



Ministry  
of Justice



North & West Yorkshire Judicial Business Group

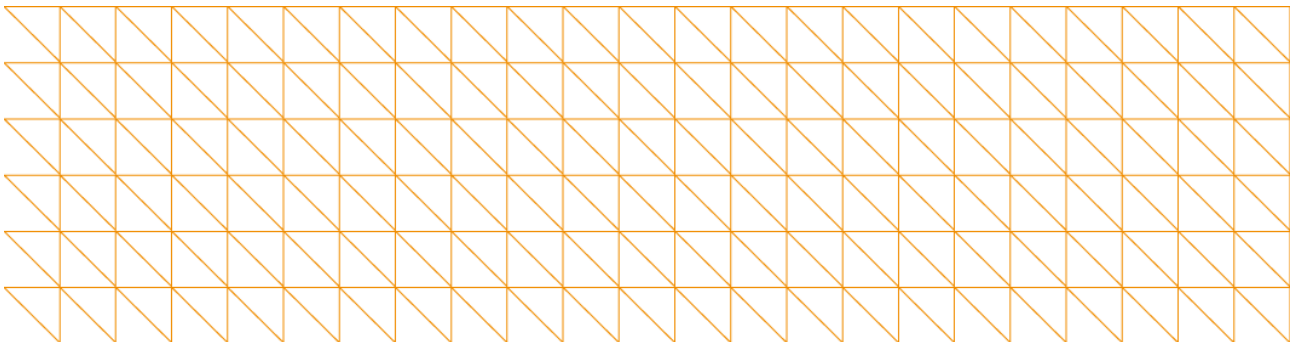


HM Courts &  
Tribunals Service

# A Consultation on the Merger of the Local Justice Areas in North Yorkshire

## Response to Consultation

This response is published on 23<sup>rd</sup> January 2015







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of Justice



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Tribunals Service

## **A Consultation on the Merger of the Local Justice Areas in North Yorkshire**

**Response to consultation carried out by Her Majesty's Courts & Tribunals Service, part of the Ministry of Justice and the Judicial Business Group for North and West Yorkshire. This information is also available at <https://consult.justice.gov.uk/digital-communications/northyorkshire-lja-merger>**



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## Introduction and contact details

This document is the post-consultation report for the consultation paper, “A Consultation on the Merger of the Local Justice Areas in North Yorkshire”.

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
- the next steps following this consultation.

Further copies of this report and the consultation paper can be obtained by contacting **Sam Goozée** - Justices’ Clerk for North and West Yorkshire

or

**Christine Gardner** – Deputy Justices’ Clerk for North Yorkshire

Via e-mail at:

[NWYjudicial-support-unit@hmcts.gsi.gov.uk](mailto:NWYjudicial-support-unit@hmcts.gsi.gov.uk)

or at the address below

**North and West Yorkshire Judicial Support Unit**

**Level 5**

**Leeds Magistrates’ Court**

**PO Box 97**

**Westgate**

**Leeds**

**LS1 3JP**

or

**Telephone: 0113 285 5622**

This report is also available at

<https://consult.justice.gov.uk/digital-communications/northyorkshire-lja-merger>

Alternative format versions of this publication can be requested from the above address

### Complaints or comments

If you have any complaints or comments about the consultation process you should contact HM Courts & Tribunals Service at the above address.

## Background

The consultation paper, “**A Consultation on the Merger of the Local Justice Areas in North Yorkshire**”, was published on 1<sup>st</sup> October 2014. It invited comments on a proposal to merge the four Local Justice Areas<sup>1</sup> (LJAs) into one and proposed that the single LJA should be known as the North Yorkshire LJA. The paper asked for additional impacts other than those detailed in the paper and sought viable alternative options.

The paper was issued on behalf of the North and West Yorkshire Judicial Business Group (JBG). The JBG decided that the time was right to take a fresh look at the ways in which support is provided to magistrates and Benches. The catalyst for this decision is the formation of a single North Yorkshire Family Panel from 1<sup>st</sup> January 2015; the merger of the four Bench Training and Development Committees (BTDCs) into one from 1<sup>st</sup> January 2015 and the recently approved merger of the four Youth Panels into one single North Yorkshire Youth Panel from 1<sup>st</sup> April 2015. In addition a single Family Training and Development Committee has been established for North & West Yorkshire from 1<sup>st</sup> January 2015.

