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A Consultation on the Merger of the Local Justice Areas in Avon and Somerset

Avon and Somerset Judicial Business Group

Response to Consultation

This response is published on 12 September 2016



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Contents

Introduction and contact details	2
Background	3
Summary of responses	4
Responses to specific questions	6
Conclusion and next steps	10
The consultation principles	13
Annex A – List of respondents	14
Annex B - Impact assessment, updated following consultation responses	15

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 Avon and Somerset.

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 **Brenda Saturley** at the address below:

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This report is also available on the Ministry of Justice's website:
www.justice.gov.uk/about/hmcts/index.htm.

Complaints or comments

If you have any complaints or comments about the consultation process you should contact Her Majesty's Courts and Tribunals Service at the above address.

Background

The consultation paper entitled 'A Consultation on the Merger of the Local Justice Areas in Avon and Somerset' was published on 18 May 2016. It invited comments on 2 options, namely:-

1. One Local Justice Area, which combines the 4 Local Justice Areas (LJAs) in Bristol, Gloucestershire, North Avon and Somerset to form a single Local Justice Area;
2. Two Local Justice Areas, which combines the 3 Local Justice Areas (LJAs) in Bristol, North Avon and Somerset to form a single Local Justice Area and retaining Gloucestershire as a separate Local Justice Area.

The Judicial Business Group identified 2 key reasons for considering merger of the current three LJAs:-

- The closure of the magistrates court at Yate, resulting in the North Avon Bench losing the only courthouse in its LJA;
- To provide flexibility for the future, when new digital ways of working can provide access to justice in different ways to our users, thereby
 - Improving the effectiveness of the delivery of justice by improving flexibility in dealing with cases;
 - Making better use of reduced resources and
 - Providing magistrates with a greater choice of court venue for their sittings and therefore offering greater opportunities for magistrates to retain experience and competence.

The Judicial Business Group had to address the issues of the significant reduction in magistrates' sittings against a background of a falling criminal caseload, while taking into account the resources available to Her Majesty's Courts and Tribunal Service and wider criminal justice partners.

The consultation paper invited comments on the 2 options outlined above, asked for additional impacts other than those identified in the paper and also if additional factors should be taken into account. Additionally, views were sought on other alternative options.

The consultation period closed on 13th July 2016 and this report summarises the responses. A list of respondents is at Annex A.

The Impact Assessment accompanying the consultation was updated to take account of evidence provided by stakeholders during the consultation period. The updated Impact Assessment can be found at Annex B.

Summary of responses

1. A total of 14 responses to the consultation paper were received.

Of these one was received on behalf of the:

Avon and Somerset Police

Bristol Bench

Bristol and North Avon Magistrates Association

Gloucestershire Criminal Justice Board

Bristol and North Avon Family Panel

North Avon Bench

North Somerset Youth Offending and Prevention Service

Bath and North East Somerset Youth Offending Service

Somerset Family Panel

South Gloucestershire Youth Offending Service

Four responses were received from magistrates responding as individuals

2. The responses were analysed for levels of support for and concerns about the 2 options described in the consultation paper.

In terms of support from external agencies:

- *Avon and Somerset Police, Gloucestershire Criminal Justice Board, Bath and North East Somerset Youth Offending Service are all in support for Avon and Somerset to merge to become one Bench.*
- *Bath and North East Somerset Youth Offending Team saw potential for financial savings in the proposed merger and found it hard to identify a suitable alternative, however they expressed concerns about the close working with the “local bench” being compromised – by which they appear to refer specifically to Somerset youth magistrates sitting at the Bath courthouse.*
- *South Gloucestershire Youth Offending Service indicated that there was no objection to the merger in principle provided long standing justice principles were not lost in the drive for efficiency savings. The North Somerset Youth Offending and Prevention Service Partnership agreed the merger would achieve cost savings but wished to ensure that Youth Panels continued for the benefit of the magistrates and partner agencies.*

Judicial responses (magistracy) were:

- *3 individual JPs are in favour of a merger of benches in Avon and Somerset to create one LJA.*
- *The Bristol and North Avon Family Panel were neutral to proposal but suggest that it would make sense for a Bristol, North Avon and Gloucestershire merger from a family point of view.*
- *The Somerset Family Panel neutral to proposal but is suggesting an alternative for the Family Panels in order to align to DFJ areas.*

