



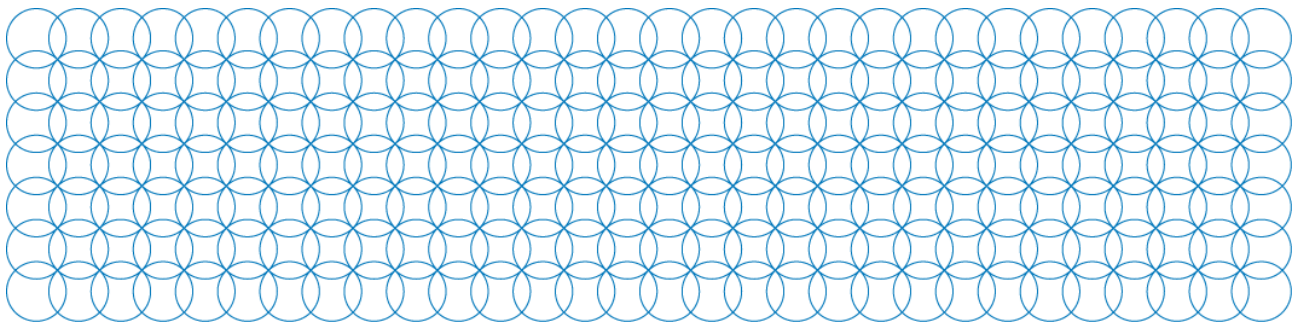
Ministry
of Justice

GWENT AND SOUTH WALES
JUDICIAL BUSINESS GROUP



Consultation on the realignment of local justice areas in Gwent and South Wales

This consultation begins on 2 October 2015
This consultation ends on 13 November 2015



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Consultation on the realignment of local justice areas in Gwent and South Wales

About this consultation

- To:** This consultation is aimed at court users, partners, magistrates, judiciary, staff and other parties with an interest in the provision of local justice arrangements in Gwent and South Wales
- Duration:** From 02/10/2015 to 13/11/2015
- 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 7767
Email: HMCTSWalesConsultation@hmcts.gsi.gov.uk
- How to respond:** Please send your response by 13 November 2015 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 7767
Email: HMCTSWalesConsultation@hmcts.gsi.gov.uk
- Additional ways to feed in your views:** For further information please use the enquiries contact details above.
- Response paper:** A response to this consultation will be published at:
www.gov.uk

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Executive Summary

HM Courts & Tribunals Service is committed to running an efficient and effective courts and tribunals system, which enables the rule of law to be upheld, and provides access to justice for all. As part of our commitment to the continuous evaluation of our estate, HM Courts & Tribunals Service consulted on the future of Abergavenny Magistrates' Court and Caerphilly Magistrates' Court and whether their work should be transferred to the nearby Newport Magistrates' Court and Cwmbran Magistrates' Court within the Gwent Local Justice Area. Following the response which announced the closure of both courts the local JBG was invited to consult on potential changes to Local Justice Area (LJA) boundaries. The JBG has duly decided to consult, and this consultation document sets out the options they consider available to them.

HM Courts & Tribunals Service is obliged to balance the needs of local court users with the need to make the best possible use of taxpayers' money in the effective running of the courts. Due to travel links it may be easier for some court users from the Caerphilly area to travel to Cardiff rather than Newport or Cwmbran.

This consultation seeks the views of local users, judiciary, magistracy, staff, criminal justice agency practitioners and elected representatives to better understand the impact that this proposal would have on the Gwent community.

Introduction

This paper is issued on behalf of the Gwent and South Wales Judicial Business Group (JBG) which is made up of judicial office holders and HM Courts & Tribunals Service managers with responsibility for managing the effective and efficient administration of justice in criminal courts in Gwent and South Wales.

The JBG must consider the resources available to HM Courts & Tribunals Service and its criminal justice partners to ensure that cases are heard in a timely and efficient way. One of the priorities for delivery of justice in Gwent, Cardiff and the Vale of Glamorgan is making the best use of the resources available to better deliver our service to our customers.

