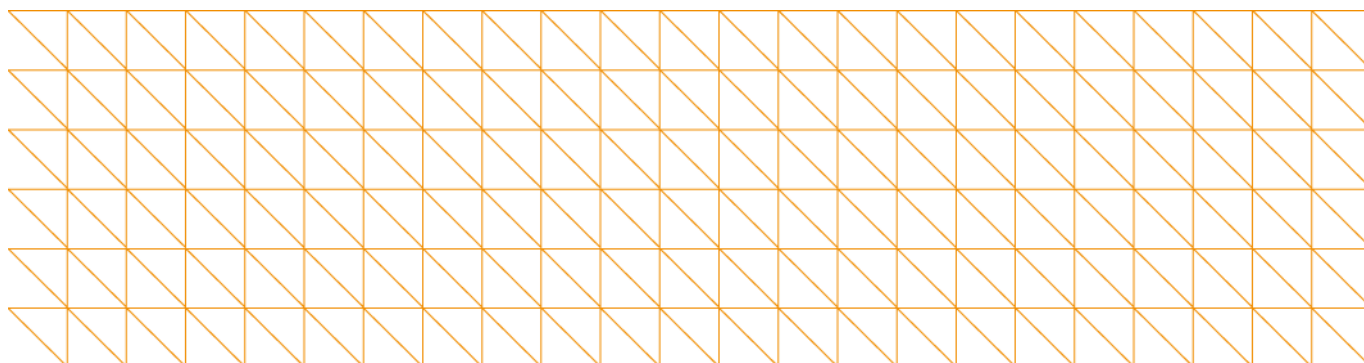


Proposed closure of Mildenhall Magistrates' Court

Response to Consultation

CP(R) 32/09

18 March 2010



Proposed closure of Mildenhall 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 Mildenhall 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 the Area Director **Mike Littlewood** 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 the above address.

Background

The consultation paper 'Proposed closure of Mildenhall Magistrates' Court' was published on 13 October 2009. It invited comments on the proposal to close Mildenhall Magistrates' Court and to continue to list all matters at Bury St Edmunds Magistrates' Court.

The reasons for the proposal are as follows:

- (i) The court was under utilised and deals with a limited workload.
- (ii) The building is no longer suitable for the provision of court services, with the building not being compliant with the Disability Discrimination Act 2005 and court cells that pose serious risk with security and facilities.
- (iii) Court services have, since January 2009, been more efficiently delivered from Bury St Edmunds Magistrates' Court and the proximity to Bury St Edmunds means that there is little or no adverse effect on accessibility.
- (iv) Maintaining a court at Mildenhall is not cost effective. Significant savings and better value for money can be achieved by closing the building and continuing the hearing of cases at Bury St Edmunds on a permanent basis.

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. 23 responses to the consultation paper were received. Of these, eight were from the magistracy and associated bodies, three from local solicitors, two from Suffolk Constabulary, and one each from the MP for West Suffolk, National Offender Management Service, Legal Services Commission, Law Society, Witness Service, Suffolk CPS, Suffolk County Council, Mildenhall Parish Council, Forest Heath District Council and the Magistrates' Association.
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 23 responses received, 9 fully supported the proposal. These included the Chairmen of the West Suffolk Bench and the Suffolk Justices Issues Group, National Bench Chairmen's Forum, and partner agencies within the Criminal Justice Service. Their responses noted that:
 - the small workload had already been absorbed into Bury St Edmunds without any detrimental impact to either the service provided or court users;
 - partner agencies have been able to use their diminishing resources more effectively as a result of not having to cover work at Mildenhall;
 - it is not unreasonable for users to travel from the Mildenhall area to Bury St Edmunds as good transport and road links makes the court accessible; and
 - Mildenhall Magistrates' Court is not up to the standard required and that Bury St Edmunds provides better facilities for users.
4. Five respondents, a magistrate (and Suffolk County Councillor), the West Suffolk MP, Suffolk County Council, Mildenhall Parish Council and Forest Heath District Council objected to the proposal setting out various reasons which are summarised as follows:
 - The closure would cause inconvenience to local people by requiring them to travel to Bury St Edmunds.
 - The proposed closure of Mildenhall represents a loss to public services in the area as local justice would not be delivered for the local people in their local court.
 - The proposed closure was purely financially driven.
5. The remaining nine responses, whilst neither supporting nor opposing the proposal, expressed some concern at the potential deterioration of services, impact of travel and costs to those attending court, and the effect on local justice.

