Ministry of JUSTICE

Proposed closure of Havant Magistrates' Court

Response to Consultation

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HER MAJESTY'S COURTS SERVICE

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Ministry of JUSTICE

Proposed closure of Havant 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 Havant 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 Havant Magistrates' Court' was published on 13 October 2009. As the court had not been used for magistrates' court business since 1998, the paper invited comments on a proposal to close Havant Magistrate's Court and to continue to hear the work in Portsmouth Magistrates' Court.

The key reasons for the proposal were as follows:

(i) Havant Magistrates' Court has not been used to hear criminal cases since 1992, when building work was undertaken to make it more suitable for family work following the introduction of the Children Act 1991. It has no usable custody accommodation and no ability to deal with custody cases.

(ii) To accommodate the building work the criminal cases were relocated to Portsmouth Magistrates' Court, which had the capacity to take them.

(iii) Between 1992 and 1998 the court was used to hear the occasional family case and in 1998, because of the low utilisation, work was no longer listed at Havant.

(iv) 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.

(v) Given the low volume of work and usage by the public, maintaining the court at Havant is not cost effective and better value for money can be achieved by transferring the services to Portsmouth 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/further development of the policy/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, 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 one from Havant Borough Council, and one from a member of the judiciary.

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. The majority view, expressed by two of the three respondents that expressed a view for or against the proposal, fully supported the proposal. These included the Hampshire & Isle of Wight Courts Board and Havant Borough Council. Their responses noted that:

   (i) the Havant Magistrates' court site is too expensive to maintain in the current economic climate and the function can be easily moved elsewhere for cost savings; and

   (ii) the building has not been used for court purposes for many years.

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

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

   (ii) The additional time and expense for members of the public to travel to Portsmouth.

5. The response from a member of the judiciary sought to correct the statement in the proposal that no cases had been listed in Havant since 1998. The respondent had personally sat in Havant since that date and was aware that other cases had been heard in the court.

6. The responses from the MA, NBCF and Legal Services Commission 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 deliver local justice.

Responses to specific questions

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

The majority view, expressed by two of the three respondents that expressed a view for or against the proposal, supported the closures.

Below is a summary of the comments received:

> "The Area estates strategy of the Hampshire & Isle of Wight Courts Board states that both the sites of Eastleigh and Havant be appraised. 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. The same applies to Havant. The functions there are easily moved elsewhere with savings made by its closure." – *Mrs R Atkinson, Chairman, Hampshire & Isle of Wight Courts Board*

> "Havant Borough Council supports the proposal as the building has not been used for court purposes for many years." – *David Bridges, Head of Customer and Support Services, Havant Borough Council*

> "The cost saving from the closure of Havant 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*

> "To my certain knowledge and I have checked my notebook I sat in Havant when I first moved to Portsmouth in 2006 to deal with a case involving a very young witness which had been listed there because of the availability of video link facilities. As far as I was aware and I have checked this with Julia Oakford, the Deputy Justices' Clerk], Havant was used more routinely prior to my arrival in Portsmouth… The fact that cases have been listed there since 1998 may not change the proposal but it is vital, given the sensitivity of the issue of courthouse closure that the facts set out in such a paper are accurate." – *Anne Arnold, District Judge (Magistrates' Court), Portsmouth Magistrates' Court*

The HMCS responses to the specific issues raised are:

(i) Loss of local access to justice.

It is agreed that some additional travelling may be incurred by some court users who have to travel to Portsmouth, which is approximately nine miles from Havant, but there are very good public transport links between the two.

Prior to the decision to cease listing at Havant 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.

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.

A member of the judiciary responded in respect of the accuracy of the claim that no cases have been listed in Havant since 1998. The reply included the following comments.

(ii) Listing of court cases at Havant Magistrates' Court since 1998

On further investigation it is accepted that some cases have been heard in Havant since 1998. The court was occasionally used for video link cases until 2006 although this declined from 2003 when local courts installed their own video links. The court was a shared resource for this purpose and was used approximately 15 days per year.

In addition, until 2007 the facilities were sometimes used as an area resource for longer family cases, up to a maximum of around 20 days per year.

Although the statement that no cases had been listed in Havant since 1998 has been shown to be inaccurate, the usage was very low, and facilities that made it viable to use are now also available in other better equipped court buildings.

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

There were four 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 Portsmouth." – *Steven Durno, Policy Officer, Administration of Justice, Law Socieity of England and Wales*

"The site has been identified as part of the Havant Public Services Village in the Draft Havant Public Service Village Supplementary Planning Document (which can be viewed online at www.havant.gov.uk/havant.10528). Therefore disposal will present an ideal opportunity to make progress with further development of the

Public Service Village." – *David Bridges, Head of Customer and Support Services, Havant Borough Council*

The HMCS response to the specific issue raised is:

(i) Loss of local access to justice.

The decision to move work from Havant to Portsmouth 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 is achieved. There are very good bus and train connections between Havant and Portsmouth, which is approximately nine miles away. There are both motorway and dual carriageway road links and a car journey would take about 30 minutes between the two locations. The journey by bus takes approximately 45 minutes and the train journey 25 minutes.

In addition, Portsmouth Magistrates' Court provides improved facilities for all court users, including victims and witnesses.

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

There was one response for 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*.

The HMCS response to the specific issue raised is:

(i) Increased travel times 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 Havant Magistrates' Court has not been used regularly for hearings 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.

Relocating the court business to Portsmouth has had no detrimental impact on the waiting time for cases. It has resulted in more effective listing and more efficient use of staff and judicial time.

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 (7) represents 12.5% of documents dispatched, although the figure could be considerably lower when taking into account the number accessed online.

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

We have examined our proposal to close Havant 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

David Bridges, Head of Customer and Support Services, Havant Borough Council

Anne Arnold, District Judge [Magistrates' Court], Portsmouth Magistrates' Court

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