

DERBYSHIRE COUNTY COUNCIL

Cabinet Member – Health and Communities

3 December 2013

Report of the Chair of the Improvement and Scrutiny - Places Committee

**HMCTS Proposal to Merge Derbyshire Local Justice Areas
Response to Consultation**

Purpose of the Report

To seek the Cabinet Member's approval to the County Council's response to consultation on the proposed merger of Derbyshire Local Justice Areas.

Information and Analysis

The Improvement and Scrutiny - Places Committee has been asked to formulate the County Council's response to statutory consultation which is currently being undertaken by the HM Courts and Tribunals Service (HMCTS).

The HMCTS is intending to merge the 3 Local Justice Areas in Derbyshire and has published a consultation document. There is a deadline for responses of 16 December 2013.

This Committee has a responsibility to have an overview of services which work to reduce Crime and Disorder and should have an active role in gathering evidence from stakeholders in the local justice system in order to respond to the consultation.

In undertaking this role, the Improvement and Scrutiny – Places Committee has developed a response on behalf of the County Council. This response is now submitted to the Cabinet Member – Health and Communities for approval prior to being submitted to the HMCTS.

The HMCTS consultation document is attached to this report. It sets out the case for change, a number of options and a supporting statement.

The Justices Clerk (Derbyshire and Nottinghamshire Cluster), Graham Hooper, was invited to attend the I & S Places Committee meeting on 6 November to give details of the HMCTS proposals. The essence of the proposals was to merge all 3 current LJAs (High Peak/North East Derbyshire and Dales/ Southern Derbyshire) either into one countywide area **OR** merge the High Peak with North East Derbyshire and retain Southern Derbyshire as a separate area. There is a consultation deadline of 16 December.

Members of the Committee also met with Jeanette Bloor, Derbyshire County Council Legal Services Division, Paul Beard, Chair of the Magistrates' Bench for North East Derbyshire and Dales, and received written comments from Hilary Batterbee, Chair of the Magistrates' Bench for High Peak.

The work of the Council's Legal Services Division which required Court liaison was almost exclusively linked to safeguarding and protecting children or vulnerable adults. Many of these cases required immediate or rapid access to legal remedies and Court orders to secure the protection of children, particularly those who were in danger of harm or abuse. The Family Courts deal with these requirements and had specialist Magistrates panels which already operated on a county wide basis. ***However, the Legal Services team would seek assurances that any merger of the LJAs would not lead to;***

- A reduction in the number of Magistrates
- A reduction in the number of Magistrates Clerks
- A reduction in the number of Court administrative staff which might lead to delays in processing urgent protection cases
- The closure of Court venues

The Scrutiny Committee members were aware that the Magistrates' representatives were to respond to the consultation independently. However, they consulted the Chairs of the High Peak and North East Derbyshire and Dales Benches to get a better understanding of the operation of the Magistrates Courts.

It was noted that the 2 Chairs were opposed to the proposed merger of the LJAs, the principal reasons being that;

- the estimated efficiency savings were not sufficiently evidenced
- additional time commitment required by Magistrates to travel further to attend Courts would prevent many from continuing in their role. Although travel expenses are paid, Magistrates are volunteers and receive no compensation from loss of earnings. The exclusion of Magistrates who work, do not drive or do not have exclusive use of a

vehicle, would diminish the principal of Magistrates coming from all sectors of the local community.

- The overriding principal of the Justice system is that Justice should be locally based, with the accused being tried by their peers. The merger could exclude some Magistrates and compromise this principal.
- The impact on any changes should be measured against the “locality” principle, and the public’s confidence in the system in this respect.

The County Council’s Youth Offending Team was consulted as part of the I & S Committee’s investigations. The Head of Youth Offending Service responded that the proposals to merge the LJAs would not have a direct impact on his team’s service provision and there were no objections to either of the proposed options.

Prevention of Crime Considerations

The way in which the HMCTS operates to prevent crime, and how this will be affected by the proposed merger of the LJAs, was pivotal in the Committee’s considerations. The Committee seeks to be assured that any changes will continue to allow access to the judicial system, especially for the most vulnerable groups within local communities

Other Considerations

The relevance of the following factors has also been considered in preparing this report; Property, Finance, Human Relations, Legal and Human Rights.

OFFICER’S RECOMMENDATIONS

It is recommended that the Cabinet Member – Health and Communities, approves the submission of the response to the HM Courts and Tribunal Service, as set out below;

Response

Derbyshire County Council does not support the merger of LJAs into one county-wide bench as this compromises the “locality” principle of the law. A north/south division of the LJAs (as set out in Option 2 of the proposals) would be more acceptable providing the following concerns are addressed;

- 1) Magistrates being required to travel further distances and commit more time to their duties could exclude some from continuing in their role – and prevent new Magistrates from applying. This could diminish the

diversity of the Magistrate “pool” and affect the “locality” principle of the system

2) The Council requests assurances from the HMCTS that there will be –

- 2.1) no reduction in the number of Magistrates
- 2.2) no reduction in the number of Magistrates Clerks or Court administration staff which might lead to delays in processing urgent protection cases
- 2.3) no closure of the Court venues within the county.

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