of our decision-making process. The reason why we decided to withdraw our interest in this particular site, as I have said, is because of the legal and technical value for money issues that our due diligence exposed about this particular site.

Q50 Mr David Jones: Were any soil tests carried out on the land?
Maria Eagle: You mean as part of the due diligence process?

Q51 Mr David Jones: Yes.
Maria Eagle: We did not carry out soil tests and I would like John to explain to the Committee why.
Mr Aspinall: We looked at the WSP work that had been done where they had carried out trial pits window sampling on the site and Atkins referred to the work that Mott MacDonald’s soil mechanics had done on the landfill site. So we already had information from existing soil surveys.

Q52 Mr David Jones: When did you get the Mott MacDonald information?
Mr Aspinall: After the announcement in February as part of our due diligence process.
Q53 Mr David Jones: And who provided that to you?
Mr Aspinall: It would have been provided by BCL I presume.

Q54 Mr David Jones: By the landowners?
Mr Aspinall: Yes, presumably. Lendline are the owners of the site.

Q55 Mr David Jones: By the prospective vendors?
Mr Aspinall: I am presuming, yes.

Q56 Mr David Jones: So you had the WSP information relating to the factory site and the Lendline land in December?
Mr Aspinall: No, sorry—

Q57 Mr David Jones: Was that not part of the CD that was provided to you?
Mr Aspinall: We had the information in December about WSP; we did not have the Mott MacDonald soil mechanics information until after the announcement.

Q58 Mr David Jones: That is right. So you had the WSP information in December?
Mr Aspinall: We did.

Q59 Mr David Jones: And subsequently after the announcement in February you had the Mott MacDonald information?
Mr Aspinall: Yes, it is Mott MacDonald's soil mechanics. There were soil surveys taken out as part of both of those ground investigations and Atkins relied on looking at those soil investigations. We had some concern about going on to the site. Clearly it would have taken some weeks; it might have delayed the decision-making. There were also issues about future liabilities of us going into that site and disturbing it as there is a minor aquifer under the site and we were concerned about potential liabilities that might have arisen if we had gone on there and done intrusive surveys. And effectively we knew a lot of information from all the ground investigation.

Q60 Mr David Jones: And a lot of information was provided to you as long ago as December.
Mr Aspinall: The WSP information but most of the contamination issues are associated with the landfill, which we did not have until after the announcement.

Q61 Mr David Jones: Some £324,000 plus VAT has been spent on exploring this site in terms of due diligence work; is that right?
Mr Aspinall: That is not an accurate figure. The actual expenditure to date on due diligence is £228,261 plus VAT. The figure you quote is a figure given by the department in freedom of information, which was compiled last year and it took—to try and be as open as possible—our full budget for the due diligence work in respect of this site, and not all of that has been spent in fact.

Q62 Mr David Jones: Who was that money paid to? Clearly Atkins, but who else?

Maria Eagle: That money was paid to Pinsent Masons for the work they did in respect of the legal ownership and legal issues and environmental issues; to Lambert Smith Hampton, our land agents and valuers; to Atkins, our environmental team of people; and to the Valuation Office Agency who did the independent valuation of the value of the land.

Q63 Mr David Jones: Are you able to provide the Committee with a breakdown of that?
Maria Eagle: Yes.4
Mr David Jones: Thank you.

Q64 Albert Owen: If I can move forward to potential bids for the future. You have given a previous response to a question there about where you see the prison estate in the future. Specifically with North Wales how many bids have you received so far?
Maria Eagle: I believe we have had at least four, although that may not be the entirely up-to-date position. As the Committee knows, we have asked landowners in four large areas across England and Wales to come forward with sites that they might like to offer up. I think that we have had some 30 or so potential sites suggested to us across those four areas and the last time I looked we had four in respect of North Wales. We are very happy to receive more.

Q65 Albert Owen: Just clarification on something you touched on. You are looking for bids for a capacity of 1,500?
Maria Eagle: Yes.

Q66 Albert Owen: You are no longer considering 600 to 900 as a possible site in North Wales?
Maria Eagle: We are looking at present for bids for a 1,500-place prison and those are the sites we are looking to; we are looking to have the capacity within any site that we consider for that size of prison.

Q67 Albert Owen: And it would be a single build; it would not be a phased development?
Maria Eagle: It would be a single build. Many of our prison sites have space in which further building can take place and in fact some of the extension to our capacity that we have been able to produce over the last few years has been building new house blocks within existing prison walls, for example. So it is prudent for us at present to look for sites that have the capacity to be expanded.

Q68 Albert Owen: What specific information are you asking for at this early stage? Is it expressing an interest in the overall site?
Maria Eagle: Indeed. We have a list of the sorts of criteria that we will be considering. We want sites of at least 35 acres, and there is a list of criteria which I am very happy to provide to the Committee if that would be helpful.5 There is nothing in it that the Committee would find unusual, I do not think, and

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I would be very happy to provide that full list of criteria against which we will be assessing sites that come forward.

Q69 Albert Owen: Bidders in North Wales have obviously responded to that but are there bidders close to North Wales, in the North West of England, for example, that will be considered alongside them? Maria Eagle: We have identified four areas where the biggest gaps are in terms of having prison capacity that is relatively close to home for offenders from those areas, and that is North Wales and the North West, Yorkshire, West Yorkshire and basically London. So North Wales and the North West abut and so in that sense, depending on sites that come forward, there is clearly potential to sit on the border or to be closer to the other one. There are various connotations which one might consider, depending upon the sites that are offered up. We are not going out grabbing people’s land; we are asking landowners to come forward and put sites to us and in that respect it is dependent upon what comes forward.

Q70 Albert Owen: But would you accept that there is not the need in North Wales on its own for a 1,500 prison capacity? Maria Eagle: Yes. The shortfall in North Wales is about 800.

Q71 Albert Owen: And we hope that that does not expand too much, as North Wales MPs! But the serious point is that there are cross-border issues here that we have developed as a Committee in many different areas and obviously we looked at the prison estate in Wales in itself, and obviously the flow across which happens now we want to negate. Do you see a flow coming from the North West as well as a possibility to get that 1,500 capacity that you are looking for? Maria Eagle: That would be possible. Whenever one has criteria and trying to build capacity of something like a prison there is never any one site that is 100% absolutely perfect that meets absolutely all of the criteria 100%. There is always a balancing act of competing demands. So we would expect in respect of any site for it to be very good on some of the criteria and perhaps not quite as perfect in respect of others. Choosing the shortlist of sites is a process of trying to maximise the benefit that one is looking for in respect of all of those criteria when weighed against each other. So clearly having North Wales and the North West abutting provides us with the kinds of opportunities that we do not necessarily have in respect of North Wales and West Yorkshire.

Q72 Albert Owen: I understand that. Just on that, you mentioned the scoring between Caernarfon and Wrexham. Is Wrexham still going to be considered? Are they one of the four bids, are you aware? Maria Eagle: I think that the Wrexham site is one of the four that has been put forward so far; so clearly we will consider that.

Q73 Albert Owen: And you have received one from my area of Anglesey as well. Maria Eagle: Indeed.

Q74 Albert Owen: That is one of the four that is in and obviously Denbighshire. Is it possible for you to tell us the four? Maria Eagle: There are two in Denbighshire, and Anglesey and Wrexham so far; but we are looking for as many as people wish to offer.

Q75 Hywel Williams: Can I ask you about the figure that you quoted of a 35-acre site for a 1,500-place prison? Would that 35 acres contain open land on which you could subsequently build, as you said you might have done and you have done on other sites? Would the 1,500 be 1,500 for ever and a day, or might it be more into the future? Maria Eagle: It is difficult to predict the future, Mr Williams.

Q76 Hywel Williams: But you will be keeping options open. Maria Eagle: It must be said that if one has been looking over the past 10 or 12 years at the future it has always been extending capacity. We do not predict beyond 2014 and we are trying to get to 96,000 places by 2014; but clearly to the extent that we have arrangements which might allow expansion that might be prudent. Certainly it would be a consideration that we would have in our minds.

Q77 Hywel Williams: How many acres do you need for 800 prisoners? Do you need 35 for that as well? Maria Eagle: I think we probably would be looking at that; that is the size of site we are looking for at present.

Q78 Hywel Williams: I am looking at these fascinating maps and wonder whether you could have fitted an 800-place prison into part of the site. I am sorry to take you back to Caernarfon but could you fit it in another way, as it were? Maria Eagle: If you look at this one, it is quite tight.

Q79 Hywel Williams: That is the one I am looking at. Maria Eagle: That was the 600 to 900 site. Mr Aspinall: We actually had a couple of other options and it was still very tight. Some of it depends on the number of storeys you can get in.

Q80 Albert Owen: On the same theme as Mr Williams, are we looking for the new sites to be clean sites, from the experience that you have had with Caernarfon, or is there flexibility for you to look at cleaning up dirtier brown sites? Maria Eagle: We always look for brownfield sites, from the experience that you have had with brownfield. But we are experienced with dealing with brownfield sites. It is just this one that is particularly more complicated and difficult than we had hoped.

Q81 Albert Owen: So in the early bids you would be asking for a contamination report? Maria Eagle: One of our criteria is that we are looking for a brownfield site.
Mr Aspinall: A brownfield site is one of the criteria and as part of the due diligence we will look at those issues.

Q82 Mr David Jones: You say in your memorandum to the Committee that a shortlist of sites will be published as part of the consultation process and that due diligence will be undertaken before announcing a preferred site and a reserve site. Is it fair to say that you accept that this is what ought to have been done on this occasion, on the occasion of your interest in Caernarfon?

Maria Eagle: No. One has to weigh up against the benefits of not raising expectations by announcing a preferred site before all the due diligence has been done against the extra cost incurred of doing due diligence on four sites instead of one. So this is a balance. I have taken the view that we need to be as open and transparent as possible, given the experience that we have all had in respect of this particular site and that we should not be raising expectations that when we say, “This is our preferred site” a prison will definitely be built on there in quite the same way in which we have in respect of this process. The corollary and consequence of that is that we will be announcing a shortlist of sites, doing due diligence on all of them which will cost three or four times as much for us to do the due diligence on all of them. But we hope that by doing this we will be clearly able to actually build a prison on one of them with all the benefits that that will bring for us and for the area that we finally choose.

Q83 Mr David Jones: From what you have said this was clearly an unhappy experience so far as your Ministry is concerned. I know it did not happen under your watch but would you accept that the Ministry got it wrong on this occasion?

Maria Eagle: No, I do not accept that. I think that we always made it clear that the building on this site—and I know that is not what came out of the announcement—would be subject to due diligence. The problems that we have encountered have arisen from the fact that that due diligence threw up far more complex issues than we had hoped would be the case and on the basis of that it is regrettable that that was the case, but I do not think that my officials or the department can be blamed for not knowing precisely the condition, legal, technical, environmental and other complications on that site before having conducted that process.

Q84 Mr David Jones: Would you accept that the way that the announcement was made on this occasion caused both huge disappointment to the people of North West Wales and, frankly, dealt rather unfairly with the landowners?

Maria Eagle: I do not accept that we have dealt unfairly with the landowners, no. I do accept that us having to withdraw our interest in the site after we had raised expectations that we would be building a prison there is of course a disappointment, both for the local Member of Parliament and the local people who saw it as the opportunity that it can be to boost the local area, and that I regret. But building prisons is always, in my experience, which is growing of this kind of thing, difficult because they are always controversial one way or another. So consequently I do not think that controversy itself can be taken to mean that there has been a problem that could have been avoided.

Q85 Albert Owen: Would it be possible for all the councils in North Wales to submit a bid that they are all behind? You are absolutely right, the impact is not just on the local area but it is on the whole region. Are you looking at the region of North Wales or are you looking at just individual bids and is there not a danger that they could cancel each other out? That is the fear amongst some of the leaders of the councils that I have spoken to.

Maria Eagle: We welcome local organisations who have an interest in this—landowners, public authorities—putting their heads together and coming up with the best sites, which we will consider and we welcome that. I know that the North Wales Criminal Justice Board has been trying to draw people together; the Welsh Assembly Government and the Wales Office have shown a great interest in this which we appreciate. If the outcome is that we can have some sites that might better meet our criteria that we might actually be able to build on, I would be very happy with that.

Q86 Albert Owen: If you can channel it through a body like the Wales Office.

Maria Eagle: Indeed.

Q87 Alun Michael: What discussions have you had with the Secretary of State for Wales about the way of meeting the need for a prison in North Wales? Are you engaging or involving the Wales Office in the fresh search that is going on now?

Maria Eagle: My discussions with the Secretary of State were confined, because at the point at which I came into this process when the due diligence was already going on, to telling him at the time that I told others as an interested party what our decision had been, and I spoke to local MPs and to others with an interest at the time at which we made the decision. Thereafter we engaged both with the Wales Office, with the Welsh Assembly Government and with any other public authorities who have contacted us to show an interest in respect of the new site search.

Q88 Alun Michael: Would it be correct to say that you have changed the approach that the department is taking because we were told by the Secretary of State that the Wales Office had no direct input into the consultation on specific sites; nor was it formally notified of the selection of the Caernarfon site nor involved in the due diligence process. That is all obviously history rather than present. Are you telling us that the approach is a far more engaged approach on this occasion now?

Maria Eagle: Yes, I hope that it is. It is certainly my style as a Minister to always try and engage with those who have an interest in respect of what can be controversial developments. Not everybody wants a prison in their area. Some people see the advantages
and others do not and it is always controversial. So my view has always been that we should be as open as possible. The new process is an attempt to try and be more open and more transparent and not to raise expectations that might not be met.

Q89 Alun Michael: Especially given that the Wales Office is located in organisational terms within the Justice Department it seems sensible to make use of the capacity for coordination and the knowledge of officials in that as well as the Assembly. So we can be assured that that is now happening?

Maria Eagle: Yes.

Q90 Alun Michael: That is very helpful. One other issue, which is the question of what sort of prison we will be looking at. We have noted the very positive report from the Chief Inspector of Prisons on Altcourse, which of course takes the great proportion of the prisoners for North Wales; but also in the North Wales Criminal Justice Board’s submission to the Committee, to which you referred a few moments ago, it notes that despite 95% of North Wales’ male adult prisoners being sent initially to Altcourse there is only one Welsh speaking staff member, which is the chaplain. That seems a little bit odd, does it not?

Maria Eagle: Yes, I think there are issues about the capacity with which we can deal with the needs of prisoners in this respect in terms of their language needs.

Q92 Hywel Williams: The decision was announced on 22 September. Can you remind me when were you appointed?

Maria Eagle: I was appointed in June, I think; I cannot remember the precise date but I could probably dig it out for you.

Q93 Hywel Williams: So between June and 22 September you had no contact with the Secretary of State?

Maria Eagle: Not in respect of the Caernarfon site because the process was going on of making a decision and getting advice to ministers on the basis of the due diligence work that had been done.

