



Ministry
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HM Courts &
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A Consultation on the Merger of the Local Justice Areas in Northumbria

Northumbria Judicial Business Group

Response to Consultation

This response is published on 16th January 2015



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Introduction and contact details

This document is the post-consultation report for the consultation paper, A Consultation on the Merger of the Local Justice Areas in Northumbria.

It will cover:

- the background to the report
- a summary of the responses to the report
- a detailed response to the specific questions raised in the report
- the next steps following this consultation.

Further copies of this report and the consultation paper can be obtained by contacting **Linda Brenkley** at the address below:

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

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

Complaints or comments

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

Background

The consultation paper titled 'A Consultation on the Merger of the Local Justice Areas in Northumbria' was published on 20 October 2014. It invited comments on 3 options, namely:-

1. One Local Justice Area, which combines the 7 Local Justice Areas (LJAs) in Northumbria to form a single Local Justice Area;
2. Two Local Justice Areas, which combine the 4 Local Justice Areas in North Northumbria, namely Berwick-upon-Tweed, Mid & South East Northumberland, North Tyneside and Newcastle & Tynedale to form a single Local Justice Area, AND to combine the 3 Local Justice Areas in South Northumbria, namely Gateshead, South Tyneside and City of Sunderland to form a second Local Justice Areas;
3. To retain the existing 7 Local Justice Areas in Northumbria

The consultation paper invited comments on the 3 options outlined above, asked for additional impacts other than those identified in the paper and also if additional factors should be taken into account. Additionally, views were sought on other alternative options.

The consultation period closed on 1st December 2014, and this report summarises the responses. A list of respondents is at Annex A.

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

Local Justice Areas in Northumbria

Berwick-upon-Tweed

The court building is built over the police station, and consists of one formal courtroom. The court sits twice a week (plus family work where required) and covers all types of work, although many justices on this bench travel to other courts (especially Mid & South East Northumberland) to supplement their sittings. Berwick deals with crime committed north of Northumberland, with the current local justice area boundaries ending around Seahouses. Berwick-upon-Tweed is among the smallest benches in England, with a current complement of 16 magistrates. 2 justices, including the Bench Chair, transferred to Berwick-upon-Tweed after Alnwick court closed in 2012.

Mid and South East Northumberland

Modern courthouse, with five courtrooms, which are also used by Tribunals. The bench recently (2012), merged with Alnwick and also a number of magistrates from Tynedale transferred there when Hexham closed, preferring to sit within Northumberland, rather than in city centre Newcastle. This court deals with all Section 172 RTA trials (failing to give identity of driver), because police HQ is in the Mid and South East Northumberland

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area. Family work from this area is dealt with in Morpeth County Court building. The bench size is currently 84.

North Tyneside

Modern courthouse with six courtrooms, including a separate youth entrance. North Tyneside currently houses Newcastle custody work and deals with all TV licence prosecutions across Northumbria. Family work from this area is dealt with in the Kings Court building. North Tyneside is a Metropolitan borough – urban area. North Tyneside and Mid & South East Northumberland share a District Judge (Magistrates' Court). The bench size is currently 96.

Newcastle & Tynedale

The Newcastle & Tynedale LJA, being based at a courthouse in the centre of the Regional Capital, Newcastle-upon-Tyne is, by a significant margin, the largest and busiest LJA in Northumbria. The LJA covers predominantly the urban areas along the north bank of the river Tyne, as far east as its neighbouring LJA, North Tyneside. It also covers a significant proportion of Northumberland north of the Tyne, namely Tynedale, including the Prudhoe area and the market towns of Hexham and Corbridge, and beyond into rural parts of the county. There is currently no custody work on site due to the withdrawal of cell facilities at Pilgrim Street Police station and family cases are dealt with at the Single Family Court, Quayside, Newcastle. Overall, the courthouse is aging and in need of refurbishment. Newcastle & Tynedale is the largest bench in Northumbria, with 176 members. Newcastle has a resident District Judge (Magistrates' Court).

Gateshead

1970's building, which had extensive internal works, completed around 2005. Gateshead deals with all Centralised Road Traffic cases for Northumbria and also DVLA prosecutions. It also has a County Court on the premises and Family court work. The building also houses the Judicial Support Unit and Training Suite for Northumbria. The bench size is currently 80.

