Ministry of JUSTICE

Proposed closure of Bourne, Gainsborough, Louth, Sleaford and Stamford Magistrates' Courts

Response to Consultation

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18 March 2010

HER MAJESTY'S COURTS SERVICE

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Ministry of JUSTICE

Proposed closure of Bourne, Gainsborough, Louth, Sleaford and Stamford Magistrates' Courts

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 Bourne, Gainsborough, Louth, Sleaford and Stamford Magistrates' Courts'.

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 **Richard Harrison** 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 Mr R Harrison, at the above address.

Background

The consultation paper 'Proposed closure of Bourne, Gainsborough, Louth, Sleaford and Stamford Magistrates' Courts' was published on 13 October 2009. It invited comments on the future use of Bourne, Gainsborough, Louth, Sleaford and Stamford Magistrates' Courts. The five courts do not currently have cases listed at them. The consultation paper proposed that:

(i) Bourne Magistrates' Court be closed and its work continue to be heard at Spalding Magistrates' Court;

(ii) Gainsborough Magistrates' Court be closed and its work continue to be heard at Lincoln Magistrates' Court;

(iii) Louth Magistrates' Court be closed and its work continue to be heard at Boston and Skegness Magistrates' Courts;

(iv) Sleaford Magistrates' Court be closed and its work continue to be heard at Grantham Magistrates' Court; and

(v) Stamford Magistrates' Court be closed and its work continue to be heard at Spalding Magistrates' Court.

The questionnaire sent out with the consultation document asked three questions:

(i) What comments would you like to make on the proposal to close Bourne, Gainsborough, Louth, Sleaford and Stamford Magistrates' Courts?

(ii) Please describe any particular (negative or positive) impacts that should be taken into account and why (please indicate which courts your response applies to).

(iii) Will the closure of Bourne, Gainsborough, Louth, Sleaford, Stamford Magistrates' Courts (delete as appropriate) have a direct impact on you or people you know? If yes, please provide additional details (your information will assist in reviewing the equality impact assessment).

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 26 responses to the consultation paper were received. Of these, fourteen (54%) were from Magistrates and four (15%) were from other criminal justice agencies (Crown Prosecution Services, Lincolnshire Police, Victim Support and NOMS, East Midlands). One response was received from a former resident of Louth. A further seven responses were received from Access-ability (Lincolnshire), Justices' Clerks' Society, National Bench Chairmen's Forum, Magistrates' Association, Legal Services Commission, Lincolnshire County Council and CAFCASS.

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. Fourteen (54%) responses were in favour of the proposal. These included serving magistrates, the CPS, Lincolnshire Police, and Access-ability (Lincoln). Their responses noted that:

   (i) It seems that the proposals have been carefully thought out and future impact, such as an increase in cases would be handled adequately by the remaining courts.

   (ii) As these courts have been mothballed for some time now, the work has been successfully amalgamated. The remaining courts have not been over listed. Victim and witness attendance rate has not been affected. There is insufficient work for these courts and previously they were under utilised. No evidence of public confidence being negatively affected since the mothballing.

   (iii) Listing services within the above courts have been suspended for the past 18 months. The proposal would consolidate the provision of more effective, efficient and "value for money" services, making best use of staff and budget resources to deliver criminal court work. It would also ensure appropriate facilities are available to court users, including victims and witnesses: as well as being modern, customer-focussed and suitable for individual needs.

4. Two objections were received, from a former resident of Louth and the Magistrates' Association. The remaining nine responses neither supported nor opposed the proposal. In many of these responses comments were left containing points of concern. The main concerns were that:

   (i) closure of the courts may result in a loss of local justice for the communities involved;

   (ii) closure of the courts may result in longer and more difficult journeys to court for users;

   (iii) the decision has been made already; and

   (iv) the closure of the courts will result in the loss of magistrates.

Responses to specific questions

1. What comments would you like to make on the proposal to close Bourne, Gainsborough, Louth, Sleaford and Stamford Magistrates' Courts?

The majority view, expressed by fourteen of the respondents, is that the proposals should be adopted. Below is a selection of the comments supporting the proposal.

"Fully support." – *Fred Mann, magistrate*

"It seems that the proposals have been carefully thought out and future impact, such as an increase in cases would be handled adequately by the remaining courts." – *Alison Elding, magistrate*

"There is an overwhelming financial case for their closure." – *Richard Bayes, magistrate*

"Support." – *M Ducos, magistrate.*

"I think you should just get on with it as soon as you can." – *Unnamed magistrate, Lincoln*

"Agree with the proposal." – *Graham Hall, magistrate*

"Fully agree with the proposal to close the five courts. As these courts have been mothballed for some time now, the work has been successfully amalgamated. The remaining courts have not been over listed. Victim and witness attendance rate has not been affected. There is insufficient work for these courts and previously they were under utilised. No evidence of public confidence being negatively impacted since the mothballing." – *Miss J Narwal, Crown Prosecution Service*