Q94 Chairman: Thank you very much, Minister, and your colleague Mr Aspinall for the comprehensive way in which you have answered our questions. There is one set of issues. You will be aware that we had an inquiry previously before this whole issue about North Wales into the general situation of the prison estate and Welsh prisoners and we are interested in particular in looking at the case of terminally ill prisoners. Whilst I would not wish to open up a discussion on this now and ask you questions we would appreciate a note on the way in which terminally ill prisoners are treated from Wales, and there is a series of questions related to that and perhaps we could write to you and we would appreciate a response to that.6

Maria Eagle: Chairman, I would be very happy to provide answers to any questions that you might have about that. I can say in general terms that when prisoners are terminally ill there is provision for compassionate release, subject to risk assessment, if their death is imminent; and that would be a decision that ministers would make with advice from officials. So we do have capacity to ensure that those who are terminally ill and not far from death do not die in custody. If the Committee wishes to ask specific questions I would be more than happy to reply to them as best I can.

Chairman: Thank you very much.

6 Ev 27
Written evidence

Letter from Abenbury Community Council to Councillor Aled Roberts, Wrexham County Borough Council

CONSULTATION ON THE POSSIBLE SITING OF A PRISON
AT WREXHAM INDUSTRIAL ESTATE

At its meeting on 12 November the Community Council were concerned to hear that the Executive at Wrexham County Borough Council had resolved to support any proposals to site a prison at the former Firestone factory site at Wrexham Industrial Estate.

I have to inform you that my Members were most vociferous in their objections to this policy decision and have asked me to complain to you in the strongest possible terms.

Although the report to the Executive Board clearly stated that any support in principle as per the previous decision should not be site specific, the minutes actually refers to “a suitable site within the Borough”. However the letter written to the Welsh Affairs Select Committee by your Strategic and Performance Director goes well beyond this remit and actually names the site:

— Publicly owned 108 acre brownfield site on Wrexham Industrial Estate that meets all the criteria previously publicised.

— A suitable location is available on Wrexham Industrial Estate, on the former Firestone factory site. This site fulfils the key site criteria as set out by the Ministry of Justice and is large enough to accommodate the requirement for a 1,500 bed prison plus any ancillary infrastructure or future developments.

— To summarise, this letter constitutes the Council’s expression of support for a new prison facility in North Wales. It also identifies a potential site candidate in the strategically located former Firestone site on Wrexham Industrial Estate.

One has to ask if this action is legal and could be challenged under local government law as the response was not to be site specific and the minute states clearly what action was to be taken which certainly did not include naming and promoting the site. The Community Council felt that for you to make such a decision and your officers to write this letter and without any reference to or consideration of the very community it would most affect is at best an oversight and at worse clear disregard of the very people you are supposed to be representing.

The Community Council has, unlike Wrexham CBC, taken account of local views over past months and has received many objections to a possible prison site within this community.

It seems that Wrexham CBC has ignored any local voice and driven the decision through and the officer concerned has taken it upon himself to detail the site despite a clear direction not to be site specific. Much though it claims to be in touch with the local community Wrexham CBC have announced that it would welcome a prison housing some 1500 inmates, there appears to be no democracy involved here, an unclear method of directing decisions and their detail, and surely had you had the decency or forethought to consult the local residents or this Council on this most sensitive and emotional subject your Members may have had a much better balance of views and arguments to consider prior to making such an unwise pre-determination and statement.

Not only has your Council failed to consult local residents, you have not even contacted the businesses on the Industrial Estate which provide valuable employment to people in the Wrexham area—surely it would have been at least courteous to consult these important players in the local economy. This disregard for local views undermines any work your good offices have undertaken with partnerships and other local initiatives and furthermore goes against Government policy on engaging the community.

As for the economic argument, there is little evidence to support the view that a prison would bring mass jobs or boost the local economy as many contracts will be with outside specialist builders, suppliers and on-going contractors.

There is to be an improved road network over the next two years to the industrial estate with all good intention of attracting further businesses into the area, my Members felt that the prison, if built, would have the opposite effect and detract from this—putting off potential new businesses and employers.

It is unfortunate that Wrexham CBC’s officers have taken the Executive’s decision one step further and has in effect supported the siting of a prison at Wrexham Industrial Estate in writing.
Ev 12  Welsh Affairs Committee: Evidence

The Community Council would ask for a re-consideration of Wrexham CBC’s stance on this issue until it has heard the views of its people. This could be done via a public meeting with an invitation to local businesses, employees etc. to attend, or through a local consultation exercise or referendum.

I await with anticipation an early response to this letter.

Yours faithfully

Ian Jones
Clerk and Responsible Financial Officer

November 2009

Written evidence from Isle of Anglesey County Council

The Isle of Anglesey County Council welcomes the opportunity to input into the Welsh Affairs Committee’s Follow-up inquiry into the issue of Welsh prisoners.

The County Council is firmly of the belief that the proposed new prison should be built in North Wales. All parties on the Council share my great enthusiasm for bringing this major project to Anglesey. Anglesey has the lowest GDP in Wales (only 56% of UK average) a major inward investment project of this nature would contribute significantly in improving the socio-economic issues on Anglesey and north west Wales.

The Council, in discussion with the Anglesey Charitable Trust, feel that the Trust owned Rhosgoch site in north east Anglesey is a serious contender for the Ministry of Justice to consider as the new North Wales prison site location. The site has many other advantages in relation to the site requirement, as set out in detail in the enclosed report. The Council is dedicated to turning round the dire situation currently affecting the Island’s economy and will therefore work tirelessly to secure the benefits that this project will bring to Anglesey and north west Wales. The Council are also in discussion with a private sector company regarding another site location on the Island.

This report sets out, as agreed, our comments for the follow-up inquiry and includes an executive summary.

EXECUTIVE SUMMARY

— Anglesey County Council strongly support the establishment of a new prison in North Wales for social, cultural, operational, and economic reasons.

— Anglesey is an area of very high economic need which has lost almost 1,000 jobs in recent months, including some 500 at Anglesey Aluminium and almost 300 at Eaton Electrical, involving an annual wage loss of some £20 million.

— The new prison is identified as a much-needed potential source of replacement jobs and income to make up for these losses and the Council is anxious that it be located on the Island.

— Work is underway to identify potential prison site options on Anglesey for consideration by the Ministry of Justice.

1. INTRODUCTION

1.1 Anglesey County Council welcomes the Welsh Affairs Committee’s decision to hold a follow-up inquiry into the issue of Prisoners from Wales. The issue of a North Wales Prison has been covered closely by the local press, and has been raised by local people on several occasions during a recent public consultation exercise by the County Council’s Executive Committee.

2. SUPPORT FOR NEW PRISON

2.1 The Council strongly supports the case for a prison to be sited in North Wales for a number of reasons:

— reduced prisoner transport times;

— reduced travel and stress to family and friends;

— Welsh language and culture considerations and legal compliance;

— improved accessibility for support workers & probation officers; and

— employment benefits to the region.
2.2 North Wales has a population of some 678,000. Based on the UK average of about 1.4 prisoners per 1,000 population, it is estimated that the North Wales area generates roughly 949 prisoners in total (all categories). This figure should justify the building of a new prison in the region.

2.3 Anglesey includes some very strongly Welsh speaking communities, and we are concerned that individuals from such areas are now being sent to prisons far away in England. A new prison which is located in Wales and is accessible to north-west Wales is essential to address this problem.

3. ANGLESEY ECONOMIC NEED

3.1 Anglesey faces a number of very significant economic challenges, as shown below:

**Low GVA**—Anglesey’s Gross Value Added per capita for 2006 was the lowest of any county in Wales, and only 56% of the UK average.

**Significant Deprivation Pockets**—There are already significant concentrations of local deprivation in most of Holyhead, and in parts of Llangefni and Amlwch.

**Weak Local Labour Market**—Anglesey, and North/West Anglesey in particular, has a weak labour market, and ranks among the worst placed in Wales on many measures as shown below.

<table>
<thead>
<tr>
<th>Area</th>
<th>Economic Statistic</th>
<th>Rank in N Wales</th>
<th>Rank in Wales</th>
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<tbody>
<tr>
<td>Anglesey</td>
<td>Job Seekers per unfilled Job Centre</td>
<td>1</td>
<td>3</td>
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<td></td>
<td>Vacancy (currently 13)</td>
<td></td>
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<tr>
<td>Anglesey</td>
<td>Long term unemployment—% of JSA claimants over 12 months</td>
<td>1</td>
<td>2</td>
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<tr>
<td>Anglesey</td>
<td>Very Long term unemployment—% of JSA claimants over 18 months</td>
<td>1</td>
<td>2</td>
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<tr>
<td>Holyhead TTWA</td>
<td>Unemployment rate (2008 average)</td>
<td>1</td>
<td>1</td>
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<tr>
<td>Holyhead TTWA</td>
<td>Employment rate (2008 average)</td>
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<td>Holyhead TTWA</td>
<td>Economic Inactivity Rate (2008 average)</td>
<td>1</td>
<td>2</td>
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<tr>
<td>Holyhead TTWA</td>
<td>Working Age Benefits Rate (2008 average)</td>
<td>1</td>
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**Major Redundancies**—Anglesey has been hit hard by job losses in recent months, including 65 at Eastman Peboc, 50 at Menai Electrical, 250 at Eaton Electrical, and 460 at Anglesey Aluminium. We have recorded some 900 redundancies since October 2008. This amounts to the loss of circa 5% of all our employee jobs. The number of JSA claimants is expected to increase significantly by early 2010.

**Loss of Industry**—there has been a significant reduction in Anglesey’s industrial base, including also the closure of Great Lakes in Amlwch, and Hedstrom in Holyhead.

**Economic Dependency**—Anglesey’s economy has become very dependent on Anglesey Aluminium and Eaton. There are over 100 suppliers/contractors, some of whom rely heavily on them. The estimated direct wage loss to the Island’s economy from these two companies alone is circa £20M per annum.

3.2 These challenges form the basis for the Anglesey Economic Recovery Plan, which has been the subject of discussions with the First Minister of the Welsh Assembly Government, and is also being discussed with the Secretary of State for Wales. The Economic Recovery Plan identifies a need to attract new jobs to Anglesey and specifically refers to the new prison as a potential investment.

4. ANGLESEY AS A PRISON LOCATION

4.1 The previous section shows an extremely strong economic need case for the new prison to be located on or close to Anglesey. The siting of a prison on Anglesey would accord with past UK government decisions to locate major new facilities in areas of economic need in Wales eg the Royal Mint, DVLA, and Passport Office.
4.2 Anglesey has a number of attributes which would assist the process of establishing and operating a new prison:

**General Public Support**

People attending recent public consultation events arranged by the County Council were asked if they were supportive of bringing a new prison to Anglesey—the vast majority indicated that they were.

**Public Agency Support**

The County Council supports the proposal to bring a prison to the area and would work with other agencies to maximise the level of assistance to the project, and the extent of local economic benefits from it.

**Political Support**

There is strong political support for this project at local and parliamentary levels.

**Skills and Experience**

Due to the nature of some major facilities on Anglesey, there are many in the local workforce with relevant skills and experiences that should be transferable eg security considerations and dealing with people. These include RAF Valley airbase, Wylfa power station, Holyhead port and ferry services, and Anglesey Aluminium. Nearby Bangor University specialises in social sciences, including criminology.

**Land Values**

Land values are generally lower on Anglesey than in other areas of North Wales.

**Accessibility**

The following are relevant transport considerations:

— the A55 dual carriageway proves rapid access along the North Wales coast and through Anglesey itself;
— the A5 and A487 provide good access to Mid and West Wales;
— the North Wales main railway line runs through Anglesey, providing rapid public transport access to North Wales coast towns, Chester, and Crewe;
— there are regular and frequent bus/coach services to Bangor and Holyhead, and along the A5/A55/A5025 within Anglesey; and
— Anglesey Airport would provide rapid access for the Wales Prisons Area Manager or other public officials to visit from Cardiff, or for the Anglesey prison staff to visit the Cardiff area eg for training.

5. **POTENTIAL SITE OPTIONS ON ANGLESEY**

5.1 A search of potential prison site location options on Anglesey has been carried out, taking account of the standard criteria which have been published by the Ministry of Justice, and the specific requirement in this case for a site area of at least 35 acres. Identified options have then been assessed in more detail, taking account of the form and content of assessment reports prepared by town planning consultants for the Wales Prison Site Search.

5.2 The following have been identified as potential options to put forward:

**Rhosgoch**

This is a large brownfield site near Amlwch, which is owned by the Isle of Anglesey Charitable Trust. It was formerly a Shell Oil Tank Farm, of which only the concrete bases and a few other limited features now remain. The site is close to the A5025, has mature tree belts around it, a 132 kv electricity connection, and potentially future rail access. There are no houses close to the site, and it is designated for employment development in the local development plan. The total site area is around 200 acres. The chair of the Charitable Trust has indicated his wish to see the site being put forward for consideration as a prison site. Further details, including plans and photographs of the site, are available on request if required to help inform the Committee.

**Other Sites on Anglesey**

Other potential site options on Anglesey have been identified and are currently being investigated and checked. These sites are not currently designated for development, and the County Council is anxious to avoid prematurely announcing publicly that these undesignated sites appear to be potentially suitable for a prison development without the necessary initial checks and assessments having been carried out. A
conclusion on these potential other site options will need to be reached in time for the Ministry of Justice site consultation process, and our Member of Parliament, Mr Albert Owen MP, will be fully briefed on our position.

5.3 We would appreciate further information from the Ministry of Justice on their prison site requirements, including in particular the utility services needs, so that these and other relevant technical issues can be checked.

November 2009

Written evidence from Bluefield Caernarfon Limited

INTRODUCTION

1. When the Ministry of Justice (MoJ) announced the withdrawal of their interest in the former Dynamex Friction, the following reasons were cited by the MoJ:
   — Price
   — Contamination
   — Legal ownership of land
   — Suitability of site

2. It is Bluefield Caernarfon Limited’s (BCL) intention to counter these claims made by the MoJ, and provide evidence that during the due diligence process the MoJ implied that they were satisfied with these individual issues or had extensive knowledge and information of the key issues prior to the formal announcement made by David Hanson on 5 February.

3. It is also BCL intention to highlight that the claims by the MoJ that a “comprehensive” due diligence exercise was conducted are misleading and the process they undertook in assessing the viability of this site was below industry standards, and in doing so they neglected to present the Ministers with a true and comprehensive report of the site and its potential development constraints.

4. BCL were first approached by the MoJ in summer of 2008 and requested that the Dynamex Friction site be included within the MoJ’s consultation exercise for the identification of a suitable site for a new Welsh prison.

5. After consultation with the local authority, BCL agreed to take part in the MoJ consultation exercise, and on 6 August 2008 the MoJ announced their shortlist of sites to be considered for a new prison in Wales. The shortlist process was an open process and stakeholders were given the opportunity to make representations, BCL submitted their representation on 15 September 2008, a copy of BCL representation is included within appendix 1 for the Committee's consideration.1

6. The Committee is asked to note, that at the time of the MoJ’s interest, BCL were in the process of preparing a planning application, full details of our proposal were provided, along with the details concerning the status of our interest in an adjacent site, which formed part of the MoJ interest. With appendix 1a the Committee is provided with a copy of BCL board meeting minutes, in these minutes the submission of a planning application is identified for the first quarter 2009.2

7. As part of our planning application process, BCL had scheduled to undertake a community consultation exercise in August/September 2008. The MoJ carried out their consultation exercise in August to October 2008, therefore to avoid confusion within the community and the general public, BCL decided to postpone our own consultation exercise until November 2008.

