

**DERBYSHIRE COUNTY COUNCIL
IMPROVEMENT AND SCRUTINY – PLACES COMMITTEE**

6 November 2013

HMTCS Proposal to Merge Derbyshire Local Justice Areas

Scoping Report

Purpose of the Report

To inform Members of Scrutiny involvement in the statutory consultation process on the merger of Derbyshire Local Justice Areas.

Information and Analysis

The Chair of the Committee, Cllr Kath Lauro, has been informed of 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 will develop a response on behalf of the County Council. This response will be referred to the appropriate Cabinet Member meeting 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) Mr Graham Hooper will attend the meeting to outline the proposal and answer any preliminary questions.

The I & S – Places Committee will seek to include the views of other interested stakeholders through one or more special meetings which will be

held during the mid to latter part of November. This will enable the Committee to formulate a response to submit to the HMCTS before 16 December.

Potential Contributors to the Review

Director of Legal Services – Derbyshire County Council
Voluntary Sector
Head of Community Safety – Derbyshire County Council
Representatives of the local Legal Community (Solicitors/Barristers)
Derbyshire Police
Derbyshire Police and Crime Commissioner

Timescale for the Review

The review will be conducted during November 2013 in order to meet the consultation deadline of 16 December 2013.

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, will be pivotal in this review. The Committee will seek 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 Committee gathers evidence from stakeholders and service users and formulate a response for submission to the HM Courts and Tribunal Service.

John McElvaney

DIRECTOR OF LEGAL SERVICES



HM Courts & Tribunals Service

Graham Hooper

Justices' Clerk
Derbyshire & Nottinghamshire Cluster
The Court House
Tapton Lane
CHESTERFIELD
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sally.mason@hmcts.gsi.gov.uk

Our ref: GH/SEM
23 September 2013

Dear Sir/Madam

Statutory Consultation on the merger of Local Justice Areas

In accordance with section 8 of the Courts Act 2003 I enclose a number of documents which set out proposals made by Her Majesty's Courts and Tribunals Service for the alteration of local justice area boundaries in Derbyshire.

The consultation period concludes on 16 December 2013. Responses should be sent to my office, marked for the attention of the Justices' Clerk, for receipt no later than 4.00pm on that date.

Yours sincerely

Graham Hooper
Justices' Clerk

Encs

DX 742041 CHESTERFIELD 7

Minicom VII 0191 478 1476 (Helpline for the deaf and hard of hearing)
www.justice.gov.uk

CONSULTATION DOCUMENT

A Consultation on proposals to merge the Local Justice Areas covering Derbyshire

Consultation Paper

This consultation begins on 23rd September 2013

This consultation ends on 16th December 2013

LEGAL NOTICE

HER MAJESTY'S COURTS AND TRIBUNALS SERVICE

Proposed alterations of the Local Justice Area Boundaries

Section 8 Courts Act 2003

Notice is hereby given that it is the intention of the Justices' Clerk for Derbyshire and Nottinghamshire to submit a draft order to the Lord Chancellor in accordance with section 8 of the Courts Act 2003 for the purpose of altering the local justice areas in Derbyshire.

Effect of the draft order

The local justice areas affected by the draft order are:

- the local justice area of High Peak;
- the local justice area of North East Derbyshire and Dales; and
- the local justice area of Southern Derbyshire.

Option 1

The first proposal is to remove the boundaries between the three local justice areas. All existing local justice areas will be abolished. A new local justice area comprising all cities, towns and parishes within the county boundary of Derbyshire will be created. The justices currently assigned to the above named local justice areas will be re-assigned to the new local justice area in accordance with the terms of a draft order held by the justices' clerk. The terms of the draft order will have no effect on the courthouses in the area. Magistrates' courts will continue to be held at the courthouses at Buxton, Chesterfield and Derby. The justices assigned to the new local justice area will be competent to sit at any of these courthouses.

Option 2

The second proposal is to remove the boundary between the local justice areas of High Peak and North East Derbyshire and Dales. The two existing local justice areas will cease to exist. A new area to be known as Northern Derbyshire will be formed. The Southern Derbyshire local justice area would remain unaffected. The justices currently assigned to the two areas to combine will be re-assigned to a new local justice area in accordance with a draft order held by the justices' clerk. The terms of the draft order will have no effect on the courthouses in the area. Magistrates' courts will continue to be held at the courthouses at Buxton and Chesterfield. Justices assigned to the new area will be competent to sit at both courthouses in the area.

Draft Orders

The draft orders are available for inspection at each of the courthouses mentioned above on request between the hours of 9.30am and 4.30pm. An electronic copy of either of the draft orders may be supplied on request being submitted via email to sally.mason@hmcts.gsi.gov.uk

Responses

Any person wishing to submit a response to this notice including any objection to the terms of the draft orders may do so by sending a written statement to:

The Justices' Clerk's Office
Chesterfield Magistrates' Court
Tapton Lane

Chesterfield
S41 7TW

Written responses must be received no later than 4.00pm on 16th December 2013. Responses should be marked "For the attention of the Justices' Clerk". All responses will be considered before any submission is made to the Secretary of State. All responses received will accompany any submission made to the Lord Chancellor.

