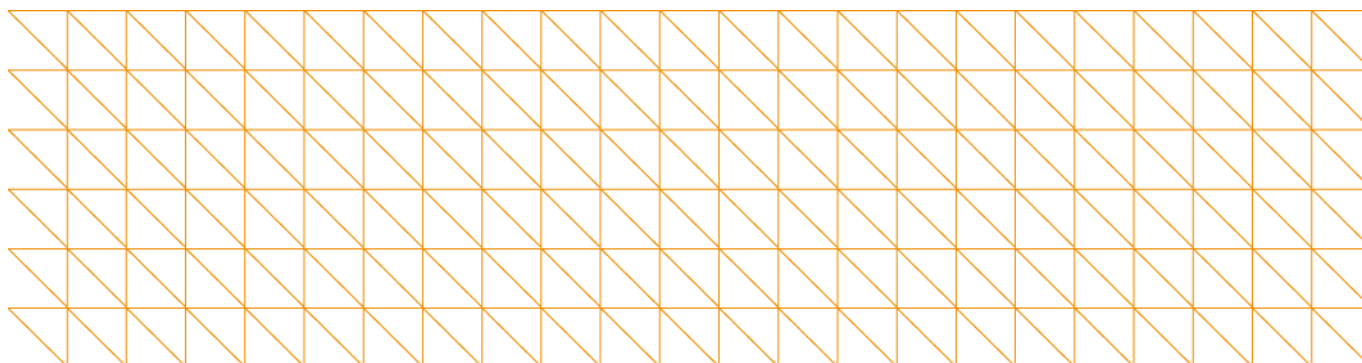


Proposed closure of Wareham Magistrates' Court

Response to Consultation

CP(R) 34/09

18 March 2010



Proposed closure of Wareham 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 Wareham 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** 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 Wareham Magistrates' Court' was published on 13 October 2009. As the courthouse has no custody accommodation, it is unable to deal with custody cases and has had a very limited workload. There has only been enough business for the court to sit two days per month, as well as occasional sittings for longer family cases. The paper therefore invited comments on a proposal to close Wareham Magistrates' Court and to continue to hear cases at Poole, Bournemouth and Wimborne Magistrates' Courts instead.

The reasons for the proposal are as follows:

- Wareham Magistrates' Court is part of the East Dorset Local Justice Area. It has no custody accommodation and no ability to deal with custody cases. The range of business which can be listed there is limited.
- The facilities at the court are poor, particularly for users and the accommodation is no longer suitable for the provision of court services. There are no staff based at the court in Wareham, staff only attend when the court is sitting.
- HMCS 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.
- Given the low volume of work and usage by the public, maintaining the court at Wareham is not cost effective and better value for money can be achieved by transferring the services to other courts within the East Dorset Local Justice Area.

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 10 responses to the consultation paper were received. Of these three were from representative bodies: the Magistrates' Association (MA), National Bench Chairmen's Forum (NBCF) and the Law Society. Replies were also received from Dorset County Council, Purbeck District Council and Wareham Town Council.
2. Of the remainder, two responses were received from Justices' of the Peace and one each from the Legal Services Commission, and the Dorset, Gloucester and Wiltshire Courts Board.
3. 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.
4. Four respondents; Purbeck District Council; Wareham Town Council, the Law Society; and a Justice of the Peace objected to the proposal setting out various reasons that are summarised below:

"Vitality and viability, the loss of the Magistrates' Court would deprive the town of a key function and thereafter the continued existence of associated facilities on the same site." – *Purbeck District Council and Wareham Town Council*.

