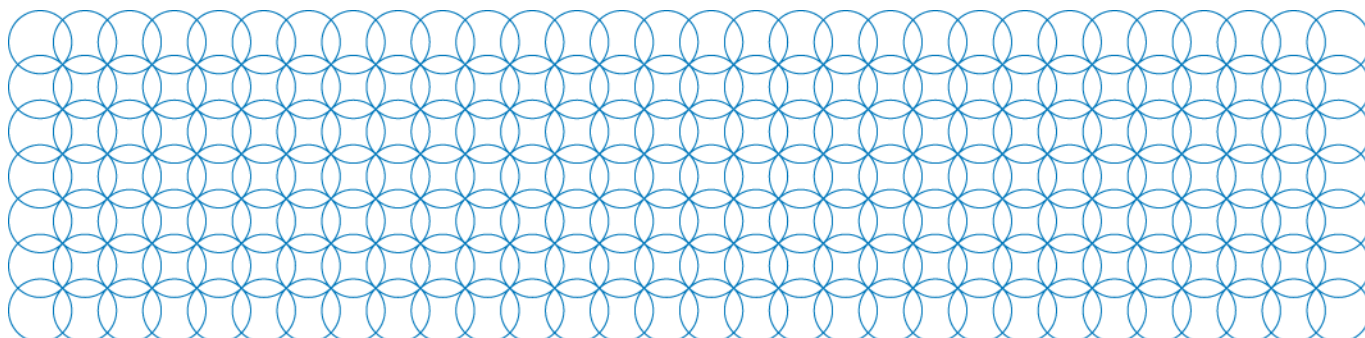


Proposal on the provision of courts services in Devon and Cornwall, Avon and Somerset and Gloucestershire

Consultation Paper CP06/10

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Proposal on the provision of courts services in Devon and Cornwall, Avon and Somerset and Gloucestershire

**A consultation produced by Her Majesty's Courts Service, part of the
Ministry of Justice. It is also available on the Ministry of Justice website at
www.justice.gov.uk**

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The HMCS national estates strategy

HMCS is committed to providing a high quality courts service within a reasonable travelling distance of the communities that use it, while ensuring value for money for taxpayers.

HMCS currently operates out of 530 courthouses – 330 magistrates' courts, 219 county courts and 91 Crown Court centres.¹ However, the number and location of these does not reflect changes in population, workload or transport and communication links over the years since many of them were opened. This has resulted in some courts sitting infrequently and hearing too few cases. Some buildings do not provide suitable facilities for those attending or are not fully accessible for disabled court users. A number of magistrates' courts do not have secure facilities for prisoners. Other agencies with whom we work across the justice system are also put under strain by the need to work at a number of different courts in the same area, some of which are in close proximity to each other.

When public finances are under pressure, it is vital we eliminate waste and reduce costs. This consultation sets out how we believe we can best meet the justice needs of communities in each area and invites comments on whether work from the courts we propose to close could be moved to nearby courts which have sufficient capacity and, in the majority of cases, better facilities. By using these courts more efficiently we hope to save public money while also improving the services we provide for court users.

We are also consulting on the merger of a number of Local Justice Areas which would enable effective changes to courthouse provision. This will facilitate further efficiency savings in administrative work, while ensuring that magistrates continue to provide a vital frontline service to the public.

In order to form the proposals in this document the following principles have been followed:

- improve utilisation to at least 80%;
- provide greater flexibility through co-location of criminal courts and civil courts with tribunal hearing centres;
- plan on a long term basis;
- integrate developing policy and operational changes into estates planning;
- ensure access to courts – enabling the majority of the public to be within a 60 minute commute of their nearest court by public transport;²

¹ A number of courts are co-located or in combined centres.

² With consideration given to those who live in rural communities.

- ensure the estate supports the challenges of rural access;
- wherever possible centralise back office functions;
- have specialist facilities in large strategic locations only;
- move towards larger courts;
- maintain properties at an appropriate level; and
- share facilities with the Tribunal Service.

Court users should not have to make excessively long or difficult journeys to attend court, but geographical proximity for all court users should not be the sole (or even primary) concern. Providing people with appropriate access to justice does not necessarily mean providing a courthouse in every town or city. The speed of case outcome, the quality and efficiency of the service we provide, and an environment which commands respect for the justice system and the safety and comfort of court users, are much more significant to the delivery of effective local justice across all communities in England and Wales.

We need to ensure that local communities, including those in rural areas, have access to a court and we seek views on this. At the same time we must be realistic about the frequency with which most people need to visit a court, compared to other services which they use and travel to more regularly such as banks, schools, supermarkets or hospitals.

We need to consider the required courts estate in the context of the falling workload which is being dealt with in a more efficient and timely way as a result of close partnership working between HMCS and the judiciary. At the same time, we have been careful to ensure that there remains sufficient capacity within the remaining courts to accommodate any future increases in workload.

This consultation will take account of all of these factors plus any additional relevant considerations which are put forward during the consultation period.

Introduction

This paper announces proposals that will enable HMCS in Devon, Cornwall, Avon, Somerset and Gloucestershire to provide vital public services while reducing the cost for the taxpayer.

Feedback to the questions set out in the consultations will enable us to ensure that courts remain in the most important strategic locations, that communities continue to have access to courts within a reasonable travelling distance, and that cases are heard in courts with suitable facilities which will in turn reduce the overall costs. At the same time, we have been careful to ensure that there would be sufficient capacity within the remaining magistrates' courts should there be a decision to increase their sentencing powers in the future.

The consultation seeks the views of everyone with an interest in local justice arrangements. The Lord Chancellor will take all views expressed into account before making any decision on which courts ought to be closed and when.

This consultation is being conducted in line with the Code of Practice on Consultation issued by the Cabinet Office and falls within the scope of the Code. The consultation criteria, which are set out on page 53 have been followed.

A preliminary Impact Assessment and Equality Impact Assessment initial screening have been completed, which will be developed during the consultation period. A copy of the initial Impact Assessment, the initial screening for an Equality Impact Assessment and the Rural Proofing checklist is available at www.justice.gov.uk.