South Tyneside

Modern courthouse with six courtrooms, which are multi-jurisdictional, dealing with magistrates, county, family and tribunals work. The bench also deals with DVPOs for the South of the Tyne area. Modern police station in very close proximity. The bench size is currently 92. A District Judge (Magistrates' Court) covers South Tyneside and Gateshead.

City of Sunderland

Created in 2012 when Houghton-le-Spring court closed and benches merged. One of the largest cities and courts in Northumbria. The building is in a poor state of repair and elderly. Family work is dealt with in the courthouse daily and also in Sunderland County Court building. Sunderland has a heavy trial workload but currently has not centralised work at this courthouse. The bench consists of 125 magistrates, and has a resident District Judge (Magistrates' Court).

Transport Links

Travel distances across Northumbria are summarised in Annexe C. Roads are generally adequate, and the A1(M) runs as a spine through the east side of the area. There are good metro links between the main court sites, with the exception of Bedlington and Berwick. Berwick is less well served with transport links.

Most travel times between the 5 courthouses on Tyneside and Wearside take less than an hour. The journey between Berwick and Bedlington is a longer journey, not well served by public transport. (See Annex B for map of area, and Annex C for average journey times between main court sites).

Rationale

The Judicial Business Group identified 4 key reasons for considering merger:-

1. To improve the effectiveness and efficiency of the magistrates' courts in Northumbria by improving flexibility in the listing of cases;
2. To ensure sustained opportunities for magistrates to undertake a range of court work and thereby maintain competencies;
3. To provide an effective and efficient service within the confines of reduced resources within the existing court estate in Northumbria;
4. To allow for the existing court estate to be utilised in a way which maximises the available facilities.

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

Summary of responses

1. **A total of 55 responses to the consultation paper were received.**

Of these one was received from:

- a Member of Parliament
- the Duchess of Northumberland, the Lord Lieutenant for Northumberland
- the Honorary Recorder of Newcastle upon Tyne
- the Designated Family Judge, Northumbria & N Durham
- the Police and Crime Commissioner for Northumbria
- the Crown Prosecution Service
- the National Probation Service
- Sunderland Law Society
- Newcastle Law Society
- the South Tyneside, Gateshead and City of Sunderland Branch of the Magistrates' Association
- the Magistrates' Association on behalf of the benches North of the Tyne.
- One was on behalf of Northumbria Police
- Seven were from Bench Chairs on behalf of individual Northumbria benches
- Twenty one from individual magistrates
- Seven from defence practitioners
- Four were from Local Authorities
- Two were from Youth Offending Services
- Two were from lay members of Northumbria Advisory Committee

2. **The responses were analysed for** levels of support for and concerns about the 3 options described in the consultation paper. In terms of consultation, each of the current seven benches held an Extra Ordinary Bench Meeting in order to discuss the proposals, and a number of benches held additional surgeries.

In terms of support from external agencies:

- the Police, PCC, CPS and National Probation service are all in favour of a merger of benches to create one LJA.
- the Honorary Recorder for Newcastle and the designated family judge support the creation of 2 LJAs (option 2 in the consultation paper) as do both responses from the Magistrates Association representing i) South Tyneside, Gateshead & City of Sunderland Branch and ii) benches North of the Tyne, a response from a lay member of the Advisory committee.
- the responses from an MP, the Sunderland Law Society, Newcastle Law Society and a number of defence practitioners, a number of city councils and YOTs, and one lay member of the Advisory Committee are in favour of retaining the existing 7 LJAs.

Judicial responses (magistracy) were:

- One bench and 3 individual JPs are in favour of a merger of benches to create one LJA.
- Three benches and 7 individual JPs support the creation of 2 LJAs (option 2 in the consultation paper). Additionally, 2 benches and 1 individual JP (although included in the 3rd option below) preferred this option if ANY merger was to take place.
- 3 benches and 11 individual JPs are in favour of retaining the existing 7 LJAs.

.3 Additional models proposed:

Four additional models were proposed and are detailed in section 6 of this response. These were all discussed in detail regarding feasibility based on any benefits and concerns.