Graham Hooper
Justices' Clerk and Secretary to the Lord Chancellor's Advisory Committees
Derbyshire and Nottinghamshire

SUPPORTING STATEMENT

The local justice areas of High Peak, North East Derbyshire and Dales and Southern Derbyshire.

The local justice area of High Peak comprises all the parishes and towns within the district of High Peak.

The local justice area of North East Derbyshire and Dales comprises all the parishes and towns within the Districts of Chesterfield, North East Derbyshire, Bolsover (except Normanton and Pinxton) and Derbyshire Dales (except Eaton and Alsop, Parwich, Ballidon, Bradbourne, Newton Grange, Tissington, Lea Hall, Thorpe, Fenny Bentley, Kniveton, Hognaston, Atlow, Offcote and Underwood, Mapleton, Biggin, Hulland War, Hulland, Bradley, Ashbourne (town), Clifton and Compton, Yeldersley, Osmaston, Snelston, Edlaston and Wyaston, Shirley, Brailsford, Mercaston, Norbury and Roston, Yeaveley, Rodsley, Hollington, Doveridge, Marston Montgomery, Cubley, Hungry Bentley, Alkmonton, Longford, Boylestone, Sudbury and Somersal Herbert).

The local justice area of Southern Derbyshire comprises the city of Derby and all the parishes and towns in the Districts of South Derbyshire, Erewash and Amber Valley and the parishes of Eaton and Alsop, Parwich, Ballidon, Bradbourne, Newton Grange, Tissington, Lea Hall, Thorpe, Fenny Bentley, Kniveton, Hognaston, Atlow, Offcote and Underwood, Mapleton, Biggin, Hulland War, Hulland, Bradley, Ashbourne (town), Clifton and Compton, Yeldersley, Osmaston, Snelston, Edlaston and Wyaston, Shirley, Brailsford, Mercaston, Norbury and Roston, Yeaveley, Rodsley, Hollington, Doveridge, Marston Montgomery, Cubley, Hungry Bentley, Alkmonton, Longford, Boylestone, Sudbury, Somersal Herbert, Normanton and Pinxton.

Option 1.

The purpose of the proposed order is to remove the boundaries between the existing local justice areas so as to create a single local justice area comprising the county of Derby. The order will have no effect on the number of courthouses at which proceedings will be listed in the county nor on the schedule of magistrates' courts sittings.

Option 2.

The purpose of the proposed order is to remove the boundary between the local justice areas of High Peak and North East Derbyshire and Dales to create the Northern Derbyshire local justice area. The order will have no effect on the number of courthouses at which proceedings will be listed in the new area nor on the schedule of magistrates' courts sittings.

THE CASE FOR CHANGE

1. Achieving flexible judicial deployment

- a) The three local justice areas in Derbyshire were created by Statutory Instruments in 2001 and 2005 when the mergers of a number of local justice areas took place. The local justice areas of Glossop and High Peak came together to form the High Peak local justice area in 2001. The local justice areas of Chesterfield and West Derbyshire came together to form the North East Derbyshire and Dales local justice area in 2001. The local justice area of Derby and South Derbyshire and East Derbyshire local justice areas came together to form the Southern Derbyshire local justice area in 2005. Under the Orders creating the new areas, magistrates were re-assigned to the new areas from the pre-existing areas and not to other areas in the county, unless the magistrate made a specific request to be assigned to one of the other new areas. A number of magistrates made such requests. As an illustration by way of example, this resulted in some magistrates who would have been reassigned to the Southern Derbyshire local justice area requesting to be reassigned to the North East Derbyshire and Dales local justice area. As a consequence of this, there are a number of Derbyshire magistrates who reside in a different local justice area to the one to which they are assigned.
- b) On 31 March 2013 there were 33 justices assigned to the High Peak local justice area. The average number of sitting days completed by each justice assigned to this area during the 12 months from 1 April 2012 to 31 March 2013 was 18½ days. The average number of sittings completed by each magistrate in the adult magistrates' court was 16 days.
- c) On 31 March 2013 there were 96 justices assigned to the North East Derbyshire and Dales local justice area. The average number of sitting days completed by each justice assigned to this area during the 12 months from 1 April 2012 to 31 March 2013 was 20½. The average number of sittings completed by each magistrate in the adult magistrates' court was 15½ days.
- d) On 31 March 2013 there were 235 justices assigned to the Southern Derbyshire local justice area. The average number of sitting days completed by each justice assigned to this area during the 12 months from 1 April 2012 to 31 March 2013 was 18½. The average number of sittings completed by each magistrate in the adult magistrates' court was 14½ days.
- e) The current directions issued by the Lord Chancellor to his Advisory Committees on justices of the peace indicate that the optimum average number of sitting days completed by each justice should be between 17 and 23 days each year.
- f) Youth courts sit at the courthouses at Buxton, Chesterfield and Derby. Magistrates who sit in these courts are members of a single combined Youth Court Panel for Derbyshire. The membership of this Panel would be unaffected by the terms of the draft order. The order will have no effect on the number or venue of hearings in the Youth Courts. Magistrate members of the Panel will be competent to sit in a Youth Court in any courthouse in the county. The average number of sitting days completed in the Youth Court by magistrates assigned to the High Peak local justice area in the 12 months ending March 2013 was 4; the average number of sitting days completed in the Youth Court by magistrates assigned to the North East Derbyshire and Dales local justice area in the same period was 6½; and the average number of sitting days completed in the Youth Court by magistrates assigned to the Southern Derbyshire local justice area in the same period was 6.

