

Agenda Item No:

Title:	Trowbridge Magistrates' Court
Portfolio Holder:	Councillor Jeff Osborn, Planning and Economic Development
Reporting Officer:	Ian Gallin, Corporate Director
Key Decision:	No

Purpose

The purpose of this report is to provide Cabinet with an update on work carried out in relation to the Notice of Motion referred from Council, and to ask Cabinet to consider how they now wish to proceed with this.

Background

Council on 11 May considered the following Notice of Motion from Cllrs Payne and Clark:

"That this authority, being mindful of the status of Trowbridge as the county town, gives its full support for the provision of a magistrates' court as part of the Vision for Trowbridge process."

Council resolved that the above Notice of Motion be referred to Cabinet, and it was considered at the meeting on 18 May.

Cabinet supported the motion in principle, but felt that further research should be carried out to assess the implications of adopting it. Concern was expressed about people attending court having to travel further, especially from rural areas. The point was made that the issue was not so much about availability of premises to house the court, but the running costs.

Cabinet resolved:

- a) That letters be sent to the Lord Chancellor's Department, expressing the view that there needs to be a magistrates' court in the county town of Trowbridge.
- b) That the Vision for Trowbridge Steering Group be asked to examine the issue and its implications, taking on board the comments made at this meeting.
- c) That a further report be presented to Cabinet on the outcome before a decision is made on whether or not to adopt the Notice of Motion.

Following the meeting of Cabinet, a letter was sent to the Department for Constitutional Affairs (Appendix A). No response was received, so a further letter was also sent (Appendix B). However, a reply is still awaited.

Main issues

This matter was due to be considered by the Transforming Trowbridge Steering Group on 7 September; unfortunately, it was omitted from the agenda. However, discussions have recently taken place with the Chair, Chris Macer, who feels that the Steering Group have an important role to play in championing and supporting any efforts to re-establish a magistrates' court in Trowbridge. The next meeting of the Steering Group will consider what actions they can take forward.

In addition officers from the Council's policy and communications team have carried out some research into the steps needed to get the relevant authorities to consider a case for re-establishing a magistrates' court in Trowbridge.

The advice we have received is that a business case would need to be prepared and submitted to the Wiltshire Area Director of HM Court Service. It appears at this stage that there are no guidelines or advice on the contents of any business case, nor are there any formal policy or strategic statements that set out the population to be served or how much business would be required in an area to justify a magistrates' court.

In considering whether to develop a business case for submission, Cabinet and the Steering Group will need to address a number of issues. The primary issue for consideration is the fact that any business case proposed and submitted would ultimately require ministerial consent. The decision to close the magistrates' court was the result of a complex procedure involving extensive consultation, resulting in a ministerial decision. Cabinet will need to assess the likelihood of a reversal in this relatively recent decision and consider the resources that may be required to complete and submit a business case.

Financial implications

None arising as a result of this report.

Legal implications

None arising as a result of this report.

Recommendation

Cabinet are recommended to

1. support the notice of motion "That this authority, being mindful of the status of Trowbridge as the county town, gives its full support for the provision of a magistrates' court as part of the Vision for Trowbridge process."

2. write again to the Department for Constitutional Affairs highlighting our disappointment that we have not received a response and requesting urgent attention to this outstanding matter.

Human Rights

None arising as a result of this report.

7 July 2005

Department for Constitutional Affairs
Selborne House
54 Victoria Street
London SW1E 6QW

Dear Sirs

Magistrates Court – Trowbridge, Wiltshire

This Council is concerned at the loss of a magistrates' court in Trowbridge especially as Trowbridge is the county town of Wiltshire.

This Council recently agreed the following motion:

"That this authority, being mindful of the status of Trowbridge as the county town, gives its full support for the provision of a magistrates' court as part of the Vision for Trowbridge process."

For your information, the Vision for Trowbridge is a project which is undertaking a regeneration programme for Trowbridge.

The Council is concerned that the nearest magistrates' court is in Chippenham. This is especially difficult for people with mobility problems, public transport difficulties and for people from rural areas.

The Council has asked me to write to you expressing our concerns and requesting an urgent review of this decision.

Please let me know if you require any further information.

Yours sincerely

Yamina Rhouati
Member Support Team Leader

5 August 2005

Department for Constitutional Affairs
Selborne House
54 Victoria Street
London SW1E 6QW

Dear Sirs

Magistrates Court – Trowbridge, Wiltshire

Further to our letter of 7 July, the Council has asked me to write to you chasing their request for an urgent review of the decision as outlined in their letter, a copy of which is enclosed.

Please let me know if you require any further information.

Yours sincerely

Suzie Stanier
Member Support Officer