Copies of the consultation paper are being sent to:

- Local MPs;
- Local Constabulary;
- Crown Prosecution Service – Chief Crown Prosecutor;
- Director of Offender Management;
- CAFCASS
- Civil Court Users Association;
- District and County Councils and Local Authorities;
- Local Courts Board;
- Local Criminal Justice Boards;
- Judicial Issues Group;
- Local Bench Chairs;

- Criminal Defence Service;
- Law Society;
- Bar Council;
- Local legal practitioners;
- Senior Presiding Judge;
- Presiding Judge;
- Senior District Judge
- Association of HM District Judges;
- District Judge (Magistrates' Court);
- The Chief Magistrate;
- Magistrates' Association;
- National Bench Chairs Forum;
- Justices' Clerks' Society;
- Lord Lieutenant;
- High Sheriff;
- Witness Care;
- Victim Support;
- Youth Offending Teams;
- Prison Escort and Custody Service;
- The Coroners Service; and
- Trades Unions (PCS, FDA and Prospect).

This list is not meant to be exhaustive or exclusive and responses are welcomed from anyone with an interest in or views on the subject covered by this paper.

This consultation is also available at www.justice.gov.uk.

A map of proposals set out in this consultation paper is available at Annex A.

Magistrates' courts in Devon and Cornwall

The need for change

HMCS currently operates magistrates' courts in Penzance, Camborne, Truro, Bodmin, Liskeard, Barnstaple, Plymouth, Torquay, Newton Abbot, Totnes, Honiton and Exeter.

Overall the utilisation rate for these courts is 51.3%.³

There are currently six Local Justice Areas within the LCJB area each with a separate bench of magistrates.

Through operating out of this number of magistrates' courts HMCS is unable to provide an efficient service in Penzance, Camborne, Liskeard, Totnes, Newton Abbot and Honiton. By implementing the proposals set out below we believe that HMCS can make better use of the remaining estate and significantly reduce costs both to HMCS and other agencies within the criminal justice system.

³ Courtroom utilisation is the time a courtroom is used, against the hours that a courtroom is available for use.

The proposal

- To continue to operate magistrates' courts in Truro, Bodmin, Plymouth, Barnstaple, Torquay and Exeter; and
- To close the magistrates' courts in Penzance, Camborne, Liskeard, Honiton, Totnes and Newton Abbot.

Camborne Magistrates' Court

Camborne Magistrates' Courts is administered from Truro as part of the West Cornwall Local Justice Area. West Cornwall Magistrates' Courts has courthouses in Truro, Penzance and Camborne. Camborne has one courtroom and is used as a satellite court of Truro Magistrates' Court.

In order to achieve a more efficient service to the public it is proposed to close Camborne Magistrates' Court and list all cases at Truro Magistrates' Court. The closure of both Camborne and Penzance Magistrates' Courts could not be achieved without creating additional courtroom capacity at Truro Magistrates' Court.

Workload

Camborne is used, on average, two days per week, Wednesdays and Thursdays, mainly for Family Proceedings Cases and non-CPS prosecutions. It is also West Cornwall's dedicated Specialist Domestic Violence Court.

The Justices' Issues Group are currently reviewing the proposal to reduce the sitting days further so that a court will be held only on two days per week, three weeks per month. The court is also used by the Tribunals Service on an ad-hoc basis. Cases heard at Camborne are not necessarily connected to the Camborne Area, but are drawn from all over the Local Justice Area.

Accommodation

Camborne Magistrates Court is located in a late Victorian building that was extensively refurbished in 2003. This building is shared with the local County Council and the Local Town Council. It comprises of one standard-sized courtroom, one witness room and two interview rooms. The witness facilities are unsuitable because the witness is required to walk through the public waiting area to access the courtroom. There is no provision for parties to enter separately or remain separated within the building.

The facilities are in a good state of repair but there is no cell accommodation which limits the types of cases that can be heard there. The most recent Disability Discrimination Act access audit undertaken at the court in Camborne identified a range of access improvement works totalling approximately £62,000. The court is not permanently staffed and there is no public counter service.

Location

Camborne's workload will be transferred to Truro Magistrates' Court approximately fourteen miles away. On average the journey time by train is nineteen minutes each way at a cost of £5.40. The bus journey is 50 minutes at a cost of approximately £6.50.

Staff implications

No staff are employed at Camborne Magistrates' Court.

HMCS will engage with staff and Trades Unions throughout the consultation period.

Cost implications

The 2009/10 operating cost of Camborne Magistrates' Court was £24,529.⁴
The closure of Camborne court house would also remove the need for HMCS investment in backlog maintenance of around £75,000.

Implementation

Should the decision to close Camborne Magistrates' Court be taken, a full implementation plan will be produced to ensure the smooth transfer of work. This would include some work in Truro Magistrates' Court to prepare it to receive the additional work if both Camborne and Penzance Magistrates' Courts were to close.

⁴ 2009/10 HMCS operating costs (excluding staff and non cash costs).

Honiton Magistrates' Court

Honiton Magistrates Court is administered by Exeter as part of the Central Devon Local Justice Area. Central Devon Magistrates' has courts in Exeter and Honiton and with an administration office at Exeter Combined Court.

In order to achieve a more efficient service for the public it is proposed to permanently close Honiton Magistrates' Court and list all cases at Exeter. The closure of Honiton would not be completed until the anticipated refurbishment of Exeter Magistrates' Court is completed. If building works are undertaken at Exeter Magistrates' Court, there will be a requirement to temporarily increase the use of Honiton during the period of these works at Exeter.

Workload

Honiton is currently only used on a Wednesday with some ad-hoc family cases that are too long to list at Exeter Magistrates' Court. Due to the lack of custody facilities; it is only used for non-CPS prosecutions.

If Honiton Magistrates' Court were to close, all non-CPS prosecutions would be heard at Exeter Magistrates' Court and all Family cases would be listed at Exeter Combined Court where there is spare capacity.

