

<b>Bath &amp; North East Somerset Council</b>	
<b>MEETING:</b>	Economic and Community Development Policy Development and Scrutiny Panel
<b>MEETING DATE:</b>	22 March 2012
<b>TITLE:</b>	Proposed merger of the Bath and Wansdyke; North Somerset; South Somerset and Mendip; and Taunton Deane, West Somerset and Sedgemoor Local Justice Areas and Benches
<b>WARD:</b>	ALL
<b>AN OPEN PUBLIC ITEM</b>	
<b>List of attachments to this report:</b>  Letter from Jeremy Williams JP, Justices Issues Group Chairman, 24th February 2011	

## **1 THE ISSUE**

- 1.1 This report invites members to contribute to the Council's response to a consultation by HM Courts & Tribunals Service regarding the proposed merger of four Local Justice Areas to create one Somerset bench and Local Justice Area.

## **2 RECOMMENDATION**

The Economic and Community Development Panel is asked to agree that:

- 2.1 It notes the issues and concerns raised in this report
- 2.2 It identifies any additional issues and questions in relation to the proposed merger
- 2.3 These comments be considered as part of the Council's formal response to the merger proposal

### **3 FINANCIAL IMPLICATIONS**

- 3.1 There are no direct financial implications to the Council of this report. However, officers have identified additional pressures on the Council, such as increased travel by those engaged with the courts process, as a result of this merger.

### **4 THE REPORT**

- 4.1 England and Wales is divided into Local Justice Areas (LJAs). Each magistrate is allocated to a particular LJA which forms the basic building block of the local administration of justice, such that cases are heard in courts which are in the LJA where

- the offence is alleged to have been committed,
- the person charged with the offence resides,
- the witnesses, or the majority of the witnesses, reside, or
- other cases raising similar issues are being heard

- 4.2 There is currently only one LJA covering Bath and North East Somerset, the Bath and Wansdyke LJA. However, the Council has received notification of consultation on a proposal to merge the current Bath and Wansdyke LJA with three other LJAs, namely:

- North Somerset
- South Somerset and Mendip
- Taunton Deane, West Somerset and Sedgemoor

- 4.3 This proposal has been put forward as a voluntary merger by the Avon and Somerset Justice Issues Group which identifies that this would. The consultation letter relating to this proposal is attached with a closing date for responses of 13<sup>th</sup> April. The letter highlights that the aim of the merger is to create a more efficient and effective Bench, with improvements to administration through “critical mass” and flexibility whilst maintaining local justice services. The letter also states that:

- Cost savings “may be achievable” as a result of the proposal but it is not “the main driver”. However, the letter also states that these savings are currently planned through staff reductions which are themselves “a big reason for one Bench”
- There is a courthouse in each current LJA (including, of course, Bath and Wansdyke Magistrates’ Court in Bath) and the merger is not “predicated” on any courthouse closures
- Every magistrate on the new Bench will be entitled to choose to continue to sit only at his or her local court and not be expected to travel to any other court.

- 4.4 The proposed merger raises a number of potential issues and concerns. These include :

- That larger areas and benches may mean a loss of understanding of and connection with local communities
- That the local knowledge of magistrates may be lost if sitting across a larger geographical area
- That specialist knowledge, skills and shared understanding built up through work with the local bench - for example through the work of the Specialist Domestic Violence Courts- may be affected.
- That those engaged in the courts process may be required to travel further and more often for cases, leading to additional costs and difficulties relating to access. This is particularly so given the large geographical area that the new LJA proposes to cover. Any additional pressures (for example, the need for additional travel) may act in particular as a disincentive to the most vulnerable victims to engage with the judicial process.