A Consultation on the Merger of the Local Justice Areas in Avon and Somerset

Response to Consultation

- *Bristol Bench suggest a merger all benches, i.e. Avon, Somerset and Gloucestershire and include an alternative proposal of a merger between just Bristol and North Avon since their court workload will be undertaken at the Court house in Bristol following the closure of the court house in Yate at the end of September.*
- *Bristol and North Avon Branch of the Magistrates' Association express that there are no major objections to the merger to form an Avon and Somerset Bench but raise some practicalities affecting the magistrates that will need to be resolved. They request consideration of 2 alternative proposals: (a) a merger between Bristol & North Avon leaving Somerset and Gloucestershire as now, and (b) 3 benches comprised of Somerset County (which would encompass the business currently undertaken at Taunton and Yeovil), Gloucestershire and a 3rd area to comprise the unitary authorities of Bath and North East Somerset, Bristol, North Somerset and South Gloucestershire.*
- *The North Avon Bench response indicates that the Bench does not disagree but is unable to agree with the proposed merger without knowing more detail about how it would work in practice. A 3 bench model is proposed based on centres in Gloucestershire (currently Cheltenham), Bristol and Taunton.*
- *1 individual magistrate wrote in support of the response submitted by the Bristol and North Avon Branch of the Magistrates Association.*

3. Additional models proposed:

Four additional models were proposed and are detailed in section 5, under question 3, of this response. The feasibility of these, based on any benefits and concerns, have been considered by JBG.

4. The Judicial Business Group reviewed the responses for any fresh considerations and additional impacts which had not been foreseen.

The following additional impacts have been identified from the responses:-

- That the proposed merger to form an Avon and Somerset Bench does not resolve the long standing difficulty which arises from the fact that the responsibilities of the two Designated Family Judges split the Somerset Family panel.
- That the different Youth Offending and Prevention Services will not be able to form the required relationships with a larger bench which they have built with current benches. That a larger bench will not have sufficient detailed knowledge of the areas where the children appearing before them reside. This will be to the detriment of the services offered to the courts and the children before them.

5. **The Judicial Business Group reviewed the responses to the specific questions contained in the Consultation Paper**, and recorded the majority view and important minority views expressed by respondents. The supportive comments and concerns about each of the options are recorded below:-

Responses to specific questions

Q1: Do you agree with the proposal to merge the LJAs in Avon and Somerset into one Local Justice Area known as the “Avon and Somerset Local Justice Area”? If not, why not?

Of the 6 responses specifying support of this option, 3 were court users and 3 were individual justices. There were five neutral responses and one response which preferred option 1 in the consultation paper proposing a merger including Gloucestershire.

Reasons given in support of 1 LJA

Most respondents in support of this option merely answered “yes” to the question. Where further information was given this indicated the proposal

- Goes some way towards future proofing the Magistracy
- Makes sense in terms of achieving financial savings.
- May directly benefit users as would allow more training to be delivered to magistrates as well as greater flexibility of their sittings, both of which would assist the delivery of justice within the county.
- Makes efficiency savings whilst also reflecting the business of the constabulary. Enables effective listing of business into the court at Bristol and greater flexibility for sittings with more magistrates coming into Bristol following the closure of the court in Yate.

Concerns

- The new LJA will continue the difficulties presently experienced by the Somerset Family Panel with that area split between two Designated Family Judges and administration centres making it difficult to create uniformity across the panel area.
- The services to the youth courts and its users will be adversely impacted if the business is merged rather than maintaining distinct sittings for each Youth Offending Service Area, before magistrates who receive regular briefings from the Youth Offending Teams and are familiar with the areas in which the young offenders reside.
- That magistrates will be required to sit at inconvenient locations and that unless some assurance is given that this is not the case, the support of the magistrates will not be maintained.
- That the various different constitutions of the Benches will need to be addressed so that magistrates know how the newly formed bench will work.

- Holding Bench meetings for the newly formed Bench are likely to be poorly attended and expensive in terms of magistrates expenses due to geography, distances to be travelled and lack of convenient central location.
- The numbers of and locations for Bench meetings needs to be known.
- Difficulties for the Bench Chairman having effective communication with a large number of people.
- Disengagement and disenfranchisement of magistrates.