Responses to specific questions

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

The majority view, expressed by 9 of the 23 respondents, is that the proposal should be adopted. Below is a selection of the comments supporting the proposal.

"This is a positive step. The custody facilities have limited capacity, and do not provide the facilities required for a modern court service. Additionally there are significant security weaknesses." – *Dean Reeves, Prisoner Escort Management*

"The proposal to close this court is broadly accepted by the West Suffolk Bench. It follows on from an Estates Review which showed that the court was under utilised. The reservations expressed by some West Suffolk magistrates concern the loss of local justice. It is important to note that when courts were being listed in Mildenhall, defendants came from all parts of the Local Justice Area, not just the Mildenhall area. The fact that no business has been conducted in Mildenhall court for almost one year with any reported adverse effect is a powerful argument in support of the decision of the Justices Issues Group to recommend closure." – *Muriel Lawrence JP, Chairman West Suffolk Bench*

"Suffolk Justices Issues Group has discussed the proposal at length and unanimously supports the closure." – *Anne Walker JP, Chairman Suffolk JIG*

"Mildenhall Magistrates' Court has not been operational as a court since January 2009. This has had no impact on the Police as cases have all been dealt with adequately at Bury St Edmunds and Sudbury Courts for the Western Area of Suffolk." – *Rachael Love, Head of Criminal Justice on behalf of Chief Constable for Suffolk Police*

"I strongly support the proposal to close Mildenhall Magistrates' Court on a permanent basis." – *Paula Abrahams, Chief Crown Prosecutor, CPS Suffolk*

Five respondents opposed the proposal. They expressed concern that the closure represented an erosion of public services, would inconvenience local people and was based on purely financial grounds.

"I think it is a retrograde step and purely based on economic grounds... it is a community loss and it is totally alien to the concept of Local Justice." – *Richard Kemp, JP and Suffolk County Councillor*

"Local justice should be undertaken by local magistrates in their local communities where at all possible. The destruction of local magistrates' courts has resulted in the accumulated knowledge and experience of really local magistrates being denied to the proper

carrying out of justice. We are now involved in more expense for the police, for the defendants, witnesses and counsel, none which has improved the carrying out of local justice." – *Richard Spring, West Suffolk Member of Parliament*

"Suffolk County Council is very concerned as to the proposal to close Mildenhall Magistrates' Court and would wish to oppose the closure." – *Rae Leighton, County Councillor and Portfolio Holder for Public Protection, Suffolk County Council*

"The Chairman and Members of Mildenhall wish to continue to protest in the strongest possible terms at the proposed closure ... The proposed move flies in the face of the firmly held belief of Councillors that there should be local justice for local people in local courts. There is the potential for serious inconvenience for those attending court, in whatever capacity, in having to travel to Bury St Edmunds." – *Caroline Steggles, Chief Executive Officer, Mildenhall Parish Council*

"We wish to register a vehement objection. It is considered that local authorities and other public bodies should seek to sustain local communities by the provision of local facilities such as Mildenhall courthouse." – *David Burnip, Chief Executive, Forest Heath District Council*

"There is the need to consider the impact that there is a lack of public transport to allow defendants and victims to attend court in Bury St Edmunds. This is particularly relevant for the population of some parts of the local area who are suffering from financial hardship. There is also the need to consider the impact on coterminosity of other services who need to attend the courts to support the judicial process both in terms of travel costs and time for travelling, e.g. police, local victim support, etc. In addition the impact on losing more local services should be further considered." – *Suffolk County Council*

The HMCS responses to the issues raised are:

(i) Proposal is solely based on economic grounds

Although there are significant cost savings that can be made, this is not the major determining factor. The low level of workload, poor facilities and the ability to hear cases at a court nearby enable resources to be redirected more effectively and achieve better value for money.

