



Ministry
of Justice

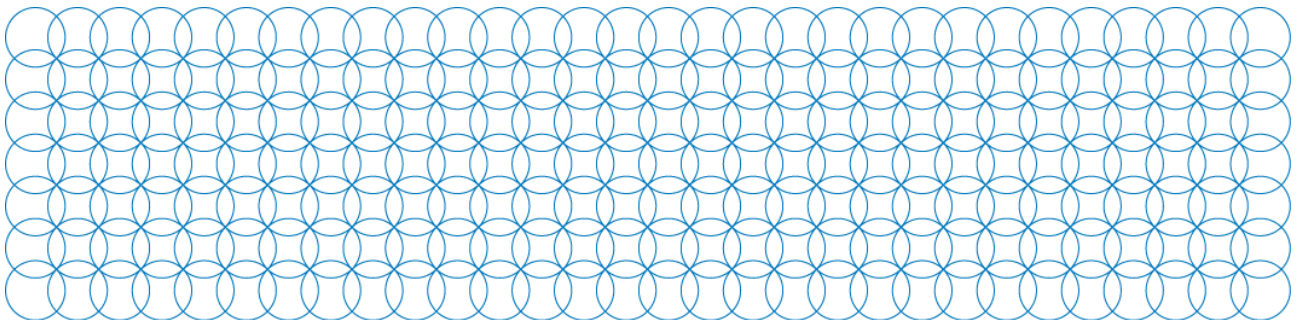


HM Courts &
Tribunals Service

Consultation on the merger of Local Justice Areas in Wales

This consultation begins on 28 June 2016

This consultation ends on 5 August 2016





Ministry
of Justice



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Tribunals Service

Consultation on the merger of Local Justice Areas in Wales

A consultation produced by HM Courts & Tribunals Service,
part of the Ministry of Justice.

About this consultation

- To:** Court users, judiciary, staff and other parties with an interest in the provision of local justice arrangements throughout Wales.
- Duration:** From 28 June 2016 to 5 August 2016
- Enquiries (including requests for the paper in an alternative format) to:** HM Courts & Tribunals Service Wales Consultation
Wales Support Unit
2nd Floor, Cardiff and Vale Magistrates' Court
Fitzalan Place
Cardiff
CF24 0RZ
- Tel:** 029 2046 7759
Email: HMCTSWalesConsultation@hmcts.gsi.gov.uk
- How to respond:** Please send your response by 5 August 2016 to:
HM Courts & Tribunals Service Wales Consultation
Wales Support Unit
2nd Floor, Cardiff and Vale Magistrates' Court
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CF24 0RZ
- Tel:** 029 2046 7759
Email: HMCTSWalesConsultation@hmcts.gsi.gov.uk
- Response paper:** A response to this consultation exercise will be published in due course.

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Foreword

The Judicial Business Groups (JBG) and Justices' Clerks are responsible for ensuring there are appropriate arrangements in place for the effective disposal of judicial business and that consultation is undertaken with those affected by any proposed changes to the operation of the courts and, in particular, to the way in which cases are listed.

HM Courts & Tribunals Service has a responsibility to ensure the efficient and effective administration of justice.

This paper sets out for consultation the proposed merger of the 14 Local Justice Areas (LJAs, also known as Benches) in Wales via a number of options. At present the business of magistrates' courts in Wales is split between 14 LJAs (please see breakdown on page eight which show the LJA and courthouses).

Changes of this nature require a statutory consultation process to be undertaken. On this occasion, in addition to the statutory consultees, a wide range of court users are being consulted in the hope that there will be widespread support for a reduction in the number of LJAs and a shared understanding of the advantages which will be achieved by a merger of LJAs. However, responses are welcome from anyone with an interest in or views on the subject covered by this paper.

Executive summary

A response to the national consultation exercise regarding the future of HM Courts & Tribunals Services' court and tribunal estate was published on 11 February 2016.