8. The Committee is asked to consider that at this point, the MoJ were already having a material impact on our planning application and the timescales associated with the delivery of our proposals. The formal announcement made by David Hanson on 5 February 2009, was to have a greater material impact on our development proposals. The announcement failed to take account of BCL on going finance costs, the delays caused to our development programme, and the stopping dead of our day to day business.

9. The Committee is also asked to note that at this early stage in the evaluation process BCL presented comprehensive information with respect to landownership, environmental information, access issues, and on site power capacity.

10. The MoJ’s consultation exercise ended on 31 October 2008, this date was later extended to 31 November 2008 due to the extent of public interest. During the consultation process, at the request of the MoJ, on 3 October 2008 BCL arranged an around the table meeting with the key stakeholders of Gwynedd Council, appendix 2 contains the meeting agenda.3 On 4 November 2008, Gwynedd Council corporately confirmed their support for the prison proposal and their interest in developing Caernarfon as a “legal and justice centre”, see appendix 3 for the councils email.4

1 Not printed
2 Not printed
3 Not printed
4 Not printed
11. At the request of the MoJ, a meeting was held at the Marriott Hotel, Liverpool on Wednesday 10 December, in attendance were Forster and Co (FC), BCL advisors.

12. No agenda was prepared for this meeting, and the purpose of the meeting was for the MoJ to “sound out” BCL with respect to the sites availability. At the meeting the MoJ representatives asked BCL directly “if selected would BCL be willing sellers”. BCL confirmed their status as “willing sellers”. This meeting was viewed as a positive meeting by BCL. The Committee is asked to note that this meeting was not minuted and was conducted in an informal fashion. At this meeting the MoJ were provided with a CD containing a copy of the site investigation undertaken by WSP on behalf of BCL.

13. Following this meeting FC were contacted by Lambert Smith Hapton (LSH), the MoJ’s advisors to determine a “guide price” for the site, see appendix 3a. On 16 December 2008, FC emailed LSH confirming our position on guide price, see appendix 4. The Committee is asked to note that at this point the site wasn’t for sale on the open market, as it was BCL intention to secure a mixed use planning consent for the site, given that no announcement had been made on the preferred location for the prison the MoJ’s request was unexpected. The Committee is also asked to note that the guide price provided was in fact a price range; the guide price was presented in this format as BCL fully expected and was receptive to a commercial discussion/negotiation on price.

14. On 17 December 2008, FC wrote to the MoJ stating our interest in opening negotiations for the sale of site, given the sensitivity of the proposal, and to ensure that the site could be secured on “agreeable terms” for both parties prior to any public announcement. On 19 December 2008, the MoJ responded. The response confirmed receipt of the site investigation information, and confirmed “Price of the sites under consideration is one of the factors that we take into account as part of the assessment processes”. The email also confirmed negotiations were not taking place. See appendix 5 and 6 for a copy of the above emails. BCL would like to highlight to the Committee that these communications are the last communications received from the MoJ in respect to the specific issue of price.

15. At this point the Committee is asked to note, that prior to the official announcement by the MoJ, the MoJ had been provided with a statement with respect to BCL interest in adjacent land, provided with a copy of the site investigation information, been provided with a guide price, had met with the key stakeholders of Gwynedd council, and had been provided with a report prepared by Gwynedd which corporately supported the prison proposal.

16. Therefore, at this time, BCL would highlight that the MoJ were in a position to present a comprehensive report to the then Minister of State, on the following issues: acquisition cost of the site, the planning position of the Local Authority, whether the site satisfied the MoJ’s own criteria, landownership issues and the budget costs for the remediation of the site.

17. On 5 February 2009, David Hanson the then Minister for Prisons, made the official announcement that the preferred location for a new prison in Wales was to be the former Dynamex Friction site. BCL would ask the Committee to consider whether this decision was made in isolation of the above information provided by BCL. If the Minister wasn’t aware of the guide price, or had the guide price not formed part of the MoJ assessment, then BCL can only conclude that the MoJ mislead BCL in previous emails see appendix 5.

On 5 February 2008, the MoJ wrote to BCL and included a copy of “Comments received in response to publication on 6 August 2008 of shortlisted sites, and site assessments”, see appendix 8. BCL would ask the Committee to note that paragraph 7 clearly sets out the MoJ’s standard site criteria. The Committee is also asked to note that BCL confirm that the Caernarfon site meets all of the stated criteria.

18. The Committee is also asked to note that paragraph 27 of the above document clearly states the following: “Acquisition of the site will be subject to satisfactory negotiations with the owners, confirmation that contamination on the site would not seriously inhibit any prison development, and a successful application for outline planning permission”. From this statement, BCL believe that it can only be concluded that the concerns the MoJ had were price, planning and remediation, as they have previously judged the site suitability issue. Plus at this time they had full disclosure of information on the issues of price and planning.

19. The Committee is also asked to note Annex C of the above document “site assessment notes”. Of interest to BCL is the site assessment note, for our site, within the “disadvantages” section, the MoJ state the following “owner at an advanced stage of developing proposals for the redevelopment of the site”. BCL believe that although the MoJ’s preferred site they were unwilling to consider paying the guide price for the site, and therefore saw our progress to date as being a barrier to acquiring the site.

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20. BCL believes that in making representations to the MoJ consultation process it provided adequate information on the guide price, the issue of site suitability can only be judged by the MoJ's own criteria, and BCL believes the Caernarfon site satisfies these criteria.

21. The contamination of the site was cited by the MoJ as a reason for not proceeding with this project. BCL will demonstrate that the cost of remediation is not prohibitive.

22. BCL acquired this site in December 2007, on an unconditional basis. Prior to completion BCL undertook a comprehensive site investigation, see appendix 9 for a copy of the brief.13 During the next six to eight months BCL undertook a comprehensive planning and design process of assessing the detailed viability of this site. A design principle of the industry and BCL is to design the scheme around any contamination; therefore a number of design options were prepared, costed and assessed against the existing planning policy producing a range of remediation costs. It was always BCL’s intention to seek the community’s views on all the design options before a favoured option was presented. Therefore following BCL’s public consultation exercise in November 2008 the community’s views were taken account of and option 4C was presented as our favoured option, see appendix 10.14 The costs associated with this scheme were then prepared.

23. Running in parallel with this process, BCL were advancing two key strategic planning documents, (A) Masterplan and Development Brief (prepared by RPS completed December 2008) and (B) Market Assessment (prepared by King Sturge LLP, completed September 2008). As part of their brief King Sturge were asked to report on viability of the site and their report reads as follows, “During the course of this study we have been provided with a schedule detailing site assembly and abnormal development costs including site remediation, site servicing and infrastructure costs. It is estimated that the total of these costs will be in excess of £10.3 million”. See appendix 11 for the extract of this report.15

24. Although this figure represents a significant investment the Committee is asked to consider the following facts: the cost of securing all the land (47 acres) is £6,450,000 (this excludes stamp duty), therefore, BCL had budgeted £3.85 million for the following tasks, demolition and site clearance works, remediation of the whole site, the replacement and upgrade of the existing access bridge, the upgrade of existing services to serve a residential development (each property has a one-off connection charge), upgrade of the foul water treatment, and abnormal foundation design. Given the size of the site and the potential number of residential units a site of this size could accommodate this is not an unreasonable assumption, and one which doesn’t preclude development of a site for residential/prison development. The Committee is asked to note that remediation of a site to a standard to accommodate residential development represents the highest achievable standard, as required by the Environment Agency.

25. During the course of our negotiations with the MoJ, which BCL approached on an open book basis, a significant amount of information was supplied by BCL to the MoJ. On 17 February 2009, RPS (BCL planning consultants), sent LSH (MoJ advisors) a copy of the following information: Masterplan and Development Brief (RPS, December 2008), Market Assessment (King Sturge LLP, September 2008), Ecological Assessment (David Clements Ecology Ltd, Draft Version, November 2008) and Landscape Assessment (Anthony Jellard Associates, September 2008), see appendix 12.16

26. During meetings with LSH, it became very clear that they were certain that the remediation costs for the site were significant, circa £10 million, and cited the above report. BCL couldn’t understand this approach and pointed out on a number of occasions that this figure was global cost that included land acquisition costs and was based on cleaning the site to “Greenfield” standards which depending on the site’s end use could be considered as excessive. Clearly LSH had misrepresented the King Sturge report, as this report made allowances for land acquisition costs, see appendix 12a.17

27. To clarify the situation BCL provided LSH of Manchester with detailed quotes in relation to the demolition of the buildings on site and the remediation of the site, (A) to demonstrate that the costs based on BCL development option 4C, and (B) to show the quotes represented market rates. Please see appendix 13 and 14 for these two quotes.18

28. BCL had already provided the MoJ with a copy of the site investigation report and were working under the assumption that any figures being promoted by the MoJ for remediation costs were based on the analysis by their engineers of our site investigation report. It is industry practice for each party to use data analysis by their respective advisors, not to rely on other parties’ information. The evidence submitted by BCL shows that the demolition cost of the buildings on site is £305,000, (provided by Cuddy Demolition) and the cost for remediation is £189,773. (Provided by WSP).

29. Disappointingly, throughout the MoJ due diligence process, BCL consistently highlighted the inconsistent use and misrepresentation of information. BCL cannot find any evidence where the MoJ have sought to use the correct technical information. Instead the MoJ have sought to use an incorrect figure taken from a BCL non technical document as a means of assessing the costs of remediating the site. This incorrect

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information was provided to other external consultants by the MoJ, notably the Valuation Office Agency (VOA) who prepared a valuation for the MoJ. The Committee is asked to consider the valuation report provide by the VOA in appendix 23,\(^\text{19}\) and question the professionalism of the MoJ officials.

30. Despite being challenged, the MoJ have not provided BCL or the VOA with a single technical report in respect of the remediation of this site and instead have chosen to use misrepresented information as the basis for calculating remediation costs.

31. Such an approach places a question mark over the MoJ’s whole due diligence process, the professionalism of their officials and advisors, questioning whether the MoJ officials have sufficient experience to assess brownfield land and are using public monies correctly when commissioning external consultants. Their actions suggest a lack of suitable experience in assessing a key area of the project.

32. The remediation costs of the BCL development scheme was only going to be used within the valuation process, ie a deductible from the headline price.

33. However, for the MoJ to fully understand the cost and feasibility of developing a prison on any site they would have to produce the following information/reports, (A) a layout for the site (showing the location of the prison within the site), (B) Geo-technical ground report (which considers the load of the building in relation to the site specific ground conditions), and (C) a site investment report (different lands require different standards of remediation). BCL can confirm that during their due diligence process the MoJ never once approached BCL to gain access to the site to produce any of the reports highlighted above, nor during any discussions did BCL see a proposed/draft layout for the site. Enquires made by BCL to the local planning authority (LPA) also confirm within their discussions with the LPA, the MoJ never presented a layout for the site. BCL would strongly argue that without the basic information it is not possible for any planning authority (LPA) also confirm within their discussions with the LPA, the MoJ never presented a layout for the site, the costs of providing a traffic light signal control junction at the entrance of the site, and the full costs of upgrading the on-site sewage works.

34. On 30 March 2009, see appendix 15,\(^\text{20}\) Faithful and Gould prepared a report which summarised all the remediation costs for the main site, and the landfill site, the costs of providing a new access bridge into the site, the costs of providing a traffic light signal control junction at the entrance of the site, and the full costs of upgrading the on-site sewage works.

35. On 3 June 2009, the MoJ confirmed in an email, see appendix 16,\(^\text{21}\) that “no further work is required” on environment/geotechnical issues. BCL rightly or wrongly believed that the MoJ had addressed and understood all of these issues. If the issues were of such a concern the MoJ had the ability and time to enter into meaningful discussions with BCL or our engineers prior to any official announcement.

36. BCL would like to highlight to the Committee that the communication listed above was the last communication received from the MoJ in respect of contamination/environmental issues.

37. The issue of price was cited by the MoJ as a reason for not proceeding with the acquisition of the site, the Committee has already been provided with evidence which clearly shows that BCL presented a guide price prior to the Minister’s formal announcement on 5 February 2009.

38. BCL have held grave doubts over the approach of the MoJ in determining the price for the site, particularly as no negotiations over the price of the site were ever held with the MoJ.

39. For example BCL met the MoJ on 12 February 2009 at the Celtic Royal Hotel, Caernarfon. During this meeting they explained that the MoJ were only able pay the site “alternative value”, given that the site has been purchased by BCL as a development site, and we were proposing to submit our planning application in the first quarter of 2009, see appendix 1a,\(^\text{22}\) the site’s “alternative value” was not clear cut. However BCL accepted this position, as our guide provided a value based on expressions of interest from the market based on the sites existing planning permission.

40. At this meeting the BCL brought to the attention of the MoJ that a guide price was submitted to the MoJ in December 2008, the MoJ stated it had no knowledge of this guide price, and stated the guide price quoted exceed its perceived value of land in this area. BCL was concerned by these two statements, as the first statement directly conflicted with a statement made on 19 December 2008 see appendix 6,\(^\text{23}\) and how could a statement be made without the benefit of an evidence based valuation for the site.

41. This statement simply confirmed the fears BCL had raised in our advisors email of 17 December 2008 see appendix 5,\(^\text{24}\) with respect to agreeing terms prior to any public announcement.

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42. BCL were also informed by the MoJ at this meeting that Heads of Terms could not be provided by the MoJ until they had completed their full due diligence, therefore all of BCL costs and time costs were at risk until the MoJ submitted an formal offer. The Committee is asked to note, that it’s an industry standard that when one party expresses an interest in purchasing land, Heads of Terms are prepared. The landowner seeks to include a provision within the Heads of Terms that should the purchase be unsuccessful the purchaser meets the landowner’s legal fees. The MoJ refused this request, BCL have since written to the MoJ requesting that they cover the costs BCL incurred in dealing with the many enquires raised by the MoJ.

43. Furthermore, BCL questioned the professionalism of a MoJ official who without the benefit of a valuation, or visiting the site prior to that day, or without detailed knowledge of our planning proposal sought to doubt the guide price provided two months earlier.

44. If the MoJ felt the guide price was unachievable BCL asks the Committee to consider why this issue wasn’t raised prior to the Ministers announcement, as BCL had offered the opportunity of discussing such matters, see appendix 5. BCL would also like to question the motivation of the comments contained in the MoJ’s “comments received in response to the publications on 6 August 2008 of shortlisted sites, and the site assessments”, annex C, “site assessment notes”, “former Dynamex site, Griffiths Crossing, Caernarfon”, “disadvantages” section, (see appendix 8). BCL believes the MoJ were hoping to secure the site at a reduced price by “gridding us down”.

45. Following the meeting of 12 February, the MoJ appointed LSH of Manchester. It was proposed that LSH would value our proposed development scheme, option 4C (see appendix 10), and where gaps existed between the two advisors on valuation; information would be shared between the two parties to see if these gaps could be breached. A series of meetings were held in Manchester and London to allow both advisors to discuss their respective valuations.

46. This process wasn’t very successful and resulted in very tense meetings between both parties. BCL were unaware of the brief LSH were working to and their approach to discussions was questionable. After meeting with LSH on several occasions, BCL had significant concerns with respect to LSH’s approach. For instance, the valuation process was running in parallel with the evaluation of the remediation/abnormal costs.

47. Therefore to simplify matters of valuation, BCL proposed that the valuation simply be focused on producing a “Greenfield” valuation (which is a summary of land values), until the demolition, remediation, and abnormal costs had been agreed between the two parties, once agreed these costs could be deducted from the headline value, thus arriving at a residual land value, (the MoJ’s acquisition cost).