4.5 These issues and potential impacts are not covered in detail in the letter from the Courts & Tribunals Service. In order to assess impacts, further information has therefore been sought by the Council from the Courts and Tribunals Service and a representative has been invited to the Panel meeting. Specifically, an Equalities Impact Assessment (EqiA) of the proposed merger has been requested from the Courts and Tribunals Service along with any other impact data. In response the Council have been informed that:

- Representatives of the Courts and Tribunals Service are not able to attend the meeting due to engagements already organised. However, they will be pleased to hear the outcome of the deliberations through the consultation.
- An Equalities Impact Assessments have not been prepared for this proposal in line with a similar merger in Devon and Cornwall which was advised that with the “bulk of work continuing to be done in the same places” this was not necessary.
- The process follows a template and timetable used in other such bench mergers around the country, a link to which is attached as a background document to this report
- Depending on the outcome of the consultation, working groups of Bench chairs would then discuss detailed arrangements. The merger would need approval by documents laid before Parliament.

## **5 RISK MANAGEMENT**

5.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

## **6 EQUALITIES**

6.1 An EqiA has not been completed as the Council has not initiated this change and has insufficient data to carry out such an assessment. As set out above, however, a request for an EqiA has been made to the Courts and Tribunals Service by the Council, There are potential impacts on equalities strands arising from this

proposal and the Council in carrying out its public sector equalities duty would wish to highlight these. For example, access to courts and additional required travel could have significant impacts upon vulnerable users of court services.

- 6.2 Previously Overview and Scrutiny panels have requested EqlAs for proposals to close Post Offices and remove of public telephones. Most recently, Policy Development and Scrutiny made such a request in respect of conducting all Coroner post mortems at Flax Bourton.

## **7 CONSULTATION**

- 7.1 *Cabinet Member; Overview & Scrutiny Panel; Staff; Other B&NES Services; Section 151 Finance Officer; Monitoring Officer*

- 7.2 A draft of this report was circulated for comment. In addition, the proposal for merger was circulated for views to members of the Community Safety Partnership and to relevant Council services. The Assessment and Family Service Manager has raised a number of significant issues in relation to this proposal and these views have been reflected in this report.

## **8 ISSUES TO CONSIDER IN REACHING THE DECISION**

- 8.1 *Social Inclusion; Customer Focus; Sustainability; Young People; Human Rights; Corporate; Health & Safety; Impact on Staff; Other Legal Considerations*

## **9 ADVICE SOUGHT**

- 9.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

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<b>Background papers</b>	Bench Mergers: guidance  <a href="https://judiciary.sut1.co.uk/docs/doc_guid/magistrates/bench-mergers-guidance-march-2011.pdf">https://judiciary.sut1.co.uk/docs/doc_guid/magistrates/bench-mergers-guidance-march-2011.pdf</a>
<b>Please contact the report author if you need to access this report in an alternative format</b>	

## APPENDIX



**HM Courts  
& Tribunals  
Service**

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February 24, 2012

**Dear Sir or Madam**

Formal Consultation under S.8 of the Courts Act 2003 on the proposed merger of the Bath and Wansdyke -- North Somerset -- South Somerset and Mendip -- and Taunton Deane, West Somerset and Sedgemoor Local Justice Areas and Benches

Avon and Somerset comprises six Local Justice Areas (LJA's) – those mentioned above, plus Bristol and North Avon. All the six LJA's within Avon and Somerset are currently served by one Justices' Clerk.

I am writing to you on behalf of the Avon and Somerset Justices Issues Group (JIG) to consult on the proposed merger of the four LJA's and Benches set out in the first paragraph to create one Bench of Magistrates and new LJA.

The JIG comprises the Chairmen of all Benches in Avon and Somerset together with other representative magistrates, including from the Magistrates' Association, a District Judge, the Justices' Clerk and a representative of HMCTS management.

In May 2011 the JIG considered a letter from Shaun McNally HMCTS, Head of Crime. That letter had been sent to all JIGs in England and Wales. It indicated that HMCTS would be prepared to consider the voluntary merger of LJA's and Benches if such proposal were to be made locally. As a consequence of receiving that letter members of JIG took soundings from colleagues to ascertain if there were any appetite for such a proposal in Avon and Somerset. As a result of those soundings it was agreed that Bench Chairmen would discuss the issue with their Benches at the relevant Bench meetings. Information was fed back to JIG from these meetings.

