Ministry of JUSTICE

Proposed closure of Sherborne Magistrates' Court and Bridport Magistrates' Court

Response to Consultation

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HER MAJESTY'S COURTS SERVICE

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Ministry of JUSTICE

Proposed closure of Sherborne Magistrates' Court and Bridport Magistrates' Court

Response to consultation carried out by Her Majesty's Courts Service, part of the Ministry of Justice. This information is also available on the Ministry of Justice website at www.justice.gov.uk

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Introduction and contact details

This document is the post-consultation report for the consultation paper, 'Proposed closure of Sherborne Magistrates' Court and Bridport Magistrates' Court'.

It covers:

- the background to the report;
- a summary of the responses to the report;
- a detailed response to the specific questions raised in the report; and
- the next steps following this consultation.

Further copies of this report and the consultation paper can be obtained by contacting **Simon Townley** at the address below:

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This report is also available on the Department's website: www.justice.gov.uk.

Alternative format versions of this publication can be requested from simon.townley5@hmcourts-service.gsi.gov.uk or by telephoning 023 9285 7954.

Background

The consultation paper 'Proposed closure of Bridport & Sherborne Court' was published on 13 October 2009. As neither court has custody accommodation the range of business which can be listed is limited. Therefore, the paper invited comments on a proposal to:

(i) close Sherborne Magistrates' Court and continue to hear cases at Weymouth and Blandford Magistrates' Courts instead; and

(ii) close Bridport Magistrates' Court and to continue to hear cases at Weymouth Magistrates' Court instead.

The reasons for these proposals are as follows:-

(i) Neither Sherborne nor Bridport Magistrates' Court has custody accommodation or the ability to deal with custody cases. The range of business which can be listed is therefore are limited.

(ii) The facilities at these courts are poor and the accommodation no longer suitable for the provision of court services, especially for victims and witnesses. There are no staff based at either court, staff only attend when the court is sitting.

(iii) Given the low volume of work and usage by the public, maintaining the courthouses at Sherborne and Bridport is not cost effective and better value for money can be achieved by transferring the services at Sherborne to Weymouth or Blandford Magistrates' Court and the services at Bridport to Weymouth Magistrates' Court.

The consultation period closed on 5 January 2010 and this report summarises the responses, including how the consultation process influenced the final shape of the proposal consulted upon.

A list of respondents is at Annex A.

Summary of responses

1. A total of seven responses to the consultation paper were received. Of these three were from representative bodies: the Magistrates' Association (MA), National Bench Chairmen's Forum (NCBF) and the Law Society. One was received from the Legal Services Commission, one from the Dorset, Gloucestershire & Wiltshire Courts Board, one from Bridport Town Council and one from Dorset County Council.

2. The responses were analysed for the degree of support for, or opposition to, the proposal. They were also examined for possible alternative approaches to the provision of services and evidence of the impact of the proposals.

3. Only one respondent, the Law Society, objected to the proposal setting out various reasons which are summarised below:-

   (i) The closure of the two magistrates' courts will impact on local justice. It will also mean the loss of the magistrates' knowledge of the community.

   (ii) It will particularly impact on individuals on low incomes who have no access to private cars.

4. The responses from the MA, NBCF and Legal Services Commission were national statements in respect of proposals to close 21 courts in England and Wales. The responses highlighted the following:-

   (i) The need to review the current HMCS estate and demonstrate that public funds are spent in the most efficient way.

   (ii) The importance of accessibility to justice, and the notion of summary justice located within communities.

   (iii) The need to recognise that many of the people who find themselves in court are neither the most wealthy nor adaptable in society and that a justice system that fails to take account of those factors risks losing the confidence of a large section of society.

   (iv) A need to identify alternative venues in which to deliver local justice.

5. The responses from the Dorset, Gloucestershire and Wiltshire Courts Board acknowledged the 'inevitability' of closing the court houses, but expressed a concern at a perceived absence of an HMCS estate strategy.

6. The response from Bridport Town Council expressed its strong disappointment and regret at the loss of the town's court, which is an important part of the town's heritage. If the closure did go ahead, the Town Council would ask that some of the forecast savings were put back into local community justice and help establish community justice panels being looked at by the Town Council.