These Panels recognised that there was a need to streamline their administration to improve delivery of justice in the Family Court and the Youth Courts and increase sitting opportunities for magistrates in these two jurisdictions. In addition, the Panels and Committees recognised that mergers and restructuring would also enable HM Courts & Tribunals Service staff to provide an appropriate level of support within its resource allocation.

The JBG acknowledged that HM Courts & Tribunals Service administrative, legal and management resources have reduced since 2011. The workload of the courts has also reduced year on year and the number of magistrates has been managed by retirements and resignations to allow active magistrates to achieve the minimum sitting requirements whilst hearing a sufficient breadth and volume of cases to maintain competence.

Members of the JBG agreed with HM Courts & Tribunals Service that the consultation document would contain only one proposal – to merge the four LJAs into one – in line with the Family Panel, Youth Panel and BTDC.

The priorities for HM Courts & Tribunals Service and the JBG were identified as:

- making best use of the resources available;
- increasing opportunities for magistrates to retain their experience and competence and
- improving the effectiveness of the delivery of justice and flexibility in the management of the court business.

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<sup>1</sup> The existing Local Justice Areas of North Yorkshire are Harrogate & Skipton, Northallerton and Richmond, Scarborough and York and Selby. These LJAs were created by the Local Justice Area Orders 2005 and 2011.



The existence of four LJAs quadruples the number of meetings which have to be serviced by Bench Chairmen, Bench Officers, managers and support staff. Staffing levels are assessed with reference to an Activity Based Costing (ABC) model and have reduced in line with the reduced caseload. Similar reductions in staffing have occurred within the Crown Prosecution Service and North Yorkshire Police. Further pressure on HM Courts & Tribunals Service budget is expected in the financial year 2015-16 and beyond.

Creating a single LJA will enable magistrates who are willing to travel to sit on a wider range of cases to maintain their experience, competence and minimum sittings. The JBG considered a single bench sitting across the existing five court sites would provide a sustainable structure for the future, aligned with the Panels and Bench Training & Development Committee.

The consultation period closed on 31<sup>st</sup> December 2014 and this report summarises the responses. A list of the respondents is at Annex A.

The Impact Assessment was commented on by those responding as follows:

- **two respondents believe that magistrates might be deterred from standing for election as Bench Chairman by the burden of office and the travelling involved in dealing with face to face pastoral meetings.**
- **the availability of public transport for magistrates and court users has not been considered – court hearings usually start at 10 am**
- **magistrates reliant on public transport may be on the same buses or trains as court users**
- **travel costs for magistrates who are prepared to travel has not been quantified**
- **North Yorkshire Police expressed concern about resource impacts on the force, victims and witnesses should listing practices change without supporting digital infrastructure across all criminal justice agencies**

HM Courts & Tribunals Service and the JBG have reviewed the responses for any viable alternative options and additional impacts.

The JBG are confident that a Shadow Bench will be able to agree upon an appropriate number of Deputy Bench Chairmen to share the workload of the Bench Chairman and manage pastoral work across North Yorkshire. The Judicial College provide training materials to support Deputy Chairmen. The only duty which cannot be delegated to Deputies is deciding on whether or not to accept applications from active magistrates to transfer to local benches. It is not an inevitable consequence of a merger that magistrates will be deterred from applying for Bench Officer roles. That has not had any impact on the single Family Panel, single Youth Panel or the single BTDC for the county.

The JBG noted the concerns about public transport and travelling within North Yorkshire. HM Courts & Tribunals Service has assured the JBG that magistrates will not be forced to travel to courts away from their normal base unless they wish to do so. HM Courts & Tribunals Service acknowledges that the journey times to drive between the court sites takes between 50 minutes and around 2 hours each way but those times can vary significantly depending on, for example, the weather, the time of day or the tourist season.