"Listing services within the above courts have been suspended for the past 18 months. The proposal would consolidate the provision of more effective, efficient and "value for money" services, making best use of staff and budget resources to deliver criminal court work. It would also ensure appropriate facilities are available to court users, including victims and witnesses, i.e. modern, customer focussed and suitable to individual needs." – *Superintendent Staniland, Lincolnshire Police*

"Debated and agreed many months ago by magistrates. Should be put into effect as soon as possible." – *Mary Sleigh, Grantham Bench Chair*

"I can only comment on Sleaford, my own court – sad that it is I can see no going back and am prepared to accept that the court must go." – *Gillian Wild, magistrate*

"I agree with these closures, the buildings used are central to each town and I feel could be used to develop town centres." – *Lance Richardson, Access-ability (Lincoln)*

One former resident of Louth raised objections to its closure on a number of grounds.

> "Local justice, in front of local magistrates and with the presence of local journalists and members of the local public – and the subsequent reporting of events in local press – is a very visible, and very important part of justice being seen to be done. Moving the Magistrates' Court service to another town 25 or 36 miles away gives some degree of anonymity to those making an appearance at the Magistrates' Court in a town where no-one knows them and would lessen the subsequent embarrassment and deterrent effect of judgement and punishment locally. No figures are presented in the Impact Assessment. I would like to see the costs associated with the proposal. Skegness and Boston are not 'nearby' to Louth. Both towns are at least an hour away by public transport from Louth, and even by private car, the best part of an hour away. Louth Magistrates' Court has not been used for court sessions lasting more than a day or couple of days, as far as I remember. For a short visit – one or two hours – the court building is adequate." – *Justine Whittern, English Editor, Rotterdam School of Management*

Several respondents whilst neither supporting or objecting to the closures felt that the additional travel involved for court users was a problem in a large rural county like Lincolnshire.

> "No judicial presence in towns losing courts. Presents rural transport difficulties." – *Joan Ashton, magistrate.*

> "The proposed closures of courts in Lincolnshire may have an impact on the families we work with having to travel significant distances to have their cases heard. This is more the case for Bourne and Stamford courts than the other areas." – *CAFCASS.*

One magistrate raised concerns over the travel difficulties and also the possible negative effect on magistrates' recruitment in the future.

> "I am fully aware of the financial reasons for the moth-balling and now closure of these courts, but I am still concerned that the distances some defendants will have to travel are great. We are a rural area and the availability of public transport, not to mention the cost, is a great deal for defendants to bear. I am also concerned that once these courts are finally closed, magistrates from those areas will become disillusioned and resign from the bench. Further appointment of magistrates for these areas will cease as all new magistrates will be appointed for the county as a whole." – *Sally McCracken, Boston Bench Chairman.*

Several specific points were raised during the consultation, requiring a response. The loss of access to local justice for communities was raised in four responses and the increase in travel distances for court users was raised in six responses. These points are covered below.

The HMCS responses to the issues raised are:

(i) Loss of local justice

Three of the four respondents who raised this issue were Magistrates and one was a former resident of Louth. None of the counties' Members of Parliament or Local Authorities replied or objected on behalf of their constituents on this point, and neither did the Lincolnshire Law Society nor any local Defence Solicitors. It is accepted that in closing a court the community surrounding the town no longer has justice dispensed within its community. However, the work will be sent to neighbouring towns within the county. All the remaining court locations are covered by the same local press and radio stations to obtain news on cases from their town. Magistrates are drawn from all parts of the county, irrespective of whether there is a courthouse in their home town.

One respondent raised the possibility of 'virtual courts' which could allow court users to attend a venue in their town and appear in court via video link. Whilst there are pilot studies being conducted at the moment there are as yet no current plans to implement such a system in Lincolnshire.

(ii) Longer and more difficult journeys for court users

Hearings stopped at the five courts due to the significant reduction in workload and to assist all the criminal justice agencies to better focus their limited resources. In taking this decision the Lincolnshire Courts Board commissioned a report on potential options and the impact of any action. This report identified that that due to its geography "43% of defendants already travel (or would travel) more than 20 miles to court". Transport is accepted as being a general problem in Lincolnshire, which is not well served by either public transport or multi lane roads. However, there are public transport alternatives to the remaining court venues. The majority of court users should not face a journey of more than one hour.

Since hearings stopped at the five courts there has been no reported increase in court users failing to attend court. The Crown Prosecution Service and Witness Support, who both have direct contact with court users, concurred with this view in their response documents.

(iii) The decision to close these courts has already been made

Hearings do not currently take place at the five courts for the reasons documented above. This consultation process is to decide what to do next. The correct procedure has been followed, in accordance with current Government guidelines, and a decision will follow the completion of the consultation timetable.

(iv) Closures will result in the loss of magistrates

There have been no resignations from Benches in the affected areas that cite the court closures or hearings stopping at the five courts. It is

not possible to predict what action may be taken in the future by magistrates should a final decision be made to close the courts.

(v) Potential housing and population growth should be considered

There is sufficient capacity in the remaining courts to accommodate an increase in work in the future

(vi) Revenues from the disposal of these buildings should be invested in the remaining courts.