At the meeting of the Avon and Somerset JIG held in January 2012 it was agreed unanimously to take the step of formally consulting on the proposed voluntary merger of the four Benches set out in the heading of this letter (for the avoidance of doubt there are no proposals in relation to the remaining Benches in Avon and Somerset namely Bristol and North Avon). Before issuing this letter JIG consulted with the Regional Delivery Director, Regional Head of Crime and HMCTS Head of Crime who all support this proposal.

The aim of the merger is to create a more efficient and effective Bench, with critical mass; better able to meet the challenges ahead and closely matching new legal and administrative boundaries, while still maintaining the principle of local justice. During the whole process, each Bench will be treated fairly and equitably, as this is a merger of equals, not a takeover by some of others. Some cost savings may be achievable as a result of the proposal. However, such savings as will be made are already going to happen through the planned reduction of staff, which in itself is a big reason for one Bench. Cost-saving is not, therefore, the main driver for the proposal.

JIG believes that benefit will accrue with more flexible listing practices benefiting all the key criminal justice agencies and the reduction in meetings and points of liaison for all criminal justice partners. The main benefits of the proposed amalgamation would be to reduce the administrative burden of running four separate Benches and to maintain effective support for magistrates as the number of Legal Managers and Legal Advisers are reduced in line with reducing workload and the consequent impact on budget allocation. It will also provide increased opportunities for magistrates to gain all round experience whilst continuing to maintain their current link with the local courthouse.

Although there is currently no certainty as to the Legal Management structure within Avon and Somerset it is likely (following the publication by HMCTS on 31/01/2012 of the document "HMCTS response to a consultation on the creation of HMCTS Legal Service and a new management structure for the provision of HMCTS Lawyers and Justices Clerks in England and Wales") that Avon and Somerset may no longer have its own Justices Clerk and that the six Deputy Justices Clerks in Avon and Somerset (one per Bench) will reduce to two Deputy Justices Clerks within a year.

#### Proposed Merger

The number of Magistrates on each of the Benches under consideration was, at 31.12.2011:

Bath and Wansdyke = 84  
North Somerset = 90  
South Somerset and Mendip = 78  
Taunton Deane, West Somerset and Sedgemoor = 110

Each Bench has its own Family Panel, Youth Panel and Training and Development Committee but practices and procedures have been broadly aligned. Magistrates often participate in joint training and the same statutory criminal justice agencies cover both areas.

There is a courthouse in each LJA and the merger proposal is not predicated on any known intention to close any courthouse.

By merging the Benches it is envisaged that local justice will continue to be provided at the same level to the people of Somerset. Every magistrate on the new Bench will be entitled to choose to continue to sit only at his or her local court and not be expected to travel to any other court. The new combined Bench of Magistrates and the new LJA will become known as the Somerset Bench and the Somerset LJA.

Every magistrate on the new Bench will have equal rights of representation. As indicated above these proposals have been discussed by the current Bench Chairmen and the Benches. There is magisterial support for the proposals and creation of a single Bench for the historic County of Somerset.

The Local Authority areas serving the existing LJAs are as follows:

Bath and Wansdyke  
North Somerset  
South Somerset & Mendip

Bath and North East Somerset Unitary Authority  
North Somerset Unitary Authority  
Somerset County Council, South Somerset District Council & Mendip District Council

Taunton Deane, West

Somerset County Council, Taunton Deane Borough Council, West Somerset

Somerset & Sedgemoor

District Council, & Sedgemoor District Council

#### Reasons for Consultation

This consultation seeks your views on the proposals for the merger and the likely impact that this merger may have. Responses should be sent to me at the above address or by e mail to [williams.stjuliott@btinternet.com](mailto:williams.stjuliott@btinternet.com); or by email to [victoria.gibson-barnes@hmcts.gsi.gov.uk](mailto:victoria.gibson-barnes@hmcts.gsi.gov.uk) by Friday 13 April 2012.

Yours sincerely

*Jeremy Williams*

Jeremy Williams JP  
Justices Issues Group Chairman