- g) Family proceedings courts are held at the courthouses at Buxton, Chesterfield and Derby. The magistrates who sit in these courts are all members of a single combined Family Panel for Derbyshire. The membership of this panel would be unaffected by the terms of the draft order. The order will have no effect on the number or venue for hearings in the family proceedings courts. Magistrate members of the Panel will be competent to sit in a family proceedings court in any courthouse in the county. The average number of sitting days completed in the family proceedings court by magistrates assigned to the High Peak local justice area for the twelve months ended March 2013 was 6½; the average number of sitting days completed in the family proceedings court by magistrates assigned to the North East Derbyshire and Dales local justice area for the same period was 16½; and the average number of sitting days completed in the family proceedings court by magistrates assigned to the Southern Derbyshire local justice area for the same period was 15½.
- h) The recorded annual average number of attendances completed by justices assigned to all the local justice areas in Derbyshire is falling. Predicted falls in the level of criminal proceedings dealt with in the magistrates courts in the area will result in fewer court sessions being scheduled and, as a consequence, average sittings for magistrates will fall further if numbers of magistrates remain constant. In 2013/14 19 Magistrates will retire.
- i) The Lord Chancellor's Advisory Committee has the responsibility to monitor the level of attendance of all magistrates assigned to the area and to make recommendations regarding recruitment of new magistrates. In making these recommendations the Committee must have regard to the principles set out in the Protocol to support judicial deployment in the Magistrates' Courts^[1] which was published in November 2012. The commencement of recruitment is dependent on there being an identified need for new magistrates to be assigned to the area. This need is assessed by reference to, amongst other things, the current number of magistrates assigned, the current average sittings, the predicted average based on likely changes to the court sitting programme, the proportion of sittings completed by District Judges (Magistrates' Courts), the likely retirements and resignations from the bench in the foreseeable future and whether steps, other than recruitment, can be taken to achieve a reasonable distribution of sittings amongst the existing members of the benches in the area. This latter issue is relevant in areas where there is a difference in the average number of sittings completed by magistrates on one bench in comparison with sittings completed by magistrates on another bench or benches. The steps that can be taken include consideration of merger of local justice areas to enable magistrates to sit at more than one court.
- j) Justices must sit in the courthouse or courthouses in the local justice area to which they are assigned subject to exceptions to this rule which are contained in directions issued by the Senior Presiding Judge of England and Wales on behalf of the Lord Chief Justice under section 10(3) of the Courts Act 2003. Those directions read as follows:
- For the avoidance of doubt, the arrangements in place under section 10 of the Act permit a magistrate to sit in a Local Justice Area other than that to which he is assigned in the circumstances listed below.*
- 1. A Training and Development Committee has made arrangements for him to appraise another magistrate, whether or not that appraisal then takes place.*
 - 2. The magistrate, who has been assigned to a group of*

^[1] JUDICIAL DEPLOYMENT IN MAGISTRATES' COURTS:
REPORT OF THE DEPLOYMENT WORKING GROUP – November 2012

magistrates set up to hear the special lists of cases at more than one Local Justice Area, hears such cases or any other case which might be heard by the bench in the course of that sitting.

3. It is not reasonably practicable to convene a bench of three magistrates constituted partly or exclusively of magistrates assigned to the Local Justice Area.

4. It is necessary to enable the magistrate to satisfy the Lord Chancellor's minimum sitting requirements.

5. To facilitate proposed bench or panel amalgamations.²

The effect of the draft order which supports **Option 1** will be to enable all justices assigned to the new local justice area to sit in any of the magistrates' courts in Derbyshire. This will have the advantage of enabling magistrates to achieve a more even distribution of sittings throughout the county.