Section 8 of The Courts Act 2003 requires England and Wales to be divided into Local Justice Areas (LJAs). The Lord Chancellor may alter LJAs by order, including combining them, and the Act requires him to consult any justices assigned to the areas and any local authority whose area includes the LJA prior to alterations being made.

Magistrates have national jurisdiction so they can hear most cases irrespective of where they arise. However, cases are normally listed in the LJA where the offence took place or where the defendant lives. Although it is general practice for Gwent courts to list first hearings for bailed defendants at the most local magistrates' court, trials are listed for the first available suitable court date in any of the Gwent courthouses, irrespective of where the defendant resides. Therefore, by way of example, residents of Caerphilly could be expected to travel to Cwmbran for certain hearings, while residents of Monmouthshire could be required to travel to Newport or Caerphilly for other types of hearings. Magistrates are assigned to an LJA for administrative reasons and usually sit in the area to which they are assigned, though there are some exceptions in Section 10 of the Courts Act 2003.

With the agreed closure of Abergavenny Magistrates' Court and Caerphilly Magistrates' Court, Gwent LJA will consist of Newport Magistrates' Court and Cwmbran Magistrates' Court. Cardiff and the Vale of Glamorgan LJA consists of Cardiff and the Vale Magistrates' Court. There are 420 magistrates appointed in Gwent and Cardiff & Vale of Glamorgan as at September 2015, who are assigned to the existing LJA as follows:-

	Number of magistrates
Gwent	215
Cardiff and the Vale of Glamorgan	205

Magistrates who sit in the Youth and Family Proceedings Court do so as members of a panel. Therefore, Youth and Family magistrates remain Youth and Family magistrates on the creation of a new LJA, with no action needed, save for the Lord Chief Justice to assign them to the new LJA.

The Proposal

The options to be considered include:

1. Do nothing, keeping the existing position, with the current Gwent Local Justice Area and the current Cardiff and the Vale of Glamorgan Local Justice Area;
2. The removal of Caerphilly County Borough from the Gwent Local Justice Area, and joining it with the Cardiff and the Vale of Glamorgan Local Justice Area, to form a new Local Justice Area of Cardiff, The Vale of Glamorgan and Caerphilly. The remaining four unitary authorities with Gwent would remain, perhaps to be known as the South East Wales Local Justice Area; or
3. Separate Caerphilly county borough from the current Gwent Local Justice Area and split Caerphilly, realigning part to join the Valleys Local Justice Area, Cardiff and the Vale of Glamorgan Local Justice Area or remain within the Gwent Local Justice Area as appropriate.

The final decision to change a LJA is taken by the Lord Chancellor following statutory consultation and after consultation with the Lord Chief Justice, or his delegate (usually the Senior Presiding Judge). The decision must be made primarily on the need to ensure access to justice and to deal effectively with the business of magistrates' courts. The decision will take 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 Service staff as set out in the HM Courts & Tribunals Service guidance on the alteration of LJAs. These factors are set out below as headings.

Ensuring effective use of available court time and courthouse resources to ensure that workload is completed expeditiously within courthouses with suitable facilities.

Ensuring magistrates have suitable work to maintain their competences.

Enabling HM Courts & Tribunals Service to deliver a more efficient service to court users before, during and after court hearings.

Ensuring that bench structure is sustainable and suited to local business need.

Magistrates are required to sit with a qualified legal adviser. The Chancellor requires magistrates to sit for a minimum of 13 full days. To allow the minimum sittings to take place the allocation of District Judges (Magistrates' Courts) was reduced in Cardiff and the Vale of Glamorgan LJA.

Newport is a new purpose built four courtroom centre and fully compliant with the Equality Act 2010. There are separate waiting areas for prosecution and defence witnesses, each with their own toilet facilities. There is a vulnerable witness suite available with video link equipment for vulnerable and intimidated witnesses, including a disabled toilet. Cwmbran Magistrates' Court was refurbished approximately three years ago and has four courtrooms, three on the ground floor and one on the first floor. There is a separate witness care suite and rooms for probation and solicitors. Additionally, it could be possible for magistrates' courts hearings to be scheduled to utilise any unused capacity in the Crown Court at Newport.

