

The proposed closure of Wetherby Courthouse

Response to consultation

CP(R) 17/05

16/08/2005

Response to consultation carried out Her Majesty's Courts Service, part of the Department for Constitutional Affairs.

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Introduction

This document is the post-consultation report for the consultation paper, 'The proposed closure of Wetherby courthouse'.

It will cover:

- 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 Patrick Traynor**, at the address below:

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Her Majesty's Courts Service – West Yorkshire
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Bradford Road
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This report is also available on the Department's website at: www.dca.gov.uk

Background

The consultation paper 'The proposed closure of Wetherby courthouse' was published on 16/08/2005. It invited comments on the proposal that the courthouse at Wetherby should be closed with effect from 1st January 2006.

Her Majesty's Courts Service has inherited its estate from the former Magistrates' Courts' Committees. The new organisation is reviewing its building stock, and identifying any which may be surplus to requirements. As part of that exercise, the Wetherby courthouse has been identified as a building which may not be needed in the future.

The Wetherby Courthouse is one of two Magistrates Courthouses within the Local Justice Area of Leeds District. It comprises two courtrooms and adjacent retiring rooms, offices and public waiting area. In the centre of Leeds there is a purpose built twenty-one courtroom complex.

The Wetherby Courthouse has not been used for the hearing of Magistrates' courts business since July 2003.

If the use of the Wetherby court for listing of cases was to be resumed, significant expense would need to be incurred in order to bring the building up to modern standards. It is not Disability Discrimination Act compliant, it has no secure facilities for custody cases, and it lacks adequate provision for the comfort, security and refreshment of those attending the building whether as defendants, professional court users, witnesses or members of the public.

The courthouse accommodation within Leeds city and the rest of West Yorkshire is such that the need for the future use of the Wetherby Courthouse has not been identified and the expense of refurbishment not justified.

It is proposed that the Wetherby Courthouse should be formally closed

The Consultation period closed on 16/11/2005 and this report summarises the responses, including how the consultation process influenced the final shape/further development of the proposal consulted upon.

A list of respondents is at Annex A.

Summary of responses

4.15 responses to the consultation paper were received:

- 4. Three from magistrates
- 4. Two from members of the Courts Board
- 4. Two from staff groups within HMCS
- 4. Three from local defence practitioners
- 4. The Crown Prosecution Service
- 4. The Probation Service,
- 4. The Legal Services Commission
- 4. Leeds City Council
- 4. The Citizens Advice Bureau.

4. Seven responses expressed positive support for the closure of the courthouse. Three responses confirmed no objection to the closure. Four responses said that the consultee had no views or observations to communicate. One response opposed the closure.

Responses to Specific Question

4.Should the Wetherby Courthouse be formally closed with effect from 1st January 2006?

The majority views were that the courthouse should be closed, and the following are extracted comments from the responses:

To respondent Mr MT Elliott OBE JP, former Chairman of the West Yorkshire Magistrates Courts Committee, there appeared to be little justification in continuing with the situation as it is at present, and the respondent sees no place for the Wetherby courthouse in the future. He therefore strongly supports closure.

Mr W Baker JP said that he believed that there was a strong argument for centralisation and amalgamation within Leeds central courts of the work formerly undertaken in the smaller surrounding courts. The Leeds courthouse is easily accessible and has high quality customer facilities, and can be developed as a centre of excellence. For a magistrate sitting in Leeds the variety of work means a growth in expertise and confidence. In summary the respondent recognises far greater reasons in favour of centralising all the court work in Leeds centre than he does for maintaining the two courtrooms at Wetherby.

Courts Board Member Mr M Barnes pointed out that the courthouse has de facto been closed for two years; its permanent closure would actually be to the benefit of some potential users in the context of travel time and cost; central Leeds is a more convenient trial venue and allows for a more efficient and cost effective use of magistrates and HMCS staff resources. Mr Barnes did not believe that it would represent best value for money for the taxpayer to seek to reopen the courthouse at the indicative costs of £350,000 particularly given the limitations in relation to its use. He supports the disposal of the premises so that HMCS can raise funds to support expenditure requirements of HMCS in other areas of West Yorkshire.

Courts Board member Mr P Forbes OBE said that he had read the paper and made a visit to the site, and had concluded that it would be a waste of public money to carry out any improvement work. The recommendation to close therefore had his full support.

The Chairman of the Advisory Committee and the Management Team of the Wakefield and Pontefract District Magistrates Courts both stated that they fully

supported closure. Mr D Ake, a local solicitor, stated that his view was unequivocal that there is no merit in maintaining the Wetherby courthouse, and that closure would not be to the detriment of the court system.

The Chief Officer of West Yorkshire Probation and the Chief Crown Prosecutor of West Yorkshire confirmed that they had no objections to the closure. Leeds City Council noted that the building had not been used since July 2003 and considered the closure a mere formality. However they expressed interest in any future plans for the building once the courts had ceased to occupy it.

Four consultees responded saying that they had no views or comments to express.

Respondent Mr P Hinds, a local solicitor, opposed the closure, stating that the building has its restrictions but geographically is well placed to deal with road traffic cases. His view was that these cases are being sent out of the area in their hundreds to the great inconvenience of clients and advocates alike. The current venues include Pontefract and Calder, both remote from the scene of the incident and arguably harder to reach than Wetherby. The court could be utilised for non-CPS private prosecutions; furthermore it has always played a significant role in dealing with 'foreign driver' HGV matters, especially as its location is on the A1 road. The courthouse has reasonable facilities, is on good communication routes and has easy parking.

Conclusion and Next Steps

4. The majority of responses either positively support closure or have no objection to the closure.

4. Only one response opposed the closure. The points raised in that response have been carefully considered. The respondent was of opinion that the building was adequate. However HMCS has assessed the levels of comfort and security at Wetherby and concluded that they fall well below required standards. Whilst significant expenditure could raise the standards that expenditure is not justified upon this particular building, as it has no cell provision. Furthermore sufficient capacity to accommodate the caseload is available in the rest of the West Yorkshire estate. The majority of road traffic and non CPS prosecutions do not arise from offences committed in Wetherby, so the inconvenience for Wetherby residents in terms of travel time to court elsewhere is minimal.

4. The views expressed, together with the Building Survey Report set out in the consultation paper, have been taken into account and the decision has been reached that the proper course is to close the courthouse on 31st December 2005.

4. 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 the Department for Constitutional Affairs Consultation Co-ordinator, Laurence Fiddler, on 020 7210 2622 or email him at consultation@dca.gsi.gov.uk

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

Laurence Fiddler
Consultation Co-ordinator
Department for Constitutional Affairs
5th Floor Selborne House
54-60 Victoria Street
London
SW1E 6QW

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 on page 3.

The Consultation Criteria

The six consultation criteria are as follows:

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

These criteria must be reproduced within all consultation documents.

Annex A – List of Respondents

Two Justices of the Peace for Leeds

Two members of the Courts Board

The management team of Wakefield District Magistrates' Court

The Leeds Advisory Committee Chairman

The Chief Officer of West Yorkshire Probation

The Chief Crown Prosecutor for West Yorkshire

The Regional Criminal Defence Services Manager, Legal Services Commission

Senior National Officer (Magistrates Courts), PCS Union

East Leeds Citizens Advice Bureau

Three local Solicitors : Mr D Ake, Mr P Hinds and Mr R Rode

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