The effect of the draft order which supports **Option 2** will be to enable magistrates in the new local justice area to sit at both Buxton and Chesterfield. This would have some advantage in the deployment of magistrates in the north of the county but would not address the perceived need to achieve a more even distribution of sittings between magistrates currently assigned to the Southern Derbyshire and the other areas of the county.

2. Maintaining judicial competence

- a) All types of criminal and civil proceedings are currently dealt with at all the magistrates' courts in Derbyshire. There is no manned custody facility at the Buxton courthouse. All defendants in criminal proceedings who have been refused bail or who are serving custodial sentences are dealt with either at Chesterfield or at Derby. The Prisoner Escort contractor is not required to make any deliveries of defendants in custody to Buxton. Since criminal proceedings continue to be listed at Buxton, the current terms of the agreement with the Prisoner Escort contractor require the collection of any defendant committed to custody. Magistrates who sit only at Buxton deal with no hearings involving the initial consideration of bail and custody following charge.
- b) As described in paragraph 3(d) below, it is the intention to centralise the hearing of some types of prosecution to achieve business advantages and cost savings. There are clear business benefits to be achieved from following this course, not only for HMCTS in administrative efficiency, but also for other agencies in reducing the level of commitment to court attendance. Magistrates who sit at only one site will find that they lose contact with some types of case which are routinely listed at another centre.
- c) The effect of both the alternative options for merger will be to enable magistrates to maintain competence in dealing with all types of criminal process, although the full protection of this will only be achieved if a single local justice area for the county is created.

3. Achieving efficiencies in the use of the courts

- a) The details of the court sessions held in the magistrates' courts in the county are set out in

^[2] JUDICIAL CIRCULAR 7/2010. ISSUED BY SENIOR PRESIDING JUDGE OF ENGLAND AND WALES

the table attached at Annex A.

- b) The existing local justice areas are part of the HMCTS cluster area of Derbyshire and Nottinghamshire. The magistrates within the three local justice areas receive advice and support from the justices' clerk and his team. This team comprises two deputy justices' clerks (one of whom supports the benches in Derbyshire), seven Legal Team Managers (3 of whom support the three existing local justice areas in Derbyshire) and a Legal Administration Support Team.
- c) The proposed order described in both options would reduce the level of necessary administrative support required by the justices assigned to the local justice areas since it would reduce the number of necessary bench meetings, meetings of bench committees and Panels. Reduced administrative demands of this type will enable senior staff and the support team to dedicate more of their time to the delivery of good service to the magistrates and to the users of the courts. The extent of the reduction of necessary administrative support to the benches would be greater in **Option 1** than in **Option 2**.
- d) **Option 1** has significant advantages for HMCTS and for regular court users in relation to the allocation and listing of proceedings in the magistrates' courts in the county. The creation of a single local justice area for Derbyshire will enable the judges and magistrates sitting in the magistrates' courts in the county to list criminal and civil business in the most speedy and efficient way. Consideration will be given to centralising the hearing of certain types of criminal prosecution, such as prosecutions for road traffic offences, so as to reduce the level of expense born by the prosecuting authorities and to increase the efficient use of available court time. The creation of a single local justice area will facilitate the transfer of individual cases or batches of cases so as to ensure the efficient and expeditious completion of the proceedings for the benefit of the court users and in the interests of justice. It will facilitate the effective use of the modern court facilities available at all the courthouses for the benefit of witnesses and victims in criminal proceedings and parties to civil proceedings dependent on their need.
- e) **Option 2** conveys some of the advantages in relation to the allocation and listing of proceedings described in paragraph 3(d) above. However it would only enable the transfer of court business between the two courthouses in the new Northern Derbyshire area and would not achieve the full advantages gained from being able to centralise certain types of court process in a single courthouse for cases of that type arising in any part of the county.
- f) The workload of the courts in Derbyshire is reported in Annex B attached. The average sittings for magistrates in 2012/13 are set out in Annex C.

4. Cost savings

Option 1.

- a) Although the capacity will exist to deploy magistrates in any court in the county, there would be no expectation that all magistrates sit at every site. Each magistrate would be asked to indicate whether he or she would be willing to sit at more than one court location. In order to keep control of cost, magistrates whose residence was situated between locations might be asked to agree to sit at more than one site. It would not be the intention to add to the cost of judicial deployment by inviting magistrates to undertake a longer journey to court than would be occasioned by sitting at their local courthouse unless it was necessary for the proper

discharge of proceedings listed or it was necessary to enable magistrates to maintain their judicial competence. A significant number of the justices assigned to one of the current local justice areas are resident in areas where there will be no additional cost in deployment of them across a wider area and a smaller number of justices who would be travelling lesser distances to sit at courts other than those to which they are currently assigned. It is recognised that deployment of a larger number of magistrates at more than one court site would offset some of the savings made through reduced mileage claims for a few justices. It is also recognised that a proportion of the savings would be offset by additional cost of magistrates travelling to meetings which might previously have been held in their local courthouse. (See below.) Overall the estimated benefit to the public purse will be a potential saving of approximately £3,500 per annum.