Cardiff and the Vale Magistrates' Court is a large 12 courtroom, modern and flexibly building.

Allocation of magistrates' sittings will continue to be based on preferences expressed by individual magistrates. No-one will be expected or required to sit in a location that is inconvenient to them.

The consultation on the closure of Abergavenny Magistrates' Court and Caerphilly Magistrates' Court highlighted that some court users from Caerphilly might be better served if the work from that court came to Cardiff and the Vale LJA or was split between Cardiff and the Vale, the Valleys and Gwent LJAs.

Justices from the Gwent LJA and those who generally sit in the Caerphilly Magistrates' court would be offered the opportunity to remain in the Gwent LJA or transfer to the Cardiff and the Vale LJA, retaining their knowledge of the local community where the work will be heard.

The consultation is aimed at court users, magistracy, judiciary, staff and others with an interest in the provision of local justice arrangements in Gwent and more generally within HM Courts & Tribunals Service Wales.

A Welsh language version of this consultation paper is available at www.justice.gov.uk.

Copies of the consultation are being made available to:

Wayne David MP Caerphilly
Chris Evans MP Islwyn
Paul Flynn MP Newport West
Jessica Morden MP Newport East
Kevin Brennan MP Cardiff West
Stephen Doughty MP Cardiff South
Jo Stevens MP Cardiff Central
Craig Williams MP Cardiff North
David Davies MP Monmouth
Nick Thomas-Symonds MP Torfaen
Owen Smith MP Pontypridd
Gerald Jones MP Merthyr Tydfil and Rhymney
Nick Smith MP Blaenau Gwent
Alun Cairns MP Vale of Glamorgan

Alun Davies AM Blaenau Gwent
Mohammad Asghar AM South Wales East
Jocelyn Davies AM South Wales East
Lindsay Whittle AM South Wales East
William Graham AM South Wales East
Jeff Cuthbert AM Caerphilly
Gwyn Price AM Islwyn
Nick Ramsay AM Monmouth
John Griffiths AM Newport East
Dame Rosemary Butler AM Newport West
Mick Antoniw AM Pontypridd
Lynne Neagle AM Torfaen
Huw Lewis AM Merthyr Tydfil and Rhymney

Leanne Wood AM South Wales Central
David Melding AM South Wales Central
Andrew RT Davies AM South Wales Central
Jane Hutt AM Vale of Glamorgan
Eluned Parrott AM South Wales Central
Jenny Rathbone AM Cardiff Central
Julie Morgan AM Cardiff North
Vaughan Gething AM Cardiff South and Penarth
Mark Drakeford AM Cardiff West

Jeff Farrar Chief Constable Gwent
Peter Vaughan Chief Constable South Wales
Ian Johnston QPM, Police and Crime Commissioner Gwent
Alun Michael, Police and Crime Commissioner South Wales

Ed Beltrami, Chief Crown Prosecutor for Wales

Lord Justice Gross, Senior Presiding Judge for England and Wales
Mr Justice Wyn Williams, Presiding Judge of the Wales Circuit
Her Honour Judge E Rees, Resident Judge for Cardiff, Newport and Merthyr Tydfil
His Honour Judge D Williams, Magistrates' Liaison Judge for Gwent
His Honour Judge T Crowther QC, Magistrates' Liaison Judge for South Wales
Senior District Judge, Chief Magistrate, Howard Riddle
District Judge (MC) M Brown
District Judge (MC) B Jenkins
District Judge (MC) N Thomas
District Judge (MC) R Williams
District Judge (MC) D Parsons