The response included a decision to close a number of magistrates' courts in Wales:

Brecon Law Court, with an expected closure date of January 2017, although this may be brought forward to September 2016.

Bridgend Law Courts, with an expected closure date of July 2016.

Carmarthen Law Courts (The Guildhall), closed on 27 May 2016.

Dolgellau Crown and Magistrates' Court, with an expected closure date of 30 September 2016 contingent on suitable alternative provision being in place.

Holyhead Magistrates' Court, with an expected closure date of 30 September 2016 contingent on suitable alternative provision being in place.

Pontypridd Magistrates' Court, with an expected closure date of July 2016.

Prestatyn Magistrates' Court, with an expected closure in July 2016 although the site will be retained for Civil, Family and Tribunal business.

A need has arisen to review the local justice areas where courts are closing, and it is opportune to consider a number of options in respect of the LJA arrangements across Wales at the same time. There is agreement that, when the work of a closing court is combined with work at the receiving court, justices of both the closing and receiving courts will work together and deliver justice as if the supporting LJA structures had already been merged

A reduction in the number of LJAs will improve the effectiveness of the delivery of justice by improving flexibility in dealing with cases in magistrates' courts in Wales and by increasing the opportunities for magistrates to retain experience and competence. It also enables best use of resources by more effective listing.

There are clear benefits to be gained from having LJA arrangements that support more flexible deployment of magistrates across Wales, and enables the delivery of a better service to members of the public.

This consultation seeks the wider views of those people or groups who may be affected by the proposed change including magistrates, other members of the judiciary, court users, stakeholders and public authorities within the immediate areas concerned.

Impact on the Welsh language

The response of HM Courts & Tribunals Service to the consultation on the closure of courts and tribunals in Wales included a Welsh Language Impact Assessment. A copy of that assessment can be obtained at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/499520/welsh-language-impact-assessment.pdf.

The Welsh Language Impact Assessment concluded that reducing the number of courts would strengthen Welsh language delivery by concentrating Welsh speaking judiciary in our core estate. The same argument applies to the proposal to reduce the number of LJAs in Wales as having fewer LJAs will allow Welsh speaking magistrates to cover a larger geographical area.

Introduction

This consultation sets out a proposal concerning the future arrangements for LJAs in Wales.

There are three key reasons for considering merger(s) of the current 14 LJAs:

- To improve the effectiveness of delivery of justice by improving flexibility in dealing with cases;
- To make better use of reduced resources; and
- In some cases, increasing the opportunities for magistrates to retain experience and thus competence.

The JBG must address the question of magistrates' sittings against the background of falling court sittings in the criminal jurisdiction. The JBG must also consider the resources available to HM Courts & Tribunals Service and criminal justice agencies to ensure that justice can be delivered as effectively as possible with reduced resources. Staffing within HM Courts & Tribunals Service and other organisations is determined by the workload and has therefore reduced over recent years.

Background

HM Courts & Tribunals Service was created on 1st April 2011 and is an agency of the Ministry of Justice (MoJ). HM Courts & Tribunals Service Wales is responsible for the efficient and effective administration of courts and tribunals in Wales.

The JBGs¹ in Wales are responsible for ensuring that appropriate arrangements are in place for the conduct of judicial business in their area and that there is consultation on a regular basis with the Justices' Clerks in relation to the operation of courts.

The Courts Act 2003 requires England and Wales to be divided into LJAs. The Lord Chancellor may alter LJAs by order, including combining them, and section 8 of the Act requires him to consult Justices assigned to the area(s) and any local authority whose area is within a LJA, before doing so.

Magistrates have national jurisdiction and are therefore able to deal with most cases irrespective of where an offence is alleged to have been committed. However, in line with

¹ There are two Judicial Business Groups in Wales: Gwent and South Wales; and Dyfed Powys and North Wales

the new directions issued under section 30 Courts Act 2003, there are limitations as to where cases may be listed.. Magistrates are assigned to a LJA or bench for organisational purposes and generally sit only in the LJA to which they are assigned, subject to the exceptions contained within section 10 of the Courts Act 2003.