- b) Savings will be made on the reduced need to recruit new justices. If no change in the number of benches was made the bench which would suffer the greatest impact would be the North East Derbyshire and Dales bench. Retirements in the period 2013 to 2016 would total 18. If the number of court session held remains constant the average number of attendances would rise to 26 days. Retirements during the same period would raise the average at High Peak to 23 days and in Southern Derbyshire to 22 days. If a single bench is created there would be no need to recruit magistrates for at least 12 months since 38 of the expected retirements will occur in the last 2 years of the period.³ However since half the expected retirements in North East Derbyshire and Dales occur before the end of 2014 the need to recruit would be immediate if the benches remained unchanged. For every year in which there is no recruitment savings in staff time for senior lawyers, administrative support, printing, postage and travel expenses for committee members total not less than £7,500 per annum. Significant savings will be made in reduced costs of training for new magistrates being not less than £3,000 per annum and significantly higher if the number of magistrates recruited was more than 12.
- c) Reductions in the number of meetings for benches and committees will give rise to savings in staff time and expense. There would be two fewer Annual Bench Meetings, two fewer Spring Bench Meetings, one Bench Training and Development Committee and one Judicial Leadership Group. In total this will reduce the number of meetings by 20 and will save 60 hours of paid time for each member of the senior legal team attending and additional staff time saved for the reduced attendance of minute taking staff. At plain time this would save in excess of £3100 per annum and reduce the cost of administrative support (printing and post included) by a further £1500. There is the potential for some of these savings to be offset by rises in the level of claim for travel expenses due to the greater distance some justices will have to travel for meetings. Annual meetings at Derby are evening events and costs are incurred for the provision of security and on-site maintenance out of hours. At Chesterfield and Buxton the meetings are held in the day and refreshments are provided for magistrates to facilitate the holding of a bench training event. A small saving of approximately £650 arises from the reduction in the number of annual meetings and spring bench meetings.

³ Retirements :

| | High Peak | NEDaD | S Derbs. | TOTAL |
|--------------|-----------|-------|----------|-------|
| 2013 | - | 3 | 3 | 6 |
| 2014 | - | 6 | 10 | 16 |
| 2015 | 2 | 6 | 14 | 22 |
| 2016 | - | 3 | 13 | 16 |
| TOTAL | 2 | 18 | 40 | 60 |

Option 2.

- d) Although the capacity will exist to deploy magistrates in any court in the new area, there would be no expectation that all magistrates sit at each site. As indicated in paragraph 4(a) above, each magistrate would be asked to indicate whether he or she would be willing to sit at more than one court location. In order to keep control of cost, magistrates whose residence was situated between locations might be asked to agree to sit at more than one site. It would not be the intention to add to the cost of judicial deployment by inviting magistrates to undertake a longer journey to court than would be occasioned by sitting at their local courthouse unless it was necessary for the proper discharge of proceedings listed or it was necessary to enable magistrates to maintain their judicial competence. Savings generated by this option would be very limited with some risk existing that the option could add to costs for justices travel expenses.
- e) There would be a potential saving on the reduced need to recruit new justices. However the retention of two benches in the county creates the risk that one of the benches has a need to recruit at the same time that the other bench has a surplus of active justices. The full extent of savings on judicial recruitment identified in paragraph 4(b) above could not be guaranteed if option 2 was adopted. Retirements of justices have a greater effect on the average number of sittings required by the remaining justices on smaller benches than they have on larger benches. The number of retirements due in the next 3 years on the High Peak and North East Derbyshire and Dales benches combined is 20. If the schedule of court sessions remains reasonable constant that will increase the average number of attendances for each magistrate to 24 days. The number of retirements due in the next 3 years on the Southern Derbyshire bench is 40. The impact on average attendances would be to raise the average to 22 days. If Option 1 was followed the overall average for the magistrates on a single bench would be 18 days.
- f) The merger of the two benches will give rise to a reduction in the number of meetings for benches and committees and this will give rise to savings in staff time and expense. There would be one fewer Annual Bench Meeting, one fewer Spring Bench Meeting, one Bench Training and Development Committee and one Judicial Leadership Group. In total this will reduce the number of meetings by 10 and will save 30 hours of paid time for each member of the senior legal team attending and additional staff time saved for the reduced attendance of minute taking staff. At plain time this would save in excess of £1550 per annum and reduce the cost of administrative support (printing and post included) by a further £750. There is the potential for some of these savings to be offset by rises in the level of claims for travel expenses due to the greater distance some justices will have to travel for meetings. There may be limited small savings on refreshments and other incidental costs due to the holding of fewer bench meetings.