"Wareham Magistrates' Court should not be closed because doing so would compromise local justice. Summary justice is best delivered by magistrates sitting in the communities that they serve." – *Mrs M. Puttick, JP*

"Purbeck District council and other locally based agencies would have significant additional costs in attending court if the local court is closed." – *Purbeck District Council, Wareham Town Council*

"Solicitors will have to travel further in order to represent their clients." – *The Law Society*
5. The responses from the MA, NBCF and Legal Services Commission were national statements in respect of proposals to close 21 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.
6. The response from the Dorset, Gloucester and Wiltshire Courts Board recognised that the court building is no longer suitable for use and that utilisation had been low in any event. It also highlights that although the proposal has sound business reasons it will result in a reduction in local justice.
 7. The response from Dorset County Council recognised the need to make efficiency savings across the public sector and that there would be significant expense in making the courthouse Disability Discrimination Act complaint. However, it stated that this should not be at the cost of local delivery of justice in communities and suggested that a rural court room hire scheme may provide the opportunity to close underused court houses without taking the administration of justice out of communities.
 8. One respondent, a Justice of the Peace, strongly supported the proposal.
"This should happen as soon as possible; not fit for purpose and costing tax payer money." – *S. Morgan, JP*

Responses to specific questions

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

Four of the ten respondents opposed the closure. They expressed the concern that it represents a loss of local justice and an increase in travelling time and expense for members of the public and solicitors.

Some specific objections were raised and these are listed below together with the HMCS response.

"Closure of the magistrates' court would deprive the town, which is the administrative centre of Purbeck and serves a total population of 45,000 of a key function and facility. There appears to have been a deliberate policy not to assign cases to Wareham Magistrates' Court which has, as a consequence, distorted the level of need within the Purbeck District." – *R M Curtis, Town Clerk, Wareham Town Council*

"Loss of the magistrates' court would deprive the town of a key function and threaten the continued existence of associated facilities on the site, namely the police station and fire station as well as one of the functions which gives the town its identity." – *R W Wilson, Economic and Community Development Manager, Purbeck District Council*

"Wareham Magistrates' Court should not be closed because doing so would compromise local justice. Summary justice is delivered best by magistrates sitting in the communities they serve. Crime committed in communities, on members of that community and by members of that community should be dealt with by local magistrates sitting within the local community." – *Mrs M Puttick, JP, East Dorset Bench*

"Wareham Town Council Chamber was once a courtroom and this should be looked at as an alternative local venue. As it is a council property, it meets all the necessary requirements as regards disabled users." – *Mrs M Puttick, JP East Dorset Bench*

"The response from Dorset County Council recognises the need to make efficiency savings across the public sector and that there would be significant expense in making the courthouse Disability Discrimination Act compliant. However, this should not be at the cost of local delivery of justice in communities and suggested that a rural court room hire scheme may provide the opportunity to close underused court houses without taking the administration of justice out of communities." – *Jonathan Mair, Head of Legal and Democratic Services, Dorset County Council*

"Wareham Magistrates' Court is currently being used as a training venue for magistrates in East and West Dorset and its proposed closure will mean HMCS having to pay for other venues for training courses." – *Mrs M Puttick JP, East Dorset Bench*

"Shared use – little or no consideration appears to have been given to shared use of the Wareham Magistrates' Court for other users such as meetings, training or advice facilities for which there is a known unsatisfied demand. This could enable sessional use of the courthouse whilst providing a venue for other public services subsidising the revenue cost of the facility. This could be achieved in the context of a redeployment of the site or another public sector owned site nearby, incorporating a sessional court facility." – *R W Wilson, Economic and Community Development Manager, Purbeck District Council*

"The reason the building is no longer suitable for the provision of court services is that HMCS have not provided any funds for maintenance, allowing the building to fall into a state of disrepair. No work was done to provide compliance with Disability Discrimination Act requirements nor have repairs to the ailing heating system been carried out. It is correct to say that the accommodation now does not meet the requirements of a modern service for court users, but that could also be said about the three courthouses to which Wareham's business would be sent!" – *Mrs M Puttick JP, East Dorset Bench*

"The Courts Board also accepts that the building is unsuitable for the provision of court services with no custody facilities and inadequate provision for victims and witnesses. However, the Courts Board is concerned about the lack of an estate strategy within HMCS both nationally and locally and that these closures are not being considered as part of a review of the whole estate but rather a piecemeal approach to the problem." *John Carter, Chair, Dorset, Gloucestershire and Wiltshire Courts Board*

The HMCS responses to the issues raised are:

(i) Depriving the town of a key function and facility

One of the key reasons for the decision to cease listing cases at Wareham was that the volume of work arising locally meant the court was significantly underused. In the period leading up to the decision there was only enough business for the court to sit two days per month with occasional longer family cases being sent there from elsewhere.