At present there are 14 LJAs in Wales, each with at least one courthouse. Family magistrates from different LJAs already sit together on family work within Wales in the Single Family Court.

The final decision to change a LJA is taken by the Lord Chancellor following statutory consultation. The decision must be based primarily on the need to ensure access to justice and to deal effectively with the business of magistrates' courts, taking into account the needs of local communities and the wider criminal justice system infrastructure, the deployment of magistrates and their need for support and the workload and deployment of HM Courts & Tribunals staff (in accordance with HM Courts & Tribunals Guidance on the Alteration of Local Justice Areas 2012).

The size of the individual Benches in Wales is shown in the table below and gives the number of magistrates as at 6 May 2016.

Bench/Local Justice Area	Number of magistrates assigned	Number of magistrates in LJA who speak Welsh
Conwy	46	13
Denbighshire	42	6
Montgomeryshire	27	6
Gwynedd	45	37
North East Wales	116	9
Ynys Mon	19	11
Cardiff & The Vale of Glamorgan,	220	12
Glamorgan Valleys	97	2
Gwent	228	8
Newcastle & Ogmore	58	1
Brecknock & Radnorshire	29	1
Carmarthenshire	72	44

Ceredigion & Pembrokeshire	70	23
West Glamorgan	172	5

Magistrates courts both nationally and within Wales have seen a fall in criminal and civil business, and an increase in family business.

The distribution of the business across 14 LJAs means that the work has to be listed not according to efficiency and the needs of individual cases, but by LJA boundaries. The LJA restrictions means that it difficult for HM Courts & Tribunals Service to make best use of its resources and places a burden on criminal justice agencies such as the Crown Prosecution Service, National Probation Service, Youth Offending Teams and defence practitioners. One key factor which affects the ability of these agencies to manage within their resources is the number of court sessions that they are required to cover. Additionally, the low level of business at some courts reduces the experience of magistrates, with a risk to their competence. Current listing practices require offences committed within an LJA to be dealt with at a courthouse within that LJA, even though another courthouse may be closer and more accessible to victims, witnesses and defendants. This potentially impacts negatively on victims, witnesses, defendants and, where defendants are held in custody, the Prison Service.

This consultation provides an opportunity to consider whether removing some or all of the LJA boundaries in Wales would provide a more flexible and customer orientated service to the public. The existence of 14 LJAs means that the number of meetings which have to be serviced by managers and support staff is at an unacceptable level given the reducing resources available to HM Courts & Tribunals Service.

Relevant Statutory Provisions

Local Justice Areas are governed by Part 2 section 8 of the Courts Act 2003:

1. England and Wales is to be divided into areas to be known as Local Justice Areas.
2. The areas are to be those specified by an order made by the Lord Chancellor.
3. Each local justice area established by order under section (2) is to be known by such name as is specified in the order (but subject to section (4)).
4. The Lord Chancellor may make orders altering local justice areas.
5. "Altering", in relation to a local justice area, includes (as well as changing its boundaries) –
 - a. Combining it with one or more local justice areas,
 - b. Dividing it between two or more other local justice areas, and

- c. Changing its name.
6. Before making any order under section (2) or (4), the Lord Chancellor must consult the Lord Chief Justice.
 7. Before making an order under subsection (4) in relation to a local justice area the Lord Chancellor must consult –
 - a. The justices of the peace assigned to the local justice area.
 - b. Unless the alteration consists only of a change of name, any local authorities whose area includes the local justice area or a part of the local justice area.

Section 21 of the Courts Act is also relevant: it is key to a successful merger that magistrates are fully consulted in compliance with that section:

The Lord Chancellor must take all reasonable and practical steps –

- a. For ensuring that lay justices acting in a local justice area are kept informed of matters affecting them in the performance of their duties, and
- b. For ascertaining their views on such matters.

