Ministry of JUSTICE

Proposed closure of Cullompton Magistrates' Court

Response to Consultation

CP(R) 24/09

18 March 2010

HER MAJESTY'S COURTS SERVICE

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Proposed closure of Cullompton 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 Cullompton 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;
- the next steps following this consultation.

Further copies of this report and the consultation paper can be obtained by contacting **Mr. David Gentry** 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 david.gentry@hmcourts-service.gsi.gov.uk or 01934 528668.

Background

The consultation paper 'Proposed closure of Cullompton Magistrates' Court' was published on 13 October 2009. It invited comments on a proposal to close Cullompton Magistrates' Court and continue to hear Central Devon work in Honiton and Exeter.

The reasons for the proposal are as follows:

(i) The court is under-utilised and deals with a limited workload.

(ii) There is no custody accommodation and poor facilities for court users.

(iii) The building shares a site and facilities with an adjacent NHS property. That property has been closed and is in the process of being disposed of.

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 15 responses to the consultation paper were received. Of these, eight were from the judiciary and magistracy, one from the Legal Services Commission, two from the Law Society, one from the Devon & Cornwall Courts Board, one from a member of the Avon & Somerset Courts Board, one from the Devon & Cornwall Constabulary and one from the Prisoner Escort Service.

2. The responses were analysed for the degree of support for, or opposition to, the proposal. They were also examined for evidence of particular impacts the proposal would have on court users.

3. Of the 15 responses received, six fully supported the proposal and a further five supported the proposal subject to the need for a solution to our longer term occupancy of Exeter Magistrates' Court. These included the majority of the responses received from the judiciary and magistracy, the Devon & Cornwall Courts Board, the member of the Avon & Somerset Courts Board, Devon & Cornwall Constabulary and the Prisoner Escort Service. Their responses noted that:

   - Cullompton is no longer in regular use by magistrates and suitable alternative arrangements have been made; and
   - the Justices' Issues Group was properly consulted at the time when the courts stopped being used on a regular basis.

4. Three respondents, one magistrate and local councillor, the Law Society of England and Wales, and the Devon and Somerset Law Society, objected to the proposal setting out various reasons which are summarised as follows:

   - Closure would cause inconvenience and increase travel costs.
   - Those living in rural areas are often on low income.
   - Local justice for local people is diminished.

5. The Magistrates' Association provided a national response to the consultation on court closures. Their response recognised that uneconomic courthouses cannot be sustained but raised concerns in respect of the potential loss of local services.

   > "The MA firmly believes that whether it is as a criminal or a civil court, a magistrates' court has to serve a community. There is an inevitable tension between organisational efficiency and throughput of work on the one hand, where larger courts are seen as more cost effective, and the level of facilities and frequency of sittings available at an individual court house. At the same time, there is insufficient funding to bring all courts up to the highest modern standards." – *Magistrates' Association*

Responses to specific questions

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

The majority view expressed by 11 of the 15 respondents is that the proposal should be adopted with the proviso that the timing of a decision to close Cullompton takes account of any temporary change in status of the Exeter Magistrates' Court at Heavitree Road during essential building work.

Below is a selection of comments supporting the proposal:

> "Permanent closure of Cullompton is not opposed provided appropriate plans have been made to maintain court services in Central Devon in the event that the Heavitree Road court is unavailable." – *Devon and Cornwall Justices' Issues Group*
>
> "Unanimous in our response that closure is necessary and appropriate." – *Devon and Cornwall Police*
>
> "In the current economic climate it is more important than ever to demonstrate that public funds are spent in the most efficient way." – *Legal Services Commission*

Three respondents opposed the proposal. They expressed concern that the closure of Cullompton would reduce access to services by local people. Their comments are summarised below:

- The cost saving from the closure of Cullompton Magistrates' Court will be at the expense of local justice.
- Travel costs will increase making it more difficult for those on lower incomes to travel and therefore have access to justice.

The HMCS responses to the issues raised are:

(i) Future of the Exeter (Heavitree Road) Magistrates' Court

We are currently in negotiation with Devon and Cornwall Police over the future provision of the police custody area at Exeter and need to agree how this will be provided in the longer term. The impact of any change in the current status will be taken into account when determining the future of the Cullompton courthouse.

(ii) Cost saving will be at the expense of local justice

The proposed closure of Cullompton Magistrates' Court would not be at the expense of local justice for the following reasons:-

- Cullompton has no custody accommodation and therefore cannot deal with custody cases: all custody cases for Central Devon Local

Justice Area are dealt with at Exeter. The range of business which can be listed there is limited.

- Cullompton was mainly used to hear family and road traffic cases for the whole of the Central Devon area and therefore did not only deal with local cases.
- Cullompton used to receive very little work from the local community and no complaints have been received by the court about a loss of service since work has stopped being listed at the court. The workload from Cullompton has been successfully relocated to Honiton and Exeter.
- The court was not permanently staffed, and did not provide a public counter service so the closure would not mean a withdrawal of a well used local service.
- HM Courts Service has a duty to ensure that it uses its resources in the most efficient and effective way, ensuring value for money and meeting the needs of local communities.
- The accommodation does not meet the requirements of a modern court service for court users. The cost of maintaining a building that does not provide the necessary facilities is difficult to justify when the courtroom utilisation is so low.