4 The Judicial Business Group reviewed the responses for any fresh considerations and additional impacts which had not been foreseen. The following additional impacts have been identified from the responses:-

- Potential loss of evidence based outcomes in the provision of youth justice services. Also continuation of the different approaches taken in youth programmes across the 6 Youth offending teams in Northumbria.
- Ongoing uncertainty about the future structure of LJAs in Northumbria due to the risk of further merger consultation

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

Responses to specific questions

1. What comments would you like to make on the proposal to merge the 7 benches in Northumbria into one Local Justice Area to be known as “Northumbria Local Justice Area”?

Of the 9 responses in favour of this option, 4 were court users (Northumbria Police, Police and Crime Commissioner, CPS and National Probation Service). A further one was from Newcastle bench, 3 from individual JPs and one from Sunderland City Council.

Reasons given in support of 1 LJA

- to allow maximum flexibility to streamline management of the courts to enable the making of quick decisions relating to future estate changes, implementation of digitalisation (including remote link evidence giving facilities) or other business demands.
- Enable more effective management of sittings providing all magistrates with the opportunity to sit on different types of cases, maintain their competencies and achieve minimum sittings, evening out disparities in workloads across the area.
- enable straight forward decisions and subsequent management of processes as a result of the increasing mandate for centralisation of cases by either plea or crime type
- provide a platform for the CPS to operate more flexibly and able to quickly adapt to modernised working practices (e.g. maximise digital reforms).
- provide a more effective framework for centres of expertise and specialist courts, such as Specialist Domestic Violence/Drugs courts and any others that may be required in the future. This would allow magistrates, who are specially trained to deal with these areas of work, to be able to sit more equitably on these cases.
- support the development and achievement of more common approaches and would reduce local variation and enable enhanced use of partner organisations resources across the area.

Concerns

- ability & related costs of travel to court premises by court users, specifically defendants and witnesses, resulting in being denied proper access to justice. Justice will be delayed if not denied. A specific concern was raised re travelling costs & time for council prosecutors.
- creation of a single LJA would mean the overall loss of ‘local justice’. Any merger option would mean that Berwick would lose work and victims, witnesses, defendants and other court users would be prejudiced in terms of local justice.

- creation of too large, unwieldy and unworkable LJA, leading to inefficiencies & adversely affecting access to justice. There is no similar model for this size of bench in England & Wales. However, in terms of the size of a single bench, respondents recognised that Northumbria is likely to be populated by fewer than 500 magistrates by 2017.
- The single Bench Chair would require a lot of time & administrative support; would be demanding & would require significant support from Deputy Chairs and HMCTS staff. Working magistrates may find it more difficult to carry out the role of Bench chair, and this was perceived as discriminatory by some magistrate respondents. It would favour selection from larger benches due to the method of election by vote.
- The Bench Chair liaison between magistrates & HMCTS across a wide geographical area would impact adversely on the operation of courts.
- A single Bench Chair could reduce representation at the decision making JBG and wider bench chair forums. It would be difficult to fulfil the role as ambassador for the bench, maintaining effective relationships with agencies and providing support, guidance and pastoral care to magistrates.
- Any merger option is being carried out to fulfil a national trend. The single family court implementation quoted in the consultation documentation is not a comparative model for bench mergers.
- There will be additional complexity of maintaining a sitting rota across Northumbria, resulting in errors & inefficiencies

2. What comments would you like to make on the proposal to merge the 7 benches in Northumbria into two Local Justice Areas to be known as “North Northumbria” and “South Northumbria”?

18 responses were received in favour, one from each of the following: the Duchess of Northumberland, the Lord Lieutenant; the Honorary Recorder in Newcastle; the designated family judge (Northumbria & Durham); Gateshead council; the Magistrates’ Association nationally on behalf of members North of Tyne; the Sunderland, Gateshead and South Tyneside Branch of the Magistrates’ Association; an Advisory Committee lay member. A further 3 were from Northumbria benches and 7 from individual JPs.

Reasons given in support of 2 LJAs

- the advantages as stated in the consultation document, i.e. the 4 key reasons for considering the merger, could be achieved although some duplication would result. The advantages would outweigh the disadvantages as stated above inherent in the creation of one LJA.
- Enable more effective management of sittings providing all magistrates with the opportunity to sit on different types of cases, maintain their competencies and achieve minimum sittings, evening out disparities in workloads across the area (to a lesser extent than option 1).