This consultation complies with the requirements of Section 8 (6) of the Courts Act 2003 and with the HM Courts & Tribunals Service Guidance on the Alteration of Local Justice Areas issued in 2012.

It is proposed that with any merger of LJAs there should be a combination of panels that would closely reflect the boundaries of the police.

Current arrangements

The 14 LJAs are currently administered from the offices indicated in the table below:

Local Justice Area	Courthouse	Administrative office
Conwy	Llandudno	Llandudno
Denbighshire	Prestatyn	Llandudno
Montgomeryshire	Welshpool	Welshpool
Gwynedd	Dolgellau and Caernarfon	Caernarfon

North East Wales	Wrexham and Mold	Wrexham
Ynys Mon	Holyhead	Caernarfon
Cardiff & The Vale of Glamorgan	Cardiff	Cardiff
Glamorgan Valleys	Merthyr Tydfil and Pontypridd	Merthyr Tydfil and Pontypridd
Gwent	Cwmbran, Newport and Caerphilly	Newport
Newcastle & Ogmore	Bridgend	Bridgend
Brecknock & Radnorshire	Brecknock and Llandrindod Wells	Merthyr Tydfil
Carmarthenshire	Carmarthen and Llanelli	Llanelli
Ceredigion & Pembrokeshire	Aberystwyth and Haverfordwest	Aberystwyth and Haverfordwest
West Glamorgan	Swansea	Swansea

The venue for a court hearing is generally determined according to the LJA in which the offence took place, with some exceptions where the work may have been centralised which will continue to be reviewed with Single Justice Procedure.

The Need for Change

HM Courts & Tribunals Service works in partnership with the judiciary to ensure that the estate is utilised in a way that best serves the efficient disposal of cases and provides the best possible service for victims, witnesses and defendants.

In recent years, the workload of magistrates' courts has decreased; and it is projected that this will continue but the resources made available have not reduced proportionately.

A reduction of LJAs would provide opportunities for the JBGs to develop a listing strategy that would better align to the reducing workload. The deployment of justices and legal advisers is likely in some instances to become more efficient, if decisions were made to operate without the constraints of LJAs, as it is likely to become easier to ensure that every court has a full day's list of cases.

HM Courts & Tribunals Service is resourced to operate the number of courts needed to deal with the current workload. This means that legal advisers need to be allocated a full

day's work in every court, which also provides better opportunities for magistrates to gain greater experience of a wider range of magistrates' courts work.

The fewer LJAs there are, the more efficient the arrangements for magistrates could become. Arrangements which could be put in place, such as a magistrate being requested to sit at the courthouse closest to their home, would not only be more convenient for them, but more economical, since there would be a reduction in travel expenses.

With fewer LJAs, it could become more common for victims, witnesses and defendants to be offered a hearing at a courthouse closer to their homes, rather than one within a current LJA, which might be further away and involve a more inconvenient journey.

Merging LJAs will mean that magistrates' courts will be better able to manage any peaks and troughs of workload. There would be a greater ability to deploy resources across the areas, providing a better assurance that the current excellent performance provided in Wales is maintained.

Fewer LJAs would enable more effective listing arrangements to be introduced, enabling public bodies to better manage their available resources. A larger LJA would lead to more efficient use of the resources of other prosecutors and supporting agencies such as Probation.

Efficiencies for defence solicitors could be achieved in some instances, possibly by listing more of their cases together, which could reduce the number of advocates that they need to deploy.

The Justices' Clerks and their teams will be more able to fully support a reduced number of LJAs. The experience in areas that have undergone a similar exercise is that the number of meetings and related administration has been greatly reduced. The current arrangements require the Justices' Clerks and their team to support bench meetings, Training and Development Committees, Judicial Leadership Groups and other committees for each of the 14 Benches (or for groupings of the current 14 Benches). A reduced number of LJAs will mean that the administration will be able to maintain and deliver a consistent level of support across the country and avoid the levels of duplication of work involved in the current arrangements.

