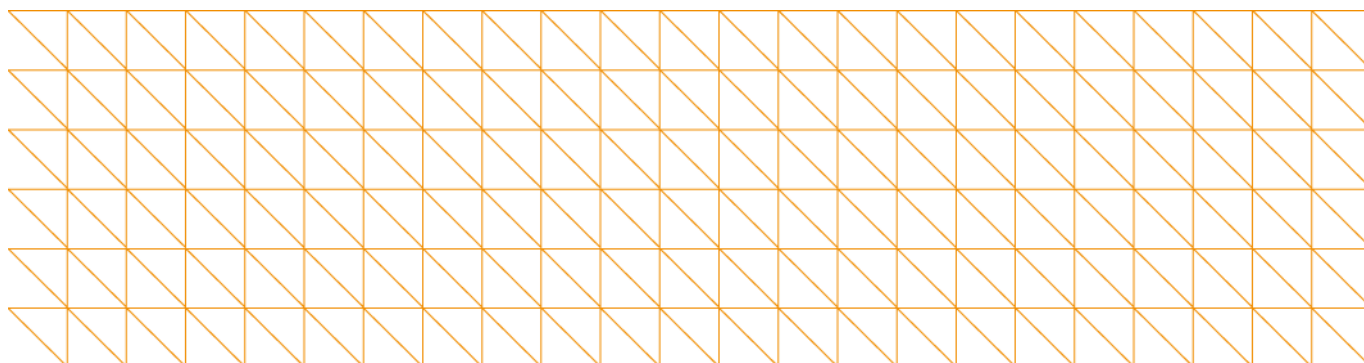


Proposed closure of Wells Magistrates' Court

Response to Consultation

CP(R) 30/09

18 March 2010



Proposed closure of Wells 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 Wells 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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Weston-super-Mare
BS23 9BJ**

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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 contact.

Background

The consultation paper 'Proposed closure of Wells Magistrates' Court' was published on 13 October 2009. It invited comments on a proposal to close Wells Magistrates' Court and continue to hear South Somerset and Mendip work at Frome Magistrates' Court.

The reasons for the proposal are as follows:

- (i) the court is under-utilised and deals with a limited workload;
- (ii) lack of facilities and condition of the custody cells, make them unsuitable for use; and
- (iii) the facilities at the court are poor and the accommodation is no longer suitable for the provision of court services.

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, a local magistrate 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 and Prisoner Escort Management 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 proposals would have on court users.
3. Of the 13 responses received, eight supported the proposal or did not view their service as being adversely affected. These included the National Bench Chairs Forum, both responses from the Avon & Somerset Courts Board, Victim Support, Legal Services Commission, Crown Prosecution Service, Prisoner Escort Management and Avon & Somerset Constabulary. Their responses noted that:
 - (i) Wells Magistrates' Court is no longer in regular use and suitable alternative arrangements have been made; and
 - (ii) the closure would represent financial savings for some partner agencies.
4. Four respondents – Somerset Advisory Committee, one magistrate, the Law Society of England and Wales and the Devon & Somerset Law Society – 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.
 - (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 Wells Magistrates' Court?

The majority view expressed by eight of the 13 respondents is that the proposal should be adopted.

Below is a selection of comments supporting the proposal:

"Current paucity of trials suggests that witnesses are already travelling to cases heard in other courts." – *Victim Support*

"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." – *Chief Crown Prosecutor, CPS, Avon & Somerset*

"From a Prisoner Escort Management Perspective this small periodic court did not generate any custody work from September 2008 until it ceased to hear cases in January 2009. However, when sitting there was always the potential for prisoners coming into custody. These "collections", despite being rare, necessitated a multiple cellular vehicle being tasked for a single prisoner journey. This was not effective in terms of planning, resources or cost." – *Prisoner Escort Management*

Four respondents opposed the proposal. They expressed concern that the closure of Wells would reduce access to services by local people. Their comments are summarised below:

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

"With the Local Issues Group now considering the closure of both Frome and Yeovil Courthouses, it is imperative that the Wells Courthouse is maintained for the Mendip area, to avoid considerable cost of travel for court users to either Bath or Taunton." – *Mr. R. Brown, JP, Member of South Somerset and Mendip Bench*

One comment queried the steps that had been taken to consult the local community regarding the proposed closure, in order to assess the impact this may have on the local area.

The HMCS responses to the specific issues raised are:

- (i) Cost savings will be at the expense of 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. Wells Magistrates' Court has been used, on an infrequent basis, for non-custodial trials. Should the needs of victims or witnesses make it essential to hear this type of case locally, special arrangements can be made.

- (ii) Closure of Frome and Yeovil

These courts are not part of any consultation on closure and, should they be reviewed in the future, the consultation process required at that time would take into account the locations where cases are heard and this will include the outcome of any decision in respect of Wells.

- (iii) Consultation with the local community

The consultation included local MPs as well as the Courts Board (including representatives of the local community) and a wide range of individuals who live and work in the area.

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

Out of the 13 responses, there was only one response to this. This was the following comment regarding potential employment issues:

"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 HMCS response to the specific issue raised is:

- (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.

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

Out of 13 responses, there were a total of three submissions.
Their comments are outlined below:

"No." – Victim Support

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

The opposing response, which is a national response to court closures, was as follows:

"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) Further travelling time for solicitors

Stakeholders, including local solicitors have had the opportunity to raise their concerns through the Court User Groups. Previously the Court User Groups have been provided with information about the policy to cease listing cases at Wells, except where parties, victims and witnesses would be substantially disadvantaged by staging hearings at the next nearest courthouse. No objections were received from local solicitors in respect of increased travelling time.

Conclusion and next steps

This proposal has been the subject of a full public consultation in the Devon and Cornwall Area. A total of 73 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 (13) represents approximately 18% 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 MPs, 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 Wells Magistrates' Court was set out in the introductory impact assessment as part of the 2009 consultation paper (Consultation Paper CP30/09).

We have examined our proposal to close Wells 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

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. R. Brown, JP – Member of South Somerset & Mendip Bench

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

Kerry Phelps – Contract Delivery Manager, Prisoner Escort Management
Magistrates' Association

Avon & Somerset Constabulary

Mr. D. Turner – Devon & Somerset Law Society

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

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01934 528 668.