48. The defining of Greenfield value is commonplace within the industry, and an industry norm, however this concept was lost on LSH and the MoJ, who instead simply wanted to focus on the remediation costs.

49. BCL were also aware that the valuation technique being used by LSH was a snap shot valuation. BCL business model is based on the release of land parcels over a period of time, therefore, while the market was poor then it nevertheless will improve as the site gains presence, and any valuation should have reflected our business model is based on the release of land parcels over a period of time, therefore, while the market was viewed by LSH as deliverable see appendix 23.

50. Relationships between all parties became so strained mainly due the LSH approach, and the misrepresentation of key information and the uncertainty surrounding timescales, that we met with the MoJ at the Celtic Royal Hotel, Caernarfon on 7 May to discuss progress and agree a timeframe for the submission of an offer.

51. At this meeting BCL sought comfort from the MoJ with respect to timescales, and the valuation process. We were informed at this meeting that LSH had been de-instructed and the VOA were to be appointed to provide an evidence based valuation required by the MoJ to formulate an offer, BCL were also provided with a timescale for the submission of an offer.

52. The timescale outlined to BCL, reflected the timescale outlined by the MoJ in a meeting of the “Prison Programme Board” on 1 May 2009, (the Prison Programme Board was a group established by Gwynedd council and other key stakeholders). BCL did not attend this meeting, but were forwarded the meeting minutes by Gwynedd Council, see appendix 18. Following this meeting on 10 May, Gary Goodman Land & Planning Director of BCL, emailed all attendees to confirm the points discussed, see appendix 19. The Committee is also asked to note the comments made in reference to the previous valuation work undertaken by LSH. On 12 May 2009, BCL received a response to this email from the MoJ, see appendix 20, in which the MoJ confirm a timescale for responding to BCL by June 2009.
53. The Committee is asked to consider, despite the above difficulties that in appendix 18, 19 and 20 the MoJ clearly make reference to being in a position in June 2009 of returning to BCL with an offer. These statements with respect to timetable were made before key stakeholders and BCL, and the Committee is asked to consider that all parties can only conclude from the MoJ comments that it was the MoJ’s intention to proceed with the prison project.

54. The appointment of the VOA should have yielded the production of a comprehensive evidence based valuation.

55. At the meeting of 7 May, BCL were informed that the VOA were to be appointed, BCL requested a copy of their brief, a copy of the MoJ brief is contained in appendix 21. The Committee is asked to note that this document is not a brief but a simple instruction to the VOA. The document fails to provide basic information such the site address, its size, the purpose of the valuation, and what is being valued. BCL raised immediate concerns with respect to the quality of this brief. The Committee is asked to consider if this brief represents the appropriate document that should be issued to appoint an external consultant for the purposes of providing detailed valuation advice on the acquisition of a site identified as a location for a prison.

56. BCL strongly believe that the commissioning of an external consultant by way of a short instruction falls below industry standards and brings into the question the day to day operational procedures of the MoJ and the due diligence exercise.

57. In addition BCL believe that the MoJ misled BCL. BCL requested on a number of occasions that all the information provided to the VOA be provided to BCL. In an email of 13 May 2009, see appendix 22, the MoJ clearly states that BCL have been copied in with all the information. BCL can confirm that only the brief contained in appendix 21 was received.


59. The Committee is asked to note that 12 items of information were submitted to the VOA as part of their valuation process, and the final two items were not supplied to BCL despite repeated requests.

60. The Committee is asked to note that within the information provided by the MoJ to the VOA the Faithfull & Gould report of 30 March 2009 (see appendix 15) has not been provided. The Committee is also asked to note that within the VOA report it is inconclusive with respect to remediation costs, and the MoJ failed to provide the VOA with any of its own technical reports it undertook.

61. The Committee is also asked to consider why the MoJ failed to provide BCL with the following information: LSH Development appraisal April 2009, correspondence including emails and letter, and information from meeting and phone calls.

62. The Committee is also asked to note, that despite the MoJ’s comprehensive due diligence exercise, out of the 13 items of information submitted to the VOA only two items were prepared by the MoJ’s advisors, with seven pieces of submitted information prepared by BCL.

63. After much discussion and email exchanges, see appendix 24 and 24a, the MoJ agreed to prepare a brief for the VOA valuation. However, BCL’s continued concerns in the approach taken by the MoJ in briefing the VOA, resulted in Gary Goodman Land & Planning Director of BCL rewriting the MoJ brief, see appendix 25. The Committee is asked to note that Mr Goodman is a town planner with considerable experience in briefing external consultants, and given the document was below professional standards he felt it necessary to rewrite this document. The questionable approach of the MoJ is demonstrated in an MoJ email of 14 May 2009 see appendix 26 where a senior official states that file notes are not kept when commissioning external consultants.

64. At the same time the MoJ commissioned the VOA to prepare a valuation, BCL commissioned Mason Owen to provide a valuation on our development scheme 4C. Enclosed for the Committee’s information is a copy of a brief agreed with Mason Owen and a copy of their valuation appendix 27 and 28. It is hoped the Committee notes the difference in quality with respect to the brief, the valuation report, and the clear advice given with respect to the sites value.

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65. BCL would also like to highlight another concern with respect to the MoJ and the approach. In appendix 29\(^4\) is an email thread which clearly highlights that the MoJ deliberately tried to influence the outcome of a BCL planning application. BCL question how a senior member of the MoJ thinks discussing a live planning application with the LPA is a good idea or beneficial to their assessment of the site.

66. Throughout the due diligence process, the one area BCL did take some comfort was the issue of legal title. In appendix 30\(^4\) a plan shows the extent of BCL land interest, which is made up of freehold land and land “optioned up”. It is common practise to secure land by way of an option until a planning application is determined on large re-development projects. Throughout the due diligence process and now BCL control all 47 acres of this site, and the MoJ advisors didn’t raise any concerns over this issue. Therefore BCL cannot understand why landownerships was cited as one of the reasons for the prison scheme not progressing.

67. Finally the Committee is asked to note that since the announcement, BCL have offered to provide a fully remediated site to the MoJ, see appendix 31.\(^5\)

68. In conclusion, BCL would like to highlight the following: the MoJ public announcement of the selection of their preferred location for a prison did have a material impact on the delivery of BCL development proposals for the site, that the MoJ were provided with a guide price prior to the official announcement on 5 February, the MoJ satisfied themselves with respect to site suitability as they selected the site. BCL offered comprehensive evidence with respect to the remediation costs throughout the MoJ due diligence process and have since confirmed their willingness to provide the MoJ with a remediated site, during the due diligence period the issue of land never arose between the solicitors, BCL believe the MoJ failed to complete a comprehensive due diligence exercise as MoJ staff mis-managed the process and key tasks were not completed, that the work produced by the MoJ was below accepted industry standards, and that MoJ procedures in respect to commissioning external consultants are not adequate and may not be achieving value for money for the tax payer.

November 2009

**Written evidence from Denbighshire County Council**

This memorandum is submitted in response to the call for new written evidence on recent developments affecting the prison estate in Wales and opportunities for the future.

**Comments in general upon the requirement for a new prison for North Wales**


2. In particular, the need to develop an approach to Welsh offender management and rehabilitation which takes account of Welsh cultural and language needs of prisoners whose place of residence is in (North) Wales.

3. In addition, there appears to be opportunity to link provision of a new North Wales prison with provision of same site facilities for women prisoners (none in Wales) and young offenders (inadequate in Wales).

4. Further, the need to take into account the benefits to prisoners, their families, friends, the agencies (such as legal and probation) working with prisoners and society in general, of creating a custodial environment that is near the prisoners’ place of domicile.

5. Additional benefits that would accrue to those serving their sentences in a North Wales prison are recorded in the 2006–07 Report as allowing greater prisoner access to health, education and rehabilitation services and home area based services for released prisoners. For women prisoners with children, custody in the area of their households allows opportunity to maintain contact with their children, to the great advantage of the latter. Another gain: avoiding long prisoner journeys to attend court hearings.

6. There appears to be a prevailing perception that the topography and transport routes of North and South Wales are somewhat like North and South London, and that a service located in South Wales is adequate provision for people in North Wales. It is suggested that such a viewpoint has the potential to mis-direct the decision-making process about the need for a North Wales prison.

7. It appears to be necessary to make clear to the Ministry of Justice that there are public transport, time and cost issues including overnight stay requirements and possible loss of pay, related to families and friends from North Wales visiting South Wales prisons. Indicative travel times: North Wales to Cardiff—private motor vehicle 4-5 hours, public transport 5+ hours (train). For a Heads of the Valleys location, add 1-1\(\frac{1}{2}\) hours respectively. Would such travelling times be imposed as a matter of course on prisoners’ families, etc, in English prisons?

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8. Losing contact with family and friends due to distance of available prison spaces from homes (in North Wales), is identified as a particular problem, increasing chances of reoffending. DCC understand a proven method of reducing re-offending rates amongst prisoners is to make it easier for offenders’ families and friends to visit. Whilst there are already prison places in South Wales, with more being added, there are none in North Wales.

9. Since the 2006–07 Report was published, new information has been made available indicating the preferred size for new UK prisons. Current media reports suggest that 1500 place units are preferred. For example, in a statement reported on a BBC News page, Shadow Wales Office Minister David Jones is reported as saying, “I’m afraid that the figures tend to indicate that there is probably insufficient critical mass to support a 1,500-place prison in North Wales.” (3.11.2009: http://news.bbc.co.uk/go/pr/fr/1/hi/wales/north_west/8340510.stm)

10. It is suggested that the ideas contained in this and other such statements in the media are based upon a flawed logic. Firstly, it may be possible to create a critical mass by not looking only at male prisoner numbers. Accommodating independent women and young offender units on the same site for Wales’ domiciled offenders would free up potentially around 1,500 spaces in England.

11. Secondly, within only 30 to 40 miles of the site identified in Denbighshire (see below), are the conurbations of Chester, the Wirral, Liverpool and Merseyside. To make up numbers it may be necessary to transfer into the North Wales prison a relatively small number of prisoners originating from these nearby English border areas. Is this sufficient ground for that class of prisoners who make up the majority of the numbers, that is those from North Wales homes, continuing to be denied their rights?

Comments in particular about the availability in Denbighshire of a site apparently meeting typical new prison site requirements

Greengates Farm, St Asaph, Denbighshire

Comprises a former working farm, lying to the south of the A55 dual carriageway. It is located between the St Asaph Business Park Phase I and the City of St Asaph, about 1 mile to the East. The land has been seen as an extension (Phase II) to the adjacent St Asaph Business Park, and has been divided into:

- St Asaph Business Park Phase II—being the land immediately to the East of St Asaph Business Park Phase I, and lying to the west of the central north-south brook. It comprises about 38.93 acres (15.75 hectares).
- Remainder of site—The remainder of Greengates Farm land to the east of Phase II and the central brook. It comprises about 32.99 acres (13.35 hectares). This acreage includes the site occupied by the former (now vacant) farmhouse and farm buildings. It is classified for the present as an agricultural holding.
- The whole site—It is available for disposal, subject to planning consent. From its northern boundary there is an access road leading to Cwttir Lane but main access would be expected to be via the Business Park existing road network

- Total site area—Phase II & remainder—71.92 acres, 29.1 hectares.

12. The copy letter from Minister Gerry Sutcliffe (March 2007) attached to the 2006–07 Report gave a list of criteria for a new prison site. (Annex A). This gave a minimum site area of 15 acres. The Department of the Environment, Transport and the Regions Environment Circular 03/98 26.02.1998) “Planning for Future Prison Development” suggests a typical site area of 16 hectares, and this latter figure has been used by DCC in assessing the potential of the Greengates Farm site.

13. Greengates Farm appears to meet the physical, locational, operational and potential town planning requirements for a new prison site for North Wales: Criteria for new prison sites as set out in DETR Circular 03/98 “Planning for Future Prison Development” [Paragraphs 9 to 12]:

<table>
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<th>Ideal characteristics that any site should seek to display</th>
<th>How Greengates Farm meets requirements</th>
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<tr>
<td>area of 16 hectares with a regular shape;</td>
<td>Two adjoining sites providing up to 71.92 acres (29.1 hectares). (15.75 hectares currently intended for employment land development).</td>
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<tr>
<td>be reasonably level</td>
<td>✓</td>
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<td>be not overlooked</td>
<td>✓</td>
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Ideal characteristics that any site should seek to display | How Greengates Farm meets requirements
---|---
be capable of accommodating 2, 3 or 4 storey buildings | ✓
should normally be a brownfield site, although greenfield may be acceptable in some circumstances | Mainly greenfield part is land zoned for new development in UDP/proposed LDP.
should not be within the Green Belt unless special considerations indicate otherwise | Mainly greenfield but part is land zoned for new development in UDP/proposed LDP.
should be in a sustainable location, assisting objectives of reducing the need to travel, not too far from the centre of population and have good accessibility by public transport | ✓
have good access to the motorway or arterial trunk road network | ✓
Have readily available mains gas, electricity, water, sewerage services without unreasonably high cost | ✓

14. Physical, locational, operational and potential town planning requirements for a new prison site for North Wales: Criteria specific to a new North Wales prison site:

| HMPS new Wales prison criteria | How Greengates meets the criteria |
---|---|
Welsh language and culture | In an area where Welsh language and culture are prominent. Eg Denbighshire County Council has adopted the principle that it will treat the English and Welsh languages on the basis of equality, in the conduct of public business and the administration of justice in Wales. |
Travelling distance for prisoner families/friends | Close to areas of domicile of North Wales prison population to be accommodated by new prison. |
Travel distance/time to Courts | Equidistant to principal Courts in the Region as a whole. |
Efficient prison service operation | Central for travel to all regional courts. Safe and easy access onto main roads, not overlooked, clear security lines around site. Also close to North Wales Police HQ and local custodial unit. |
Site development costs economies | — Greenfield site not requiring brownfield site contamination remediation works.  
— Whole site in public authority ownership and available immediately for sale.  
— Similar opportunity costs for loss of employment land to other Prison short-list sites.  
— No third party negotiations or potential CPO requirements.  
— Easy access A55 expressway, extensive level areas, not in green belt, regular shape.  
— Employment land capacity power and water supplies in location. |
Public Services in the locality | For staff: St Asaph (population 3,500) two miles, numerous other towns and villages within easy reach by public transport or car. Full range of housing, schools, retail centres, public transport, entertainment and sporting amenities. Major hospitals and health facilities. Many other towns and villages and outstanding centres of outdoor activity and leisure within the general area. |

15. The registered freehold title to the whole of Greengates Farm site is owned by Denbighshire County Council. Other information available on request.
Ev 24 Welsh Affairs Committee: Evidence

North Wales Coast Strategic Regeneration Area

In October 2008 the Welsh Assembly Government designated the North Wales Coast as a Strategic Regeneration Area. The SRA stretches from Mochdre/ Colwyn Bay (Conwy CBC) to Prestatyn (Denbighshire CC). Significant unemployment and economic inactivity characterise the SRA as a whole, and Rhyl and Prestatyn in particular in the context of Denbighshire.

