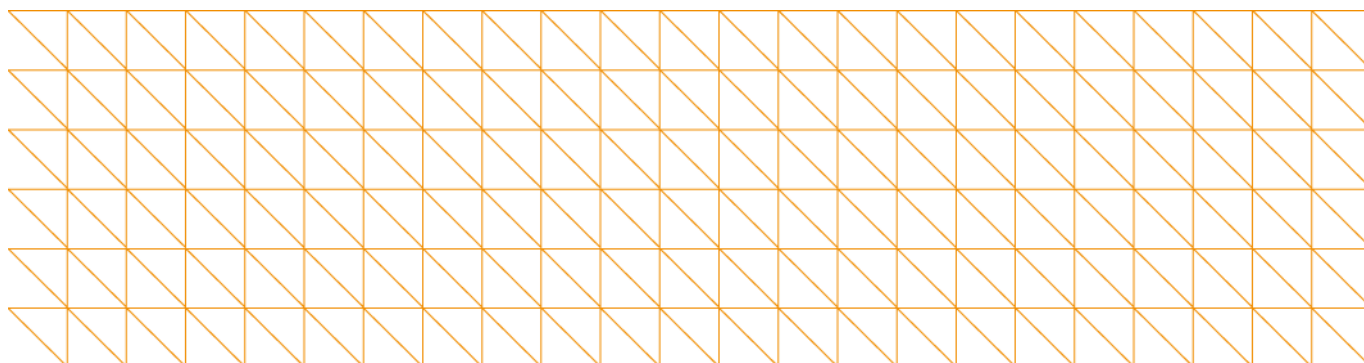


Proposed closure of Minehead Magistrates' Court

Response to Consultation

CP(R) 36/09

18 March 2010



Proposed closure of Minehead 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 Minehead 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:

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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 contact details above.

Background

The consultation paper 'Proposed closure of Minehead Magistrates' Court' was published on 13 October 2009. It invited comments on a proposal to close Minehead Magistrates' Court and continue to hear cases in Taunton Magistrates' Court instead.

The reasons for the proposal are as follows:

- (i) the court is under-utilised;
- (ii) the facilities at the court are poor and the accommodation is no longer suitable for the provision of court services; and
- (iii) given the low volume of work and usage by the public, maintaining the court is not cost effective.

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, one each was received from the Magistrates' Association, the National Bench Chairs' Forum, the local Bench Chair and the Somerset Advisory Committee. In addition, the Legal Services Commission, the Law Society, the Devon & Somerset Law Society, the Avon & Somerset Courts Board (two responses), Victim Support, the Crown Prosecution Service for Avon & Somerset, Avon & Somerset Constabulary, Prisoner Escort Management and a local MP also responded.
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, seven supported the proposal. These included one of the responses from the judiciary/magistracy/associated bodies, the Legal Services Commission, Crown Prosecution Service, two from the Avon & Somerset Courts Board, Avon & Somerset Constabulary and Prisoner Escort Management.

Their responses noted that:

- (i) Minehead was not in regular use by magistrates and suitable alternative court facilities were available; and
 - (ii) the closure would represent financial savings for some partner agencies.
4. Six respondents – two from the judiciary/magistracy/associated bodies, Victim Support, the Law Society of England and Wales, the Devon & Somerset Law Society and a Member of Parliament – 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, further reducing their options; and
 - (iii) local 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 Minehead Magistrates' Court?

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

Below is a selection of comments supporting the proposal:

"It is clear from the Courtroom Utilisation figures that it is impractical and inefficient to list criminal cases at these courts. There is ample spare capacity elsewhere in Avon & Somerset, and within reasonable reach of the communities that these courts serve. Our position is that these courts, which effectively have been mothballed, should be closed for criminal cases." – *Crown Prosecution Service*

"This should have little impact, as as stated in the document, use of the court has been very limited since the beginning of 2009, with little impact." – *Avon & Somerset Constabulary*

"In the current economic climate it is more important than ever to demonstrate that public funds are spent in the most efficient way." – *Legal Service Commission*

Six respondents opposed the proposal. They expressed concern that the closure of Minehead would reduce access to services by local people. Some of their comments are summarised below:

"No court user should be expected to undertake a journey of more than an hour of travel time by public transport especially as many users have to make childcare arrangements before leaving for court or sacrifice working time as witnesses." – *Magistrates' Association*

"People in West Somerset feel that they are losing their right to have access to local justice." – *Ian Liddell-Grainger, MP*

The HMCS responses to the specific issues raised are:

(i) Increased travel to nearest court

During the last nine months there have been no scheduled sittings in Minehead. Cases have been listed at Taunton and no complaints have been received relating to the lack of public transport or the difficulty in attending court

(ii) Access to local 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. Minehead was only used to hear non custody cases. Parties would be drawn from across the Taunton and West Somerset Area and beyond often

due to the tourist population during the summer period. The number of cases arising from Minehead involving local people that are suitable for listing at the court is low. Whilst the closure of Minehead will result in additional travel for some, others will be attending a court nearer to their home.

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

There were a total of 3 responses to this question, their comments are listed below:

"West Somerset is a very rural area and is not well served by public transport and I already know of the difficulties that people with out their own transport face with the existing timetable in being able to keep hospital appointments and so on in Taunton or Bridgwater." – *Mr. Ian Liddell-Grainger, MP*

"The Committee is concerned that the closure of any local court may have a negative effect on magistrate recruitment. If the concept of local justice is to have any validity, any Bench should include members representative of the whole of its Local Justice Area. Interest in and enthusiasm for becoming a magistrate is likely to be reduced in any local area where Courts are no longer held. In rural communities it cannot be right that magistrates are increasingly drawn from urban cities." – *Somerset Advisory Committee*

"The closure of Minehead Court would almost certainly result in the Probation Service closing its office in Minehead. This would mean that all Community Orders made on defendants in West Somerset would have to be managed and supervised in Taunton. The difficulty of the journey to Taunton is already recognised by the Service, as those defendants sentenced to unpaid work in the community are allowed an hours travelling time to be included in their daily work schedule." – *Chairman of the Taunton Deane and West Somerset Bench*

The HMCS responses to the specific issues raised are:

(i) Impact on magistrate recruitment

We have knowledge of geographic areas with large distances between courts where interest in becoming a magistrate is still high and representation is from across the whole area.

(ii) Potential changes to the location of Probation Offices

We are not aware of any plans to change the location of Probation staff but this would be a matter for the Probation Service.

(iii) Travel times to court

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

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

There were a total of four submissions to this question, their comments are outlined below:

"Not on our service delivery, but on our (and other courts agencies') services – users" – *Victim Support*

"Our deep concern remains the lack of access to justice for the Minehead and West Somerset population, who will undoubtedly see this as a further erosion of their quality of life and access to services generally." – *Chairman of the Taunton Deane and West Somerset Bench*

"The closure of Minehead and Wells Magistrates' Courts will provide welcome certainty of business delivery." – *Chief Crown Prosecutor, CPS, Avon & Somerset*

"Solicitors will also have to travel further in order to represent their clients." – *Law Society*

The HMCS response to the specific issue raised is:

(i) Travel times to court

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 65 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 22% of the documents dispatched, although this figure could be considerably lower when taking into account the number accessed on-line.

We noted that we did not receive any responses from District Councils or other principal court users in the area.

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 Minehead Magistrates' Court was set out in the introductory impact assessment as part of the 2009 consultation paper (Consultation Paper CP36/09).

We have examined our proposal to close Minehead 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

Ms. S. Lloyd – Victim Support, Avon & Somerset

Mr. I. Liddell-Grainger, M.P.

Mr. R.J. Macey, JP – Chairman of the Taunton Deane & West Somerset Bench

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

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

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

Mr. B. Hughes – Chief Crown Prosecutor, CPS Avon & Somerset

Ms. C. Witham – Secretary to the Somerset Advisory Committee

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

Kerry Phelps – Contract Delivery Manager, Prisoner Escort Management

Magistrates' Association

Avon & Somerset Constabulary

Dr. D.L. Thomas, JP – Chairman of the Avon & Somerset Courts Board

Mr. D. Turner – Devon & Somerset Law Society

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01934 528 668.