The absence of custody facilities and the facilities for victims and witnesses mean that the building is unsuitable for many types of business and falls short of the standard expected by our customers and criminal justice partners.

The decision to stop listing cases was taken in order to enable more efficient throughput of work in courthouses that are better suited for the purpose and can provide for the needs of all our customers. The existing courthouse has not been the focus of justice in Wareham for some years and there have been no complaints from users regarding the alternative arrangements.

(ii) Local justice should be served within the community

It is anticipated that the proposal to close Wareham will have minimal impact on the accessibility of service provision to residents of the East Dorset area.

There are no staff permanently based at the court, and the court does not provide a public counter service so the closure will not mean a withdrawal of a well used local service.

Wareham Courthouse is situated in the East Dorset Local Justice Area (LJA). Since the formation of the 2 LJAs in Dorset (2001), magistrates from across the East Dorset LJA have sat in all of the courthouses and have been used to dealing with cases from across the Local Justice Area since that time. All overnight adult custody cases and adult bail cases have been dealt with out of Bournemouth or Poole as there are no custody facilities at Wareham. All youth remand business has been heard out of Poole or Weymouth and Blandford.

Prior the cessation in the use of Wareham we scheduled courts for 2 days per month to deal with Road Traffic business, some non CPS work and Family Adoptions. In addition to this we would use Wareham for listing family contested cases from across the LJA. In addition to being concerned about local justice HMCS has to provide access to suitable facilities for all of our court users, on the whole these are much improved in the larger court centres, which have separate witness waiting areas, video link facilities, interview rooms etc.

(iii) Alternative venue for a courtroom in Wareham

The Town Council Chamber has not been used as a courtroom in the last 20 years and is unlikely to be suitable to serve as a court in 2010 and beyond. The building is not fully DDA compliant and it would require the installation of appropriate security measures and Information Technology links the costs of which are difficult to justify given the volume of business generated locally.

Listing work in a single court centre is an inefficient use of resources and more likely to result in wasted time and expense to Magistrates and other stakeholders.

(iv) Alternative use as a training venue

As a result of the general decline in the volume of magistrates' courts business and the consequential reduction in the court sitting programme, we are confident that we will be able to hold our training in the courthouses at Wimborne or Blandford. There will be no additional cost to hire venues.

It is accepted that shared or alternative use of the building has not been widely explored. The premises have been used as a training facility for magistrates but its failing heating system means that the building is too cold to use for a large part of the year.

As the consultation document explains, the building is in need of complete refurbishment to make it suitable for use. It also requires alteration to make it Disability Discrimination Act compliant. The volume of work that would go through the refurbished or new court located elsewhere in Wareham would not make this a viable expense.

The building has not been used regularly as a courthouse for some time but there have been no expressions of interest in using the facilities for any other purpose from either the public or voluntary sector.

(v) Insufficient funding for building maintenance

HMCS is required to manage its resources in the most efficient and effective way to ensure value for money and continuity of service. Faced with a declining workload and the inability to deal with custody cases resources have been directed to those courts that provide suitable venues for a larger variety and volume of cases.

The condition of the building now is such that it would require significant funding to restore it to use. The factors that led to the current position mean that committing that level of resource is not a viable option.

(vi) Lack of HMCS strategy for court closures

HMCS constantly reviews its estate, at both national and local level, in order to develop a modernised, fit for purpose court estate that maximises the use of Government resources. The proposal to close Wareham Magistrates' Court is being made as part of the HMCS Estate Strategy for the Dorset, Gloucestershire & Wiltshire area, in consultation and with the approval of the Courts Board, designed to improve overall service within the area, by the provision of improved, centralised facilities.

This proposal is one in a programme of 21 consultations that was announced in October 2009 aimed at reducing the cost of owning and/or maintaining buildings that are no longer used or are not used to their full capacity.