Finance in HMCS is not structured to allow revenue to be retained locally. Local management identify accommodation priorities and discuss improvements with the Estates team.

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

A small majority of respondents felt that there wouldn't be any impact, however, travel difficulties were raised in two responses and loss of local justice in one other.

"Magistrates – will enable them to focus and move forward. Court users (public) better facilities – quicker disposal." – *Graham Hall, magistrate.*

"If the courts were not to close then the CPS is not resourced to service these 5 courts (also highly unlikely that other CJS agencies could service the courts). A falling caseload, diversion, and deployment of a District Judge has resulted in insufficient work for these courts. Rationalisation of the courts has placed HMCS in the right direction for efficient and effective use of the courts. There is still more scope for further rationalisation, including Saturday courts." – *Miss Jaswant Kaur Narwal,CPS.*

"The buildings with the exception of Gainsborough are old and I think costs for maintenance will rise." – *Lance Richardson. Access-ability (Lincoln)*

"Travel for defendants and all agencies is increased, therefore, local justice is impacted." – *Mary Sleigh, Grantham Bench Chair.*

"RE: Sleaford. It is a shame that local justice will not be served. It has been our big beef all along. Now Sleaford reps may be apart from their criminals and lose the local knowledge which we all hold so dear." – *Gillian Wild, magistrate.*

"The impact of court closures will be parties and professionals potentially travelling longer distances. There may be an impact on the listings for the other court and the time allowed for dealing with individual cases." – *CAFCASS*

The HMCS responses to the issues raised are:

(i) Increased travel times

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

(ii) Impact on local 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 Bourne, Gainsborough, Louth, Sleaford and Stamford Magistrates' Courts have a direct impact on you? If yes, please provide further details.

The majority of comments stated that the proposals would not have an impact.

> "Louth: no impact has been identified since the closure." – *M Ducos, magistrate.*

> "No, already listed at Lincoln without any (major) problems." – *Graham Hall, magistrate.*

> "This is a welcome move from a local CPS perspective. CPS Prosecutors can now be better deployed. Time and money is being saved. The future CJS landscape such as virtual courts and out of court disposals and improved IT will inevitably have prompted such disclosures." – *Miss Jaswant Kaur Narwal, CPS*

> "The only direct impact is on our volunteer pool but they are generally able to support at the courts to which the work has moved. Reaction from the witnesses has generally been acceptance and the capacity of this organisation to assist with travel arrangements welcomed but not overly exercised." – *Mike Stephens, Victim Support.*

> "No impact anticipated – any changes have already been absorbed. Dealing with fewer courts has led to more efficient processes between Lincolnshire Police and HMCS. In times when all public bodies come under a great deal of scrutiny, particularly where expenditure is concerned then the closure of these buildings has to be regarded as proportionate." – *Superintendant Staniland, Lincolnshire Police.*

Objections were on the grounds of loss of local justice and travel distances.

> "Only in that local justice and accountability is no longer seen to be done in Louth. Louth becomes an outpost and subject to 'some other form of authority elsewhere' with the effect that the expectation of certain standards of behaviour within the town is lost." – *Justine Whittern, English Editor, Rotterdam School of Management.*

> "I doubt it would have any impact on me personally but I suppose magistrates in these areas will have to travel further and therefore put in more travel claims but I should think that this has been considered." – *Alison Elding, magistrate.*

The HMCS responses to the issues raised are:

(i) Increased travel times

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

(ii) Impact on local 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 Lincolnshire Area. A total of 383 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 (26) represents approximately 7% 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 the courts in Bourne, Gainsborough, Louth, Sleaford and Stamford was set out in the initial impact assessment as part of the consultation paper (Consultation Paper CP31/09). No questions were received on the impact assessment.

We have examined our proposal to close the courts in Bourne, Gainsborough, Louth, Sleaford and Stamford and have concluded that it remains the best option to ensure improved services for court users in Lincolnshire.

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 twelve 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

Joan Ashton	Magistrate
Anonymous	Magistrate
Fred Mann	Magistrate
Alison Elding	Magistrate
Richard Bayes	Magistrate
Robert Price	Magistrate
Andrew Lane	Magistrate
Sally McCracken	Magistrate
Mary Sleigh	Magistrate
Gillian Wild	Magistrate
Linda Dowson	Magistrate
Michael Ducos	Magistrate
Graham Hall	Magistrate
Malcolm Hall	Magistrate
Justine Whittern	Former resident of Louth
Jaswant Narwal	Crown Prosecution Service
Mike Stephens	Victim Support
Sid Brighton	Justices' Clerks' Society
Maria Staniland	Lincolnshire Police
Frances Hoare	National Bench Chairmen's Society
Carolyn Regan	Legal Services Commission
Lance Richardson	Access-ability (Lincoln)
Caroline Morrison	NOMS, East Midlands
Sonia Andrews	Magistrates' Association
Anya Phillips	CAFCASS
Councillor Chris Brewis	Lincolnshire County Council

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