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- Better use of resources.
- Manageable in terms of projected numbers of magistrates, as there is already some inter bench working both north and south.
- an acceptable compromise, more local justice orientated retaining ability to use local knowledge & user friendly for magistrates.
- this is potentially a transitional state with a further merger to a single LJA at some unspecified time in the future.
- Several responses recognised that no change to LJAs is not a viable option due to continued reduction in sittings and related competencies, so this option is the “least worst – less painful” compromise option.

Concerns

- ability & related costs of travel to court premises by court users, specifically defendants and witnesses, resulting in being denied proper access to justice. Most likely to impact rural areas. (Lesser concern than option 1)
- creation of two LJAs would mean the loss of ‘local justice’ (Lesser concern than Option 1)
- honour the preference for magistrates to sit in their own area, although may result in meeting minimum sitting requirements
- would create an artificial barrier to be overcome with respect to consistency of management and distribution of workload.
- Limitations to efficiency would result from the arbitrary boundaries for North & South LJAs, particularly due to the disparate size in terms of geography, workload and magistrates across those 2 regions and may result in the creation of “us & them” culture.
- The increased Bench Chairs workload & representation (although lesser concern than option 1)
- if this is a transitional state with a further merger to a single LJA in future, this would therefore instil uncertainty about the future structure of Northumbria due to the risk of further merger consultation.

3. What comments would you like to make on the proposal to remain as 7 benches in Northumbria

Of the 29 responses received in favour of this option, one was from a local MP, 7 were from local solicitors/law firms, 2 from local Law Societies, two from Youth Offending teams (Newcastle; South Tyneside), 3 from Northumbria benches, 11 from individual JPs, one from a lay member of Advisory committee, one from Newcastle City Council and one from South Tyneside Council.

One of these responses (individual JP) stated that if a merger did go ahead, the preference was option 1 (single LJA).

Four of these responses (2 from Northumbria benches) stated that if a merger did go ahead, the preference was option 2 (2 LJAs).

Reasons given in support of remaining as 7 benches in Northumbria

- The main justification for this option was that it retains “local justice” and preserves community links.
- Magistrates know court users, familiar with those who regularly appear and are familiar with their problems. Retains local specialisation of geographic issues.
- Newcastle Youth Offending Team felt strongly that this option supports consistent evidence based approach re outcomes for youth courts
- South Tyneside Youth Justice Service highlighted that the 6 YOT services are currently funded by councils & are organised differently. Also the focus and responsibilities of each YOT is individual and is locally configured. There is no means to achieve a funding formula to provide uniform resourcing and commonality in delivery.
- Less distances & costs incurred for court users to travel.
- One magistrate stated that they are not interested in sitting in “foreign” courts
- Local courts act as deterrent to criminal activity
- Most benefit to magistrates
- Bench chair knows the magistrates
- One response stated that the consultation document does not make a sufficient case of change
- Several supporters of this model suggested that improvements could occur without mergers by:
 - o Goodwill between current LJAs & HMCTS to enable better level of service than merged models.
 - o Centralisation of administration with the use of Libra without the requirements to merge LJAs, thus sustaining local justice.
 - o Digitalisation implementation which will enable remote dealing of cases, thus negating requirement to list in other courts.

Concerns

- although maintaining contacts with local communities, cannot provide equal service becoming more fragmented as caseload continues to be allocated by geographical boundaries rather than business need.
 - even with this option; an alternative solution is required for Youth Courts due to serious reduction in workload.
 - This presents inefficiencies, delays & reduced flexibility
-

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

A number of responses were of the view that the consultation is being carried out too quickly without allowing time for proper consultation & responses & proper consideration of those responses. Also that the MoJ strategic direction, particularly with respect to estates strategy, digital solution and plans for any reduction to numbers of DJs for Northumbria reflecting workload reduction should be known prior to this radical proposal for mergers of LJAs.

