Legal Aid Agency

Response to Consultation

Impact of Court Closure: Bury St Edmunds Magistrates Court

Schemes directly affected by the changes:

Bury St Edmunds, West Suffolk & Thetford Scheme

Ipswich, Felixstowe & Woodbridge Scheme

Change effective:

End September 2016 (date to be confirmed)

Date published: 11th August 2016
Author: Diane Hayward – Contract Manager, Eastern Region

Introduction and Background

In the South East Region, the following Magistrates' Court is due to close at the end of September 2016 (date to be confirmed):

- Bury St Edmunds

Cases will be dealt with primarily in Ipswich Magistrates' Court and some in Norwich Magistrates' Court.

As a result of this closure, we need to revise the following scheme, as there will no longer be a court within its current boundary area.

- Bury St Edmunds, West Suffolk & Thetford scheme.

Consultation

On 5th July 2016, we published two regional consultation papers in response to HMCTS's announcement of the closure of Bury St Edmunds and Lowestoft Magistrates' Courts. The papers were sent to all Contract Holders who are currently members of the following schemes:

Bury St Edmunds, West Suffolk & Thetford Scheme

Ipswich, Felixstowe & Woodbridge Scheme

Norwich & District Scheme.

Great Yarmouth & Lowestoft Scheme

The consultation papers outlined the court closures and Duty Solicitor Schemes that will be affected and the options that had been identified to change the Duty Solicitor Schemes within the local region.

The consultation on these proposals ran for 3 weeks to 26th July 2016.

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Response to Consultation

This consultation response is published on 11 August 2016.

In total, five written responses were received from Contract Holders. We wish to thank all those providers who took time to respond to the consultation.

The consultation paper set out three options with explanations of how each of those approaches would operate. We also indicated the option we favoured.

Option 1: Merge the Scheme boundaries to give a single, combined Police Station and Court Scheme

We proposed merging the Bury St Edmunds/West Suffolk/Thetford Scheme with the Ipswich & District/Felixstowe/Woodbridge Scheme to give a single, combined county-wide Police Station and Court Scheme.

Consultation Responses

One response favoured a single scheme.

This has some positive benefits, as it would involve less administration, however it is outweighed by the potentially negative impact on clients' accessibility to providers' offices.

Option 2: Merge the Schemes for the Court Scheme only and retain separate Police Station Schemes under existing boundaries

We proposed merging the Bury St Edmunds/West Suffolk/Thetford Court Scheme with the Ipswich & District/Felixstowe/Woodbridge Court Scheme to give a single, combined county-wide Court Scheme. Under this option, the Police Station Schemes would remain separate.

This was the LAA's preferred option.

Consultation Responses

Four responses favoured this or an amended version of this option.

One suggested variation was to retain separate rotas for Bury and Ipswich matters.

Within the consultation we confirmed there is no intention to list Bury St Edmunds work separately at Ipswich Court and we understand cases will be listed and heard in accordance with court capacity and anticipated plea, and not where the offence was committed. Therefore we consider there is no justification for retaining two separate rotas.

Option 3: Keep both Schemes separate

We do nothing and maintain the two separate Schemes. This would mean that Bury St Edmunds/West Suffolk/Thetford Scheme becomes a Police Station only Scheme.

Consultation Responses

None of the respondents favoured this option or made any comment about it.

Additional Consideration

In the context of the 3 options set out above, respondents were also invited to give consideration to an additional question:

Should the Bury St Edmunds/West Suffolk/Thetford Scheme boundary be revised so that providers in the Thetford postcode areas lose access to it but gain access to the Norwich & District Scheme?

All respondents expressed a view that that the boundary should not be changed.

One respondent proposed that providers located in Thetford are given membership of the Norwich Court Scheme in addition to the Ipswich Scheme on the grounds that some cases from Bury St Edmunds PIC may be charged to Norwich Court.

There is no restriction on the location of own client work and Contract Holders are able to attend Norwich Magistrates Court to deal with own client cases. We do not consider there is sufficient reason to change the boundary for the Norwich Court Scheme.

Conclusion

It has been decided to implement Option 2.

There is already a countywide scheme for the Domestic Violence and Custody Courts and extending that is considered to be a logical step.

It will maintain the current police station arrangements and give all Scheme members access to Court Duty work.

There will be no change to the Bury St Edmunds/West Suffolk/Thetford Scheme boundary. If a decision is taken in the future by Norfolk/Suffolk police to deal with Thetford/South Norfolk matters in one of the Norfolk PICs, rather than Bury St Edmunds PIC, we will seek views at that time by way of a further consultation.

From October 2016 (date to be confirmed) the following arrangements will apply:

There will be a new single, combined county-wide Court Scheme to include both the Bury St Edmunds/West Suffolk/ Thetford Court Scheme and the Ipswich & District/ Felixstowe/ Woodbridge Court Scheme. This would give all Scheme members access to Ipswich Magistrates Court Duty rota.

The Bury St Edmunds/West Suffolk/Thetford Police Station Scheme and the Ipswich & District/Felixstowe/Woodbridge Police Station Scheme will remain separate and eligibility for those will remain unchanged. Providers located within the Bury St Edmunds/West Suffolk/Thetford Scheme Boundary will have access to the Bury St Edmunds Police Investigation Centre rota and providers located within the Ipswich & District/ Felixstowe/ Woodbridge Scheme Boundary will have access to the Ipswich (Martlesham) Police Investigation Centre rota.

Providers who currently have an office in both Schemes will receive entitlement to a single Court Duty slot under this proposal and access to the Police Station rotas for both the Bury St Edmunds Police Investigation Centre and the Ipswich (Martlesham) Police Investigation Centre.

For Court Duty work, it should be noted that the current contract rules for claiming travel costs & expenses will apply, which can be found in the Remuneration Regulations.
http://www.legislation.gov.uk/uksi/2016/313/schedule/3/made

The LAA will continue to review whether the increase in defendants at Ipswich Magistrates Court will require additional Court Duty Solicitor on any specific days.

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