Magistrates will be able to express a preference for travelling on dates of their choosing and will be able to drive or take public transport according to their personal preference. The merger of the LJAs will not have any impact on travelling for court users and any future changes to listing arrangements which would impact on court users would be the subject of a separate consultation.

Within the consultation paper, HM Courts & Tribunals Service confirmed that the consultation was not linked to the courthouse utilisation and that there are no current plans to close any of the existing courthouses in North Yorkshire. However, if that position changes, there will be a public consultation in the normal way.

HM Courts & Tribunals Service has not attempted to quantify the potential increase in travel costs for magistrates because we do not know how many magistrates are willing to travel and it is envisaged that magistrates will still do the majority of their sittings at their home court. HM Courts & Tribunals Service will absorb any additional cost to facilitate Bench mergers and to enable magistrates to maximise their opportunities to maintain competence.

The Transforming Summary Justice (TSJ) programme is being introduced in the first half of 2015. Inter-agency meetings have taken place to discuss the best way to brigade cases within the sitting schedules in all North Yorkshire courts. Brigading under TSJ means separating anticipated guilty and not guilty cases into specific courts or time slots to enable the courts to spend more time on case management for those cases proceeding to trial.

The JBG noted that many responses raised concerns about changes to listing practice which would impact on them, court users including defendants, victims and witnesses or their respective agency. The Consultation Paper included background information on listing efficiencies which may be possible as digital working increases. This commentary was not part of the consultation proposing a merger of the Local Justice Areas. Any short term or temporary changes to the listing arrangements will be discussed with criminal and family justice agency partners and subject to approval by the JBG. Significant or permanent changes to listing will require wider consultation with stakeholders.

Therefore the consultation stage Impact Assessment has not been revised.

## Summary of responses

A total of 37 responses to the consultation paper were received. Of these:

- 21 were from individual magistrates
- One was from District Judge (Magistrates' Court) Adrian Lower
- Four were collective responses from the Benches in North Yorkshire
- One was from the North Yorkshire Branch of the Magistrates' Association
- Five were from councils, including North Yorkshire County Council
- One was from Mr Christopher Cunnington-Shore, Chairman of the County Durham and Darlington Bench
- One was from John Mewies, a defence solicitor from John Mewies and Co., Skipton
- One was from Hon. Bernard Borman-Schreiber von Ullersdorf, a resident of Leyburn and a Town Councillor
- One was from David Keane, North East Regional Head of Civil, Families and Tribunals
- One was from North Yorkshire Police

One response from Threshfield Parish Council was received after the closing date.

Of the 21 responses from individual magistrates, 11 were fully supportive, one described the proposal as inevitable, five wished to retain the status quo, two were opposed but did not suggest an alternative and two were ambiguous in terms of whether they supported or opposed the proposal.

The North Yorkshire Branch of the Magistrates' Association gave conditional support to the single Bench proposal with valid assurances sought regarding governance and communication.

The Scarborough Bench gave qualified support again with assurances sought regarding governance and administrative support by HM Courts & Tribunals Service to a large geographical Bench and its officers.

The Northallerton and Richmond Bench are supportive of the proposal.

The Harrogate and Skipton Bench are supportive of the proposal.

The York and Selby Bench responded to the proposal by indicating the Bench "are prepared to be fatalistic and think that the North Yorkshire Bench as proposed is an inevitability. More generally the York and Selby Magistrates think that the proposal

document has not been properly and fully thought out and that it gives rise to a number of concerns". The York and Selby response includes the suggestion from an individual magistrate that the LJA should be named the "York and North Yorkshire LJA".

District Judge Lower, David Keane and Christopher Cunnington-Shore were supportive in their responses.

Hon. Bernard Borman-Schreiber von Ullersdorf opposed the proposal and proposed instead 3 areas but no further information.

John Mewies opposed the proposal but did not suggest an alternative.

North Yorkshire County Council supported the proposal.

Bentham Town Council did not object but expressed concern about future court closures.

Settle Town Council opposed the proposal on the grounds that the proposals are against promoting localism and involve greater travel and costs for court users.

Draughton Council expressed concern about travelling for people in their communities.