7. The response from Dorset County Council recognised the need to make efficiency savings across the public sector and that there would be significant expense in making the courthouse Disability Discrimination Act compliant. However, it stated that this should not be at the cost of local delivery of justice in communities and suggested that a rural court room hire scheme may provide the opportunity to close underused court houses without taking the administration of justice out of communities.

Responses to specific questions

1. What comments would you like to make on the proposal to close Sherborne Magistrates' Court and Bridport Magistrates' Court?

Of the seven reponses, one contained a clear objection to the proposal. Below is a selection of comments made:

> "The closure of the two Magistrates' Courts will impact on access to local justice in Dorset…. it will also mean the loss of Magistrates' knowledge of the local community." – *Steven Durno, Policy Officer, Law Society of England and Wales*

> "However the Courts Board is concerned about the lack of an estate strategy with HMCS, both nationally and locally, and that these closures are not being considered as part of a review of the whole estate but are rather a piecemeal approach to the problem." – *John Carter, Chairman Dorset, Gloucestershire and Wiltshire Courts Board*

> "The cost saving from the closure of Sherborne Magistrates' Court and Bridport Magistrates' Court will be at the expense of local access to justice." – *Steven Durno, Policy Officer, Administration of Justice, Law Society of England and Wales*

> "It was understood that consideration was being given to more prosecutions being undertaken by the police, rather than the Crown Prosecution Service. If that did happen, it would be better to retain local courts, rather than centralising the services in Weymouth." - *Bob Gillis, Town Clerk, Bridport Town Council*

The remaining responses from the Magistrates' Association, National Bench Chairmen's Forum and Legal Services Commission contain general comments that relate to the impact of closures generally and are dealt with under Question 2 below.

The HMCS responses to the issues raised are:

(i) Impact on local justice and the loss of local magistrates' knowledge

It is agreed that since the decisions to cease listing at Sherborne and Bridport were taken, some court users may have incurred additional travelling. However, the lack of locally generated work in each court, and the absence of custody facilities meant that it has not been feasible to run courts efficiently or effectively at these venues.

Magistrates hearing cases at Weymouth and Blandford are members of the West Dorset Bench. As such they are selected from a wide range of locations and backgrounds. Every effort is made during the selection process to ensure that the various communities in West Dorset are represented.

(ii) Lack of HMCS Estates Strategy

HMCS constantly reviews its estate, at both national and local level, in order to develop a modernised, fit for purpose court estate that maximises the use of Government resources. The proposal to close Sherborne and Bridport Magistrates' Courts are being considered as part of the HMCS Business plan for the Dorset, Gloucestershire and Wiltshire Areas, in consultation with the Courts Board, designed to improve the overall service within the area by provision of improved centralised facilities.

This proposal is one in a programme of 21 consultations that was announced in October 2009 aimed at reducing the cost of owning and/or maintaining buildings that are no longer used or are not used to their full capacity.

(iii) Impact on local access to justice

One of the key reasons for the decision to cease listing cases at Sherborne and Bridport was that the volume of work arising locally meant the courts were significantly underused. In the period leading up to the decision there was only enough business for the courts to sit two days per month with occasional longer family cases.

The absence of custody facilities and the facilities for victims and witnesses mean that the buildings are unsuitable for many types of business and falls short of the standard expected by our customers and criminal justice partners.

The decision to stop listing cases was taken in order to enable more efficient throughput of work in courthouses that are better suited for the purpose and can provide for the needs of all our customers. The existing courthouses have not been the focus of justice in Sherborne and Bridport for some years and there have been no complaints from users regarding the alternative arrangements.

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2. Please describe any particular impacts that should be taken into account and why.