Accommodation

Honiton Magistrates' Court was purpose built in the 1960's and is in need of major refurbishment. It has two courtrooms, one formal and one informal, two interview rooms and two cells which are not used as they do not meet current security standards. Honiton has only one witness room which is inadequate for many types of cases and cannot provide any separation between parties. The court is not staffed and does not provide a public counter service.

A recent Disability Discrimination Act audit recommended that £146,000 should be spent to aid disabled access. Proposed works include the widening of door frames, vision panels, replacement of exterior paving and the replacement of the existing access ramp.

Location

The small amount of non-custodial work that is listed at Honiton can easily be absorbed into Exeter which is 24 miles away taking about 30 minutes by car.

There is a frequent bus service from Honiton to Exeter taking approximately 60 minutes each way and an hourly train service that takes 26 minutes. The approximate cost for either mode of transport would be about £6.00.

Staff implications

No staff are employed at Honiton Magistrates' Court.

HMCS will engage with staff and Trades Unions throughout the consultation period.

Cost implications

The 2009/10 operating cost of Honiton Magistrates' Court was £63,354.⁵

Implementation

Should the decision to close Honiton Magistrates' Court be taken, a full implementation plan will be produced to ensure the smooth transfer of work. As stated previously, should there be a decision to close Honiton it would be retained until a solution is in place to refurbish the facilities at Exeter Magistrates' Court.

⁵ 2009/10 HMCS operating costs (excluding staff and non cash costs).

Liskeard Magistrates' Court

Liskeard Magistrates' Court is administered by Bodmin as part of the East Cornwall Local Justice Area. East Cornwall has courthouses in Liskeard and Bodmin. Liskeard has two courtrooms and is used as a satellite court to Bodmin.

The proposal is to close Liskeard Magistrates' Court and relocate all court work to Bodmin Law Courts. Bodmin has recently undergone a refurbishment and provides a District Judges' chambers/courtroom and three courtrooms which can accommodate the work from Liskeard.

Workload

Liskeard is used every Monday for Adult crime cases and Family Proceedings Court cases three times per month on a Thursday. The Coroner and the Tribunals Service use the court on an ad-hoc basis.

Accommodation

Liskeard Magistrates' Court was built in the 1980's and requires refurbishment but is generally of a good standard. It has two courtrooms, two witness rooms and well-sized public areas. The cell accommodation is well maintained and the building benefits from a secure dock and secure van dock.

Liskeard has minimal Disability Discrimination Act issues and the witness facilities are adequate. The court is not permanently staffed and does not provide a public counter service.

Location

Liskeard is approximately 15 miles from Bodmin with a journey time of 25 minutes by car. There is an hourly bus service with a travel time of 30 minutes each way at a cost of about £6.50. The train takes up to 30mins each way and costs £5.00 for a return ticket.

Staff implications

No staff are employed at Liskeard Magistrates' Court, Staff from Bodmin currently travel to Liskeard for hearings. However there are 22 HMCS staff and 10 National Offender Management Service staff located within the adjoining building who would need to be relocated should the court close and the building be disposed of.

HMCS will engage with staff and Trades Unions throughout the consultation period.

Cost implications

The 2009/10 operating cost of Liskeard Magistrates' Court was £192,789.⁶
The closure of Liskeard court house would also remove the need for HMCS investment in backlog maintenance of around £280,000.

Implementation

Should the decision to close Liskeard Magistrates' Court be taken, a full implementation plan will be produced to ensure the smooth transfer of work.

⁶ 2009/10 HMCS operating costs (excluding staff and non cash costs).

Newton Abbot Magistrates' Court

Newton Abbot Magistrates' Court forms part of the South Devon Local Justice Area. There are currently four other HMCS buildings within the area, Torquay Magistrates' Courts, Torquay County Court, Totnes Magistrates' Court and Riviera House, Torquay which is the administration centre for South Devon.

The proposal is to close Newton Abbot Magistrates' Court and relocate the work from Newton Abbot to Torquay. This closure is dependant on additional courtroom capacity being created at Torquay.

Workload

The court sits every day and deals with all criminal cases apart from adult defendants in custody as the court does not have a secure dock, although it is used for Youth Custody cases. Plans are in place to reduce sittings to two days per week in the near future.

Specialist Domestic Violence Court trials are held at Newton Abbot because of the good quality of the facilities for vulnerable victims.

Accommodation

Newton Abbot was purpose-built in the 1970's but has undergone very little refurbishment since. Newton Abbot has two courtrooms, a small custody area and witness facilities. There have been no major project works in recent years. The building does benefit from relatively modern cell facilities. However the van dock is too small for modern-day requirements and there is no scope to make it compliant. Currently prisoners are unloaded in the street and escorted past the public to enter the court. Newton Abbot does not have a secure dock which limits the types of cases that can be heard there.

A recent Disability Discrimination Act audit recommended investment of, at least, £50,000 in improvements to facilitate disabled access, including the adaptation of the ramp leading to the building and the creation of parking facilities.

The public waiting facilities are in need of modernisation including the provision of seating of varying heights and replacement of worn flooring. The forward maintenance register forecasts maintenance expenditure of £130,000 over the next three years. The works will include roof repairs, lighting, redecoration and replacing elements of the heating and ventilation systems.

The court is not staffed and does not provide a public counter service but part of the building is also leased to the EDP Drug and Alcohol Services.

Location

Newton Abbot is approximately eight miles from Torquay and benefits from both frequent train and bus services. The train journey is eleven minutes each way and costs £4.60 for a return ticket. Alternatively the bus takes 32 minutes each way and costs approximately £5.00 for a return ticket.

Staff implications

No staff are employed at Newton Abbot Magistrates' Courts.

HMCS will engage with staff and Trades Unions throughout the consultation period.

Cost implications

The 2009/10 operating cost of Newton Abbot Magistrates' Court was £128,459.⁷ The closure of Newton Abbot court house would also remove the need for HMCS investment in backlog maintenance of around £170,000.

Implementation

Should the decision to close Newton Magistrates' Court be taken, a full implementation plan will be produced to ensure the smooth transfer of work. This will include some work in Torquay Magistrates' Court or Torquay and Newton Abbot County Court to prepare it to receive the additional work.