Leyburn Town Council expressed concern about travelling for offenders and witnesses if local courthouses were to close. Councillors also appreciated the benefits of merging the Benches so that courts could be managed centrally and use their expertise across the whole County.

Threshfield Parish Council expressed concern about additional costs for magistrates and court users, In addition the Council expressed concern over any potential change to the use of Skipton courthouse and the impact for Craven District.

North Yorkshire Police generally welcomed the proposal but expressed concern about any changes to current listing arrangements which might impact on police officers, victims or witnesses.

Supportive responses included the following:

- Acknowledgement and enthusiasm of the benefits from sitting in other courthouses to increase experience and competence. Cross-area working means greater opportunity to maintain competence
- The administration of Family Court matters through one centralised court has undoubtedly led to a more efficient and responsive service
- From a business perspective these changes are in my view inevitable and unarguable and the practice of serving in one court only is far too narrow. I welcome the opportunity to sit elsewhere with other colleagues
- All magistrates should be given the opportunity to sit in the centralised traffic court to maintain our competences
- The proposal is a practical and sensible solution. The days of each region of a county, far less any fair sized town, having its own court or bench are gone. Life has moved on.

- All organisations now have to be highly efficient and flexible to survive and that is a key step in achieving that for the whole of the North Yorkshire area. It is well overdue.
- A larger pool of magistrates from a single North Yorkshire Bench will address problems with filling gaps in the rotas. The opportunity to sit in a number of courthouses with a wider range of colleagues and work will go to maintain the competence of individual magistrates and prevent them becoming insular
- The status quo is not an option. The creation of 2 LJAs would inevitably lead to further consultation in the future to create a single LJA. We should “bite the bullet” now.
- The Scarborough Bench and the MA endorse the proposed name of the single LJA – the North Yorkshire LJA
- The MA recommend that all bench/training meetings are held at central locations
- The Harrogate and Skipton Bench considers the merger to be inevitable for reasons of cost and efficiency. “We understand the drive to optimise the use of shrinking resources in the context of reducing workload”.

Concerns included the following:

- Loss of local justice and local knowledge
- Travelling for Magistrates within the largest County in England and Wales and a loss of competence for those who cannot travel
- There may be resignations and difficulty in recruiting new magistrates if they are required to travel
- Travel for court users in a County where public transport can be minimal
- Unacceptably long journey times
- Courthouse closures and other unidentified changes
- Attendance and representation at meetings dropping – less of a Bench ethos
- Lack of financial information to support the proposal
- Fear that the proposal is a first step towards courthouse closures and further centralisation of business
- A single bench will become “York centric”
- Minimal influence on the JBG
- Assurances are sought from HM Courts & Tribunals Service that magistrates will not be compelled to sit away from their nominated home court; that there will be adequate administrative support for the Bench Chairman and Deputies; central or

rotating locations for bench meetings combined with training but continued provision for alternative training events

- One magistrate has proposed that the single LJA be named “York and North Yorkshire” to recognise the historical importance of the City of York.

A number of responses were critical of HM Courts & Tribunals Service not considering alternative options within the consultation or providing any financial information supporting the efficiencies and costs savings by reducing to a single LJA in North Yorkshire.

The North & West Judicial Business Group supported HM Courts & Tribunals Service consulting on a single LJA for North Yorkshire without the requirement to consider alternative models. HM Courts & Tribunals Service considered alternative models and addressed this within the Equality Impact Assessment.

Some responses have proposed the creation of two or three Benches;

1. The merger of the Scarborough and York & Selby Bench and then the merger of the Northallerton & Richmond and Harrogate & Skipton Benches.
2. One response proposed the merger of all the Benches save the York and Selby Bench
3. One response proposed three Benches based on central, east and west areas

Merging to two or three LJAs would not be co-terminus with the structures now created by the single Family Panel, single Youth Panel and single Bench Training & Development Committee in North Yorkshire. Flexible management of court business across the five court centres under one LJA would not be achieved by the continued restraints of two or three LJAs and would present the same barriers as the existing 4 LJAs in the county.