5. Impact assessment

- a) The following is a summary of the identified impacts of the two options:
- b) The effect of both the merger options will be to enable magistrates to maintain competence in dealing with all types of criminal process.
- c) Neither of the proposed orders will have any effect on the number or venue of hearings in

the Youth Courts. Magistrate members of the Panel will be competent to sit in a Youth Court in any courthouse in the county.

- d) Neither of the proposed orders will have any effect on the number or venue for hearings in the family proceedings courts. Magistrate members of the Panel will be competent to sit in a family proceedings court in any courthouse in the county.
- e) The effect of the draft order referred to in **Option 1** will be to enable all justices assigned to the new local justice area to sit in any of the magistrates' courts in Derbyshire.
- f) The effect of the draft order referred to in **Option 2** will be to enable all justices assigned to the new local justice area to sit in any of the magistrates' courts in Northern Derbyshire but not routinely in adult magistrates' courts in Southern Derbyshire.
- f) Both the proposed options would reduce the level of necessary administrative support required by the justices assigned to the local justice areas since they would reduce the number of necessary bench meetings, meetings of bench committees and Panels. Reduced administrative demands of this type will enable senior staff and the support team to dedicate more of their time to the delivery of good service to the judiciary and to the users of the courts.
- g) The proposals set out in each option will not affect other aspects of the administrative support provided to the courts. Administrative units continue to operate at Derby, Chesterfield and Buxton. HMCTS staff supporting the work of the magistrates' courts will continue to be accessible to both professional and non-professional court users.
- h) The proposals will reduce the number of bench meetings and this will result in some meetings being more distant from the homes of the justices than is currently the case, whichever option is adopted. This impact is acceptable and proportionate to the overall benefits gained from the change.
- i) Whereas the three Bench Training and Development Committees currently organise cross bench appraisals, this will not be possible should a single bench come into existence for the county. An alternative quality assurance process for the appraisal of justices' performance will be necessary, such as the routine quality audit of appraisal reports which is current practice for existing committees. In addition alternative arrangements will need to be put in place to ensure that Committee members and bench chairmen are not put into a position where there is a perceived conflict of interest in the judgement of competence via the appraisal process. Similar processes have been adopted in other areas where bench mergers have created a single bench for a wide area. Cross bench appraisal would remain if two benches were to be retained.

6. Equality Impact Assessment

- a) The proposals involve no change to the venues used by HMCTS for court hearings in the magistrates' courts in Derbyshire. Neither of the proposals will, consequently, have any

impact on accessibility of court hearings for any group of court users.

- b) The flexible use of the court estate which will result from the proposal set out in **Option 1** will enable court proceedings to be listed at the most convenient location for the parties, including the use of courthouse with good access arrangements for court users with disabilities. **Option 2** will permit transfer of proceedings between Buxton and Chesterfield and vice versa but the benefits to be gained are more limited than those obtained from **Option 1**.
- c) All courthouses are fitted with sound augmentation systems and loops for hearing aid users. The Buxton, Chesterfield and Derby courthouses are adapted for access for wheelchair users. The reduction in the number of bench meetings might result in meetings being less accessible to wheelchair users. Reasonable adaptations can be made to ensure that any justice with a disability can attend the bench meeting and/or participate in committee meetings with the minimum of additional cost and inconvenience. The small additional cost to enable this to be achieved is proportionate when considered alongside the savings and benefits that will arise, particularly from the proposal set out in **Option 1**.

7. The consultation process

- a) The consultation will run from 23 September 2013 to 16 December 2013. The following persons and bodies will be consulted for their views on the proposal:

All the justices who will be affected by the order;
All the Local Authorities whose areas are covered by the affected local justice areas;
The Police and Crime Commissioner for the area;
The Lord Lieutenant of Derbyshire;
The High Sheriff of Derbyshire;
All Members of Parliament for the areas affected;
All District Judges (Magistrates' Courts) assigned to the affected areas;
The Chief Constable of Derbyshire;
The Chief Officer of the Probation Service for Derbyshire;
The Chief Crown Prosecutor for the area;
The Chief Officers of the Youth Offending Teams for the area;
The Derbyshire Branch of the Magistrates' Association;
The National Bench Chairmen's Forum;
The local branch of the Law Society;
CAFCASS;
Victim Support;
The Witness Service;
The Lord Chancellor's Advisory Committee on Justices of the Peace for Derbyshire;
The Presiding Judge for the Midlands Circuit;
The magistrates' Liaison Judge for Derbyshire;
The Designated Family Judge for the Derby Care Centre;
The Justices' Issues Group for Derbyshire; and
The Legal Aid Agency.

All responses must be received either in writing or via email by 4.00pm on 16 December 2013. All responses will be considered before any decision is made to proceed with the submission. The responses will be summarised in a report to be attached to the submission to the Lord Chancellor together with every response made to the proposal. The summary of the responses will be published by the justices' clerk to all consultees no later than three months after the conclusion of the consultation period.