⁷ 2009/10 HMCS operating costs (excluding staff and non cash costs).

Penzance Magistrates' Court

Penzance Magistrates' Court is administered from Truro as part of the West Cornwall Local Justice Area. West Cornwall Magistrates' Courts has courthouses in Truro, Penzance and Camborne. Penzance Magistrates' Court has one courtroom, plus the use of the Penwith District Council chambers as a second courtroom and it is used as a satellite court of Truro Magistrates' Court.

The proposal is to close Penzance Magistrates' Court and list cases at Truro Magistrates' Court. Additional courtroom capacity would have to be created at Truro Magistrates' Court to accommodate the displaced work from both Penzance and Camborne Magistrates' Courts.

Workload

Penzance currently opens one Monday per month, every Tuesday and some Wednesdays on an ad-hoc basis. It is mainly used for Road Traffic cases, limited Family Proceedings Court business and Council Tax Proceedings, however general criminal work cannot be undertaken because of the inadequate custody and courtroom facilities. Penzance Magistrates' Court is a Specialist Domestic Violence Court. If this court was to close, all road traffic cases would be held at Truro Magistrates' Court, all Family Proceedings Court cases would be heard at Truro and negotiations would be undertaken with the local council regarding the venue for Council Tax proceedings.

Accommodation

Penzance Magistrates' Court is a leasehold property located in an early Victorian building that is shared with the local council. It consists of two courtrooms and a witness room. Some redecoration works took place when the lease was re-negotiated in 2007 however, the building is in a poor state and it is unlikely that the landlord would be prepared to invest the significant amount of funding needed to upgrade the building to modern standards. The building requires adaptation to be accessible for wheel chair users and there are no disabled toilet facilities provided.

The witness accommodation is poor and it does not allow the separation of parties and the witnesses have to walk through a public area to gain access to the courtroom. The court is not staffed, and does not provide a public counter service.

The most recent Disability Discrimination Act audit recommends alterations costing approximately £122,000; however it is unlikely that the Landlord would release funding readily for these improvements.

Location

The small amount of non-custody work that is listed at Penzance can be easily absorbed into Truro Magistrates' Court. Penzance is 27 miles from Truro with a journey time of about 45 minutes by car each way. There is an hourly train service with a journey time of 42 minutes each way at a cost of £9.40 for a return ticket and a bus service with a journey time of one hour 40 minutes each way at a cost of £6.50 for a return ticket.

Staff implications

No staff are employed at Penzance Magistrates' Court.

HMCS will engage with staff and Trades Unions throughout the consultation period.

Cost implications

The 2009/10 operating cost of Penzance Magistrates' Court was £25,603.⁸

Implementation

Should the decision to close Penzance Magistrates' Court be taken, a full implementation plan will be produced to ensure the smooth transfer of work. This will include some work in Truro Magistrates' Court to prepare it to receive the additional work. If both Camborne and Penzance Magistrate Courts were closed, alterations to Truro Magistrates Courts are required to create another courtroom.

⁸ 2009/10 HMCS operating costs (excluding staff and non cash costs).

Totnes Magistrates' Court

Totnes Magistrates' Court is administered from Torquay as part of the South Devon Local Justice Area. South Devon Magistrates' Courts has courthouses in Torquay, Newton Abbot and Totnes.

The proposal is to close Totnes Magistrates' Court and list cases at Torquay. Totnes is rarely used so the work has already been absorbed by Torquay and Newton Abbot.

Workload

Totnes is used on an ad hoc basis for lengthy Family Proceedings Court cases that cannot be accommodated at the Torquay and Newton Abbot County Court. No criminal cases are listed here due to its lack of custody and witness facilities. It is often used as a cost-effective alternative to hiring private accommodation to host magistrates' training.

Accommodation

Totnes is a freehold building situated on the outskirts of the town, built in the 1970's. It has two courtrooms but lacks a secure dock and cell facilities. No major work has taken place since the building was built and it is in need of extensive refurbishment. The standard of accommodation now falls short of the minimum requirement for the provision of services expected by court users. The court is not staffed, and does not provide a public counter service

A recent Disability Discrimination Act audit recommended an investment of £126,000 to aid disabled access including the complete remodelling of the access to the building, exterior lighting and signage.

The forward maintenance register forecasts a spend of £195,000 over the next few years in order to modernise the building and undertake crucial mechanical and electrical works.

Location

Totnes is approximately eleven miles from Torquay with a journey time of sixteen minutes by car. The town benefits from frequent bus and train services. The train takes 40 minutes at a cost of £6.30 and the bus takes 45 minutes at a cost of £5.00. Public parking is available at both of the proposed Torquay sites for those wishing to attend the court by car.

Staff implications

No staff are employed at Totnes Magistrates' Courts.

HMCS will engage with staff and trades unions throughout the consultation period.

Cost implications

The 2009/10 operating cost of Totnes Magistrates' Court was £52,162.⁹
The closure of Totnes court house would also remove the need for HMCS investment in backlog maintenance of around £205,000.

Implementation

Should the decision to close Totnes Magistrates' Court be taken, a full implementation plan will be produced to ensure the smooth transfer of work. If both Newton Abbot and Totnes were to close, two further courtrooms would be needed to absorb the extra caseload. Several options have already been considered ranging for the provision of a new court centre for South Devon or remodelling either the county court or magistrates' court to create more courtroom accommodation.

⁹ 2009/10 HMCS operating costs (excluding staff and non cash costs).

Magistrates' courts in Avon and Somerset

The need for change

HMCS currently operates magistrates' courts in Taunton, Bridgwater, Yeovil, Worle, Bristol, Frome, Bath and Yate.

Overall the utilisation rate for these courts is 56.9%.¹⁰

There are currently seven Local Justice Areas within the LCJB area each with a separate bench of magistrates.

Through operating out of this number of magistrates' courts HMCS is unable to provide an efficient service in Bridgwater and Frome. By implementing the proposals set out below we believe that HMCS can make better use of the remaining estate and significantly reduce costs both to HMCS and other agencies within the criminal justice system.