Q2: Please describe any particular impacts the document has not already considered that should be taken into account and why?

Reasons given in support

- The magistracy should demonstrate that it is progressive and show it is forward thinking and lead the way in cost cutting and efficiency without restricting access to local justice.
- The new LJA will align with the police area

Concerns

- The use of video link is generally not appropriate for children and therefore a digital by default service is not appropriate for children and young people as they may not understand the gravity of their situation or take the criminal justice system seriously.
- Centralisation of youth work presents problems for the different Youth Offending Services as they have separate IT systems so they cannot always deal with offenders outside their area.
- There is no clear rationale for preferring Option 2 to Option 1 (a merger which includes Gloucestershire) as the advantages and disadvantages identified in the paper applied to both options. Option 1 provides the additional benefit of future proofing and avoiding a further consolidation of justice areas in the future.
- Any future consideration of the centralisation of business, takes into account the needs of victims.
- The diverse make up and demographic of the area which is currently reflected in each of the court houses will need to be taken into account in terms of training for magistrates and when they undertake sittings in areas they have no experience of.
- May impact on the numbers of applicants for the magistracy; particularly for busy people if the expectation will be to sit across the area. Raises concerns about bench diversity as fewer working people may volunteer.
- A reduction in the number of Bench Chairmen reduces the opportunities for magistrate involvement in decision making and reduces magistrate representation on the Judicial Business Group.
- Bench officer roles become larger and more onerous with larger distances to travel, may deter many from wanting to take on these roles.
- Centralisation, rulings on sittings within LJAs, restrictions of rota package.

Q3: Please indicate any viable alternative options for merger which you would like to put forward with a brief explanation of the reasons why you consider this to be more appropriate.

Seven respondents suggested alternative options which included

- *Bristol, North Avon and Gloucester to aid working for the Family Panel (1 response)*
- *Option 1 a merger of Bristol, Gloucester, North Avon and Somerset (2 responses)*
- *Bristol and North Avon (2 responses)*
- *The creation of 3 benches, Gloucestershire (unchanged), Avon (comprising Bristol, Bath and North East Somerset, North Avon and North Somerset) and Somerset (comprising Taunton and Yeovil) (2 responses)*

Q4: Do you have any other observations or comments about any of the issues raised in this consultation paper?

The following issues were raised:

- Although the consultation paper was issued and discussed by Local Criminal Justice Boards there was a concern that the Boards are not included on the list of consultees.
- Reassurance sought from HMCTS that every effort will be made to proceed with digital ways of working as identified in the HMCTS reform programme due to the benefits there will be for CJ partners and parties. Without this technology, parties may be required to travel further to attend court which may impact on their willingness to attend.
- The role of the Bench Chairman will change considerably and magistrates are likely to feel disenfranchised and remote from their Chairman. This might be partly addressed if the election outcome for Deputy Chairmen achieved representation at each Court house. However, the election process does not specifically provide for this and so it may become necessary to nominate a Deputy or Deputies with responsibility for a particular site.
- The reduction in the number of Bench Chairman will affect the membership of the Out of Court Disposals Scrutiny panel as each of the three Benches in Avon and Somerset is currently represented.

A Consultation on the Merger of the Local Justice Areas in Avon and Somerset

Response to Consultation

- Larger benches would inevitably lead to less representation on Committees for the Bench, this could lead to dominance by larger courthouses without careful consideration of the composition of those committees.
 - Whether the concept of local justice has been fully addressed particularly in the context of youth work and how this is kept separate from adult business.
 - Any proposals for the centralisation of work needs to consider the rurality factors affecting the whole of the area including those affecting Gloucestershire.
-

Conclusion and next steps

Having considered carefully all of the responses to the consultation proposals regarding LJAs in Avon, Somerset and Gloucestershire, the JBG adopted a 2 stage approach to its consultation decision making:-

- 1) Whether any change to the current LJAs structure is needed, and
- 2) If so, what change would it support?

There was a consensus by members of the JBG that there should be change to the current LJA arrangements. It was acknowledged that there is a need to respond to changes imposed on us by court closures, reduction in resource for HMCTS and other Criminal Justice agencies and centralisation of road traffic work and non CPS prosecutions. The courthouses were not being fully utilised due to falling workloads and there would be further downward pressure on resources as a result of forthcoming public spending cuts.