D T Bowen, Coroner for Gwent
T Atherton, Coroner for Cardiff and Vale of Glamorgan
Richard Monkhouse, Chairman of Magistrates' Association
Zoe Tothill-Scott JP, representative of the Magistrates' Association
Hywel Thomas JP, Chairman of Cardiff and Vale Bench
Penny Reeves JP, Chairman of Gwent Bench
Sir Simon Boyle, Lord Lieutenant of Gwent & Chair of the Advisory Committee
Mrs Kathrin (Kate) Thomas CRVO JP LS, Lord Lieutenant of Mid Glamorgan & Chair of the Advisory Committee
Doctor Peter Beck MD FRCP JP, Lord Lieutenant for South Glamorgan & Chair of the Advisory Committee
D Byron Lewis Esq, Lord Lieutenant for West Glamorgan & Chair of the Advisory Committee
Lieutenant Colonel A S Tuggey DL, High Sheriff for Gwent
Mrs Jayne James, High Sheriff for Mid Glamorgan
Professor H V Stevens CBE, High Sheriff for South Glamorgan
R M Redfern Esq, High Sheriff for West Glamorgan

Vicky Self, Newport Youth Offending Team,
Michaela Rogers, Youth Offending Service Team, Caerphilly and Blaenau Gwent,
Stuart Barnett, PECS
Cheryl-Anne Sanderson, Regional Manager, G4S
Sarah Payne, NOMS Wales
Gillian Baranski, CAF/CASS Cymru

Consultation on the realignment of local justice areas in Gwent and South Wales

Ruth Fenby, GeoAmey
Paul Davies, Legal Aid Authority
Theodore Huckle QC, Counsel General for Wales
Lowri Morgan, Wales Law Society
Paul Lewis QC, Leader of the Bar
David Waggett, Chief Executive Blaenau Gwent County Borough Council
Will Godfrey, Chief Executive, Newport City Council
Rob Thomas, Managing Director, Vale of Glamorgan Council
Chris Burns, Chief Executive, Caerphilly Borough Council
Steve Merritt, Chief Executive, Rhondda Canon Taff County Council
Alison Ward, Chief Executive, Torfaen County Borough Council
Paul Matthews, Chief Executive, Monmouthshire County Council
Paul Orders, Chief Executive, City of Cardiff Council

HM Courts & Tribunals staff at Gwent Magistrates' Courts
HM Courts & Tribunals staff at Cardiff and the Vale Magistrates' Courts
David Bartlett, Regional Trade Union Representative HM Courts & Tribunals Service

June Milligan, Local Government and Communities Welsh Government
One Voice Wales, Representative Group for Community Councils
Victim Support Wales
Defence Solicitors
Welsh Language Commissioners

This list is not meant to be exhaustive or exclusive and responses are welcomed from anyone with an interest in or views on the subject covered by this consultation.

Questionnaire

We would welcome responses to the following questions set out in this consultation paper.

Question 1: What will be the impact for you and/or your organisation of:

- 1. Option one: do nothing;**
- 2. Option two: joining Caerphilly with Cardiff and the Vale of Glamorgan;
and**
- 3. Option three: joining part of Caerphilly county borough with the
Valleys, part with Cardiff and the Vale of Glamorgan and part with
Gwent.**

Question 2: What do you perceive to be the advantages or disadvantages of each of these options for others, e.g. Victims and witnesses?

Question 3: What would you need to do as an individual or organisation to make each of the options work, if implementation were decided?

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 13 November 2015 to:

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

Tel: 029 2046 7767

Email: HMCTSWalesConsultation@hmcts.gsi.gov.uk

Complaints or comments

If you have any complaints or comments about the consultation process you should contact the Ministry of Justice at the above address.

Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available on-line at <http://www.justice.gov.uk/index.htm>.

Alternative format versions of this publication can be requested from [email/telephone number of sponsoring policy division].

Publication of response

A paper summarising the responses to this consultation will be available on-line at <http://www.justice.gov.uk/index.htm>.

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 Ministry.

The Ministry 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.

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>

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Alternative format versions of this report are available on request from HM Courts & Tribunals Service, Wales Support Unit on 029 2046 7767.