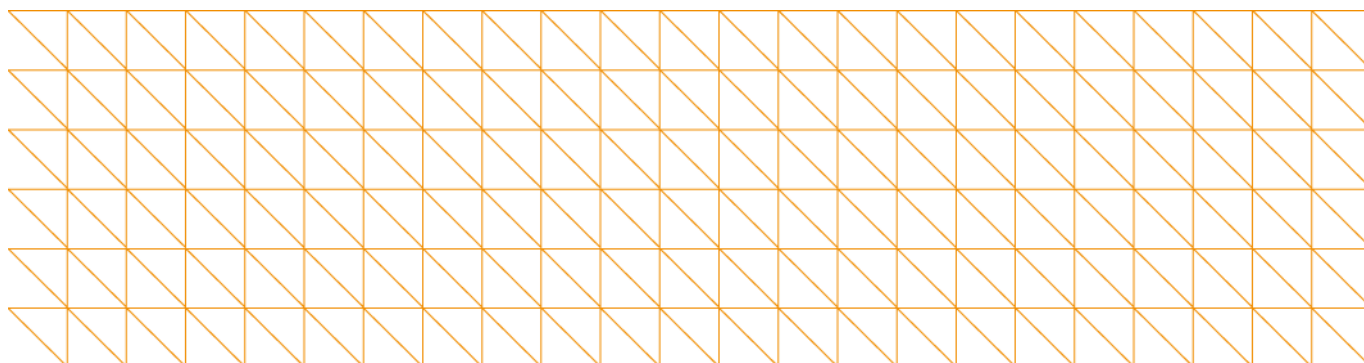


Proposed closure of Launceston Magistrates' Court

Response to Consultation

CP(R)29/09

18 March 2010



Proposed closure of Launceston 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 Launceston 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 **Mr. David Gentry** at the address below:

**Area Director's Office
PO Box 484
Queensway House
Weston-super-Mare
BS23 9BJ**

Telephone: 01934 528668

Email: david.gentry@hmcourts-service.gsi.gov.uk

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 528 668.

Background

The consultation paper 'Proposed closure of Launceston Magistrates' Court' was published on 13 October 2009. It invited comments on a proposal to close Launceston Magistrates' Court and continue to hear East Cornwall work in Bodmin and Liskeard.

The reasons for the proposal are as follows:

- (i) the court is under-utilised and deals with a limited workload;
- (ii) the building is no longer suitable for the provision of court services;
and
- (iii) maintaining a court at Launceston is not cost effective. Significant savings and better value for money could be achieved by transferring the services to Bodmin and Liskeard.

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 14 responses to the consultation paper were received. Of these, four were from the judiciary and magistracy, one from the Legal Services Commission, one 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, one from the Prisoner Escort Service, one from the Town Council, one from a local solicitor, one from the Citizens' Advice Bureau (CAB) and one from a member of the public.
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 14 responses received, eight supported the proposal. These included the majority of the responses from the judiciary and magistracy, the Devon & Cornwall Courts Board, a member of the Avon & Somerset Courts Board, Devon & Cornwall Constabulary, the Prisoner Escort Service and the Legal Services Commission. Their responses noted that:
 - (i) Launceston is no longer in regular use by magistrates and suitable alternative arrangements have been made;
 - (ii) the Justices' Issues Group was properly consulted at the time when the courts stopped being used on a regular basis; and
 - (iii) a better service could be provided as result of reducing the number of locations.
4. Five respondents, the Law Society of England and Wales, the Town Council, the CAB, a local solicitor and a member of the public objected to the proposal setting out various reasons which are summarised as follows:
 - (i) the closure would cause inconvenience and increased travel costs;
 - (ii) those living in rural areas are often on low income; and
 - (iii) access to 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."

Responses to specific questions

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

The majority view expressed by eight of the 14 respondents is that the proposal should be adopted.