(iii) Increased travel costs and therefore reduced access to justice

As cases are listed currently at different courts according to the type of case there is unlikely to be an overall increase in costs to users. For example, using Exeter for all family cases (instead of Cullompton) is more central to the area and provides better access by public transport for the majority of court users.

Cullompton Magistrates' Court is 14 miles from Exeter and 11 miles away from Honiton. The bus service to Exeter takes 45 minutes and to Honiton 50 minutes, both have good road and rail links.

It is anticipated that the closure of Cullompton will have minimal impact on the accessibility of service provision to local residents

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

Five responses related to the need for Cullompton to be available to meet any short term requirements to accommodate changes necessary at the Exeter courthouse. This has already been mentioned and dealt with above.

Other replies were:

"In the last 10 years more and more of our services to the rural public have been reduced at a local level and centralised in Exeter. This is

true of the Magistrates' Court, NHS services and the Job Centres. Always the rationale is one of economic expediency and regrettably the cost to the public individual is ignored. In rural areas the average household income is often near to the UK poverty line and this is reflected in the customer base within the Magistrates' Court in respect of those on low incomes and/or benefits." – *Ms. K. Bickley, JP, Member of Central Devon Bench and local councillor*

"The proposed court closures in Devon and Somerset are in rural areas. This will make it more difficult for those on lower incomes to travel and therefore have access to justice. Public transport is expensive and there is likely to be more adjournments. There would also be a loss of connection between the parties in the case and a lay magistracy from the community in which the alleged crime is said to have taken place, or in which the family resides." – *Mr. D. Turner, Devon & Somerset Law Society*

"The additional time and expense for members of the public to travel to Honiton or Exeter particularly those reliant upon public transport." – *Mr. S. Durno, Law Society of England and Wales*

The HMCS responses to the issues raised are:

(i) Cost saving will be at the expense of local justice

The response to this point is set out above in the commentary on Question 1.

(ii) Increased travel costs and therefore reduced access to justice

The response to this point is set out above in the commentary on Question 1.

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

A sample of the responses received to this question are:

"Not a direct impact as such but an impact" – *Mr. D. Turner, Devon & Somerset Law Society*

"Solicitors will also have to travel further to present their clients" – *Mr S. Durno, Law Society of England and Wales*

The HMCS response to the issues raised are:

(i) Increased travel time

As cases are listed currently at different courts according to the type of case there is unlikely to be an overall increase. For example, using Exeter for all family cases (instead of Cullompton) is more central to the area and provides better access by public transport for the majority of court users.

Cullompton Magistrates' Court is 14 miles from Exeter and 11 miles away from Honiton. The bus service to Exeter takes 45 minutes and to Honiton 50 minutes, both have good road and rail links.

Conclusion and next steps

This proposal has been the subject of a full public consultation in the Devon and Cornwall Area. A total of 52 copies of the document were delivered by post to consultees. The document was also published on the Ministry of Justice website.

The number of responses received (15) represents approximately 29% of the documents dispatched, although this figure could be considerably lower when taking into account the number accessed on-line.

We are grateful to those who responded to the consultation, including those who raised potential impacts, concerns or objections.

We have considered in depth each of the concerns, objections and potential impacts raised by the respondents and have provided a detailed response to each of these in the content of this paper.

An assessment of the anticipated costs and benefits of closing Cullompton Magistrates' Court was set out in the introductory impact assessment as part of the 2009 consultation paper (Consultation Paper CP24/09).

We have examined our proposal to close Cullompton Magistrates' Court and have concluded that it remains the best option in order to optimise the court estate, deliver value for money and provide better facilities for court 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

Devon & Cornwall Justices' Issues Group

Ms. K. Bickley, JP – Member of Central Devon Bench and local councillor

Superintendent Chris Brown – Devon & Cornwall Constabulary

Mr. A. Martin, JP – Member of the Central Devon Bench

Mrs. B. Salter – Member of Avon & Somerset Courts Board

Dr. N. Hughes, OBE, JP – Chairman of the Devon & Cornwall Courts Board

Lady Frere, JP – Chairman of the South Devon Bench

Lady Tyler, JP – Chairman of the East Cornwall Bench

Ms. F. Hoare – Chairman of the National Bench Chairs Forum

Ms. C. Regan – Chief Executive, Legal Services Commission

Mr. P. Cooper, JP – Chairman of the North Devon Bench

Mr. S. Durno – Policy Officer, Law Society of England and Wales

Mr. D. Turner – Devon & Somerset Law Society

Kerry Phelps – Contract Delivery Manager, Prisoner Escort Management

Magistrates' Association

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