¹⁰ Courtroom utilisation is the time a courtroom is used, against the hours that a courtroom is available for use.

The proposal

- To continue to operate magistrates' courts in Bristol, Yate, Bath, Yeovil, Worle and Taunton;
- To close the magistrates' courts in Bridgwater and Frome; and
- To merge the Local Justice areas of Taunton Deane and West Somerset and Sedgemoor to create Taunton Deane, West Somerset and Sedgemoor Local Justice Area.

Bridgwater Magistrates' Court

Bridgwater is the only court remaining in the Sedgemoor Local Justice area. The closure of this court would require the merger of the Taunton Dean and West Somerset Local Justice Area and the Sedgemoor Local Justice Area.

The proposal is to close Bridgwater Magistrates' Court and list all cases at Taunton Magistrates' Court. At the same time it would require the merger of the Taunton Dean and West Somerset Local Justice Area and the Sedgemoor Local Justice Area.

Workload

The court at Bridgwater is used to hear a range of cases, including Domestic Violence, Family and Youth and is a dedicated Specialist Domestic Violence Court.

Accommodation

The accommodation comprises of two formal court rooms (one with a secure dock), an informal courtroom, a custodial area with four cells and a witness suite. There have been continuing problems with the heating system shared with the adjoining police station.

A recent Disability Discrimination Act audit conducted in 2008 recommend that £97,000 should be spent to aid compliance including the replacement of flooring with a non-slip alternative throughout the building, the installation of exterior hand rails and the remodelling of the reception desk. The court is not permanently staffed and does not provide a public counter service.

Location

All work will be transferred to Taunton which is twelve miles and a 20 minute car journey away. Alternatively, public transport is readily available. The half-hourly train service takes approximately fifteen minutes at a cost of £5.00 or a 45 minute bus journey costs £5.00.

Staff implications

No staff are employed at Bridgwater Magistrates' Courts. Staff at Taunton currently travel to Bridgwater for hearings.

HMCS will engage with staff and trades unions throughout the consultation period.

Cost implications

The 2009/10 operating cost of Bridgwater Magistrates' Court was £206,866.¹¹ The closure of Bridgwater court house would also remove the need for HMCS investment in backlog maintenance of around £230,000.

Implementation

Should the decision to close Bridgwater Magistrates' Court be taken, a full implementation plan will be produced to ensure the smooth transfer of work. This will include some minor work in Taunton Magistrates' Court to prepare it to receive the additional work.

¹¹ 2009/10 HMCS operating costs (excluding staff and non cash costs).

Merger of Taunton Deane and West Somerset with Sedgemoor Local Justice Areas

There are currently 82 magistrates in the Taunton Dean and West Somerset Bench and 56 magistrates in the Sedgemoor Bench.

With a Bench of so few magistrates it is increasingly impractical to fill the various positions, committees and panels that are required. By merging the Local Justice Areas and Benches Taunton Dean, West Somerset and Sedgemoor will continue to have a sufficiently large pool of magistrates to undertake the work and to fulfil the necessary statutory positions.

A merger of the benches would also reduce the amount of administrative work involved in organising and attending separate bench and committee meetings. This would facilitate further efficiency savings while enabling an effective service to continue to be provided.

The new name of the Local Justice Area will be Taunton Deane, West Somerset and Sedgemoor Local Justice Area.

Frome Magistrates' Court

Frome Magistrates' Court is administered by the South Somerset Magistrates' Court. The Mendip and South Somerset Local Justice Area has courthouses in Yeovil and Frome. Frome Magistrates' Courts has two courtrooms and is used as a satellite court for Yeovil.

Frome is the only remaining court in the Mendip District Area. Although, Frome is geographically closer to Bath, the Mendip area falls within the Somerset County Council Area. The Mendip and South Somerset Local Justice Areas were merged approximately three years ago and have continued to sit in Yeovil and Frome.

The proposal is to close Frome Magistrates' Court and list all cases at Yeovil Magistrates' Courts.

Workload

The court is open, on average, three days per week and deals with Criminal, Youth and Family cases, however there is no public counter and no staff are permanently based there. This court utilises the cells from the neighbouring police station.

Accommodation

Frome Magistrates' Court was built in 1954 and adjoins a Police Station from which all plant services are provided. The building benefits from two courtrooms, two interview rooms, accessible toilets, but there are no custody facilities. Prisoners are brought to the court from the neighbouring police cells.

There is some evidence of damp within the building and some areas are in need of redecoration. This building is not compliant with the Disability Discrimination Act having significant issues. The lighting is non-compliant, the toilets are in need of modernisation, the reception desk is in need of modification and the exterior access ramp is in need of adaptation.

Location

The small amount of custody cases currently listed at Frome can be easily absorbed into Yeovil Magistrates' Court.

All work will be transferred to Yeovil Magistrates' Court which is 32 miles and a 50 minute car journey away. There is an hourly train service costing £9.70 with a journey time of 32 minutes.

Staff implications

No staff are employed at Frome Magistrates' Court; staff at Yeovil currently travel to Frome for hearings.

HMCS will engage with staff and trades unions throughout the consultation period.

Cost implications

The 2009/10 operating cost of Frome Magistrates' Court was £90,686.¹²
The closure of Frome court house would also remove the need for HMCS investment in backlog maintenance of around £190,000.

Implementation

Should the decision to close Frome Magistrates' Court be taken a full implementation plan will be produced to ensure the smooth transfer of work. This will include some work in Yeovil Magistrates' Court to prepare it to receive the additional work.

¹² 2009/10 HMCS operating costs (excluding staff and non cash costs).

Magistrates' courts in Gloucestershire

The need for change

HMCS currently operates magistrates' courts in Cheltenham, Gloucester, Coleford, Stroud and Cirencester. The magistrates' court at Cirencester is also on occasions used for non-custodial Crown Court sittings.

Overall the utilisation rate for these courts is 49.5%.¹³

There is currently one Local Justice Area within the Gloucestershire LCJB area.