The JBG acknowledged the concern for the need to maintain local justice and has had regard to the fact that there are no current plans to further centralise court business save for those dealt with under the "Single Justice Procedure" which do not require a personal attendance by the accused. JBG also had regard to the level of support in the responses for the rationale for change.

Of concern to the JBG was the closure of the courthouse at North Avon which affects the viability of the North Avon justices continuing as a separate Bench. The majority of the business currently scheduled in the Court at Yate will move to the court house at Bristol, some 13 miles away from Yate, as proposed within the future provision of court house consultation document. However, the Court at Yate also accommodates some business as a centralised court for the Clerkship or LJAs within Avon and Somerset. HMCTS has consulted with affected agencies, seeking views as to where this type of business would be best accommodated in the future and more specifically for the period of the next sitting programme which runs from 1st October through to 31st March 2017. With this in mind, not all of the magistrates currently assigned to the North Avon LJA may be required to sit in Bristol as the spread of the work may dictate a somewhat greater spread of judicial resources. Indeed, some North Avon magistrates may also find that another courthouse is more conveniently located for their travel and therefore, more cost effective for their deployment. The formation of a single Bench and hence LJA, encompassing the three current LJAs gives HMCTS flexibility to allocate magistrates in accordance with need and preferences.

There were significant benefits in moving to 1 LJA, not the least of which it would avoid the need to consider another consolidation in the future. It would enable savings and efficiencies to be made in terms of administrative support for bench meetings and the listing of cases, whilst maintaining community links and not imposing intolerable burdens on a Bench Chairman. However, the JBG were conscious of the need to achieve a merger with as much buy in from the justices as possible so as to ease the transition to the new arrangement and it was clear at a very early stage that there was very little support, if any, from the Gloucestershire bench for this type of merger. The 2 LJA structure, in contrast with the alternative models which proposed 3 LJAs, will still provide some efficiencies and be easier to

manage with reduced resources than the current four LJA structure and was the model which, in the absence of responses to the contrary appear to have the most support from those who, whilst resistant to change, accepted change was inevitable.

The JBG has taken account of the strong representations made by the Youth Offending Service (YOS) in respect of the listing of youth work both in terms of this consultation and also the consultation regarding the October to March court sitting programme. Youth sittings continue to take place as before in the court houses currently within the Somerset LJAs and so the only change is that brought about by the closure of the courthouse in Yate. In liaison with the relevant YOS scheduling has been agreed to respect the different work and to list it separately in the Bristol Court building. These arrangements will be kept under review as each sitting programme is consulted upon and where changes proposed, an impact assessment undertaken. The new Justice of the Peace Rules 2016 specify that the Senior Presiding Judge may be asked to change the youth panel areas which otherwise remain as they are at July 2016.

JBG has also considered the difficulties faced by the Somerset panel which would also affect any newly merged Avon and Somerset Bench and panel. Although the new Justice of the Peace Rules 2016 have revoked the constitutional rules which provide the statutory basis of the panels, it is understood that the President of the Family Division may be asked to change family panel areas by the JBG. With this in mind and the complications created by the current division between the two DFJs, the JBG ask the President to consider aligning the panel areas in line with the DFJ areas

JBG also acknowledges the significant practicalities entailed with any merger and the need to attend to the detail outlined in the responses received. Accordingly JBG are forming a Mergers and Deregulation Working Group to include representation of Bench Chairmen and panel and committee chairmen as well as HMCTS officers to consider and make proposals for managing these various issues in light of the changes to the Justice of the Peace Rules 2016 .

Overall, in the view of the JBG, option 2 (2 LJAs by merging the 3 LJAs of Bristol, North Avon and Somerset and retaining Gloucestershire as a separate LJA) was, on balance, the preferred option.

Next Steps:

This response document will be published on the Ministry of Justice website on 12 September 2016 and a copy will also be sent to all persons who have submitted a formal response. The consultation proposal and the response document will be considered by the Senior Presiding Judge for England and Wales, and forwarded to the Lord Chancellor for further consideration. If the recommendation to create a new LJA for Bristol, North Avon and Somerset is approved it is anticipated that the statutory order will create the new areas with effect from 1st April 2017. There will be continuing stakeholders' and magistrates' involvement as we work through any transitional arrangements.