The impact of increased costs of travel for magistrates & court users, in particular, victims, witnesses and defendants – comparison with any identified savings has not been carried out. (Cost/Benefit Analysis)

The impact on magistrates in remote rural areas means lack of participation in running of merged benches. Also apart from the cost issues, the impact on witnesses especially police in terms of time wastage to travel to remote courts.

One local solicitor firm felt that a public meeting should be held to hear the views of all court users.

Impact on Youth courts where the YOT is integrated with the Local Authority Children's Services and other local partnerships. Any merger would need to take account of the existing arrangements between Local Authorities and Children's Services

Newcastle Law Society disputes use of these forecasting figures to justify falling crime rates.

5. Do you have any additional evidence or information you believe we should take into account in relation to the equality impacts and why?

Data relating to journey times between courts illustrating difficulties of magistrates from rural courts, especially if unable to use public transport is included at Annex C.

6. The JBG is willing to consider any other model, which consultees may wish to propose.

The following 'alternative' models arose from the consultation:

- a. Co-terminus with police command units. To align with police structure. (Not raised in Northumbria Police response – and Northumbria police support 1 LJA model) raised in Gateshead's bench & also MA (north) responses.
- b. 2 LJAs – East (NT, ST,S); West (N&T plus G plus M&SEN plus B). To minimise travel difficulties. (Raised in Gateshead's bench response)
- c. 2 benches north of Tyne (N&T plus NT; Berwick plus M&SEN); 1 bench SoT (Raised in MA (north) response)
- d. 2 benches north of Tyne (N&T; NT plus Berwick plus M&SEN); 1 bench SoT

Note: Proposals for maintenance of distinct locality based Youth Benches within a wider LJA (if mergers go ahead)

Conclusion and next steps

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

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

There was clear consensus by all members of the JBG that there should be change to the current LJA arrangements. It was acknowledged that there is a need to respond to changes imposed on us by cell closures, reduction in resources and centralisation of Road Traffic and shop theft courts. The courthouses were not being fully utilised due to falling workloads and there would be further downward pressure on resources as a result of forthcoming public spending cuts.

A more effective distribution of work would help magistrates to maintain competencies and achieve minimum sittings which would be difficult to sustain with the current LJA boundaries. The JBG acknowledged the concern for the need to maintain local justice but also had regard to the level of support in the responses for the rationale for change.

Of concern to the JBG were the particular needs of the community in the Berwick upon Tweed area. We were, however, encouraged by the acknowledgment from HMCTS that the outcome of this consultation does not change the current position in relation to the Berwick upon Tweed courthouse. HMCTS recognises the exceptional geographic location of Berwick and fully accepts that local people will have difficulty accessing justice if they are required to travel to other courthouses. Any changes which may be considered in the future in relation to listing of cases which are heard in the current Berwick upon Tweed LJA will take account of the impact on court users and would need to be both reasonable and proportionate in relation to the needs of those court users.

We also considered carefully the concerns expressed by a number of defence practitioners about the need to ensure access to justice is maintained. The consultation, however, was not based on any proposed change to the present court estate and any resulting changes to court listing practices would be subject to future discussions with court users.

Having decided that the case for change had been made out, there were 2 realistic options to consider. There were powerful arguments in favour of a single LJA, in particular the scope for maximising the benefits from new technology and the digitalisation of courts. It was, however, the view of the JBG that such a large LJA spread across a vast geographical area could compromise the principles of local justice. Such a grouping would present significant difficulties to a single bench chair in discharging his or her pastoral obligations. A single LJA would also be likely to have a greater detrimental impact on rural areas in terms of distances and costs of travelling on all court users.

There were significant benefits in moving to 2 LJAs, not the least of which was that this solution would avoid the problems of travelling that a single LJA would entail. It would enable savings and efficiencies to be made in terms of administrative support for bench meetings and the listing of cases, whilst maintaining community links and not imposing intolerable burdens on a Bench Chairman. A 2 LJA system would be easier to manage in terms of organising sitting rotas and was the model which had the most support from those who, whilst resistant to change, accepted change was inevitable.

A number of alternative options put forward in response to the consultation had insufficient support to be viable.

Overall, in the view of the JBG, option 2 (2 LJAs, one North and one South) was, on balance, the preferred option.