Through operating out of this number of magistrates' courts HMCS is unable to provide an efficient service in Coleford, Stroud and Cirencester. By implementing the proposals set out below we believe that HMCS can make better use of the remaining estate and significantly reduce costs both to HMCS and other agencies within the criminal justice system.

¹³ Courtroom utilisation is the time a courtroom is used, against the hours that a courtroom is available for use.

The proposal

- To continue to operate magistrates' courts in Gloucester and Cheltenham;
and
- To close the magistrates' courts in Coleford, Stroud and Cirencester.

Cirencester Magistrates' Court

Cirencester Magistrates' Court is administered from Gloucester as part of the Gloucestershire Local Justice Area. The Gloucestershire Local Justice Area has Magistrates Courts in Gloucester, Cheltenham, Stroud, Cirencester and Coleford. Cirencester is used as a satellite court of Gloucester.

The proposal is to close Cirencester Magistrates' Court and continue with the arrangements to list cases at Gloucester Magistrates' Court. Works may need to take place at Yate Magistrates' Court to allow it to take some Crown Court work should Cirencester Magistrates' Court be closed.

Workload

There is no regular magistrates' courts work listed at Cirencester and it is only brought into use as a contingency when maintenance work at either Cheltenham or Gloucester requires the temporary closure of the main courthouse. It was last used on a regular basis in June 2006. Its current use is for one week per month when the Crown Court (based at Gloucester) holds hearings there.

Accommodation

The accommodation comprises of two courtrooms, three interview rooms, and accessible toilets. There are no custodial facilities or video link equipment. One of the courtrooms has been specifically adapted for Crown Court use. Historically, Swindon County Court and the Gloucestershire Coroner have used the court for overflow work, but this has not occurred regularly in the last two years. The first floor is leased to the Police to be used as a social club. The court is not staffed, and does not provide a public counter service.

Location

All cases are now listed in Gloucester which is 23 miles away and with a journey time of 30 minutes by car. Cirencester does not have a frequent bus service to Gloucester; however the nearest train station is a twelve minute bus journey away. The train then takes 40 minutes to reach Gloucester. This journey costs approximately £15.00 return.

Staff implications

No staff are employed at Cirencester, Crown Court staff at Gloucester currently travel to Cirencester, for hearings.

HMCS will engage with staff and trades unions throughout the consultation period.

Cost implications

The 2009/10 operating cost of Cirencester Magistrates' Court was £79,615.¹⁴
The closure of Cirencester court house would also remove the need for HMCS investment in backlog maintenance of around £20,000.

Implementation

Should the decision to close Cirencester Magistrates' Court be taken a full implementation plan will be produced to ensure the smooth transfer of work. There will be no additional work needed at Gloucester Magistrates' Court to receive the Cirencester Magistrates' workload; however there may need to be some work at Yate Magistrates' Court to allow it to take Crown Court work.

¹⁴ 2009/10 HMCS operating costs (excluding staff and non cash costs).

Coleford Magistrates' Court

Coleford Magistrates' Court is administered from Gloucester as part of the Gloucestershire Local Justice Area. The Gloucestershire Local Justice Area has Magistrates' Courts in Gloucester, Cheltenham, Stroud, Cirencester and Coleford. Coleford is used as a satellite court of Gloucester.

The proposal is to close Coleford Magistrates' Court and continue with the arrangements to list cases at Gloucester Magistrates' Court.

Workload

This court was last used regularly in the summer of 2006 and, on occasion, it has been used for trials. Coleford receives very little work from the local community and this has already been absorbed into Gloucester Magistrates' Court.

Accommodation

The court was purpose-built in 1960 and adjoins a Police Station. The building is in a reasonable state of repair but is in need of updating. There are no custodial or separate victim and witness facilities, which has limited the types of cases that can be heard there. The court is not staffed, and does not provide a public counter service. The National Offender Management Service has an administration office in this building.

The most recent Disability Discrimination Act access audit undertaken at the court identified a range of access improvement works totalling approximately £120,000 including the modification of the exterior access ramp and the replacement of public seating.

Location

There is limited public transport due to the rural nature of the area but there is a public bus service that takes one hour and 20 minutes at a cost of approximately £6.00. The journey by car is nineteen miles and a 30 minute drive away.

Staff implications

No staff are employed at Coleford; staff at Gloucester currently travel to Coleford for hearings.

HMCS will engage with staff and trades unions throughout the consultation period.

Cost implications

The 2009/10 operating cost of Coleford Magistrates' Court was £137,061.¹⁵
The closure of Coleford court house would also remove the need for HMCS investment in backlog maintenance of around £585,000.

Implementation

Should the decision to close Coleford Magistrates' Court be taken, a full implementation plan will be produced to ensure the smooth transfer of work.

¹⁵ 2009/10 HMCS operating costs (excluding staff and non cash costs).

Stroud Magistrates' Court

Stroud Magistrates' Court is administered from Gloucester as part of the Gloucestershire Local Justice Area. The Gloucestershire Local Justice Area has Magistrates' Courts in Gloucester, Cheltenham, Stroud, Cirencester and Coleford. Stroud is used as a satellite court of Gloucester.

The proposal is to close Stroud Magistrates' Court and continue with the arrangements to list cases at Gloucester Magistrates' Court. The closure of Stroud would be dependant on a solution being found for additional custody accommodation in Gloucester.

Workload

Stroud Magistrates' Court deals with all types of criminal work, Local Authority prosecutions and civil work. It currently opens three days per week, but from 1 July 2010 it is scheduled to open for only two days per week.

Accommodation

Stroud Magistrates' Court was built in approximately 1970 and adjoins a police station. It is in a fairly good state of repair however some window replacements will need to be undertaken in the near future. The custody facility is provided by the adjoining Police Station and benefits from the Area's only prison video link.

Stroud has a good witness suite and is able to provide separation of parties. The court is not permanently staffed, and does not provide a public counter service

The Tribunal Service use this courthouse for hearings, Stroud District Council and the local Magistrates' Bench also use it as a training facility.