1. Following the implementation of the new Justice of the Peace Rules 2016 and the revocation of the Family Court (Constitution of Committees: Family Panels) Rules 2014 and Youth Court (Constitution of Committees and Right to Preside) Rules 2007, protocols now set out arrangements for the establishment and operation of family and youth panels. Family Panels may be changed by the

A Consultation on the Merger of the Local Justice Areas in Avon and Somerset

Response to Consultation

President of the Family Division either of his own motion or on application by the JBG or family panel chairmen for the area. Youth panel areas may be changed by the Senior Presiding Judge on application by the JBG or Youth Panel Chairmen for the area. Although the natural course of the merger into one LJA might be to form one youth and one family panel, the JBG is sympathetic to the representations made by the Chairman of the Somerset family panel and the difficulties that have arisen with that panel working to two Designated Family Judges (DFJs). With this in mind it may be preferable for the JBG to ask the President of the Family Division to create two new panel areas comprising:

- a) the current City of Bristol, South Gloucestershire, Bath and North East Somerset and North Somerset local authority areas, to be known as the Avon Family Panel; and
- b) the Somerset County Council area, to be known as the Somerset Family Panel.

Accordingly, the *Mergers and Deregulation Working Group* will be asked to consult with the DFJs and family panel chairmen with a view to a proposal being presented to the Family President so that any changes to family panel areas may also take effect from 1 April 2017.

There is no corresponding argument for the youth panels, however, in light of the fairly strong representations made by the YOS and the need to ensure that effective liaison takes place between the YOS and panel members, the JBG will also request that the *Mergers and Deregulation Working Group* consider the feasibility of creating a single youth panel area so that any changes may take effect from 1 April 17.

The creation of one new LJA would alleviate the need for three separate bench meetings thus reducing admin support

It is anticipated that transitional arrangements will also be included in any statutory order creating the new areas.

1. 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.

<http://www.cabinetoffice.gov.uk/sites/default/files/resources/Consultation-Principles.pdf>

Annex A – List of respondents

Helen	Jeal	Criminal Justice Support Officer on behalf of Avon and Somerset Police
Eric	Evans JP	Deputy Chairman on behalf of Consultation Committee of the Bristol Bench
Valerie	Castell JP	on behalf of Chairman of the Bristol and North Avon Magistrates' Association
Amanda	Raybone JP	Bristol Bench
Amanda	Segelov	Advisor to Gloucestershire Criminal Justice Board
Ian	Abrahams JP	Chairman, Bristol and North Avon Family Panel
Jeffrey	McNally JP	Gloucestershire Bench
Martin	Barrett JP	North Avon Bench
Valerie	Castell JP	Deputy Chairman, North Avon Bench
Mike	Rees	<i>Service Leader</i> North Somerset Youth Offending & Prevention Service
Sharon	Bathurst JP	<i>North Avon Bench</i>
Sally	Churchyard	<i>Prevention Service Manager, Bath and North East Somerset Youth Offending Service</i>
Suzanna	Penn JP	<i>Chairman, Somerset Family Panel</i>
Steve	Waters	<i>Manager, South Gloucestershire Youth Offending Service</i>

Annex B –

Impact Assessment, updated following consultation responses Group(s) affected by this proposal.

1. What is the issue under consideration and what are the key policy objectives and the intended effects?

The only courthouse situated in the LJA for North Avon (Yate), will be closing and the North Avon magistrates will need to undertake their court sittings elsewhere. Criminal workload is declining, as a consequence, so are staff numbers within HMCTS and other partner agencies. Although the geography of the area and limited public transport links require courts to continue to be listed in the remaining courthouses in the cluster, new technology, to be introduced as part of the HMCTS reform programme, will provide opportunities to court users to access courts and services in ways other than attendance at a court building. At this point it will become possible to review where business is listed so the courtrooms can be used more efficiently ensuring they are always listed for a full day.

Although numbers of staff have declined, their responsibilities have broadened. Since the merger consultation was launched, the outcome of the “Deregulation Consultation” has been published and new Justice of the Peace Rules 2016 implemented. These remove the statutory requirement for Bench and Family/Youth Panel meetings and simplify processes for the election of Bench and Panel officers. Although these changes do relieve some of the administrative support required for Benches and Panels, a reduction in the number of LJAs will further reduce the work HMCTS staff undertake in supporting the Benches and their meetings, panels and committees.