Responses, marked "Local Justice Area Consultation", should be sent to either of the following addresses:

- b) The Justices' Clerk's Office,
Chesterfield Magistrates' Court
Tapton Lane
Chesterfield
S41 7TW

Email responses to:

sally.mason@hmcts.gsi.gov.uk

Annex A

| Number of planned court sessions (half days) 2012/2013 | | | | | | | | | | | | | |
|------------------------------------------------------------|---------------|------------------|------------------|---------|----------------|------------------|-------------|------------------|------------------|----------------|-----|----------|---|
| Court House | Type of Court | Monday | | Tuesday | | Wednesday | | Thursday | | Friday | | Saturday | |
| | | am | pm | am | pm | am | pm | am | pm | am | pm | am | |
| Buxton (High Peak LJA) | Adult | 2 | 2 | ½ | ½ ¹ | 2 | 2 | - | - | - | - | - | |
| | Family | - | - | - | - | - | - | - | - | ¼ ² | ¼ | - | |
| | Youth | - | - | - | - | - | - | 2 | 1 | - | - | - | |
| Chesterfield (North East Derbyshire & Dales LJA) | Adult | 4 | 3 | 3 | 4 | 3 ½ ³ | 2 | 3 ½ ⁴ | 3 ½ | 3 | 3 | 1 | - |
| | Family | - | - | - | - | - | - | 3 + LA Ct | 3 + LA Ct | - | - | - | |
| | Youth | - | - | 2 | 2 | - | - | - | - | - | - | - | |
| Derby (Southern Derbyshire LJA) | Adult | 6 ¾ ⁵ | 7 ½ ¹ | 7 | 7 | 7 | 5 | 7 ½ ¹ | 5 ½ ¹ | 6 | 5 | 1 | - |
| | Family | LA only | LA only | 1 | 1 | 1 | 1 + LA only | 1 | 1 | - | - | - | |
| | Youth | 1 | 1 | 1 | 1 | 1 | - | 1 | 1 | 2 | 1 | - | |
| Total in Court Plan | | 13 ¾ | 13 ½ | 14 ½ | 15 ½ | 14 ½ | 10 | 18 | 15 | 11 ¼ | 9 ¼ | 2 | |
| Total Sessions | | 137 ¼ | | | | | | | | | | | |

¹ Once a fortnight

² Once a fortnight

³ DV sits once a fortnight

⁴ RTA sits once a fortnight

⁵ Sits x3 per 4 weeks (TVLO/Private prosecutions)

Annex A

| Number of planned court sessions (half days) 2013/2014 | | | | | | | | | | | | | |
|------------------------------------------------------------|---------------|------------------------------|-----------------------------|----------------------------|-----------------|-----------------------------|-----------------|----------------------------|-----------------------------|----------------------------|----------------|----------|---|
| Court House | Type of Court | Monday | | Tuesday | | Wednesday | | Thursday | | Friday | | Saturday | |
| | | am | pm | am | pm | am | pm | am | pm | am | pm | am | |
| Buxton (High Peak LJA) | Adult | 2 | 2 | $\frac{1}{4}$ ⁶ | $\frac{1}{4}$ | 2 | 1 | - | - | - | - | - | |
| | Family | - | - | - | - | - | - | - | - | $\frac{1}{2}$ ⁷ | $\frac{1}{2}$ | - | |
| | Youth | - | - | - | - | - | - | $\frac{1}{2}$ ⁸ | $\frac{1}{2}$ | - | - | - | |
| Chesterfield (North East Derbyshire & Dales LJA) | Adult | 3 | 3 | 3 | 3 | $2\frac{3}{4}$ ⁹ | $1\frac{3}{4}$ | $2\frac{1}{2}$ | $1\frac{3}{4}$ ⁴ | 2 | 2 | 1 | - |
| | Family | - | - | - | - | - | - | 3 | 3 | - | - | - | |
| | Youth | - | - | 2 | 1 | - | - | - | - | - | - | - | |
| Derby (Southern Derbyshire LJA) | Adult | $5\frac{3}{4}$ ¹⁰ | $5\frac{3}{4}$ ⁴ | 4 | 6 | 6 | 6 | 6 | 4 | 5 | 6 | 1 | - |
| | Family | LA only | LA only | 1 | 1 | 1 | 2 | 1 | 1 | - | - | - | |
| | Youth | 1 | - | 1 | - | 1 | - | 1 | 1 | 2 | 1 | - | |
| Total in Court Plan | | $11\frac{3}{4}$ | $10\frac{3}{4}$ | $12\frac{1}{4}$ | $12\frac{1}{4}$ | $12\frac{3}{4}$ | $10\frac{3}{4}$ | 11 | $11\frac{1}{4}$ | $9\frac{1}{2}$ | $8\frac{1}{2}$ | 2 | |
| Total Sessions | | $112\frac{3}{4}$ | | | | | | | | | | | |