The most recent Disability Discrimination Act access audit undertaken at the court identified a range of access improvement works totalling £66,000.

Location

Stroud benefits from good public transport links to Gloucester. The train takes 24 minutes at a cost of £4.20 or alternately the local bus service takes one hour and ten minutes at a cost of approximately £6.00. Stroud is ten miles from Gloucester with a journey time of 20 minutes by car.

Staff implications

No staff are employed at Stroud; staff at Gloucester currently travel to Stroud for hearings.

HMCS will engage with staff and trades unions throughout the consultation period.

Cost implications

The 2009/10 operating cost of Stroud Magistrates' Court was £51,072.¹⁶
The closure of Stroud court house would also remove the need for HMCS investment in backlog maintenance of around £170,000.

Implementation

Should the decision to close Stroud Magistrates' Court be taken, a full implementation plan will be produced to ensure the smooth transfer of work. The closure of Stroud would mean that Gloucestershire would only have one remaining custody facility in Cheltenham, and additional custody capacity would have to be created at Gloucester.

¹⁶ 2009/10 HMCS operating costs (excluding staff and non cash costs).

County courts in Devon and Cornwall

The need for change

In Devon and Cornwall there are six full time county courts providing the full range of Civil and Family business to court users. These are located at Truro, Bodmin, Plymouth, Torquay, Exeter and Barnstaple.

Each of these is permanently staffed and operates a full counter service as well as hearings before the District and Circuit Bench. In addition there is an unstaffed office at Penzance. Court staff from Truro attend this court on two days each week when provision is made for hearings before the District Judge. Cases requiring a hearing before a Circuit Judge are heard in Truro.

There is an opportunity for us to improve our performance by the delivery of our services in our six full time county courts only. This would allow us to close Penzance County Court saving the current time spent by Truro staff in travelling out to Penzance. Road and rail links between Penzance and Truro are good and already used by court users attending hearings before a Circuit Judge. All administrative work relating to Penzance is already carried out in Truro and Truro has the capacity to absorb the additional District Judge hearing work.

The proposal

- To continue to operate county courts in Truro, Bodmin, Plymouth, Torquay, Exeter and Barnstaple; and
- To close the county court in Penzance.

Penzance County Court

HMCS currently has full time county courts in Cornwall at Bodmin and Truro. Penzance County Court has county court and divorce jurisdiction. All post and telephone enquiries go to Truro County Court where the staff are permanently based.

The proposal should Penzance County Court close is for all work including the hearing work to be dealt with at Truro Combined Court. This is currently the position with family work and Circuit Judge hearings.

The combined District Judge sitting day allocation for Truro and Penzance is 582 days per year and this can be accommodated at Truro Combined Court.

Workload

Penzance County Court currently operates on a reduced service, the office and counter being open on only two days each week with the County Court District Judge also sitting on those days. This was the subject of a consultation exercise in 2008. Staff are based at Truro County Court and travel to Penzance on the days the court is open.

Alternative facilities, for use when the Penzance office is closed from Monday to Wednesday are already in place. A freephone line is provided in the local council office for court users to contact Truro Court.

Currently, a collection of hand delivered post to the Penzance office takes place on days the court is closed. While this latter facility would no longer be available should the court close, it is currently used infrequently as court users are aware that Truro is the main office.

Accommodation

Penzance County Court is housed in a converted house and spread over three floors. The property is owned by HMCS who are responsible for maintenance, security and all running costs. There is only one entrance to the property which causes operational difficulties and is a health and safety issue. The only access to the upper floors is by stairs that form the central core of the building making security and access difficult.

A small hearing room and waiting area is the only accommodation on the ground floor. Office and counter services together with interview and waiting facilities are spread over the first and second floors. It is not possible to segregate parties attending hearings.

The most recent Disability Discrimination Act access audit undertaken at the court in Penzance identified a range of access improvement works totalling approximately £134,000.

Location

It is approximately 28 miles from Penzance to Truro. There are public transport bus links between Penzance and Truro with the journey taking about one hour 40 minutes each way, and costing £6.50 for a Dayrider ticket. There is also a direct rail link between Penzance and Truro that takes about 42 minutes and costs £9.40 for a return ticket.

The journey by car would take approximately 45 minutes each way.

Staff implications

No staff are employed at Penzance County Court. Staff at Truro currently travel to Penzance for hearings.

HMCS will engage with staff and trades unions throughout the consultation period.

Cost implications

The 2009/10 operating cost of Penzance County Court was £42,191.¹⁷
The closure of Penzance court house would also remove the need for HMCS investment in backlog maintenance of around £80,000.

Implementation

Should the decision to close Penzance County Court be taken a full implementation plan will be produced to ensure the smooth transfer of work. This will include some work in Truro County Court to prepare it to receive the additional work.

¹⁷ 2009/10 HMCS operating costs (excluding staff and non cash costs).

County courts in Gloucestershire

The need for change

Since 2005 all administrative functions for county court business in Gloucestershire have been carried out at Gloucester County Court. Cheltenham County Court work has been recorded separately from Gloucester and we have in fact been running duplicate business processes from the one office.

District Judge hearing work appropriate to Cheltenham is heard at Cheltenham Magistrates' Court. All Circuit Judge cases are listed and heard at Gloucester for the whole county. There are no counter services operating in Cheltenham and court users deal with all business through the Gloucester office.

The proposal

- To continue to operate a county court in Gloucester; and
- To close the county court in Cheltenham and form the Gloucester and Cheltenham County Court.

Cheltenham County Court

Cheltenham County Court moved from a self contained courthouse in 2005. Since that date District Judge hearings have been held at the nearby Cheltenham Magistrates' Court and the office functions carried out from Gloucester County Court.

The current way of working is not cost effective and it is proposed to formalise the arrangement by the merging of the two County Courts to form the Cheltenham and Gloucester County Court. This will enable all work to be dealt with through a single business process. District Judge hearings in respect of the Cheltenham cases will continue to be heard at the Cheltenham Magistrates' Court and court users should not see any change to the current arrangements that have been in place for the last five years.