As part of tackling this situation, the SRA “North Wales Coast 2016 Action Plan” identifies locations within the hinterland of Rhyl and Prestatyn where job creation has above average prospects. The SRA puts forward St Asaph Business Park as one such location, as being close enough to the coastal towns to support a solution to the problems of unemployment.

A new prison at Greengates Farm would meet the SRA criteria currently being strongly promoted by the Welsh Assembly Government.

The SRA is due to run until approx. 2016 and will involve funding, focussed upon strengthening the economy, and improving community health and social cohesion in this area.

Support for the nomination of the site at Greengates Farm, St Asaph

— Leader of the Denbighshire County Council, Denbighshire County Council Cabinet. As witness Cabinet decision 21.10.2008: Members agreed to the Chief Executive Officer nominating Greengates Farm to the Ministry of Justice for consideration as a potential site for a North Wales prison.

— Chief Executive Officer of the Denbighshire County Council. The Greengates Farm site was referred to Head of Site Assessment & Planning, Ministry of Justice, Custodial Property, by letter from CEO of 27 October 2009.


— North Wales Criminal Justice Board (understood to be submitting own Memorandum to Welsh Affairs Committee) (http://lcjb.csxonline.gov.uk/area28/library/newsletter%20oct%2009.pdf) (page 2)—North Wales in general and St Asaph in particular.

November 2009

Letter from Maria Eagle MP, Minister of State, Ministry of Justice, to the Chairman

I am writing to inform you of our announced decision to withdraw our interest in the former Dynamex site near Caernarfon. I know that you have previously expressed an interest in this matter.

We have made this decision based on our due diligence work, and looked at the price, the contamination and the legal ownership of the land. We were aware of potential contamination issues when we originally announced our interest and we made it clear at the time that purchase would be subject to: successful negotiations with the owner, confirmation that the contamination would not impede prison development, and planning permission.

Our due diligence procedures have therefore led us to conclude that the site does not lend itself to prison development and does not represent value for money for the taxpayer. We have issued a Press Statement, attached.46

We have a programme of work to deliver 96,000 prison places and this is not affected by the decision to withdraw from the Caernarfon site.

If you would like to meet with me or my officials to discuss this matter further, or to discuss related issues or implication we shall be more than happy to do so.

22 September 2009

Written evidence from Maria Eagle MP, Minister of State, Ministry of Justice

In April, the Secretary of State for Justice announced our intention to create 7,500 new prison places in five new 1,500 place prisons. We are currently working to secure the first two sites for these new prisons, one on the site of the former Runwell Secure Psychiatric Hospital in Essex and one at Beam Park West, Dagenham. I am writing to you as you have previously expressed an interest in this issue.

We are starting a fresh search for sites on which to build further new 1,500 place prisons. We will look across the country for sites to serve areas with greatest demand for prison places. The search will be focused on London, the North West, North Wales, and West Yorkshire. Finding the most appropriate place for a

46 Not printed
new prison is of paramount importance. They should be located in those areas where there is the greatest need, areas where the greatest number of prisoners come from. This will allow us to keep prisoners closer to their home areas and will help ensure that important family and other links can be maintained, which supports prisoner rehabilitation.

These new prisons will allow us to modernise the estate by closing down inefficient and worn out places. They will help protect the public and make communities safer by providing constructive regimes to punish and reform offenders.

Once a site is identified, consultation with local MPs, local authorities and residents will be undertaken in order to achieve the most open and transparent process possible. Once consultation has concluded, we will seek to acquire that site with appropriate planning consent.

27 October 2009

Further written evidence from Maria Eagle MP, Minister of State, Ministry of Justice

An article was published today in the Western Mail, in which Bluefield Caernarfon Limited (BCL), the owners of the main parcel of the Dynamex site, are reported to have said that the National Offender Management Service (NOMS) was aware of the guide price and all legal and environmental issues before we announced our interest in the site. They also claimed that NOMS officials lacked the in-house expertise to appraise a site on the scale of the Dynamex site.

I have written today to the Western Mail setting out our position and, as a matter of courtesy, am writing to inform you of the situation.

First of all, may I put on record that I have every confidence in my officials and the way in which they handled consideration of the Dynamex site. NOMS Estate Capacity Directorate (ECD) has significant experience of delivering new capacity on brownfield sites and contains a range of professionally qualified staff, including chartered engineers, surveyors, architects, and procurement specialists. Part of NOMS ECD’s core business is acquiring sites and obtaining planning consents for developments.

As is common across the industry, NOMS ECD routinely appoints specialist advisors to assist them in taking projects forward. In the case of the Dynamex site, the legal and environmental reports obtained as part of the due diligence processes were provided by Pinsent Masons, an international law firm with offices across the UK and Asia, and Atkins, a leading international engineering consultancy, respectively. The third report, the independent valuation report, was provided by the Valuation Office Agency, an executive agency of HM Revenue and Customs, experienced in carrying out independent valuations for Government Departments. Copies of these reports have been supplied to the Committee.

As I reported to your Committee on 8 December, when we announced in February that the Dynamex site was our preferred site for a new prison in Wales, we were aware of potential contamination and other issues. However, at the time of the announcement, not all the information we needed to reach a conclusion was available and the extent and cost of the remediation required was unclear.

Although BCL did inform us that much of the contamination on the site could remain in situ and that remediation on the site would cost no more than £1 million, we made it clear at the time of the announcement that we would follow our usual governance procedures to ensure the site was suitable for prison development.

The environmental investigations on the site were carried out by Atkins. In their report, which we have provided to Committee members, Atkins gave a detailed assessment of the constraints and risks to prison development in relation to land contamination, geotechnical and other factors. Their conclusion was that full remediation of the site was necessary and estimated this at a minimum of £10.3 million.

Following detailed investigations as part of the due diligence process, our legal advisors, Pinsent Masons, supported the view that full remediation of the site was necessary as leaving the landfill in situ would result in NOMS taking on unquantifiable environmental liability. They also commented on the complexities of the ownership of the site. Of the 45 acres site, BCL own 27 with options over a further 12 acre and six acre parcels of land. The legal title to these parcels had to be fully investigated after the announcement. Further information on potential legal issues is contained in their report which has also been provided to Committee members.

BCL’s guide price for the site was between £12 million–£24 million. The basis of this price was examined during the due diligence process but, following the failure to agree on the value of the site, the Valuation Office Agency (VOA) were instructed to carry out an independent assessment of its value. Taking into account the estimated cost of full remediation and demolition costs required for prison development of a minimum of £10.3 million, the VOA estimated a significant negative value for the site of between -£5.7 million and -£7.9 million.

As I have already said, I do regret that by announcing the Dynamex site as our preferred location for a new prison in Wales, even though this was always subject to the findings of due diligence, we did raise expectations that we would build there. I understand the disappointment felt by BCL, but categorically deny
any allegations that we have hampered their plans for developing the site. We are clear that the remediation required was in order to develop a large proportion of the site for prison use, and that this level of remediation may not be required for other developments.

In reaching our decision, we have carefully considered all facts arising from our due diligence exercise, including the valuation by the VOA. Not to have considered this would have been a failure in our duty to the taxpayer to ensure value for money in our public spending. To this end, I announced on 27 October a new site search for prisons focussing on priority areas, including North Wales.

14 December 2009

Supplementary written evidence from Maria Eagle MP, Minister of State, Ministry of Justice

WELSH AFFAIRS COMMITTEE

During your Committee’s hearing on Tuesday 8 December, I undertook to write to you with details of the economic impact of new prisons, whether I have met with the Chief Constable of North Wales, a breakdown of the due diligence costs and the criteria for the new site search.

ECONOMIC IMPACT OF NEW PRISONS

The precise number of jobs created by a new prison varies depending on its type and size. However, as a general rule of thumb, we estimate a ratio of one job for each two prisoner places in the operation of a prison.

We estimate that a prison designed to house 1,500 offenders will mean that around 800 new jobs would be created in the operation of facilities. It is estimated that a prison of this size would generate approximately £17.7 million in annual revenue to the local economy through the creation of permanent jobs, jobs generated by spending on local goods and services by prison visitors and the prison itself, and further associated spending. This estimate is based on the findings of an Economic Impact Assessment report commissioned by the Ministry of Justice, based on previous case studies.

MEETING WITH CHIEF CONSTABLE OF NORTH WALES

I have not had any meetings with either Richard Brunstrom, the former Chief Constable of North Wales or Mark Polin, the current Chief Constable, since taking up position as Minister of State within the Ministry of Justice last June. However, the North Wales Criminal Justice Board (NWCJB), on which North Wales Police sits, was informed in February this year that the Dynamex site had been selected, subject to due diligence procedures, for a new prison in Wales, and my officials informed the NWCJB on 22 September regarding the decision to withdraw from this site.

BREAKDOWN OF DUE DILIGENCE COSTS

As I reported to your Committee, the cost of our due diligence procedures on the Dynamex site totalled £228,261.88 (excluding VAT). This was spent as follows (all figures exclude VAT):

- Pinsent Masons (Legal) £54,326.04
- Lambert Smith and Hampton (Land Agents/Valuers) £49,299.00
- Atkins (Environmental) £109,636.84
- Valuation Office Agency £15,000.00

NEW SITE SEARCH CRITERIA

North Wales is one of four areas in which we are focussing the site search for sites suitable for new 1,500 place prisons, the others being West Yorkshire, North West England and Greater London. Within North Wales, we are looking for sites in, or near to, the following areas:

- Conwy;
- Denbighshire;
- Flintshire;
- Gwynedd;
- Isle of Anglesey; and
- Wrexham.

Sites will be assessed against the following criteria:

- site with 35 acres developable area (or larger if not capable of four storey development);
- no clear impediments to achieving planning permission for a prison;
- available for sale and without site assembly issues;
— sufficiently flat developable area;
— suitable shape for development;
— security not compromised by overlooking from adjoining land uses;
— previously developed/Brownfield site;
— close to or within large urban conurbations, both for addressing closeness to home and accessing an available pool of labour;
— within one hour road journey time (peak) of key courts serving the key location in the region;
— good access to public transport and motorways/trunks roads;
— no significant rights of way or other third party rights;
— ground conditions such that no abnormal costs expected during development, ie not marsh/flood plain;
— no or manageable contamination;
— possible to connect to water/sewage/gas/electricity without unreasonable cost; and
— no known major factors relating to adjoining land that could prejudice development.

Wales Office

In addition to the information requested, I would like to take this opportunity to clarify our involvement with the Wales Office. The Wales Office were consulted as part of the public debate on a prison in Wales, expressing their support for a new prison in Wales. They were not involved in the due diligence procedures on the Dynamex site as this was a matter for NOMS. However, I telephoned the Secretary of State for Wales prior to the announcement that we were withdrawing from the Dynamex site to inform him of our decision. Looking to the future, as part of the new site search, we are working with the Wales Office to identify any potential sites in North Wales.

16 December 2009

Supplementary written evidence from Maria Eagle MP, Minister of State, Ministry of Justice

Thank you for your letter of 14 December 2009 which sought my comments on some questions arising from the Welsh Affairs Select Committee follow up enquiry on Welsh Prisoners in the Prison Estate. I am sorry that it was not possible to reply to you in the time you requested.

A response to each question is laid out below:

Are there protocols in place for linking the treatment of terminally ill prisoners with special palliative care? How often are these updated?

All prison healthcare services have developed protocols and care pathways with palliative care services. Generally these will be reviewed annually, if necessary they will be reviewed more often in light of experiences.

What arrangements are there if the clinical team feels the person cannot get the care they need in the prison estate?

The usual options in these cases would be admission to hospital under escort (bedwatch), a period of release on temporary licence, following a risk assessment, or prisoner application for compassionate release so that they can be treated in hospital, hospice or at home.

How can prisoners appeal the decision of the prison governor?

The prison governor does not have any authority in relation to the clinical decisions taken to care for a prisoner. Prisoners are entitled to the same level of service as any other patient. Should a prisoner believe that any security or control decisions taken by a governor are impacting on his/her care there is an established complaint process in place. The route of appeal against a governor’s decision is to the Head of Custodial and Community Services, NOMS Cymru.
What arrangements are there for handling controlled drugs if needed by a prisoner in the long term in his/her cell (in the case of prisoners who are not so ill that they need to remain in sick bay, but who need ongoing drug therapy for symptom control)?

Many prisoners, terminally ill or otherwise, are prescribed controlled drugs and the majority are not treated in prison in-patient facilities. The key issue is not where they are treated but the availability of 24 hour nursing care for the purposes of administration of drugs and monitoring. For this reason it may be necessary to transfer prisoners within the estate from prisons without 24 hour nursing care to prisons that do have it.

What protocols are in place for prisoners who need to undergo radiotherapy or chemotherapy on a regular basis, both to ensure privacy for the prisoner and lack of distress to the other patients at hospital?

There is a memorandum of understanding between prison security and local NHS hospitals for all prisoner outpatient cases. Prisoners are treated with sensitivity, however they are still subject to the prison rules. All prisoners who require medical input undergo a risk assessment, and prisoner outpatients are accompanied by prison officers. Wherever possible separate waiting rooms are used.

21 January 2010

Written evidence from the National Offender Management Service, Ministry of Justice

Summary

— The Welsh Affairs Committee (the Committee) has asked that the Ministry of Justice submit a memorandum about the provision of new prison places in North Wales. This follows recommendations contained in the Committee’s report in June 2007 on Welsh prisoners in the prison estate.

— The Committee recommended, in particular, that: “The National Offender Management service draws up plans to develop prison accommodation in North Wales. The prison should be a medium sized (with at least 500 places) multi-function facility capable of holding male adults and young offenders (18–20) who are remanded or sentenced and of low and medium security categories”.

— The Government’s response in July 2007 to this recommendation stated that: “NOMS will continue to consider the demand, and potential future sites, for prison places in North Wales in future capacity building programmes”.

— A potential site for a new prison in North Wales was subsequently identified in Caernarfon, but after detailed consideration, it was decided not to proceed with it.

— The Justice Secretary announced on 27 April 2009 that five new 1,500 place prisons would be built by 2014. Sites for two of these prisons in London and Essex have already been identified. A new site search for the remaining prisons was announced on 27 October 2009 to be conducted in areas of greatest strategic need, which includes North Wales.

— The site search has just commenced and discussions are already underway with the Wales Office, the Welsh Assembly Government, the North Wales Criminal Justice Board and local authorities about potential sites in North Wales.

Comments

Welsh Prisoners in the Prison Estate

1. Wales has four prisons, all located in the South and all housing male offenders. All but Parc are public sector prisons.

<table>
<thead>
<tr>
<th>Prison</th>
<th>Op Cap</th>
<th>Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cardiff</td>
<td>824</td>
<td>809</td>
</tr>
<tr>
<td>Parc</td>
<td>1,200</td>
<td>1,187</td>
</tr>
<tr>
<td>Prescoed</td>
<td>178</td>
<td>177</td>
</tr>
<tr>
<td>Swansea</td>
<td>402</td>
<td>405</td>
</tr>
<tr>
<td>Usk</td>
<td>256</td>
<td>255</td>
</tr>
</tbody>
</table>

2. An additional 330 prison places (with the potential for a further 138 places) are being built as part of an expansion scheme at HMP Parc, at Bridgend, South Wales.