⁶ Court sits once a month

⁷ Court sits once per fortnight

⁸ Court sits once per fortnight

⁹ DV/ RTA sits once a fortnight and Private prosecution court sits once every four weeks

¹⁰ Court sits three times per four weeks

| Annex B | Completed Crime Workload (with percentage changes for most recent years.) | | | | | | | | | | | | | | | | | |
|------------------------------|---------------------------------------------------------------------------|--|-------------|--|--------------|--|-------------|------------|-------------|------------|--------------|------------|-------------|-------------|-------------|------------|--------------|-------------|
| | 2010-2011 | | | | | | 2011-2012 | | | | | | 2012-2013 | | | | | |
| | High Peak | | NEDD | | S. Derbs. | | High Peak | | NEDD | | S. Derbs. | | High Peak | | NEDD | | S. Derbs. | |
| Indictable only & Either Way | 339 | | 1662 | | 4141 | | 275 | -19% | 1886 | +13% | 3717 | -10% | 288 | +5% | 1727 | -8% | 3427 | -8% |
| Summary non-motoring | 415 | | 1228 | | 5806 | | 794 | -91% | 1845 | +12% | 6503 | +12% | 1293 | +63% | 1923 | +4% | 5500 | -15% |
| Summary motoring | 723 | | 1720 | | 4331 | | 501 | -31% | 1790 | -21% | 3424 | -21% | 450 | -10% | 1858 | +4% | 2715 | -21% |
| Breach | 74 | | 298 | | 1026 | | 65 | -12% | 375 | +21% | 1242 | +21% | 60 | -8% | 239 | -36% | 1108 | -11% |
| Youth (inc breach) | 174 | | 477 | | 1357 | | 137 | -21% | 452 | -15% | 1151 | -15% | 82 | -40% | 329 | -27% | 925 | -20% |
| Total | 1725 | | 5385 | | 16661 | | 1772 | +3% | 6348 | -4% | 16037 | -4% | 2173 | +23% | 6076 | -4% | 13675 | -15% |

Family Workload (Receipts)

| | | | | | | | | | | | | | | | | | | |
|-------------------------|----|--|-----|--|-----|--|----|------|-----|-------|-----|-------|----|------|-----|------|-----|-----|
| All family applications | 49 | | 123 | | 269 | | 82 | +67% | 322 | +162% | 672 | +150% | 95 | +16% | 274 | -15% | 640 | -5% |
|-------------------------|----|--|-----|--|-----|--|----|------|-----|-------|-----|-------|----|------|-----|------|-----|-----|

| | | | | | | |
|----------------|---------------------------------------------------------------------------------------------------------------------|--|--|--|--|--|
| Annex B | Completed Crime 2014/14 to 31 st August Financial year to date completed to same period previous year | | | | | |
|----------------|---------------------------------------------------------------------------------------------------------------------|--|--|--|--|--|

| | High Peak | | NEDD | | S. Derbs. | |
|------------------------------|----------------------|-------------|------------------------|-------------|------------------------|------------|
| Indictable only & Either Way | 145 (138) | +5% | 762 (746) | +2% | 1515 (1381) | +10% |
| Summary non-motoring | 537 (441) | +22% | 628 (892) | -30% | 2034 (2601) | -22% |
| Summary motoring | 198 (158) | +25% | 731 (751) | -3% | 1168 (1080) | +9% |
| Breach | 20 (22) | -10% | 78 (122) | -36% | 393 (477) | -18% |
| Youth (inc breach) | 18 (42) | -57% | 142 (148) | -4% | 318 (421) | -24% |
| Total | 918 (831) | +10% | 2341 (2659) | -12% | 5428 (5960) | -4% |

Family Workload (Receipts)

| | | | | | | |
|-------------------------|------------|------|--------------|------|--------------|------|
| All family applications | 25 (44) | -43% | 170 (128) | +33% | 302 (257) | +18% |
|-------------------------|------------|------|--------------|------|--------------|------|

Annex C**Average Sittings of justices assigned to the local justice areas of Derbyshire****1 April 2012 to 31 March 2013 expressed in half days**

| Local Justice Area | Adult | Youth | Family | Overall Average | Number of active Justices at year end |
|----------------------------------------------------------------|--------------|-------------|-------------|-----------------|---------------------------------------|
| High Peak 2012/13 Actual sittings | 1051 | 75 | 109 | 37 | 33 |
| North Derbyshire & Dales 2012/13 Actual sittings | 3098 | 264 | 592 | 41 | 96 |
| Southern Derbyshire 2012/13 Actual sittings | 6806 | 877 | 1066 | 37 | 235 |
| All Benches 2012/13 Actual sittings | 10955 | 1216 | 1767 | 38 | 364 |