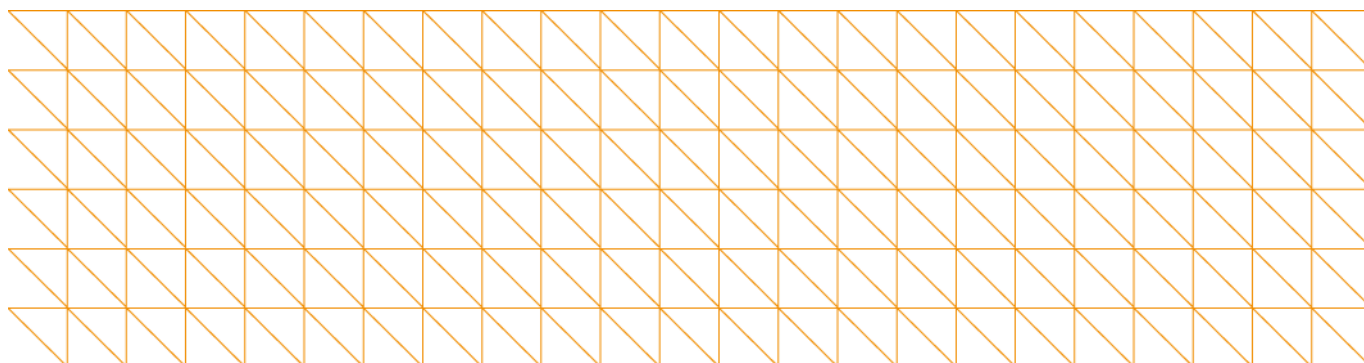


Proposed closure of Whitby Magistrates' Court

Response to Consultation

CP(R) 35/09

18 March 2010



Proposed closure of Whitby 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 Whitby 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 **Dyfed Foulkes, Area Director** at the address below:

**Area Director's Office
Colbeck House
Bradford Road
Birstall
Batley
West Yorkshire
WF17 9NR**

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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 Area Director's Office's telephone number or email as above.

Background

The consultation paper 'Proposed closure of Whitby Magistrates' Court' was published on 13 October 2009. It invited comments on the proposal to close Whitby Magistrates' Court and to cease to list Scarborough County Court business at Whitby.

Whitby Magistrates' Court stopped sitting almost eight years ago (apart from a period when it was reopened to deal with work while Scarborough Magistrates' Court was closed for refurbishment). At present it is only used one day per month by the Scarborough County Court and that business can be reabsorbed in the main Scarborough County Court lists.

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 11 responses to the consultation paper were received. Of these, one was from a Justices' Issues Group, two from the magistracy, one from the Housing Advisory Resource Project, one from HM Coroner for North Yorkshire, one from the Justices' Clerk's Society, one from the Area Courts Board, one from the Probation Service, one from Victim Support, one from the Legal Services' Commission and one from the Law Society of England and Wales.
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 11 responses received, four were generic responses on the closure programme from specific bodies: National Bench Chairs Forum, Magistrates' Association, the Justices' Clerks' Society, and the Legal Services Commission. Particular issues raised were:
 - (i) Increased travelling times
 - (ii) Impact on legal aid funding
4. Of the remaining seven responses, four were either supportive of the proposal or raised no objection. These were the Justices' Issues Group Cleveland, the Probation Service North Yorkshire, North and West Yorkshire Area Courts Board, and Victim Support North Yorkshire.
5. The three remaining respondents, The Law Society, The Housing Advisory Resource Project North Yorkshire and HM Coroner North Yorkshire, objected to the proposal setting out reasons which are summarised as follows:
 - (i) Impact of cost and travelling
 - (ii) Removal of jurisdiction
6. The Justices' Issues Group North Yorkshire expressly chose not to respond. It should also be noted that Whitby Town Council initially raised a number of questions which were responded to and no formal response was submitted thereafter.

Responses to specific questions

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

Five responses were submitted, their comments are outlined below:

"This Court should be closed without delay. Some 8 years ago the MCC carried out a full Consultation exercise and the decision was properly made for the right reasons – both logical and financial. The building was retained for use to cover the period of the Scarborough refurbishment which was the correct decision." – *North and West Yorkshire Area Courts Board*

"Our major focus will be on the criminal work which has been dealt with at Scarborough for some time and we see no major implications to us of closure." – *Probation Service North Yorkshire*

"This will not affect the work of Victim Support/Witness Service as we have not attended the Court since closure of criminal Court in 2006." – *Victim Support*

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

"It would appear that the only alternative being considered is to move the service to Scarborough rather than finding alternative accommodation in Whitby." – *Housing Advisory Resource Project North Yorkshire*

The HMCS response to the specific issues raised are:

(i) Cost savings will be at the expense of local justice.

There has not been a need for a magistrates' court at Whitby for some time and there is no business imperative to bring these courtrooms back into use. There are no adverse implications for court users and the public with this proposal because the existing casework within the LJA is already being handled at Scarborough, and these arrangements would continue if the proposals are taken forward. There has been no adverse impact on the timeliness of proceedings or the range of facilities available to users of the court. Also, there have been no complaints from users who now go to Scarborough rather than Whitby.