The division of court business across more than one LJA in North Yorkshire means that the work has to be organised, not according to efficiency, resources or the needs of individual cases, but constrained by LJA boundaries. Falling caseload has exacerbated the problems this causes. The result is that there are courts within North Yorkshire with too little business in them which makes it difficult for HM Courts & Tribunals Service to make the best use of its resources and places a larger burden on criminal justice agencies. The low volume of business at some courts reduces the experience of many magistrates, with a risk to their competence.

The division created by LJAs can also foster delay where trials have longer waiting times in some court centres due to volume of business which impacts negatively on victims, witnesses and defendants. Criminal breach proceedings are delayed by the legal requirement that they are heard in the LJA where the defendant lives, particularly where a defendant has been arrested and the relevant court is not sitting.

Retaining more than one LJA multiplies the number of meetings which must be serviced by managers and support staff.

There was also an acknowledgement in some responses that reducing the number of LJAs in North Yorkshire would simply be protracting the process and delay inevitable benefits of creating a single LJA.

There is criticism within the responses that the consultation document lacked any hard data about financial savings. With regard to financial information, it is difficult for HM Courts & Tribunals Service to quantify the full cost benefits of a single LJA as the basis for the consultation as approved by the JBG was primarily driven by the improvement in the effectiveness of the delivery of justice, by improving flexibility in managing business across a single LJA, making better use of existing resources, primarily staff time and to increase the opportunities for magistrates to retain experience and therefore competence. All these factors are difficult to financially quantify and the objective of the merger is not primarily to make savings but among other things to operate within the resources assigned to HM Courts & Tribunals Service.

## Conclusion and next steps

1. HM Courts & Tribunals Service and the JBG have reviewed the responses carefully and have concluded that the majority view of respondents is that the merger to a single LJA, “called the North Yorkshire Local Justice Area”, should proceed.
2. The Transforming Summary Justice programme was launched during the consultation. Key components of the programme would be facilitated by a merger.
3. The actual impact of travel on the public, court users and professionals will not be created by the merger of the LJAs itself but by any future changes to court schedules or listing practices. The JBG would consult with users before implementing any major changes to the management of court business at the courthouses in North Yorkshire. There is no doubt that one of the benefits in terms of flexibility would be to allow for the further centralisation of some work. This could potentially mean longer distances to travel for some defendants and witnesses; however, this is already the case to a considerable extent. For example, traffic prosecutions are heard in Northallerton without any apparent adverse impact, as individuals who wish to attend court and have difficulties travelling have cases moved to local courts for trial. A single LJA could list criminal trials in all five court centres, which in addition to reducing delays, could be more convenient for parties, as offences do not always take place where defendants and witnesses live.
4. It was recognised by many respondents that a merger could increase magistrates’ experience by sharing work more evenly around the county, however it is correct that magistrates will benefit most from this if they are prepared to travel. The impact for additional travel by magistrates was identified and addressed in the original consultation document; however, magistrates will be given an option to sit at courts away from their home court. The intention of the JBG is that magistrates will be able to nominate a preferred courthouse where the majority of their sittings would be allocated. Magistrates would also be able to indicate which courts they are prepared to travel to for the purposes of managing their rotas. It would remain the responsibility of HM Courts & Tribunals Service, Bench Chairmen, the Bench Training & Development Committee and the Advisory Committee to keep magistrates’ sittings under review to ensure sitting requirements are met.
5. The issue of local justice was raised by a few respondents with concerns that few magistrates would be familiar with every locality in a single LJA for North Yorkshire. It is noted that a large number of magistrates already do not live within their existing assigned LJA and issues relevant to the court area are generally gained from experience as magistrates on the Bench. Therefore, with opportunities to sit in other courts around North Yorkshire, knowledge and experience would be broadened across the Bench.
6. The criticism for the lack of hard financial data is addressed on page 11 of this response.
7. The JBG agrees that the burden upon a Bench Chairman for a single Bench would be greater, especially with regard to the geography of the county. In terms of the number of magistrates on a single merged Bench, it is noted that this would still not be large in



modern times and Benches of over 200 already operate effectively both within the North & West Yorkshire Clerkship but also in other areas of England and Wales. What will be important is determining the correct number of Deputy Bench Chairmen on a single Bench and the importance of the Bench Chairman sharing the burden of their role with their Deputies.