This will not affect court users directly as cases appropriate to Cheltenham will continue to be heard at Cheltenham Magistrates' Court.

Workload

Cheltenham County Court deals with county court, District Registry and bankruptcy jurisdiction. The court has no jurisdiction for Divorce work. While the administration of this work will be merged with that of Gloucester, hearings will continue to take place in Cheltenham as they do currently.

There is no permanently staffed counter at Cheltenham Magistrates' Court, although the following customer facilities are provided:

- A freephone telephone line which links the Cheltenham courthouse directly to the Cheltenham County Court Section in Gloucester;
- A full range of information leaflets and claim issue packs displayed in the public foyer of Cheltenham courthouse and in the dedicated county court waiting area;
- A payment facility utilising a payment machine, with dedicated payment envelopes and clear instructions on how to use the facility; and
- A drop off/collection service for urgent post and a process for making emergency applications.

Accommodation

Cheltenham County Court sittings take place in a dedicated hearing room with its own waiting area and interview rooms on the first floor of Cheltenham Magistrates' Court.

Location

It is approximately ten miles from Cheltenham to Gloucester. There are public transport bus links between Cheltenham and Gloucester with the journey taking about 35 minutes each way, and costing £5.00 for a Dayrider ticket.

There is also a direct rail link between Cheltenham and Gloucester that takes about twelve minutes and costs £3.60 for a return ticket.

The journey by car would take approximately 20 minutes each way.

Staff implications

No staff are employed at Cheltenham County Court. Staff at Gloucester currently travel to Cheltenham for hearings.

HMCS will engage with staff and trades unions throughout the consultation period.

Cost implications

Cheltenham County Court shares accommodation with Cheltenham Magistrates' Court. The 2009/10 operating cost¹⁸ of the courthouse was £242,165. Cheltenham Magistrates' Court would continue to operate from the courthouse.

Implementation

Should the decision to close Cheltenham County Court be taken a full implementation plan will be produced to ensure the smooth transfer of work.

This change would formalise the arrangement currently operating in Cheltenham County Court.

¹⁸ 2009/10 HMCS operating costs (excluding staff and non cash costs).

Annex A – Map of proposals

Current courts in South West - West

Legend



HMCS Courts

TYPE

- County/Magistrates/Crown
- County/Crown
- County/Magistrates
- Magistrates/Crown
- Magistrates
- County
- Crown



Proposed courts in South West - West

Symbol Legend

- HMCS Regional Boundaries
- HMCS Area Boundaries 10/11

0 20 40 80 Miles



Questionnaire

We would welcome responses to the following questions set out in this consultation paper.

Question 1a. What comments would you like to make on the proposals for the future provision of magistrates' courts services in Devon and Cornwall (including Local Justice Area/ Bench mergers)?

Question 1b. Please describe any particular impacts that should be taken into account when considering the proposals for magistrates' courts in Devon and Cornwall and why.

Question 1c. Will the proposals for magistrates' courts in Devon and Cornwall have a direct impact on you? If yes please provide further details. (Your information will assist in reviewing the equality impact assessment)

Question 2a. What comments would you like to make on the proposals for the future provision of magistrates' courts services in Avon and Somerset (including Local Justice Area/ Bench mergers).

Question 2b. Please describe any particular impacts that should be taken into account when considering the proposals for magistrates' courts in Avon and Somerset and why.

Question 2c. Will the proposals for magistrates' courts in Avon and Somerset have a direct impact on you? If yes please provide further details. (Your information will assist in reviewing the equality impact assessment)

Question 3a. What comments would you like to make on the proposals for the future provision of magistrates' courts services in Gloucestershire (including Local Justice Area/ Bench mergers)?

Question 3b. Please describe any particular impacts that should be taken into account when considering the proposals for magistrates' courts in Gloucestershire and why.

Question 3c. Will the proposals for magistrates' courts in Gloucestershire have a direct impact on you? If yes please provide further details. (Your information will assist in reviewing the equality impact assessment)

Question 4a. What comments would you like to make on the proposals for the future provision of county court services in Devon and Cornwall and the Gloucestershire area.

Question 4b. Please describe any particular impacts that should be taken into account when considering the proposals for county courts in Devon and Cornwall and the Gloucestershire area and why.

Question 4c. Will the proposals for county courts in Devon and Cornwall and the Gloucestershire area have a direct impact on you? If yes please provide further details. (Your information will assist in reviewing the equality impact assessment)

Thank you for participating in this consultation exercise.

About you

Please use this section to tell us about yourself

Full name	
Job title or capacity in which you are responding to this consultation exercise (e.g. member of the public etc.)	
Date	
Company name/organisation (if applicable):	
Address	
Postcode	
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/> (please tick box)
Address to which the acknowledgement should be sent, if different from above	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

Contact details/How to respond

Please send your response by 15 September 2010 to:

Mr D Gentry
Area Director, HM Courts Service Avon & Somerset, Devon & Cornwall
and Gloucestershire
PO Box 484
Queensway House
Weston-super-Mare
BS23 9BJ

Tel: 01934 528668

Fax: 01934 528520

Email: david.gentry@hmcourts-service.gsi.gov.uk

Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available on-line at <http://www.justice.gov.uk/index.htm>.

Alternative format versions of this publication can be requested from david.gentry@hmcourts-service.gsi.gov.uk or by phone 01934 528668.

Publication of response

A paper summarising the responses to this consultation will be published within 3 months of the end of the consultation period. The response paper will be available on-line at <http://www.justice.gov.uk/index.htm>.

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will

take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the DPA and, in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

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 exercises** – 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.

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 Sara Edet/Andy Holmes, HMCS Consultation Co-ordinators, on 020 3334 6686/6693, or email hmcs.consultations@hmcourts-service.gsi.gov.uk.

Alternatively, you may wish to write to the address below:

Sara Edet/Andy Holmes
HMCS Consultation Co-ordinators
2.37, 2nd Floor
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 **How to respond** section of this paper at page 51.

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HMCS Avon & Somerset, Devon & Cornwall, telephone 01934 528668,
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