(ii) Greater use of cars by local court users and loss of local justice

As part of an earlier Estates Review in October 2008, the Area undertook analysis of how court users travelled to court and it was established that 72% of respondents had used a car. Over 75% of Mildenhall court users during this survey had travelled for under an hour, with 32% travelling for 15 minutes or less. During this survey period it was also established that 96% of hearings at Mildenhall were speeding or motoring related offences. It is not accepted that this proposal will mean a greater use of vehicles as those in rural

communities already rely on cars to access services and there are good public transport services via bus to Bury St Edmunds, the main town within West Suffolk.

The work previously listed at Mildenhall is already being heard at Bury St Edmunds which is 12.5 miles away and is listed before a single West Suffolk Bench which covers Bury St Edmunds, Mildenhall and Sudbury courts. It is not unreasonable to define local as "accessible" and with the court well within one hour via public transport this is considered reasonable.

(iii) Additional expenses for other agencies involved in the justice system

The police and witness service, as well as the CPS, have responded to the consultation favourably. They have indicated that by not having to cover small courts at Mildenhall they are able to use their existing resources more effectively. Three local defence solicitors have also responded to the consultation process, one in favour and two non-committals.

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

Of the 13 replies to this question, the majority stated that, as Mildenhall was not able to hear the full range of cases due to poor facilities and workloads have fallen, the potential impact has been reduced. A number of local cases had, prior to 2009, needed to be heard at either Bury St Edmunds or Sudbury because they required facilities only available at those courts, such as disabled access, video link or were defendants appearing in custody.

Other comments related to travel and loss of local justice.

"What is the impact on Mildenhall and environs' defendants, families and witnesses in time and money for having to travel to Bury St Edmunds or (in some cases) to Sudbury?" – *Anthony Callender, JP*

"It means greater use of vehicles for locals. It is a community loss and it is totally alien to the concept of Local Justice." – *Richard Kemp, JP and Suffolk County Councillor*

"The current practice of multi listing witness trials at Bury St Edmunds and Sudbury courts for 1000 and 1400 only results in witnesses, particularly civilian witnesses, being told to leave court and return later the same day. This is always disturbing for such witnesses and always increases their stress levels. I have examples of this occurring to the same witnesses as many as three times in one day." – *David Westoby, Manager, West Suffolk Victim Support Witness Service*

"Local public transport is poor, not good I know because I use it." – *Shelley & Co Solicitors, Cambridge*

"The proposed move flies in the face of the firmly held belief of Councillors that there should be local justice for local people in local courts. There is the potential for serious inconvenience for those attending court, in whatever capacity, in having to travel to Bury St Edmunds. There may be a bus service from Mildenhall to Bury St Edmunds but there are many rural areas that do not have the benefit of an accessible bus service." – *Caroline Steggles, Chief Executive Officer, Mildenhall Parish Council*

"Defendants on benefits are having to travel too far to attend court." – *Claire Lockwood, Oslers Solicitors, Bury St Edmunds*

"The additional time for members of the public to travel to Bury St Edmunds which is a particular problem for those reliant on public transport in a rural area. There are rumours circulating locally that the court at Bury St Edmunds is also under threat." – *Steven Durno, Policy Officer Administration of Justice, Law Society for England & Wales*

"Local solicitors are usually mindful of the need to bring to the attention of the Bench any particular transport difficulties their clients may have, when return dates/times to court are being set." – *Muriel Lawrence JP, Chairman West Suffolk Bench*

The HMCS responses to the issues raised are:

(i) Impact on local justice and accessibility

The responses to the points regarding loss of local justice and accessibility are set out above in the commentary on Question 1.

Since January 2009, all listing has been transferred to Bury St Edmunds and during this time there have been no complaints or recorded instances of cases failing to be heard due to attendance difficulties. Those who responded in favour of the proposed closure have indicated in this question that these arrangements have worked well.