The Scarborough County Court sits at Whitby once a month only. Whitby matters are frequently dealt with in Scarborough under existing arrangements.

(ii) Consideration of alternative accommodation

A comprehensive search of alternative accommodation for county court business was undertaken by the managing agent in 2005 without success. The complex requirements of court space mean finding

appropriate alternative accommodation is difficult and costly. We therefore do not feel there is sufficient justification to conduct another search.

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

There were five responses submitted, the comments are listed below:

"The small usage by the County Court can easily be transferred to Scarborough." – *North and West Yorkshire Area Courts Board*

"The closure will add time and cost to offenders and witness involvement in Court proceedings. Care must be taken to ensure this does not impact on performance." – *Probation Service North Yorkshire*

"The additional time for members of the public to travel to Scarborough." – *Law Society*

"None." – *Victim Support*

"The cost implications of public transport have not been taken into account." – *Housing Advisory Resource Project North Yorkshire*

The HMCS response to the specific issues raised are:

(i) Additional travelling time for members of the public.

The court has received no adverse feedback from professional users or the local community since the change in arrangements for criminal cases over two years ago. Some additional travelling may be incurred by some court users. However, given the number of customers attending the court and the close proximity and relative ease of access to Scarborough, this will be minimal.

(ii) Cost implications of public transport

A number of county court cases involving parties from Whitby are already listed in Scarborough and there is no evident problem with Whitby parties failing to attend. Experience suggests that cost will have minimum impact and a recent enquiry of Scarborough County Court staff reveals that there has been no informal adverse feedback to court officials from customers/parties from Whitby whose cases have been listed at Scarborough.

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

There were five responses submitted. The comments are listed below:

"No impact. The Courts Board fully support the closure." – *North and West Yorkshire Area Courts Board*

"North Yorkshire Probation Area has used Whitby Court buildings as a reporting centre for a small number of offenders as well as an interviewing facility for court reports. We will need to find alternative premises, but I believe this will be achievable. This would not in my view affect your equality impact assessment." – *Probation Service North Yorkshire*

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

"No." – *Victim Support*

"HARP staff are specialist legal advisers, not solicitors. We therefore are not on record as acting for clients. If the client is unable to afford transport to Scarborough, HARP will be unable to represent them. This will not be compatible with a defendant's right to a fair hearing." – *Housing Advisory Resource Project North Yorkshire*

"[T]he closure of the Whitby Court will remove from my jurisdiction one of the only remaining courts where I can conduct firstly normal inquests and secondly longer inquests...I accept that geographically speaking, it is not [a] particularly well placed court for my jurisdiction, but it does meet the minimum Coroners' Charter Standards for a court, and can be utilised for longer inquests...since no other suitable premises are generally available." – *Mr Oakley, HM Coroner for North Yorkshire, Eastern District*

The HMCS responses to the specific issues raised are:

- (i) Increased travelling time and expense for members of the public and solicitors

The response to this point is set out above in the commentary on Question 2.

- (ii) Right to a fair hearing and access to HARP services

The conduct of a hearing is a judicial matter and parties to civil litigation will always be afforded every opportunity to attend and to be represented. The courts ensure that HARP leaflets (including contact numbers) are provided to defendants in all relevant proceedings.

- (iii) Occasional use for inquests

The extent of the Coroner's occasional use of the Whitby Court facility is very infrequent. It was last used in December 2008. The Coroner uses the Scarborough County Court (9 occasions in 2009), and, with advance notice, the Scarborough Magistrates' Court facilities and other suitable court facilities within North Yorkshire could be, and have been, made available (as, no doubt, would/are suitable Local Authority premises/facilities). The Coroner concedes that Whitby is not particularly well placed geographically for these purposes.

Conclusion and next steps

All of the 11 responses received came from organisations involved in the justice system: five were from national organisations and six from organisations operating within the North Yorkshire area. Whitby Town Council chose not to submit a formal response after their initial questions were responded to.

Those responses from within the North Yorkshire area were, on balance, evenly weighted between support and opposition. Other responses ranged from no comment/no objection to more broadly based comments from national organisations. The issue of local access and ease of travel featured prominently.

The objections received, however, do not overcome the fundamental issues underpinning this proposal. HMCS is under a duty to provide efficient and effective operation of the courts. The continuation of Whitby Magistrates' Court fails this duty. On that basis the proposal to dispose of Whitby Magistrates' Court should be accepted. This will also result in the Scarborough County Court sittings at the premises (1 per month) ceasing.

We have examined our proposal to close Whitby 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.

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.

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

HARP – North Yorkshire

HM Coroner, North Yorkshire, Mr M D Oakley

Justices' Issues Group – Cleveland

Justices' Clerk's Society

The Law Society

Legal Services Commission

Magistrates' Association

National Bench Chairman's Forum

North and West Yorkshire Area Courts Board

Probation Service – North Yorkshire

Victim Support – North Yorkshire

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