Outcomes

Greater flexibility for the future in managing caseload across Avon and Somerset and provide a more consistent service without reducing access to justice for court users who have to attend hearings.

To run the number of courts that HMCTS and partner agencies have staff and resources to service.

To more effectively manage the business of the Bench by reducing the number of meetings that magistrates and support staff must attend

2. What policy options have been considered, including alternatives to this proposal

In respect of the closure of the courthouse at Yate, the JBG has considered other options for merger as detailed in the original consultation paper.

The JBG can address the fall in workload by centralising categories of business which has already been done with the summary motoring business and low level prosecutions brought by other agencies, such as the DVLA and TV licensing. However, each act of centralisation does require a separate decision by the JBG. Amendments to the directions enabling magistrates to sit in LJAs other than the one to which they are assigned, gives greater flexibility to deploy magistrates in that way, however, such deployment still requires a decision by the Justices’

Clerk and relevant Bench Chairmen. Arguably such a decision could be taken en bloc rather than on a case by case basis. However, bench meetings cannot be amalgamated without a merger of the LJAs, so under the current bench structure, support must be provided by legal managers and support staff, as well as the office holder on each bench.

3. Group(s) affected by this proposal

a) What is the main aim or purpose of the new or changed legislation, policy, strategy, project or service and what are the intended outcome?

This proposal principally affects lay magistrates assigned to the three LJAs in Avon and Somerset.

The complement of magistrates across the three benches at the time of issuing the consultation was 515. The current complement is 493 with a forecast of 472 by 1st October 2016 having regard to a number of retirements and resignations. There have been a large number of retirements this year and the Advisory Committee is recommending the appointment of 27 new magistrates during 2017. Some of the resignations (7) are directly linked to the earlier decision to close the courthouse at Yate and a few more may follow. The number of magistrates has been falling since 2012 when the last large recruitment campaign took place. As a result of the fall in workload many magistrates were struggling to achieve minimum sittings levels set by the Lord Chancellor which resulted in a recruitment freeze until 2015, when 27 new magistrates were appointed across the three LJAs. A similar level of recruitment is also taking place to fill vacancies in the Bristol and Somerset LJAs.

It has been confirmed by the Judicial Office that the exceptional geography and transport/travel issues affecting this area mean that Magistrates may continue to have the option to sit at a court of their convenience. Magistrates are entitled to claim travel and subsistence allowances and for loss of earnings. Magistrates may be affected by the proposal if their ability to travel is restricted or if they are unable to access some of our court buildings. Those magistrates with family or caring responsibilities may be disproportionately inconvenienced by longer journey times to court. These impacts could be mitigated for those individuals by providing opportunities at the most suitable courthouse.

The proposal will reduce the number of Bench meetings and may result in meetings more distant from the homes of magistrates than is currently the case. Whilst this impact may be considered acceptable and proportionate to the overall benefits gained from the change, further consideration is being given as to how Bench and Panel meetings will be organised following the outcome of the Deregulation Consultation, including whether the new protocols issued by the Senior Presiding Judge and the Family President provide flexibility for meetings to be clustered around some of the court houses.

No magistrate has raised the need for a risk assessment at this stage but such assessments will be conducted should issues in relation to particular individuals be identified.

A Consultation on the Merger of the Local Justice Areas in Avon and Somerset

Response to Consultation

Although this consultation has not proposed any specific centralisation of criminal, civil or family business, responses from professional court users, i.e. the Police, Criminal Justice Boards and Youth Offending Services (YOS) have outlined their interests in the future consideration of listing issues. In addition, the YOS has outlined concerns about losing the working relationships they have built within the current Local Justices areas as well as concerns about how the current North Avon business and Bristol business will be listed in the court building in Bristol following the closure of the court house at Yate. An agreement has been reached regarding the latter point which entails the business being listed separately through liaison with the police and before magistrates from the respective LJAs for the next sitting pattern period (between October 16 and March 17). These arrangements will be reviewed again for the April 17 to October 17 sitting pattern and subject to a separate consultation process. The issue regarding the contact between the youth magistrates and YOS will be subject of further discussions which will consider how Youth magistrates will hold their panel meetings and engage with relevant other agencies. Views of the YOS will be taken into account as part of these discussions.