The proposals

HM Courts & Tribunals Service proposes a number of options to combine LJAs:

Option 1

Do nothing. Keeping the existing position is not a viable option as, after the court closure programme, there will be some LJAs without courthouses; this may lead to a lack of flexibility to hear the caseload in a timely manner; and to a concern that some magistrates will not be able to maintain the necessary competencies.

Option 2

To merge the following LJAs :-

- Conwy and Denbighshire (Llandudno and Prestatyn) to form a new Local Justice Area from 1 April 2017. The new area would be known as North Central Wales Local Justice Area
- Newcastle & Ogmore and Cardiff & The Vale of Glamorgan (Bridgend and Cardiff) to form a new Local Justice Area from 1 April 2017. The new area would be known as Cardiff Local Justice Area
- Gwynedd and Ynys Mon to form the new Local Justice Area from 1 April 2017. The new area would be known as North West Wales Local Justice Area
- Brecknock & Radnorshire and The Glamorgan Valleys to form a new Local Justice Area from 1 April 2017. The new area would be known as Mid Wales Local Justice Area

This option allows for flexibility to operate as a result of the court closure programme making best use of resources and maximising listing and rota management at the receiving courts. It may allow for shorter waiting times and consistency of service with fairer distributions of work between the magistrates allowing them to retain their competencies within a larger bench. Travel for some users and magistrates may be greater with an increase in travel expenses.

Option 3

To merge the following LJAs:-

- Conwy, Denbighshire, Montgomeryshire, Gwynedd, North East Wales and Ynys Mon, to form a new Local Justice Area from 1 April 2017, which would be known as North Wales Local Justice Area
- Ceredigion, Pembrokeshire, Carmarthenshire and West Glamorgan to form a new Local Justice Area from 1 April 2017, which would be known as Mid and West Wales Local Justice Area

- Cardiff and the Vale; The Valleys and Brecknock and Radnorshire; and Gwent, to form a new Local Justice Area from 1 April 2017, which would be known as South East Wales Local Justice Area

This option reflects committal paths from the magistrates' courts to the Crown Court. This option provides greater flexibility and more efficient use of resources.

Option 4

To merge the following LJAs:-

- Conwy, Denbighshire, Gwynedd, North East Wales and Ynys Mon, to form a new Local Justice Area from 1st April 2017, which would be known as North Wales Local Justice Area
- Carmarthenshire, Brecknock and Radnorshire, Montgomeryshire, Ceredigion, and Pembrokeshire to form a new Local Justice Area from 1st April 2017, which would be known as Dyfed Powys Local Justice Area
- Cardiff and the Vale; The Valleys and Newcastle and Ogmere and West Glamorgan, to form a new Local Justice Area from 1st April 2017, which would be known as South Wales Local Justice Area

This option provides flexibility to operate the justice system in Wales and follows present police boundaries. It also provides greater flexibility to listing and rota management, addressing the issue of falling caseload; as well as reducing delays between hearings.

Option 5

To reduce the number of LJAs to two: one in North Wales and one in South Wales.

The North would consist of Conwy, Denbighshire, Montgomeryshire, Gwynedd, North East Wales and Ynys Mon.

The South would consist of Cardiff & The Vale of Glamorgan, Glamorgan Valleys, Gwent, Newcastle & Ogmere, Brecknock & Radnorshire, Carmarthenshire, Ceredigion & Pembrokeshire and West Glamorgan.

It is proposed that the Local Justice Areas combine to form two new Local Justice Areas from 1 April 2017. The new areas would be known as North Wales Local Justice Area and South Wales Local Justice Area.

This option is closely aligned to the present justices' clerk structure. It also addresses the issue of falling caseloads; avoids duplication of meetings; and reduces delays between hearings.

