Ministry of JUSTICE

Proposed closure of Eastleigh Magistrates' Courts

Response to Consultation

CP(R) 26/09

18 March 2010

HER MAJESTY'S COURTS SERVICE

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Ministry of JUSTICE

Proposed closure of Eastleigh 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 Eastleigh 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, Area Director** 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 Eastleigh Magistrates' Court was published on 13 October 2009. It invited comments on the proposal to close Eastleigh Magistrates' Court and to continue to hear cases at Southampton Magistrates' Court instead.

The reasons for the proposal are as follows:-

(i) Eastleigh Magistrates' Court has not been used as a courthouse since shortly after the opening of the new Southampton Magistrates' Courthouse in October 2001. It has no usable custody accommodation and no ability to deal with custody cases.

(ii) Prior to listing ceasing in Eastleigh it was sometimes necessary to send for Southampton work to ensure that at least one of the courtrooms had a full sitting list for the day.

(iii) The building currently houses part of the Hampshire & Isle of Wight Fines Enforcement Team, and is the base for the Civilian Enforcement Officers. The accommodation is no longer suitable for the provision of court services.

(iv) Given the low volume of work and usage by the public, maintaining the court at Eastleigh is not cost effective and better value for money can be achieved by transferring the services to Southampton Magistrates' Court.

(v) Southampton Magistrates' Court provides much improved facilities for all court users, including victims and witnesses.

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. Of these three were from representative bodies: the Magistrates' Association, National Bench Chairmen's Forum and the Law Society. One was received from the Legal Services Commission, one from the Hampshire & Isle of Wight Courts Board and one from an individual.

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. There was one response which supported the proposal. This was from the Hampshire & Isle of Wight Courts Board who noted that the magistrates' court at Eastleigh is too expensive to maintain in the current economic climate

4. Two respondents, the Law Society and an individual member of the public objected to the proposal setting out various reasons which are summarised below:

    (i) A large proportion of the work that would once have been heard at Eastleigh is now heard at Lyndhurst. This represents a significant reduction in the quality of service in the administration of justice for victims, witnesses and defendants.

    (ii) The difficulty in travelling by public transport from Eastleigh to Lyndhurst and the removal of justice from Eastleigh to the New Forest.

    (iii) The cost saving from the closure of Eastleigh Magistrates' Court will be at the expense of local justice.

    (iv) The additional time and expense for members of the public to travel to Southampton.

5. The responses from the MA, NBCF and LSC were national statements in respect of proposals to close 20 magistrates' 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 delivery local justice.

6. The response from the Hampshire and Isle of Wight Courts Board supported the proposal to close and dispose of the building.

Responses to specific questions

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

Two of the three respondents that expressed a view for or against the proposal, opposed the closure. They expressed the concerns that it represents a loss of local justice and an increase in travelling time and expense for members of the public and solicitors.

Some specific objections were raised and these are listed below together with the HMCS response.

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

> "Owing to the geography of Hampshire Constabulary's Western OCU, a large proportion of the work that would once have been heard at Eastleigh is now heard at Lyndhurst. The argument that Eastleigh cases are sent to Southampton is misconceived and fallacious, and those charged at Eastleigh police station are often charged to attend a court which has poor public transport links. This represents a significant reduction in the quality of service in the administration of justice for victims, witnesses, and defendants." – *Mr J Mack, member of the public*

> "In strategic terms the Eastleigh site has a good location for transport links, but as it is expensive to maintain and given the current economic climate, it is a luxury the area can no longer afford." – *Mrs R Atkinson, Chair, Hampshire & Isle of Wight Courts Board*

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 specific issues raised are:

(i) Increased travel times and loss of local justice

It is agreed that some additional travelling may be incurred by some court users who have to travel to Southampton, which is approximately six miles from Eastleigh, but there are very good public transport links between the two. The bus journey takes approximately 35 minutes and the train about 10-15 minutes between Eastleigh and Southampton.

Prior to the decision to cease listing at Eastleigh the court received very little work from the local community and it was sometimes necessary to send Southampton work to provide a full sitting list for the

day. Local stakeholders were asked about their views on the decision and there were no significant objections. There have been no complaints from the community since the decision was implemented.

(ii) Eastleigh court cases heard at Lyndhurst and not Southampton

In 2008, in consultation with the Crown Prosecution Service and Hampshire Constabulary a decision was made to move the majority of newly charged Eastleigh cases to Lyndhurst. This was done in an attempt to even out the workload of the courts in Southampton and the New Forest.

However, on review in early 2009, it was agreed that the adverse impact on users and stakeholders was such that the decision should be rescinded. Since then the vast majority of Eastleigh generated charges are heard in Southampton, as are the majority of trials. It is acknowledged that there are occasions when a defendant taken to Lyndhurst for charging is bailed to Lyndhurst Court rather than Southampton in error, but this is very much the exception.

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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*

"The additional time and expense for members of the public to travel to Southampton." – *Steven Durno, Policy Officer, Law Society of England and Wales*

"The difficulty in travelling by public transport form Eastleigh to Lyndhurst, and the removal of justice from Eastleigh to the New Forest." – *Mr J Mack, Member of the public*

The HMCS response to the specific issue raised is:

(i) Increased travel times

The decision to move work from Eastleigh to Southampton 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 the MA and NBCF definition of accessibility is achieved. Further detail on travel times have been set out in the response to Question 1.
In addition to that, Southampton Magistrates' Court provides much improved facilities for all court users, including victims and witnesses.

Mr Mack's comments regarding public transport form Eastleigh to Lyndhurst are noted. However, the suggestion that the majority of Eastleigh work is routinely going to Lyndhurst is dealt with under Question 1 above.

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

There was one response to this question.

"Solicitors will have to travel further in order to represent their clients."
– *Law Society of England and Wales*

The HMCS response to the specific issue raised is:

(i) Additional travel time for solicitors

The main response to this point is dealt with under the commentary to Questions 1 and 2. However, it should also be noted that Eastleigh Magistrates' Courts has not been used for hearing since late 2001. The proposal to close the building will not have any impact on what have become long established working practices for local solicitors.

Conclusion and next steps

This proposal has been the subject of a full public consultation. A total of 56 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 (6) represents 11% of documents dispatched, although the figure could be considerably lower when taking into account the number accessed on line.

We noted that we did not receive any responses from partner Criminal Justice Agencies or Local Solicitors.

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 Eastleigh Magistrates' Court rather than all of the general points made by representative groups.

We have examined our proposal to close Eastleigh Magistrates' Court 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

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

Magistrates' Association

National Bench Chairmen's Forum

Law Society

Legal Services Commission

Mr J Mack – Member of the Public

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