Below is a selection of comments supporting the proposal:

"We support the closure. The arguments made are sound, correct and sensible." – *Devon and Cornwall Courts Board*

"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*

Five respondents were not in favour of the proposal. They expressed concern that the closure of Launceston would reduce access to services by local people. Their comments are summarised below:

"Lack of public transport in north Cornwall means that this proposal will discriminate against the poor and disabled who are unlikely to be able to access transport to the proposed alternatives" – *Mr A Brook, Social Policy Co-ordinator, CAB Cornwall*

"The cost saving from the closure of Launceston Magistrates' Court will be at the expense of local access to justice." – *Law Society of England & Wales*

The HMCS response to the issues raised are:

(i) Lack of public transport

During the last six months all cases arising in East Cornwall have been listed at either Bodmin or Liskeard and no complaints have been received relating to the lack of public transport or the difficulty in attending court.

There is limited public transport in East Cornwall but there is a public bus service. The journey time by private motor vehicle is approximately 30 minutes.

Parties were often required to travel to Launceston from other areas of East Cornwall and transport issues regarding limited public transport equally applied in reaching Launceston.

The nature of the criminal business that was undertaken at Launceston Magistrates' Court usually required the parties to attend in person. However, where possible, alternative ways of working have been used:

for instance, the acceptance of guilty pleas by post so that the defendant does not have to attend court in person.

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

Where a case is heard depends on whether the defendant is in custody or on bail as well as the type of case being heard. Launceston was only used to hear non-custodial cases and latterly mainly for trials where the parties would be drawn from across the East Cornwall area. The number of cases arising from Launceston that are suitable for listing at the court is low. Whilst the closure of Launceston may result in additional travel for some, others will be attending a court nearer to their home.

(iii) Impact on civil hearings

The County Court had used the facilities at Launceston Magistrates' Court for possession hearings one day a month. These sittings have been temporarily suspended pending a decision on the future of the Magistrates' Court and practitioners notified.

Following the completion of the building integration works at Bodmin Law Courts, all court sittings that were held at Launceston, including civil work can now be accommodated at Bodmin Law Courts and Liskeard Magistrates' Court.

There have been no recorded complaints resulting from these cases being listed at Bodmin or Liskeard.

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

In addition to those matters referred to above the following points were made:

"Closing Launceston Magistrates' Court will also have an impact upon civil cases particularly possession claims currently listed in Launceston. If clients on benefits with no car are facing the loss of their home they may find it difficult travelling to Bodmin." – *Mr T M Warne, Messrs. Peters Langsford Davies, Solicitors.*

"I agree the increased travel costs for those attending court is not particularly great. The difficulty is the complete lack of public transport which has become worse over the last 10 years." – *Mr T Warne, Local Solicitor*

"Launceston is a growing town and deserves and needs its own courts and other services. Bodmin and Liskeard are not nearby in terms of travel time." – *Launceston Town Council*

The HMCS responses to the issues raised are:

(i) Lack of public transport

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

(ii) Access to justice

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

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

A sample of the responses received to this question are:

"Even more problems with clients unable to access justice." –
CAB North Cornwall

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

The HMCS responses to the issues raised are:

(i) Lack of public transport

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

(ii) Access to justice

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

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 (14) represents approximately 27% 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 Launceston Magistrates' Court was set out in the introductory impact assessment as part of the 2009 consultation paper (Consultation Paper CP29/09).

We have examined our proposal to close Launceston 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

Mr. T.M. Warne – Messrs. Peters Langsford Davies, Solicitors

Mr. A. Brook – Member of Public

Mr. A. Brook – Social Policy Co-ordinator, CAB Cornwall in North Cornwall

Superintendent Chris Brown – Devon & Cornwall Constabulary

Ms. R.E. Skinner – Town Clerk, Launceston Town Council

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

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

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

Lady Frere, JP – South Devon Bench Chairman

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

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

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

Kerry Phelps – Contract Delivery Manager, Prisoner Escort Management

Magistrates' Association

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01934 528 668.