Option 6

To have one LJA for Wales. This option obviously provides the greatest flexibility to manage magistrates' workload using the resources available. This would eliminate meetings that are duplicated across LJAs, and address any fluctuations in caseload more effectively. It is, however, acknowledged that with larger benches the Chair and Deputy

Chair may have difficulties providing pastoral and general administrative support. This option would need the informal identification of senior justice bench leaders assigned to each courthouse, or the appointment of additional Deputy Bench Chair to assist the Bench Chair to fulfil their leadership and pastoral responsibilities.

The new Local Justice Area would be effective from 1 April 2017, and would be known as the Wales Local Justice Area.

Other Options:

Consultees are invited to suggest any other solutions, along with their supporting reasoning. All responses will be sent to the local JBG Chairmen; and the JBGs will provide their response before HM Courts & Tribunals Service make a final submission to Ministers.

Questionnaire

We would welcome responses to the following questions.

Question 1: Which option do you favour? What overall comments would you like to make on the proposals?

Question 2: In addition to indicating your preferred option, it would be helpful if you would please identify the positive and negative impacts for you, your bench/team or organisation of each of the options, if you believe that any matter has not been sufficiently canvassed in this consultation document.

Question 3: Will the proposals to change LJAs have a direct impact on you? If yes, please provide further details.

Question 4: Are there other particular impacts of the proposals that HM Courts & Tribunals Service should take into account when making a decision? Please provide details.

Question 5: An assessment of the likely impacts and supporting analysis is set out in the Impact Assessment accompanying this consultation. Do you have any comments on the evidence used or conclusions reached? Please provide any additional evidence that you believe could be helpful.

Question 6: Please provide any additional comments that you have.

Thank you for participating in this consultation exercise.

About you

Please use this section to tell us about yourself

Full name	
Job title or capacity in which you are responding to this consultation exercise (e.g. member of the public etc.)	
Date	
Company name/organisation (if applicable):	
Address	
Postcode	
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/> (please tick box)
Address to which the acknowledgement should be sent, if different from above	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

Contact details/How to respond

Please send your response by 5 August 2016 to:

HM Courts & Tribunals Service Wales Consultation
Wales Support Unit
2nd Floor, Cardiff and Vale Magistrates' Court
Fitzalan Place
Cardiff
CF24 0RZ
Tel: 029 2046 7759

Email: HMCTSWalesConsultation@hmcts.gsi.gov.uk

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

Publication of response

A paper summarising the responses to this consultation will be published in due course and sent to all repondees.

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the DPA and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Impact Assessment –

Please refer to the attached Equality Impact Assessment Document, dated 18 May 2016.

Annex A List of Consultees

Lord Chief Justice of England and Wales

Association of Judges of Wales

Presiding Judges for Wales

National Probation Service, Wales

Community Rehabilitation Companies, Wales

HM Prison Service, Wales

CAFCASS Cymru

The Law Society, Wales

Counsel General for Wales

Lord Lieutenants for Wales

Magistrates Liaison Judges

Department for Communities and Local Government Welsh Government

Deputy Director, Welsh Language, Welsh Government

CPS Cymru/Wales

Legal Aid Agency

Circuit Leader, Wales and Chester Circuit

Cardiff and District Law Society

Chester and North Wales Law Society

The West Wales Law Society

Victim Support Wales

The Citizen's Advice Witness Service

Welsh Local Government Association

ACAS Wales

The Association of Directors of Children's Services

The Director, Wales Governance Centre, Welsh Government

ADSS Cymru Business Unit

Legal Wales Foundation

One Voice Wales

All Members of Parliament for Wales

All Members of the Welsh Assembly

Chief Constables, Wales

Police and Crime Commissioners, Wales

Local Criminal Justice Boards, Wales

All Wales Criminal Justice Board

District Judges (Magistrates' Court)

Bench Chairs, Wales

Family Panel Chair, Wales

Youth Justice Board, Cymru

Lord Chancellor's Standing Committee on the Welsh language

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