3. The government acknowledges that there is a strategic need for additional prison places in Wales. The most recent analysis of the prisoner population suggests that the total shortfall of places in Wales is currently 1,500 places in total, with a shortfall of around 700 places in South Wales and 800 places in North Wales. The expansion at Parc will reduce the shortfall in South Wales.
4. At present, the majority of male prisoners from North Wales are held at HMP Altcourse in Merseyside. Most recent records indicate around 300 Welsh prisoners are held there. The majority of Young Offenders from North Wales are held at Stoke Heath Young Offender Institute in Shropshire (around 70 YOs), while HMP Parc has a unit with a capacity for 64 young people (under 18). Women prisoners from north Wales are held at either HMP Styal in Cheshire (around 15 prisoners) or HMP Drake Hall in Staffordshire (around 20 prisoners).

5. The table below shows the number of prisoners from North Wales (broken down by age and gender) held in prisons in England as at 8 May 2009:

<table>
<thead>
<tr>
<th>Age/Gender</th>
<th>Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult Male</td>
<td>629</td>
</tr>
<tr>
<td>YO Male</td>
<td>113</td>
</tr>
<tr>
<td>Juvenile Male</td>
<td>30</td>
</tr>
<tr>
<td>Female</td>
<td>32</td>
</tr>
<tr>
<td>Total</td>
<td>804</td>
</tr>
</tbody>
</table>

NB: Where no home address is listed for a male or female prisoner the committal court is used as a proxy address

Diversion from custody of women offenders in Wales

6. The Ministry of Justice is investing £15.6 million over two years to help divert vulnerable women, who are not serious or dangerous offenders, from custody. It plans to reduce the number of women in prison and to provide additional services in the community for women offenders and women at risk of offending. The Ministry of Justice has awarded grant funding to seven organisations in the first funding round, which included The Women’s Turnaround Project (Safer Wales Ltd).

7. The Women’s Turnaround Project was launched in November 2007 with the aim of providing women offenders and those women at risk of offending in Wales with a multi-agency, community-based service that addresses their individual risks and needs. Services include advice on a range of issues including: legal issues, housing, education and training, employment, families and relationships, health, finance and substance misuse.

8. The project is also part of the Intensive Alternative to Custody pilot and provides court assessments on women at risk of short term custodial sentences who appear before particular courts in Dyfed Powys and South Wales. The grant funding will build on the Women’s Turnaround Project team and enable development of the project across West Wales. Funding will also be used to open a “physical” one stop shop in Cardifff Bay.

The Dynamex site in Caernarfon

9. On 5 February 2009, David Hanson announced the Dynamex site in Caernarfon as the preferred site for a new prison in Wales. The press release noted that the timing of building the new prison had not been determined. It stated that preliminary negotiations would be opened with Bluefield Caernarfon Ltd., the current owners of the site, and that a planning application would be prepared in consultation with Gwynedd Council.

10. The letters sent to interested parties stated that acquisition of the site would be subject to satisfactory negotiations with the owners, confirmation that contamination on the site would not seriously inhibit any prison development, and a successful application for outline planning permission.

11. Following the announcement in February, as part of the usual process, NOMS undertook legal and technical due diligence into the site, including looking into the legal ownership of the land and the contamination issues. The Government was aware in February that the land was contaminated by asbestos although the extent was unknown at that time. Further investigations were necessary, as part of the due diligence process, to establish whether the level of contamination meant the site would inhibit prison development on the site.

12. Officials had not entered into negotiations with the owners at the time of the announcement in February 2009. As part of the due diligence process, the Office of the District Valuer was asked to give an independent assessment of the value of the site, taking into account the cost of any potential remediation. The results of the assessment, taking into account the costs of remediating the site, led to the conclusion that the site would not represent value for money, therefore a formal offer was not made to the owners.

13. Lawyers were asked to look at the legal ownership of the land, again as part of the due diligence process. They advised that the site has a number of legal complexities, which were not known at the time of the announcement in February.

14. The results of the due diligence reports were carefully considered, and as a result, the Ministry of Justice announced in September 2009 that we were withdrawing our interest in acquiring the site as it was deemed unsuitable for prison development and represented poor value for money.
New Site Search

15. The Government accepts that announcing the preferred site before undertaking due diligence raised expectations that the site would be acquired for prison development. As a result, a new site search process has been put in place, which will be more open and transparent than has been the case previously. A short list of sites will be published as part of the consultation process, and due diligence will be undertaken before announcing a preferred site and a reserve site.

16. A site search for the new 1,500 place prisons was announced on 27 October 2009. The Government recognises that with the withdrawal from the Caernarfon site, there remains a shortfall in the number of prison places in North Wales and that this remains an area of strategic need. Accordingly, the announcement explained that the search will focus on sites to serve the areas with greatest demand for prison places, which are London, the North West, West Yorkshire, and North Wales. Discussions are already underway with the Wales Office, the Welsh Assembly Government, the North Wales Criminal Justice Board and local authorities to identify suitable sites in North Wales. A shortlist of potential sites will be published in the spring.

Background

17. South Wales was identified as a priority region in the NOMS 2006 Capacity Programme when approximately 30 sites were considered with assistance from the Welsh Development Agency.

18. In July 2006 an initial assessment was made of the former police training centre at Cwmbran as part of the Emergency Task Force remit to utilise existing buildings for emergency Category C places. The conclusion was that it was probably only suitable for Category D prisoners. However the site was considered to have potential for a new build prison. The site was acquired in March 2007.

19. It had been evident from the first meeting with the Leader and officers of the local planning authority (Torfaen Council) in December 2006 that there would be strong local opposition to any proposal for a new prison on the Cwmbran site, which also subsequently included local residents and the constituency MP.

20. In July 2007, the Capacity Programme Board decided instead to pursue a smaller expansion scheme at Parc Prison in order to provide additional capacity in South Wales within the constraints imposed by the timescales and funding of the overall programme. The new prison project in Wales was moved to the capacity programme’s reserve list. However, there was still a need to reach a decision on a site for the prison. David Hanson, who had taken over as the Prisons Minister committed to the publication of a short list of possible sites for a prison in Wales to enable a public debate.

21. The four sites on the short list were the Wrexham and Caernarfon sites in North Wales, the Goatmill Road site at Merthyr Tydfil (in the Heads of the Valleys) and the Cwmbran site (M4 Corridor) in South Wales, which were selected as preferred sites on the basis of desktop due diligence and site scoring.

22. In August 2008, the Prisons Minister issued the shortlist to enable the promised public debate to take place. The original deadline for comments was 30 October 2008 but this was extended to 28 November 2008.

23. In February 2009, the Prisons Minster announced the Dynamex site in Caernarfon as the preferred site. The due diligence process commenced following the announcement.

November 2009

Written evidence from the North Wales Criminal Justice Board

1. INTRODUCTION

1.1 The North Wales Criminal Justice Board consists of the six Chief Officers of the North Wales Criminal Justice Agencies, as well as a representative of the Wales Legal Services Commission. The Board is one of 42 Boards across England and Wales, and has been campaigning for the establishment of a North Wales Prison for the past three years.

1.2 The Board, like many other groups was very happy when David Hanson announced the prison in Caernarfon at our Conference in February, and very disappointed when the Ministry of Justice cancelled the project.

1.3 This submission has been put together on behalf of the Board members, and has their full endorsement and support, and has been seen by the Chief Officers prior to submission to the Welsh Affairs Committee. This submission is in addition to the submission entered by Carol Moore Chief Officer, North Wales Probation Area, and then Chair of the North Wales Criminal Justice Board, and the evidence given by Carol Moore and ACC Ian Shannon to the earlier investigation into this subject.
2. General Update and Evidence

2.1 General

Since the announcement, there has been general discussion between the Board members and the six Local Authorities, and we are still committed to supporting the need for a prison in North Wales, and will do all we can to facilitate the development of such a project within North Wales. Wrexham County Borough Council has met with NOMS to present a site for consideration, that has the full support of the Board, and would be able to accommodate a Welsh prison, and meet all the NOMS site requirements, as well as bringing economic benefit to North Wales. We are aware that other Local Authorities within North Wales will also be putting forward sites for consideration by NOMS.

2.2 Probation/YOT

NOMS are now producing reoffending information for all probation areas, and we have noted that in North Wales we are seeing a higher reoffending rate than in many areas, particularly those with community prisons. As with the original submission, there is still a major issue around the distances that Probation and YOT staff have to travel to reach the various custodial centres, our offenders are held in. In the case of staff from Gwynedd and Anglesey, they have a minimum travel time of four hours to reach their closest custodial centre, meaning it takes them a day to do one visit and support session. From the research we have started to do into the reasons why we have high reoffending rates, we have identified, that a number of prisoners who are a long way from North Wales actually commit offences within the prison they are in, due to the fact our area cannot support them as well as we could if we had a North Wales prison.

<table>
<thead>
<tr>
<th>Custodial Centre</th>
<th>YOT/Probation Area</th>
<th>Numbers</th>
<th>Distance from home</th>
<th>Travel Time (By Car—each way)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Redbank</td>
<td>Flintshire YJS</td>
<td>1</td>
<td>30 miles</td>
<td>45 mins</td>
</tr>
<tr>
<td>Cheshire YOI</td>
<td>Central YJS</td>
<td>1</td>
<td>149 miles</td>
<td>2 hrs 50 mins</td>
</tr>
<tr>
<td>Stoke Heath</td>
<td>Flintshire YJS</td>
<td>4</td>
<td>45 miles</td>
<td>1 hr 8 mins</td>
</tr>
<tr>
<td></td>
<td>Gwynedd/Anglesey YJS</td>
<td>6</td>
<td>100 miles</td>
<td>2 hrs 10 mins</td>
</tr>
<tr>
<td></td>
<td>Wrexham YJS</td>
<td>9</td>
<td>26 miles</td>
<td>50 mins</td>
</tr>
<tr>
<td></td>
<td>Central YJS</td>
<td>5</td>
<td>72 miles</td>
<td>1 hr 32 mins</td>
</tr>
<tr>
<td>Bristol</td>
<td>Flintshire YJS</td>
<td>1</td>
<td>188 miles</td>
<td>3 hrs 20 mins*</td>
</tr>
<tr>
<td>New Hall</td>
<td>Gwynedd/Anglesey YJS</td>
<td>1</td>
<td>121 miles</td>
<td>2 hrs 10 mins</td>
</tr>
<tr>
<td>Oak Hill</td>
<td>Gwynedd/Anglesey YJS</td>
<td>1</td>
<td>310 miles</td>
<td>5 hrs 30 mins</td>
</tr>
<tr>
<td>Brinsford</td>
<td>Gwynedd/Anglesey YJS</td>
<td>1</td>
<td>145 miles</td>
<td>2 hrs 40 mins</td>
</tr>
<tr>
<td>Hassockfield</td>
<td>Gwynedd/Anglesey YJS</td>
<td>1</td>
<td>233 miles</td>
<td>4 hrs</td>
</tr>
<tr>
<td></td>
<td>Wrexham YJS</td>
<td>1</td>
<td>182 miles</td>
<td>3 hrs 15 mins</td>
</tr>
<tr>
<td></td>
<td>Central YJS</td>
<td>1</td>
<td>205 miles</td>
<td>3 hrs 30 mins</td>
</tr>
<tr>
<td>Rainsbrook</td>
<td>Gwynedd/Anglesey YJS</td>
<td>1</td>
<td>189 miles</td>
<td>3 hrs 20 mins</td>
</tr>
<tr>
<td>Aycliffe</td>
<td>Gwynedd/Anglesey YJS</td>
<td>1</td>
<td>218 miles</td>
<td>3 hrs 45 mins</td>
</tr>
<tr>
<td>Barton Moss</td>
<td>Wrexham YJS</td>
<td>1</td>
<td>45 miles</td>
<td>1 hr</td>
</tr>
<tr>
<td>Altcourse</td>
<td>Central YJS</td>
<td>1</td>
<td>60 miles</td>
<td>1 hr 15 minutes</td>
</tr>
</tbody>
</table>

* Journey by train will cost £226.00 standard and take four hours—this does not include getting to the station, and then at the other end getting from the station to the prison.

The above table shows the dispersal of those Young Offenders from North Wales currently in custody on 28 October 2009, and shows the approximate mileage from the appropriate YOT office to the secure unit, and estimated travel time. On average each person is 93 miles away from their home area, against a YJB target of no more than 50 miles.

The chart below shows the number and break down of prisoners from North Wales who are serving a sentence greater than 12 months on 28 October 2009, taken from the North Wales Probation Service CRAMS system. This does not include the number of offenders sentenced to less than 12 months. This means there are 718 prisoners serving sentences over 12 months within the prison estate throughout England, NONE are serving in a Welsh prison.

<table>
<thead>
<tr>
<th>Sentence Type</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>CJA—Adult Custody-Std Det</td>
<td>411</td>
</tr>
<tr>
<td>CJA—Custody Plus</td>
<td>2</td>
</tr>
<tr>
<td>CJA—Extended Sent &lt;= 10 yrs</td>
<td>27</td>
</tr>
<tr>
<td>CJA—Ind Public Protection</td>
<td>51</td>
</tr>
<tr>
<td>Imprisonment</td>
<td>82</td>
</tr>
<tr>
<td>Life (age 18–21)</td>
<td>1</td>
</tr>
<tr>
<td>Life Imprisonment</td>
<td>50</td>
</tr>
<tr>
<td>Young Offender Institution</td>
<td>94</td>
</tr>
<tr>
<td>Grand Total</td>
<td>718</td>
</tr>
</tbody>
</table>
As can be seen from the above two sets of figures, the Probation Service and Youth Justice Service staff have a very difficult task to meet the minimum requirements of supervision through the Offender Management Process, due to the large distances they are required to travel. This means that they are not able to offer as effective and qualitative support programme they would want to do, often with some very difficult and dangerous offenders. If the Offender Management process is to work, there needs to be a good relationship between client and worker, and this is not practical in many cases, as offenders are scattered to the four corners of England. For North Wales staff to offer a similar support as other areas, they have to work 20 to 30% harder. This is compounded by a national mindset, that all areas have a local prison, which is obviously not the case for North Wales, and people in London struggle to understand this issue.

2.3 Mentally Disordered Offenders (MDO)

Since the last submission, North Wales has developed a Mental Health Criminal Justice Liaison team, as recommended in the Bradley report. This team is now able to help bridge the gap between transfer from English Prison (Altcourse/Styal) to the Welsh Health Service, helping the offenders to maintain their treatment. Unfortunately, they are not able to support offenders who are placed outside those two establishments, as the team is only three nurses, and they cannot afford the time to travel further afield, without failing the needs of their clients and offenders within North Wales. If there was a prison within North Wales we would be able to better support offenders with Mental Health problems, and in many cases, prevent them returning to the Criminal Justice System, by better placing them within the community on release, with the correct support.

2.4 Local Authority Access

At a recent conference it was highlighted the issues prisoners face on release from custody in trying to obtain accommodation. By the time they have travelled from Altcourse to Liverpool Railway Station, committed through several train changes and arrived in many towns in North Wales, it is too late to register for housing, and they become homeless on their first night back home. Due to the difference in the Local Government systems between England and Wales this is a regular problem caused by incompatible systems. If there were a prison in North Wales then all the Welsh agencies would be able to provide the appropriate support from within the walls of the prison, ensuring that the offender had the best support from release, thus helping to prevent re-offending opportunities/temptation.