(ii) Multi-listing

All courts within Suffolk are having to multi list trials due to the instances of on the day submittals of guilty pleas. This is encountered nationally in all courts across HMCS and is mitigated as much as possible locally by following a listing protocol that, for example, does not list cases involving vulnerable victims with other trials. The practice of releasing witnesses as early possible once a delay is known is carried out to relieve as much stress to victims and witnesses as possible as it is felt that remaining within the court building is more stressful.

(iii) Bury St Edmunds

In respect of the "rumours circulating locally" regarding Bury St Edmunds, this is not part of the original consultation, it is not so and it is inappropriate for HMCS to comment on conjecture.

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

Of the 23 responses received, there were 11 responses to this question. Some quotations from these responses are below.

"No direct impact upon policing in Forest Heath is foreseen." – *Chief Inspector Bennett, Suffolk Constabulary*

"A positive impact in that it is one less court for the Witness Service to cover." – *David Westoby, Manager West Suffolk Victim Support Witness Service*

"This consultation is too late as we have already had to restructure our business to accommodate its closure. We have moved from Newmarket to Bury St Edmunds." – *Claire Lockwood, Oslers Solicitors, Bury St Edmunds*

"The impact will be on the residents of Mildenhall who need to access facilities." – *Rae Leighton, County Councillor and Portfolio Holder for Public Protection, Suffolk County Council*

HMCS is unable to comment on the business decisions of solicitors in private practice and in respect of the response from Mr Leighton, the HMCS response is contained within the commentary at Question 1.

Conclusion and next steps

This proposal has been the subject of a full public consultation including in the West Suffolk Area. A total of 176 copies of the document were either delivered by post or emailed to consultees. Copies of the document were made available at local libraries as well as the display of posters at Bury St Edmunds and Sudbury courts, Mildenhall library and Citizens Advice Bureau advising the public of the consultation and how to respond. The consultation document was also published on the Ministry of Justice website.

The number of responses received (23) represents approximately 13% of the documents dispatched, although this figure could be considerably lower when taking into account the number accessed on-line. 9 responses support the proposal to close, 5 object and 9 neither support nor oppose whilst expressing some concern. The Justices' Issues Group and the Chairman of the West Suffolk Bench are amongst those in favour of closure.

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

We have considered each concern, objection and potential impact 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 Mildenhall Magistrates' Court was set in the consultation paper which also referred to the draft Equality Impact Assessment screening, the initial Impact Assessment and the Rural Proofing checklist. None of the respondents have commented on these assessments. Taking into consideration the comments of all respondents there has been no substantive change to the costs and benefits presented during the consultation process. This final impact assessment therefore presents the costs and benefits as identified in the consultation paper. Mildenhall courthouse has been closed for business since January 2009 and its work dealt with at Bury St Edmunds which is working well.

We have examined our proposal to close Mildenhall Magistrates' Court in the light of the responses and have concluded that it remains the best option 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
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

D Reeves, Prisoner Escort Management, National Offender Management Service

A C Callender JP

Chief Inspector Bennett, Suffolk Constabulary

C Reeve JP

R Kemp JP and Suffolk County Councillor

D B Westoby, Manager West Suffolk Victim Support Witness Service

Justices' Clerks' Society for England and Wales

Shelley & Co Solicitors, Cambridge

C Steggles, Chief Executive Officer, Mildenhall Parish Council

C Lockwood, Oslers Solicitors, Bury St Edmunds

A Walker JP, Chairman Suffolk Justices Issues Group

Nicholas Wray Solicitors, Haverhill

Lord Tollemache, Lord Lieutenant Suffolk

M Lawrence JP, Chairman West Suffolk Bench

Chief Constable, Suffolk Constabulary

Chief Crown Prosecutor, Suffolk CPS

Legal Services Commission

National Bench Chairmen's Forum

Richard Spring MP, West Suffolk

Law Society of England & Wales

R Leighton, County Councillor, Suffolk County Council

D Burnip, Chief Executive, Forest Heath District Council

S Andrews, Magistrates' Association

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