Ministry of JUSTICE

Proposed closure of Dorking Magistrates' Court

Response to Consultation

CP(R) 25/09

18 March 2010

HER MAJESTY'S COURTS SERVICE

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Ministry of JUSTICE

Proposed closure of Dorking 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 Dorking 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 **Julia Eeles** 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 using the above contact details.

Background

The consultation paper 'Proposed closure of Dorking Magistrates' Court' was published on 13 October 2009. It invited comments on the proposal to formally close Dorking Magistrates' Court as soon as practicable. The work of the South East Surrey Local Justice Area (LJA) would continue as now at Redhill Magistrates' Court, with Family work being dealt with at Guildford Family Proceedings Court. The main reasons for the closure proposal are as follows:

(i) Historic court room utilisation for Dorking Magistrates' Court demonstrates that the court house has not been needed to support the routine business of the LJA for some considerable time (i.e. pre-2006). The proposed formal closure of the Dorking Court House would therefore not affect the delivery of existing court based services within the LJA.

(ii) More importantly, there is no business imperative for these custody courtrooms to be brought back into use for Magistrates' Court work. There is clearly sufficient capacity at Redhill Magistrates' Court to deal with the criminal work of the South East Surrey LJA (in the 12 months to date (September 2009) the court has had a courtroom utilisation rate of 87.2%).

(iii) General facilities at the court in relation to vulnerable witnesses and accommodation for witnesses in general are inadequate and do not comply with HMCS national witness charter.

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 six responses to the consultation paper were received, all of which originated from professional bodies who are stakeholders within the Criminal Justice system.

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 six responses received, four were generic responses supporting the closure programme from specific bodies; National Bench Chairs Forum (NBCF), Magistrates' Association, Justices Clerks Society (JCS) and the Legal Services Commission (LSC).

   Comments in the generic responses included:

   > "In general terms the 21 proposed closures seem to accept the status quo in that these courts are no longer in regular use by magistrates and suitable alternative arrangements have been made." – *National Bench Chairs' Forum*

   > "The Society, whilst recognising the sensitivity surrounding the issue of the provision of local justice, recognises that in the current financial environment, and bearing in mind the falling workload, a review of the estate of HMCS is inevitable." – *Legal Service Commission*

   > "Our internal analysis has shown that the proposed closures are in courts where there is currently little legal aid activity." – *Legal Service Commission*

4. Of the other two responses, one from the Law Society specifically opposed the closure.

5. The remaining response from Philip Selby, a magistrate on the South East Surrey Bench, proposed an alternative use:

   > "The sale of Dorking provides a one off opportunity to completely resolve the issue of Family specific hearings. Simply make the building of court space within the new development a condition of sale…any architect will be able to design a separate entrance…If the will is there, this can be achieved and Surrey can become a flagship family centre at no cost to the court services budget".

Responses to specific questions

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

Only one response was submitted, from the Law Society, expressing concern regarding reduced accessibility. The comment is listed below.

> "The cost saving from the closure of Dorking Magistrates' Court will be at the expense of local access to justice".

However, Philip Selby, a magistrate on the South East Surrey Bench, proposed an alternative:

> "The sale of Dorking provides a one-off opportunity to completely resolve the issue of family-specific hearings. Simply make the building of court space within the new development a condition of sale…any architect will be able to design a separate entrance…If the will is there, this can be achieved and Surrey can become a flagship family centre at no cost to the court services budget".

The HMCS responses to the specific issues raised are:

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

There has not been a need for a magistrates' court at Dorking for some time and there is no business imperative to bring these courtrooms back into use. There are no adverse implications for court users and the public with this proposal as existing casework within the LJA is already being handled at Redhill & Guildford, and these arrangements would continue if the proposals are taken forward. There has been no adverse impact on the timeliness of proceedings or the range of facilities available. Also, there have been no complaints from users who now go to Redhill or Guildford rather than Dorking.

(ii) Provision of court space in a new development to be a condition of sale.

The national strategy to develop a Unified Family Service across HMCS supports the hearing of family cases in combined court buildings with both FPC and county court facilities. A development to this level at Dorking would require significant re-modelling of the building and is unlikely to be cost effective. In addition, utilisation at Guildford and Staines Courts, where family hearings presently take place, suggests that there is room for expansion if necessary.

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

Only two responses were submitted, both from the Law Society, outlining concerns surround increased time and cost to the public:

> "The additional time and expense for members of the public to travel to Redhill or Guildford".
>
> "We would expect that in taking any decisions on court closure you would take into account the impact on legal aid funding".

The HMCS response to the specific issues raised is:

(i) Increased travelling time and expense for members of the public and solicitors

It is agreed that some additional travelling has been incurred by some court users. However, given the number of customers attending the court and the close proximity and ease of access to both Redhill and Guildford this has been minimal. The court has received no adverse feedback from professional users or the local community since the change in arrangements over two years ago.

(ii) Impact on Legal Aid funding

We have not been made aware of any adverse impact on legal aid funding and the Local Criminal Justice Board (LCJB) was made aware of the movement of work to Guildford and Redhill at the time it happened and there were no objections.

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

Only two responses dealt with the impact of closure:

> "Solicitors will also have to travel further in order to represent their clients." – *Law Society*
>
> "We would expect that in taking any decisions on court closure you would take into account the impact on legal aid funding." – *Legal Services Commission*

The HMCS responses to the specific issues raised are:

(i) Increased travelling time and expense for solicitors

(ii) Impact on legal aid funding

The responses to both these points are set out above in the commentary on Question 2.

Conclusion and next steps

This proposal has been the subject of a full public consultation in the South-East Surrey Local Justice Area. The document was available from the court office, however, no copies were collected, and it was also published on the Ministry of Justice website.

We noted that we did not receive any responses from local solicitors nor from other principal court users in the area.

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

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

Having considered the responses and re-examined our proposal to close Dorking Magistrates' Court, we have concluded that it remains the best option to close the Court in order to ensure improved services 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
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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

National Bench Chairs Forum

Magistrates' Association

Justices Clerks Society

Law Society

Legal Services Commission

Philip Selby JP, South East Surrey Bench

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