- b) Are there gaps in information that make it difficult or impossible to form an opinion on how your proposals might affect different groups of people? If so. What are the gaps in the information and how and when do you plan to collect additional information.**

No gaps have been identified

- c) Having analysed the initial additional sources of information including feedback from consultation, is there any evidence that the proposed changes will have a positive impact on any of these different groups of people and/or promote equality of opportunity? Please provide details of which benefits from the positive impacts and the evidence and analysis used to identify them.**

One purpose of this change is to ensure flexibility in managing the caseload and to reduce the support required by changing the bench structure. We will provide equal opportunities to sit at all courthouses. If support or facilities to assist individuals to increase their opportunities to sit are needed, they will be provided subject to the cost being reasonable.

- d) Is there any feedback or evidence that additional work could be done to promote equality of opportunity? If the answer is yes, please provide details of whether or not you plan to undertake this work. If not, please say why.**

No such evidence has been identified

- e) Is there any evidence that the proposed changes will have an adverse equality impact on any of these different groups of people? Please provide details of who the proposals affect what adverse impacts are and the evidence and analysis used to identify them.**

The proposals affect the magistrates within the three LJAs of Bristol, North Avon and Somerset. The magistrates on the Somerset Bench and Family Panel are already able to express their preferences. Court sittings are assigned on the basis of availability provided by magistrates and the need for

them to achieve their minimum sittings set by the Lord Chancellor. Individual preferences can be factored into sitting rotas for each court.

- f) Is there any evidence that the proposed changes have no equality impacts? Please provide evidence and analysis used to reach the conclusion that the proposed changes have no impact on these different groups of people.**

We do not believe that there is any such evidence. Magistrates who do not wish to sit at more than one court site will not be required to do so. If the change is implemented, magistrates will be able to specify their choices and any specific needs through the rota questionnaire or the new electronic rota package, when implemented.

- g) Is a full Impact Assessment Required? Yes No X**

With regard to the Public Sector Equality Duty, no adverse impacts have been identified in relation to individuals with any of the “protected characteristics” as identified under the Equality Act 2010. The consultation invited “any additional evidence or information you believe we should take into account in relation to the equality impacts”. The proposal does not involve any significant changes to listing patterns. Issues concerning the arrangements for Bench and Panel meetings for the proposed enlarged area(s) will be discussed further within a working group comprising of HMCTS officers and representatives of the Benches, panels and committees, who will consider the meeting arrangements and their impacts in light of the merger and amendments brought about by the Justices of the Peace Act 2016.

- h) Even if a full Impact Assessment is not required, you are legally required to comply with the Public Sector Equality Duty (PSED). This duty is a continuing one to monitor and review the proposed changes after implementation to check they work as planned and to screen for unexpected PSED impacts. Please provide details of how you will monitor evaluate or review your proposals and when the review will take place.**

With regard to magistrates, the changes will be monitored as part of the preparation of each Justices’ rota, which is prepared on a 6 monthly basis. Sitting patterns are regularly monitored and checked by Bench Chairmen to ensure that minimum sitting requirements are met. Any anomalies in sitting patterns will be identified through this process. Individual magistrates know that if they have any concerns regarding the way sittings have been allocated to them that this can be raised with their Bench Chairman or the Deputy Justices’ Clerk. The impact upon other court users will also be regularly reviewed by JBG as part of the bi-annual review of sitting patterns. The impact of venues and timings for magistrates’ meetings will be reviewed initially by the working group indicated in paragraph g) above and thereafter by questionnaire circulated periodically by or on behalf of the JBG.

- i) Will the policy affect the availability of public services?**

The consultation does not raise questions about the future court estate across Avon and Somerset which has recently been the subject of a separate

A Consultation on the Merger of the Local Justice Areas in Avon and Somerset

Response to Consultation

consultation and decision. Any changes to the court schedule, including centralisation of categories of work, will be considered by the JBG and court users will be consulted in the normal way.

j) What improvements to the service will the proposal offer?

HMCTS staff focused on court based duties

Reduction in duplication of work

Greater flexibility and choice of venues for sittings for magistrates.

Ensuring the bench structure is sustainable.

4) Name of Senior Manager and date amended impact assessment approved

Name:	Christine Murray (Delivery Director)
Depratment:	HMCTS South West Region
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