There were five replies to this question, the main focus being accessibility to justice. Extracts from the responses are set out below:

"Whilst the NBCF recognise the need to review the current estate of HMCS we also recognise the importance of accessibility to Justice. We accept that travel time rather than distance is the appropriate measure of accessibility. The NCBF would regard one hour by public transport as an appropriate time." – *Frances Hoare, Chairman NBCF*

"Earlier this year the MA proposed as a principle that no court user should be expected to undertake a journey of more than an hour of travel time by public transport." – *Magistrates' Association, Judicial Policy and Practice Committee*

"It will particularly impact on individuals on low incomes who have no access to private cars. They will have to rely on public transport which can be both costly and time consuming." – *Steven Durno, Policy Officer, Administration of Justice, Law Society of England and Wales*

"The Town Council was concerned at the loss of local justice provision. Bridport has always been a thriving market town and an active court is an important part of the community. The additional travelling would seem to be at odds with the current preference for local provision of services. This would impact particularly on the more vulnerable members of society by increasing travelling costs. If the proposal to close Bridport Magistrates' Court does go ahead the Town Council would hope that the Ministry of Justice would support the establishment of community justice panels, where small scale crime can be dealt with and resolutions reached at a local level. The closure will have a direct impact on the people of Bridport in the loss of an important community facility." – *Bob Gillis, Town Clerk, Bridport Town Council*

"This could potentially lead to an increase in non attendance by some parties and in minor cases defendants choosing to plead guilty rather than face the difficulty of attending court and entering a not guilty plea." – *John Carter, Chair, Dorset, Gloucestershire & Wiltshire Courts Board*

"One inevitable consequence of closure would be not backed for bail for the arrest of those who say they are unable to travel to court… it would be necessary for the police to prepare a file and for the prosecutor to review it in accordance with the code for crown prosecutors." – *Steven Durno, Policy Officer, Administration of Justice, Law Society of England and Wales*

"HMCS should examine the possibility of providing a solution through a voluntary transport scheme for some users." – *John Carter, Chairman Dorset, Gloucestershire and Wiltshire Courts Board*

The HMCS responses to the issues raised are:

(i) Impact on access to justice – increased travel times

The decision to move work from Sherborne to Weymouth and Blandford and from Bridport to Weymouth may have resulted in additional travelling time and expense for some court users. However the good road and public transport links mean that for most users the MA and NBCF definition of accessibility will still be achieved. In addition to that, Weymouth and Blandford Magistrates' Courts provide improved facilities for all court users, including victims and witnesses.

Sherborne is approximately 27 miles from Weymouth and 20 miles from Blandford. There are public transport links between the towns with both bus and train services to Weymouth and a bus service to Blandford.

Bridport is approximately 20 miles from Weymouth and there is a public bus service which takes about 1 hour 15 minutes and a car journey takes 45 minutes.

(ii) Loss of local justice provision

Both Sherborne and Bridport Magistrates' courts receive very little work from the locality and to ensure a viable sitting day, cases often had to be imported from other parts of the county.

There are no staff permanently based at either court and they do not provide a public counter service so the closure will not mean a withdrawal of a well used local service.

(iii) Increase of non-attendance of parties to court

There is no evidence to suggest that instances of non attendance at court, attributable to the length of the journey, have increased.

There has been no feedback from partner agencies that the decision to move work from these courthouses to Weymouth and Blandford has resulted in additional work or expense. On the contrary, the movement of work has enabled stakeholder organisations to centralise their resources and make more efficient use of their staff time.

(iv) Alternative voluntary transport solution for users

There is no precedent for a voluntary court transport scheme and it is difficult to envisage who would be prepared to run it. The unpredictable nature of court business would make organising such a scheme and running it efficiently very difficult.

Where it might be conceivable that the Witness Service could transport certain witnesses to court it is unlikely that the same body would transport defendants and this could be viewed as unfair or discriminatory.

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3. Will the closure of Sherborne Magistrates' Court and Bridport Magistrates' Court have a direct impact on you? If yes, please provide further details.

There were two responses to this question.

"Solicitors will have to travel further in order to represent their clients." *– Steve Durno, Policy Officer – Administration of Justice, Law Society of England and Wales.*

"There are budget implications [unquantified] through the transfer of hearings away from more local courthouses to Bournemouth and Weymouth. In particular, a significant amount of officer time [Children's Services officers and Legal Services] can be lost in travelling. Holding hearings away from court users' communities can make it difficult to attend. This leads to direct financial implications through parents requesting help from the County Council to meet public transport fares

so that they can attend hearings." – *Jonathan Mair, Head of Legal and Democratic Services, Dorset County Council*

The HMCS responses to the issues raised are:

(i) Increased travel times

The main response to this point is dealt with under the commentary to Questions 1 and 2. However, it should also be noted that Sherborne Magistrates' Court has not been used regularly for hearings since late 2006. The proposal to close the building will not have any impact on what have become long established working practices for local solicitors.