8. An alternative name for the single LJA has been proposed, however the JBG support the name "North Yorkshire Local Justice Area" as it is neutral and any alternatives could be viewed as divisive and not supporting a collegiate new Bench ethos.
9. Observations were made in responses that in a single Bench covering a large geographical area, to ensure a "positive single Bench culture" meetings will need to be able to maximise attendance to ensure effective communication with the Bench. The Justices' Clerk has confirmed that his intention will be to organise Bench meetings as part of full training days, to facilitate attendance by the Bench. The JBG would support the Justices' Clerk's proposals in that regard.
10. Most respondents, including some who opposed the proposals, accept identified benefits. The JBG will therefore seek the approval of the Lord Chancellor to create a single North Yorkshire Local Justice Area with effect from 1<sup>st</sup> January 2016.
11. It is hoped, following the approval of the Senior Presiding Judge on behalf of the Lord Chief Justice, the Lord Chancellor will approve the single LJA prior to the General Election in May as this will allow a Shadow Bench Meeting to take place in June or July.
12. A shadow Judicial Leadership Group (JLG) would start to meet after the Shadow Bench Meeting to make the arrangements for the operation of the new Bench. A Shadow Annual Election Meeting will take place during October.
13. The Shadow Bench Meeting will decide the number of Deputy Chairmen for the new Bench and the method of filling casual vacancies for the BTDC and election protocols. The date for the Shadow Bench Meeting must be fixed to allow time for a postal ballot to take place.
14. In line with national guidance, the members of the Shadow JLG should be the Chairmen of each existing Bench, the Justices' Clerk or Deputy Justices' Clerk, the North Yorkshire Operations Manager, Chairman of the North Yorkshire BTDC and the District Judge (Magistrates' Court) assigned to sit in North Yorkshire. The Shadow JLG will elect a Chairman until the Chairman Elect is known. Other members should include the Youth Panel Chairman, the Family Panel Chairman and the Deputy Bench Chairmen. National guidance is available to guide the JLG in the business of establishing the governance for the new Bench. A key issue for the Shadow JLG will be communication with the magistracy in North Yorkshire so that, for example, magistrates know who to contact about pastoral issues or the arrangements for travelling to courts away from their normal base.
15. As indicated above, the JBG supports the proposal from HM Courts & Tribunals Service to combine Bench meetings with training events to maximise attendance and enable a bench ethos to develop. The Shadow JLG will be able to consult magistrates on the location and timing of these meetings.

16. The JBG notes that the merger will ensure the North Yorkshire Bench Chairman has a place on the JBG which should assure magistrates in North Yorkshire that their views will be heard.

## **Consultation principles**

The principles that Government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

<https://www.gov.uk/government/publications/consultation-principles-guidance>

## Annex A – List of respondents

**Individual Magistrates:** Aileen Bloomer JP; Julie Brookes JP; John England JP; Susan Evans JP; Richard Fryer JP; Richard Goodacre JP; David Gravells JP; Paul Gregory JP; Michelle Haswell JP; Pam Henderson JP; Liz Hesp JP; Phillip Hilling JP; May Kaye JP; Judith Luscombe JP; Graham Saunders JP; John Settle JP; Andrea Sharpe JP; Paul Sherwood JP; Marion Simon JP; Elizabeth Stead JP; Lawrence Stewart JP;

Christopher Cunnington-Shore JP – Chairman of the County Durham and Darlington Bench

District Judge (Magistrates' Court) Adrian Lower

Harrogate and Skipton Bench

Northallerton Bench

Scarborough Bench

York and Selby Bench

North Yorkshire Branch of the Magistrates Association

**Councils:** North Yorkshire County Council; Bentham Town Council; Draughton Parish Council, Leyburn Town Council; Threshfield Parish Council and Settle Town Council

**Responses from individuals:** David Keane (HM Courts & Tribunals Service); John Mewies; Hon. Bernard Borman-Schreiber von Ullersdorf





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