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

All respondents answered this question, the most consistent response being the impact on access to justice. Extracts from the responses are set out below:

"Whilst the NCBF 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, Chair NCBF*

"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*

"It will particularly impact on individuals on low incomes who have no access to private cars. They will have to rely upon public transport, which can be both costly and time consuming, to get to courts." – *Steven Durno, Policy Officer, Administration of Justice, Law Society of England and Wales*

"Sustainability – loss of Wareham Court would generate additional journeys for Court users, disadvantaging rural dwellers, particularly those without access to a car. Residents of remoter parts of Purbeck including the town of Swanage would have to travel in excess of 20 miles to access a courtroom." – *R W Wilson, Economic and Community Development Manager, Purbeck District Council*

"Article 6 of the Human Rights Act is based on the principle that all citizens have a right to a fair trial. Loss of Wareham Magistrates' Court would threaten the fair dispensation of and access to justice and involve local people in additional time, journeys and expense to attend a Magistrates' Court in another area, particularly those who live in outlying villages on the fringes of Purbeck." – *R M Curtis, Town Clerk, Wareham Town Council*

"Usage levels – concern has been expressed about the manner in which court usage levels are assessed and the lack of transparency on use assessment methodologies. It is understood that use levels are largely determined by the Magistrates' Courts Committee, who decide where cases should be considered thereby distorting evidence of need. No evidence has been provided of the number of cases generated in Purbeck which could be heard in Wareham if adequate facilities were available. Upgrading of the facility to enable custody cases to be heard there would increase usage levels and in turn the viability of the facility. This could also be achieved in the context of the redevelopment of this or other sites in the locality for a mixed use redevelopment." – *R W Wilson, Economic and Community Development Manager, Purbeck District Council*

The HMCS responses to the issues raised are:

(i) Impact on local justice, travelling times and lack of public transport

It is anticipated that the proposal to close Wareham will have minimal impact on the accessibility of service provision to residents of the East Dorset area. The level of business generated from the Wareham area is still very minimal and it is a far better use of resources to hear the cases at other courts within the East Dorset Local Justice Area.

There are no staff permanently based at the court, and the court does not provide a public counter service so the closure will not mean a withdrawal of a well used local service.

Relocating the court's business to the neighbouring courts of Poole, Bournemouth and Wimborne has had no detrimental impact on the waiting times for cases.

It is accepted that the decision to move work from Wareham to either Bournemouth, Poole or Wimborne may have resulted in additional travelling time and expense for some court users. However, the distance by road and the public transport links, in particular to Bournemouth and Poole, mean that for most the NBCF and MA definition of accessibility is achieved.

Wareham is approximately nine miles from Poole, 12 miles from Wimborne and 14 miles from Bournemouth.

There are public transport links between these towns with the bus providing the regular service. From Poole it takes 45 minutes, Bournemouth 1 hour 30 minutes, and Wimborne 1 hour 15 minutes.

The train is available from Bournemouth taking 1 hour 15 minutes and Poole taking 50 minutes. There is no train station at Wimborne.

The road system is fairly good between these locations. A car journey to Poole takes 25 minutes, to Bournemouth 45 minutes, and to Wimborne 35 minutes.

It should also be noted that business that may have previously been listed in Wareham has been listed into one or other of those courts for some time, years in the case of remand and custody cases, without complaint.

Also, although court users may have to travel further, the alternative courts will have better waiting facilities and more efficient and effective services.

(ii) Levels of court usage

The usage levels quoted in the proposal document are a matter of record and reflect the amount of locally generated Magistrates' Courts work at the time the decision to cease listing was taken.

The Magistrates' Courts Committee ceased to exist on the creation of Her Majesty's Courts Service and decisions regarding court utilisation are made by local management and judiciary in consultation with other criminal justice agencies and interested parties such as defence solicitors.

Prior to removing work from Wareham all of these stakeholders were consulted and there was no adverse reaction from any of them, nor has there been any suggestion that the work should transfer back. This suggests that in most cases the work is being dealt with at the most appropriate venue.

Providing an accurate figure for the number of cases generated in Purbeck that could have been heard in Wareham is not possible without a disproportionate administrative exercise.

It is accepted that if the court had Human Rights Act and Health and Safety compliant custody facilities then more work could have been dealt with. However, as there are no such facilities, not even inadequate cells that could be improved, the cost would far outweigh the benefits. The centralisation of custody work into Bournemouth has made improved efficiency for all of the criminal justice agencies.