In both instances, relocating the court business to Weymouth and Blandford has resulted in more effective listing of cases and more efficient use of staff and judicial time.

The accommodation at Sherborne and Bridport does not meet the requirements of a modern court service for court users and the cost of maintaining buildings that do not provide the necessary facilities is difficult to justify when courtroom utilisation is so low.

Hearing cases at alternative courts has provided victims and witnesses access to improved facilities that could not be offered at Sherborne or Bridport, such as safer waiting areas and the use of video conferencing facilities.

(ii) Budget implications for Dorset County Council

We have one combined Family Panel in Dorset and family cases may be heard by justices from either of the local justice areas. Public law family cases often have to be listed at short notice and, therefore, to accommodate hearings quickly we may have to list them in any court across the county. In doing this, we attempt to look at a courthouse that is most convenient/accessible to the parties. However, if a venue is already fully utilised with other court business previously planned into the court sitting programme, it will be necessary for us to list the family case at an alternative courthouse. In making this decision, convenience to the parties and accessibility to the venue is considered, so, for example, if the preference had been Weymouth, but this is not available, we would look to listing at the next most convenient location. Therefore for cases arising in the West of the County, Bournemouth would most likely be the last resort, but may have to be used where expediting the case takes priority over convenience of venue. Within the remaining court estate and taking into account our court sitting programme for 2010/11, it is most likely that either Blandford, Poole or Wimborne courts would be available for such cases and therefore the need to list West Dorset cases at Bournemouth should be the exception rather than the norm.

Conclusion and next steps

This proposal has been the subject of a full public consultation. A total of 58 copies of the document were posted to consultees or collected from HMCS offices. The document was also published on the Ministry of Justice website.

The number of responses received (7) represents 12% of documents dispatched, although the figure could be considerably lower when taking into account the number accessed online.

We are grateful to those who responded to the consultation and have considered in depth all of the concerns, objections and potential impacts raised. This paper provides a detailed response to issues raised that relate specifically to Sherborne and Bridport Magistrates' Courts rather than all of the general points made by representative groups.

We have examined our proposal to close Sherborne and Bridport Magistrates' Courts and concluded that it remains the best option to ensure good, cost effective court services for our users.

Consultation Co-ordinator contact details

If you have any complaints or comments about the consultation **process** rather than about the topic covered by this paper, you should contact Julia Bradford, Ministry of Justice Consultation Co-ordinator, on 020 3334 4492, or e-mail her at consultation@justice.gsi.gov.uk.

Alternatively, you may wish to write to the address below:

Julia Bradford
Consultation Co-ordinator
Ministry of Justice
102 Petty France
London SW1H 9AJ

If your complaints or comments refer to the topic covered by this paper rather than the consultation process, please direct them to the contact given under the **Introduction and contact details** section of this paper at page 3.

The consultation criteria

The seven consultation criteria are as follows:

1. **When to consult** – Formal consultations should take place at a stage where there is scope to influence the policy outcome.

2. **Duration of consultation exercises** – Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.

3. **Clarity of scope and impact** – Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.

4. **Accessibility of consultation exercises** – Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

5. **The burden of consultation** – Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.

6. **Responsiveness of consultation exercise** – Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

7. **Capacity to consult** – Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

These criteria must be reproduced within all consultation documents.

Annex A – List of respondents

John Carter, Chairman, Dorset, Gloucestershire & Wiltshire Courts Board

Steven Durno, Policy Officer, Administration of Justice, Law Society of England and Wales

Bob Gillis, Town Clerk of Bridport Town Council

Jonathan Mair, Head of Legal and Democratic Services, Dorset County Council

Magistrates' Association

National Bench Chairmen's Forum

Legal Services Commission

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