2.5 Prisoner Transport

This still presents a major issue for the Court Service in North Wales. On a regular basis we are in receipt of instances where vehicles transporting prisoners to hearings, particularly west of the River Conwy are arriving late to the court, often due to drivers getting lost, trying to find Magistrates courts. On top of that, offenders also have to spend large amounts of time cooped up in the small “cells” within the vehicles, often leaving prisons early, and travelling for 4+ hours prior to appearing in Court. The Board has serious concerns about the prisoner’s Human Rights issues, as they are expected to leave the prison vehicle, and appear in court in a condition that they can fully understand the processes that are occurring.

2.6 Welsh Language

As with the earlier submissions, we raised very appropriately the language issues. Currently, North Wales has the highest percentage of population who are able to speak Welsh according to the 2001 census, and outside Anglesey and Gwynedd there was not one electoral division where more than 75% could speak Welsh. In July 2007, when the YJB did a study on Youth Custody and Welsh Language out of 167 young offenders, only six spoke Welsh as a first language, and those six all came from Gwynedd and Anglesey. Welsh speakers in the prison system have identified many issues raised in the previous submission, but one common comment is that if you speak Polish, German etc, you will be provided appropriate language and translation support, but this is not available for Welsh speaking prisoners. Despite 95% of North Wales’s male adult prisoners being sent initially to HMP Altcourse, there is still only one Welsh speaking staff member, the Chaplain. That said, we would go on record to praise this establishment for all they do to try and ensure the prisoners maintain their identity and choice of language, unlike the other establishments our prisoners attend. HMP Altcourse are not funded to provide Welsh Language training to staff or education in the Welsh Medium. Also since the previous submission, all the North Wales Criminal Justice Agencies have agreed a Welsh Language Policy for new staff joining, which has increased the use of Welsh in all aspects of the Criminal Justice System, except the Prison. This has therefore seen the increased use of Welsh in Court cases, and more Welsh speaking offenders are now being given custodial sentences. Previously, it had not been so apparent, due to fewer cases heard in the medium of Welsh.

2.7 Custody Numbers

Due to the North Wales Criminal Justice agencies working closer together, than ever before, we have over the past two years seen a steady increase in cases brought to court, and this is matched with a steady increase of convictions, and this will be matched with a rise in custody cases, increasing the number of North Wales
Prisoners who have to travel to England to serve their sentences. During the past two years, we have seen an 11% increase in the annual rolling total for convictions up from 8,933 court convictions a year to 10,041 court convictions a year.

2.8 Families

As identified in our last submission, the families of offenders placed in prison are the ones who suffer most during the prison sentence. Due to the distances and costs which have been raised already, it is not possible for many families to visit their relatives in prison, and this therefore compounds the breakdown of community ties, as the family ties are also strained, if not broken; particularly those with children. By placing a prison in North Wales, the ties will be maintained, helping to improve the opportunities to reduce reoffending when released. This is a major concern with our younger offenders, as unlike their South & Mid Wales “colleagues”, they have to be placed long distances from home, without any opportunity of being placed in Criminal Justice Boards Chairs on 11 November 2009.

3. Conclusion

Since the last submission, the case for a North Wales prison has increased, as we are now sentencing more offenders to custodial sentences, despite reviewing the sentencing options to identify alternative methods of punishing the offenders. The lack of a prison in North Wales puts a great strain on the North Wales Criminal Justice System, in terms of resource time and cost. To send a probation worker to Altcourse costs the Probation Service £54,417 per year. If we had a prison within North Wales this cost would be greatly reduced through placing staff permanently in our prison. Currently in the climate of reduced resources, a prison in North Wales would help all the criminal justice agencies, and other partners to provide a far more effective service to the offenders, and to ensure a smooth passage back to their community with support packages readily in place. It is accepted by the Board members, that the current ideology for prison build, is for 1,500 bed prisons, and that North Wales does not have that many offenders, therefore it is accepted that the short fall would be made up with prisoners from the neighbouring English areas. A prison in North Wales, appropriately placed, would in fact meet all the needs of the Welsh prisoners, as well as local English prisoners, placing them closer to their communities than currently is the case. North Wales CJB and its LA partners are fully committed to assisting the NOMS team to find a suitable location within North Wales to build a prison.

North Wales is a very safe place to live, work and visit, but this is due to excellent working relationships between the Criminal Justice Agencies and partners. It would become even safer if we had a North Wales Prison, as we would be able to work closer with offenders, and reduce their reoffending rates, unlike at the present situation.

November 2009

Written evidence from Public and Commercial Services Union

WELSH PRISONERS IN THE PRISON ESTATE

INTRODUCTION AND SUMMARY

1. The Public and Commercial Services Union (PCS) is the largest civil service trade union representing over 300,000 members working in most government departments, non-departmental public bodies, agencies and privatised areas.

2. PCS represents over 21,000 members employed in the Ministry of Justice (MoJ) including almost 5,800 in the National Offender Management Services (NOMS). Our members in NOMS undertake a wide variety of jobs both in prison establishments and in NOMS headquarters. These range from Governors and managerial, administrative, instructional and secretarial jobs to support tasks such as cleaning and office management.

3. In Wales, we have members working in HMPs Cardiff, Swansea and Usk/Prescoed. We also represent staff working in the Shared Service Centre in Newport which provides support services for staff across the whole of NOMS.

4. We welcome the Committee’s follow-up inquiry as an opportunity to share our concerns about the increased “marketisation” of the prison system.

5. We acknowledge that there are compelling arguments for the creation of prison facilities in North Wales, but increased “marketisation” of the prison system in England and Wales will bring considerable pressure to build large “warehouse” prison establishments. These are favoured by the private-sector, as opposed to smaller units that have a greater focus on rehabilitation work and addressing re-offending behaviour, which by their very nature are staff-intensive services, more expensive and therefore deliver less profit to privateers.

47 Calculated on one day x 718 prisoners + return trip mileage from Colwyn Bay to Altcourse. This takes no account of prisoners elsewhere in England.
6. Like the Committee, in their 2007 report, PCS believe that if imprisonment has to be used as a punishment (should proper, well-funded alternatives be unavailable), then such facilities should be located within local communities themselves and small enough to allow intensive rehabilitation activities (such as education and work experience) to take place in a meaningful and coherent way.

7. This submission therefore covers our concerns about:

- the Welsh prison population;
- private prisons; and
- HMP & YOI Parc.

WELSH PRISON POPULATION

8. PCS note the most recent statistics on population in custody for Wales for the period up to the end of August 2009, was 2,800, a 0.9% decrease compared with 2008 figures.

9. Although the prison population in Wales was at 98% of “operational capacity”, the measure that NOMS determines is the total number of prisoners that a prison can fit (allowing for a safe level of overcrowding). A separate measure of prison overcrowding is defined by NOMS as a prison containing more prisoners than the establishment’s Certified Normal Accommodation (CNA).

10. CNA or uncrowded capacity is the measure of accommodation that represents the good, decent standard of accommodation that NOMS aspires to provide all prisoners. The August 2009 statistics showed that the Welsh prison population was 144% of the “in use” CNA figure of 1,940 compared with 112% figure for England and Wales combined.

11. Within this overall figure the July 2009 NOMS monthly bulletin showed that of the 20 most overcrowded prisons in England and Wales, disproportionate to the entire estate, three were Welsh prisons namely HMP Swansea (second most overcrowded) with 395 prisoners although designed for 230 men, HMP Usk (sixth most overcrowded) with 256 prisoners and 153 places, and HMP Cardiff (15th most overcrowded) with 797 prisoners and 548 places.

12. There are no female prisoners or women’s prisons in Wales but there are 14 women’s prisons in England. Women represent 5% of the overall prison population and PCS believe the lack of female prison places significantly impacts on female Welsh prisoners and their families.

13. Welsh mothers and babies serve their sentences within units in England, and the average distance adult women in prison were held from their home or committal court address is 57 miles. In 2007, around 800 women were held over 100 miles away.\(^4\)

14. PCS unequivocally supported the recommendations of the 2007 report by Baroness Corston reviewing women with particular vulnerabilities in the criminal justice system, in particular the recommendation that supported a strategy to replace existing women’s prisons with suitable, geographically dispersed, small, multi-functional custodial centres.

15. Across England and Wales PCS believe that the prison population crisis has adversely impacted on the delivery of re-offending programmes. The movement of prisoners, re-categorisation of prisoners and in some cases the closure of whole establishments for re-categorisation, have all undermined the stability required for effective delivery of programmes.

16. Overcrowding means that:

- Basic standards of human dignity are compromised with prisoners being held two to a cell designed for one.
- Prisoners are being transported all over the country in the search for spaces, costing the taxpayer millions of pounds in transportation, delays to the criminal justice system as well as jeopardising family relationships.
- The good work the public-sector prison service is trying to do is being undermined as purposeful activity and re-offending programmes are disrupted by overcrowding and “churn”.
- Deaths in custody are increasing. A study by the Forum for Preventing Deaths in Custody in September 2007 found a link between overcrowding and self-inflicted deaths.

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\(^{48}\) HC Deb 31 January 2008, col 566w; HC Deb 18 March 2009, Col 1222w
PRIVATE PRISONS

17. The UK has the most privatised prison system in Europe. In England and Wales approximately 10.8% of the prisoner population are held in private prisons. Private prison contracts are shared between just three companies: Serco operates Ashfield, Dovegate, Lowdham Grange and Doncaster; G4S operates Altcourse, Parc, Rye Hill, and The Wolds; Kalyx operates Bronzefield, Forest Bank, and Peterborough.

18. 43% of the Welsh prison population are held in the 1,200 capacity HMP & YOI Parc owned and operated by privatee G4S. We believe this therefore justifies the statement that Wales is second only to the United States in the number of prisoners in custody to private companies, whose primary aim is to create profit.

19. PCS notes that despite the first quarter 2009–10 Prison Service internal league tables demonstrating some improvement, in 2008 that 10 out of the 11 prisons managed by the private sector were in the bottom quarter of the weighted scorecard, used to measure the overall performance of prisons, including Peterborough Prison, managed by a private firm for three years, coming last out of 132 prisons and prison clusters, with low marks for reducing re-offending, organisational effectiveness and decency.

20. We also note that prisons run by the public sector consistently and significantly out-perform those that are privately managed, which have a particularly poor record at maintaining order and security. PCS believes that privatisation is incompatible with reducing re-offending, as it is not in the interests of huge multinational private sector companies involved in prisons to see reductions in the prison population.

21. The overall failings of private sector prisons have been well documented by both academics, pressure groups and examination of performance data, notably in the comprehensive Howard League 2002 report “A Decade of Private Prisons: Financial Failure, Political Distraction”. At that time their press release encapsulated the argument against privatisation stating, “At best the commercialisation of prisons has been a distraction, at worst it might have contributed to the increase in prison numbers. The Howard League seriously doubts that the privately managed prisons have had any significant influence on improving the daily life inside prisons.”

22. PCS believe that not only do private-sector prisons represent less value for money and are less efficient than the public sector, but that the nature of companies seeking private profit run contrary to a need to tackle recidivism. Put simply, “what is the incentive for the private sector to reduce prison numbers?” as an increasing prison population represents business opportunities and steady income streams.

23. It has proved incredibly difficult to determine the true costs of the nine existing PFI prisons in England and Wales particular the cost over the full life of their contracts.

24. An answer to a parliamentary question on 13 March 2008 stated that the value of the PFI contracts at the time they were awarded (between 1995 and 2003) was £1.89 billion. The same answer stated that between the financial years 2002–03 and 2006–07 estimated payments to the PFI contracts totalled £843 million; although this figure did not include part-year costs for Peterborough and Bronzefield prisons that opened during 2004 and 2005. The contract for Altcourse alone was valued at £247 million in 1995, but in the five financial years between 2002 and 2007 the company received £161.7 million and with the contract ending year 2023-24, a further 15 years of profit is expected. Therefore, the overall figure of £1.89 billion we believe appears to be a significant underestimate.

HMP & YOI PARC

25. HMP & YOI Parc is a Category B local prison in Bridgend housing approximately 1,200 male adults (convicted only), young offenders (convicted and remand) and young people (convicted and remand). The prison opened in November 1997 and is managed by G4S.

26. An April 2009 unannounced HM Chief Inspector of Prisons inspection of HMP & YOI Parc, found some improvements, but that it was under-resourced for its training role. There were only 70 education spaces for its 1,200 prisoners and only 289 work places. Some of these were in contract workshops with too few opportunities to gain work-related skills; and at any one time, there were at least 400 officially unemployed prisoners. Many of those in the contract workshops were in fact unoccupied.

27. Inspectors also found “staff still lacked the training and confidence to engage positively with prisoners or challenge them”. There were particular failings in diversity with few staff or managers having been trained so that “they lacked cultural awareness and were reluctant to challenge racial issues and name-calling” and a common theme in private prisons is that indiscipline is prevalent “use of force among young adults was high, reflecting the level of fights and assaults”.

28. In summary, HM Chief Inspector of Prisons, Anne Owers said: “There are two key weaknesses that need to be addressed. One is internal: the need to train, support and equip staff properly to engage with and challenge the prisoner population. The other is external: Parc is Wales’s only generic training prison and at present it is unequipped to perform that role. Welsh prisoners therefore either need to leave Wales, or to miss out on the education and training opportunities they need in order to increase their life chances outside prison. This is unsustainable, and something that the Director of Offender Management needs to address urgently.”
CONCLUSION

29. It has been estimated that the cost to the taxpayer of building a new prison currently stands at approximately £300 million per establishment. NOMS operates in a “contestable” market where they are both a purchaser and provider of “offender management” services and has to compete with the private sector.

30. The concern of PCS and many within the criminal justice system, is that this increased “marketisation” of prisons is “driving” forward a prison building programme and in so doing taking up scarce public resources, detracting from meaningful debate about managing a rising prison population and progressive penal policies that would look to genuinely tackle the issue.

31. Because of the economies of scale involved, privateers will generally be much keener to bid for large blocks of work rather than for one-off or small scale contracts. The review by Lord Carter recommended new “titan” prisons to hold 2,500 prisoners each. Privateer Wales/Capita lobbied and submitted a plan to Lord Carter for a 3,600 prison complex.

32. In April 2009 the government announced plans to scrap the three proposed 2,500 place “titan” prisons in favour of five 1,500 place prisons. They agreed that these will all be privately built and operated. On 27 October 2009 the Ministry of Justice announced that it had started the search for sites on which to build new 1,500 place prisons and identified North Wales as a possible location.

33. PCS acknowledge that, in common with England, the Welsh prison estate is overcrowded and there are compelling arguments to support the creation of new prison places in North Wales, particularly for female prisoners. In addition we have noted the failings of HMP & YOI Parc, Wales’ largest prison, in delivering education, purposeful activity and re-offending programmes. However, we believe there is a very real risk that the legitimate objectives to deal with overcrowding, address HMP & YOI Parc’s failings, and provide an accessible prison for families and friends of prisoners will be subsumed by yet another opportunity for privateers to derive profit from incarceration.

34. PCS believe that if this is left to the private-sector then no significant reduction will ever be made in tackling prison overcrowding through tackling recidivism. PCS believe that to have a professional and efficient prison system which genuinely seeks to tackle re-offending, that sufficient funding must be provided to those key workers within the public sector who deliver this work.