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

There were four responses to this question. Purbeck District Council and Wareham Town Council both highlighted the potential cost to their organisation of attending court in another town.

"It may be necessary for Wareham Town Council to attend court e.g. in respect of an appeal against refusal by the Licensing Authority to grant a licence. If the local court was closed, then the council will have to input more time into the legal process and bear additional cost in time and travel." – *R M Curtis, Town Clerk, Wareham Town Council*

"Administrative Cost – Purbeck District Council and other locally based agencies would have significant additional costs in attending court if the local court is closed. Currently the court deals with Council Tax recovery and other non custody matters such as food hygiene prosecutions and planning enforcement matters." – *R W Wilson, Economic and Community Development Manager, Purbeck District Council*

"There are budget implications [unquantified] through the transfer of hearings away from more local courthouses to Bournemouth and Weymouth. In particular, a significant amount of officer time [Children's Services officers and Legal Services] can be lost in travelling. Holding hearings away from court users' communities can make it difficult to attend. This leads to direct financial implications through parents requesting help from the County Council to meet public transport fares so that they can attend hearings. Indirectly there are additional costs where the distances to be travelled means that parties do not attend and hearings have to be adjourned and rescheduled." – *Jonathan Mair, Head of Legal and Democratic Services, Dorset County Council*

"As a magistrate in this area the closure of Wareham will have an impact on me personally as I will have to travel to other courthouses in the East Dorset area that cannot be as close locally to Wareham. It will also mean that my colleagues and I will have to travel to alternative venues for future training events for East and West Dorset Magistrates with all the financial implications that entails." – *Mrs M Puttick JP, East Dorset Bench*

"Solicitors will also have to travel further in order to represent their clients." – *Steven Durno, Policy Officer, Administration of Justice, Law Society of England and Wales*

The HMCS responses to the issues raised are:

(i) Costs of attending court in another town

Whilst it is accepted that closure of the court may result in some additional travel time and expense, this will not be significant. Much of this work has been listed at either Bournemouth or Wimborne since January 2007.

Prior to the cessation of hearing at Wareham, stakeholders were consulted through the Court User Groups and Dorset Judicial Issues Group. There was no adverse reaction from these groups and partner agencies welcomed the resource savings the temporary closure of Wareham brought.

The moving of business from Wareham has enabled certain stakeholders such as the Crown Prosecution Service, Probation, Youth Offending Team and Cafcass to centralise their resources and make more efficient use of their staff time by not having to provide and maintain a service at Wareham.

(ii) Costs and inconvenience of travelling to alternative venues for training

Whilst magistrates are able to express a preference for venue for their sittings when submitting their availability forms, since the Bench amalgamation in 2001, all magistrates were made aware that in order to maintain their competences, they would need to experience a spread of the business and that, as the main remand courts were to operate out of Bournemouth, sittings would need to be undertaken there to maintain that competence.

Holding training in venues other than Wareham is unlikely to have a significant financial impact overall. For each magistrate with a longer journey there is likely to be another with a shorter journey to an alternative venue.

(iii) Increased travel times for solicitors

The main response to this point is dealt with under the commentary to responses (i) and (ii). However, it should be noted magistrates' courts work, in particularly custody cases, has been heard across the East Dorset Local Justice Area for many years. The proposal to close Wareham will not have any impact on what have become long established working practices for local solicitors.

Conclusion and next steps

This proposal has been the subject of a full public consultation. A total of 59 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 (10) represents 17% 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 Wareham Magistrates' Court rather than all of the general points made by representative groups.

We have examined our proposal to close Wareham 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

Jonathan Mair, Head of Legal and Democratic Services, Dorset County Council

Magistrates' Association [MA]

National Bench Chairmen's Forum [NCBF]

Legal Services Commission

S Morgan JP,

Mrs M Puttick JP, East Dorset Bench

R W Wilson, Economic and Community Development Manager, Purbeck District Council

R M Curtis, Town Clerk, Wareham Town Council

Purbeck District Council and Wareham Town Council

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