2 November 2009

Written evidence from Rt Hon Peter Hain MP, Secretary of State, Wales Office

Please find enclosed a memorandum detailing actions taken by myself, my predecessor and the current and previous Parliamentary Under Secretaries of State, regarding the Ministry of Justice’s consultation on a new prison in Wales.

I would like to take this opportunity to reiterate my view that a jail in North Wales is hugely important to the area, both for the good provision of offender management, and as a welcome boost to the local economy.

I welcome your committee’s call for evidence and look forward to seeing the outcome of your inquiry.

MINISTRY OF JUSTICE CONSULTATION ON SITES FOR A NEW PRISON IN NORTH WALES

1. The lead department throughout the consultation process was the Ministry of Justice. The Wales Office had no direct input into the consultation on specific sites.

2. On 4 August 2008 David Hanson, the then Minister for Prisons, wrote to my predecessor Paul Murphy, informing him of four shortlisted Welsh sites.

3. Huw Irranca-Davies, the then Parliamentary Under Secretary of State for Wales, replied on 1 September on behalf of the Secretary of State welcoming the shortlist. Paul Murphy replied as a constituency MP. The Minister for Prisons wrote acknowledging this letter on 27 September.

4. The Wales Office was not formally notified of the selection of the former Friction Dynamics/“Ferodo” site at Caernarfon as the preferred site. It was not involved in the due diligence process undertaken on the site.

5. Maria Eagle, the Minister for Prisons, advised me of the Ministry of Justice’s decision to withdraw interest from the Caernarfon site on 22 September. The decision was announced the following day.

6. Wayne David, Parliamentary Under Secretary of State for Wales, met with the Minister for Prisons to discuss a new round of site search on 22 October. At that meeting he reiterated the Wales Office’s view that a new prison in North Wales would be beneficial to the area, both for the good management of offenders from the area—particularly those who speak Welsh, and for the economic benefits it would bring.

7. The Minister for Prisons subsequently announced a new round of prison site search on 27 October. She stated that the search will focus on North Wales and three other key strategic areas. She wrote to myself and the First Minister regarding the site search, and invited our help in finding suitable sites.
8. I wrote to all North Wales MPs on 4 November encouraging them to be proactive in working with local councils to identify suitable sites in their area and bid for a new prison. I copied this letter to the Minister for Prisons.

9. I continue to support a new prison for North Wales and I look forward to seeing the outcome of the Committee’s inquiry.

10 November 2009

Written evidence from Wrexham County Borough Council

THE STRATEGIC NEED FOR A NEW PRISON FACILITY IN NORTH WALES

1. With reference to the continuing requirement for a new prison in North Wales, I am writing to the Welsh Affairs Select Committee to:

   (a) formally express the Council’s view that a facility should be based in North Wales; and
   (b) draw the Committee’s attention to a publicly owned 108 acre brownfield site on Wrexham Industrial Estate that meets all the criteria previously publicised.

2. The case for a prison in North Wales has been strongly articulated in the past by all the local authorities in North Wales and the award to Caernarfon last year was an acknowledgement of this urgent requirement in the region.

3. Now that the search for a suitable site has re-commenced, the Council would like to reiterate its support for a North Wales prison. In summary, our support is based on the following grounds, which centre on the strategic need and fundamental requirement for a new prison facility in North Wales:

   (a) There is currently no prison capacity in North Wales.
   (b) All offenders from North Wales are sent outside Wales.
   (c) A local prison would better fulfil the Prison Service criteria that the prison is within one hour (peak time) of key courts.
   (d) It would enable use of the Welsh language for all categories of first-language Welsh prisoners.
   (e) It would increase family and professional support to prisoners, thereby indirectly reducing re-offending rates and crime generally.
   (f) A new prison is a highly significant and much needed economic development opportunity that would provide a critical counterbalance to the inherent problems of the wider economy that have been aggravated by the recession.
   (g) The North Wales economy relies more on manufacturing and less on public sector employment than that of South Wales. An investment of this nature would provide long term security for employment and begin to shift the emphasis from the more volatile manufacturing sector.
   (h) There is widespread public support across North Wales for a new prison to be located in North Wales.
   (i) Viable sites exist in North Wales, including one in Wrexham.

4. A suitable location is available on Wrexham Industrial Estate, on the former Firestone factory site. This site fulfils the key site criteria as set out by the Ministry of Justice and is large enough to accommodate the requirement for a 1,500 bed prison plus any ancillary infrastructure or future developments.

5. The site is serviced by good infrastructure and work is in progress to improve transport links with the construction of a new link road.

THE STRATEGIC NEED FOR A NEW PRISON IN NORTH WALES

6. The principal argument for locating the new prison in North Wales relates to equity, fairness and strategic need, primarily due to the fact that all the prisons in Wales are located in South Wales. 20% of Wales’ population, therefore, has no Welsh prison provision. The nearest prisons to North Wales for males are on Merseyside—95% of males are sent there. Female prisoners are sent to Cheshire and Young Offenders are sent mainly to Stoke Heath. All of North Wales’ offenders who are given custodial sentences must, therefore, serve their sentences outside of Wales, away from where they and their families live.

7. Consequently, the social benefits of locating the new prison and custodial youth facilities in North Wales would be significant, having the effect of:

   (a) Decreasing levels of family stress and break up from having to travel long distances to visit prisoners.
   (b) Reducing the cost placed on North Wales’ families who wish to support their family members in prison.
(c) Enabling bilingual custodial provision for prisoners who speak Welsh—Welsh speakers currently have no facility to use their first language.

(d) Improving the effectiveness and impact of the rehabilitation services by reducing the cost and time penalty of long distance travel. This would also have a major effect on the efficiency of the resettlement work which could reduce re-offending rates.

(e) Eliminating the over night homeless problem that can arise from being unable to access local authority services on release day due to excessive travel times.

8. There would also be considerable efficiency gains for the court service and public services—the probation and prison services and social services—in reducing journey times and costs from travel between North Wales’ prisons and English prisons.

9. A new prison for North Wales would also bring major economic advantages creating opportunities for re-boosting the economy through new jobs, ongoing income streams, investment and reducing the over reliance on manufacturing.

10. Wales, and North Wales in particular, has been hard hit by the impacts of the recession. Unemployment has risen more sharply in North Wales as redundancies have been significant, particularly in the manufacturing sector. The North Wales Local Criminal Justice Board believe 1,000 jobs could be directly created by a new prison and related criminal justice facilities, plus an additional 1,000 in service and ancillary industries. There would also be an incremental growth in demand for local services such as education, building maintenance, food supply and health services.

11. The combined impact of the above would be positive for both the prison population and their families as well as the development of the local economy whilst correcting the bias of unfavourable prison provision for North Wales’s prisoners.

WREXHAM INDUSTRIAL ESTATE: A POTENTIAL LOCATION FOR A NEW PRISON IN NORTH WALES

12. The Council is aware that there is a site available on Wrexham Industrial Estate that appears to meet all the criteria. This is referred to as the former Firestone site. It is a flat, publicly owned, 108 acre brownfield site in a quiet location. The site is well served by infrastructure and two new access link roads are planned to be completed there by 2011. The site currently has outline planning consent for B1, B2 or B8 uses. Any specific development would, of course, be subject to detailed planning and/or any other necessary statutory consents.

13. Wrexham is the administrative centre of the wider Wrexham County Borough. It is the largest town in North Wales. Commuting patterns, both in and out of the County Borough cover substantial areas of North Wales and the bordering Cheshire and Merseyside region. Wrexham has the largest medical campus in North Wales at the Wrexham Maelor Hospital and is a regional centre for skills and learning.

14. The site is located approximately 2.5 miles from the centre of Wrexham and has good public transport links. The site is within an hours travel time, (peak periods), of the key courts serving the region.

To summarise, this letter constitutes the Council’s expression of support for a new prison facility in North Wales. It also identifies a potential site candidate in the strategically located former Firestone site on Wrexham Industrial Estate.

I trust that the Welsh Affairs Select Committee notes and pays consideration to the Council’s representation.

9 November 2009

Written evidence from Dr Brian Gibbons AM, Minister for Social Justice and Local Government, Welsh Assembly Government

I am writing in response to your announcement on 13 October that the Welsh Affairs Select Committee would be conducting a follow-up inquiry to your 2007 inquiry on Welsh prisoners in the prison estate.

The then Minister for Social Justice and Regeneration wrote to you in respect of your original inquiry in 2007. This made clear our view that there should be additional prison capacity in Wales. Subsequently, the Ministry of Justice and before that the Home Office had looked to identify suitable sites to address the current shortfall in provision in Wales. The Welsh Assembly Government provided assistance in these site searches.

It is therefore very disappointing that there are still no firm proposals for a new site in Wales. We were particularly disappointed to learn of the Ministry of Justice decision not to go ahead with their plans for a new prison in Caernarfon. So we welcome the recent statement by the Minister of State at the Ministry of Justice that there will be a new search for suitable sites in North Wales. We will continue to provide the Ministry of Justice with assistance in this regard.
The need to provide more prison accommodation in Wales remains and we will continue to lobby the Ministry of Justice for the following:

— Additional prison capacity in Wales so that more Welsh prisoners can serve their sentence in Wales;
— Prison accommodation for the first time in North Wales;
— Additional prison space in South Wales, where we favour a Heads of the Valleys location because of the economic benefits a new prison would bring; and
— Accommodation to be provided for women.

I look forward to reading your follow-up report when it is completed.

9 November 2009

Written evidence from The Youth Justice Board for England and Wales (YJB)

1. The Youth Justice Board for England and Wales (YJB) welcomes the Committee’s follow up inquiry. This note updates the Committee on actions taken by the YJB since the Committee’s 2007 Report including the issues raised about the provision of custodial accommodation for under 18 year olds and the identification and provision of services for Welsh speaking young people held in custody. We would be pleased to provide any additional information that may be of assistance.

GENERAL DEVELOPMENTS

2. The YJB has significantly re-configured its approach in Wales. Following an internal review, changes implemented from April 2009 include:

— a revised governance structure incorporating the Youth Justice Committee for Wales as a full sub-committee of the YJB, run jointly with the Welsh Assembly Government;
— a refreshed All Wales Youth Offending Strategy with a new published 2009–11 delivery plan;
— an increase in YJB staffing resource for Wales;
— a set of six priority areas for youth justice agreed through consultation in Wales, that includes custody and resettlement as a priority area; and
— a new committee structure designed to track delivery against the six priority areas.

CUSTODY AND RESETTLEMENT SERVICES INCLUDING WELSH LANGUAGE PROVISION

3. A Wales Custody and Resettlement committee now oversees progress on this priority area on a quarterly basis. Objectives for this priority area have been agreed, of which the four below are of particular relevance to the committee’s inquiry. This Custody and Resettlement committee also tracks progress against a performance indicator to reduce the proportion of children sentenced to custody and scrutinises where Welsh children in custody are placed. The latest information on placement is given in paragraph 12 below.

4. One objective of the Custody and Resettlement priority area is to encourage the expansion of resettlement programmes to every youth offending service area in Wales:

— Progress: £200,000 has been allocated to six Welsh Youth Offending Teams (YOTs) in 2009–10 to enhance resettlement programmes for children and young people. The recipients were selected on the basis of rates of sentencing to custody.

5. A second objective is to increase the number of places available at Hillside Secure Children’s Home and continue to explore how more provision in North Wales can be achieved.

— Progress: The number of beds at Hillside Secure Children’s Home has been increased to 15 this year with a further planned increase to 17 next year. The Welsh Assembly Government is providing capital investment and the YJB revenue funding to commission the places.

6. Regarding North Wales, as the Committee is aware, a YJB-Welsh Assembly Government joint working party was formed in 2005 to develop a secure accommodation strategy aimed at catering for the needs of Welsh young offenders. A report was produced in 2006 with a number of recommendations including the consideration of a new secure facility in North Wales. Work on taking forward this recommendation was intermittent but a joint position paper that was produced agreed that to be viable any new proposed custodial facility should be of a Secure Children’s Home type with a maximum of 10 places. The Welsh Assembly Government agreed to provide capital funding with the intent that YJB would then contract for the new facility. However, it was made clear that YJB would only offer a contract if additional revenue funding was received from Ministry of Justice. In July 2008 YJB and the Welsh Assembly Government also undertook visits to look at some potential sites in North Wales but no preferred site was chosen. This project has since been put on hold as YJB did not receive any additional funding for North Wales in its budget settlement.
7. The decision should also be seen in the context of a reduction in the overall number of Secure Children’s Home places (from 218 to 191) now commissioned by YJB from April 2009, with four contracts not renewed in England reflecting a drop in demand for these types of custodial places across the secure estate. However, the YJB continues to keep under review the issue of provision for the relatively small number of young people in custody who come from North Wales as it develops its plans for 2010–11 and beyond.

8. Another objective for the Custody and Resettlement priority area is to implement a Welsh Language action plan in all secure establishments that house children and young people from Wales.

— Progress: In 2007 YJB made a commitment to the committee to review the provision of Welsh language services in the secure estate. The review was completed in 2008 and reported on several issues, including weaknesses in processes for identifying young people whose first language is Welsh and the level of access to Welsh language education, particularly in establishments in England with the highest concentration of Welsh young people. The review led to the creation of a Welsh Language action plan which has so far resulted in:

— a specific requirement in Prison Service Order 4950 (care and management of young people) requiring staff to identify the young person’s first/preferred language on admission to the secure establishment;

— a set of requirements for the next version of eAsset (an electronic sentence management system for the secure estate for children and young people) to include a facility whereby a young person’s preferred language can be flagged up;

— YJB placement alert & confirmation forms updated to include specific action on first language; and

— Welsh language classes provided at Ashfield & Stoke Heath YOIs in England (these are also provided at Parc YOI & Hillside Secure Children’s Home). There remain issues around the provision of Welsh language at other establishments in England where there are smaller numbers of Welsh young people but work will continue to see where further improvements can be made.

9. In a separate development, and following meetings with the Welsh Language Board (WLB), the YJB agreed in October 2009 through its Diversity and Equality Board to undertake joint work with the WLB to produce good practice guidance for YOTs on delivering a Welsh language service. The scoping for this work will begin in December 2009 and is aimed to be completed in the first half of 2010.

10. Another objective for the Custody and Resettlement priority area is to define an expected package of support for children and young people after a period in custody in Wales and England.

— Progress: The YJB is working with Welsh Assembly Government colleagues with a view to introducing regulations in support of Section 15 of the Children and Young Persons Act 2008.

**Custodial provision**

11. YJB has recognised the need for custodial places in Wales and over the years has made efforts to increase the number of places available. This has seen places increasing in stages at both Parc YOI and now Hillside Secure Children’s Home from an initial 36 and 14 to 64 and 17 places (from next year) respectively.

12. Alongside some increase in the provision of places in Wales there are recent signs of overall reductions in the numbers of young people in the system at any one time.

Numbers of Welsh young people in custody*:

- **January 2007**—159 Welsh young people out of 2,860 in total
- **January 2009**—146 Welsh young people out of 2,714 in total
- **October 2009**—139 Welsh young people out of 2,489 in total

Numbers held in Wales*:

- **January 2007**—34 Welsh young people
- **January 2009**—71 Welsh young people
- **October 2009**—63 Welsh young people

Numbers held in England*:

- **January 2007**—125 Welsh young people
- **January 2009**—75 Welsh young people
- **October 2009**—76 Welsh young people

* snapshot last day of the month

**November 2009**