A difficult aspect of the consultation was deciding the process by which the name of any new LJA should be selected. Several responses suggested different names for the LJAs, and that it should be a matter for a new LJA rather than the JBG to decide. The JBG, having considered the responses, would propose that the new 2 LJAs should be known as North and South Northumbria. Ultimately, we consider it will be for the Lord Chancellor to decide, if he approves the creation of 2 new LJAs, whether these names should be how they are known.

Next Steps:

This response document will be published on the Ministry of Justice website on 16.1.2015, and a copy will also be sent to all persons who have submitted a formal response. The consultation proposal and the response document will be considered by the Senior Presiding Judge for England and Wales, and forwarded to the Lord Chancellor for further consideration. If the recommendation to create to new LJAs in Northumbria is approved it is anticipated that the statutory order will create the new areas with effect from 1 January 2016. There will be continuing stakeholders' and magistrates' involvement as we work through any transitional arrangements.

The further effect of the creation of 2 new LJAs, if approved, will include the following changes to statutory panels:-

1. The current Youth Panels will be dissolved, and two Youth Panels created with effect from 1 January 2016. (1 North and 1 South Northumbria)
2. The current Bench Training and Development Committees will be dissolved and two Bench Training and Development Committees created with effect from 1 January 2016. (1 North and 1 South Northumbria)

The creation of 2 new LJAs, if approved, will retain a combined Family Panel for Northumbria, and a combined Family Training and Development Committee.

Further consequential changes resulting from the creation of 2 new LJAs, if approved, will be the creation of 2 Judicial Leadership Groups (1 North and 1 South Northumbria).

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

1. Consultation principles

The principles that Government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

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

Annex A – List of respondents

Gerald	Armstrong	Solicitors
Gerald	Armstrong	response from A Metcalfe
Vera	Baird QC	Police & Crime Commissioner for Northumbria
Jeannie	Baker JP	Newcastle & Tynedale Bench
Christine	Ball	Bench Chair - Gateshead
Mike	Barker	Solicitor to the Gateshead Council
Rt Hon Sir Alan	Beith	MP Berwick Upon Tweed
	Benneworth	
John	JP	North Tyneside Bench
Alison	Brown JP	Individual JP response
Melanie	Bulman	Newcastle City Council
Graham	Caffull JP	Newcastle & Tynedale Bench
Carol	Calder JP	Berwick Upon Tweed Bench
Christine	Craddock JP	Bench Chairman Berwick Upon Tweed
Christopher	Craddock JP	Individual Response
Doug	Dawson JP	Berwick Upon Tweed Bench
John	Dilsworth	Acting Chief Crown Prosecutor
Bill	Ginn JP	Gateshead Bench
Kate	Goodings	Newcastle Law Society
Susan	Grey	member of Sunderland Law Society
Susan	Grey	Solicitors
David	Heslop	on behalf of Northumbria Police
Greer E	Hogan	Northumbria Advisory Committee member
HH Judge	Hudson	Designated Family Judge for CDN
Linda	Jay	Lay member of Northumbria Advisory Committee
Cliff	Jones	Bench Chairman - City of Sunderland
Gillian	Jones JP	Berwick Upon Tweed Bench
Margaret	Kirkland JP	City of Sunderland Bench
Janice	Leach JP	City of Sunderland Bench
Jennifer	Leach	South Tyneside Council
		MA Chairman for Gateshead, Sunderland & South Tyneside
Glynn	Lister	
Kay	Longstaff JP	Gateshead Bench
Theresa	Marriott JP	South Tyneside Bench
	Montgomery	
Lorraine	JP	Acting Bench Chairman South Tyneside
The Duchess of	Northumberland	Lord Lieutenant for Northumberland
Karin	O'Neill	Head of National Probation Service, Area Courts Lead
David	Parish	Hay & Kilner Solicitors
David	Parks	Newcastle Youth Offending Service
Phillip	Patterson	
Philip G	Patterson JP	South Tyneside Bench
Mike	Ranson	Bench Chair - Newcastle & Tynedale
Michael	Robinson	Solicitors
Alistair	Robson	Gateshead
John M	Scott JP	City of Sunderland Bench
Richard	Scott	Row & Scott Limited Solicitors

A Consultation on the Merger of the Local Justice Areas in Northumbria

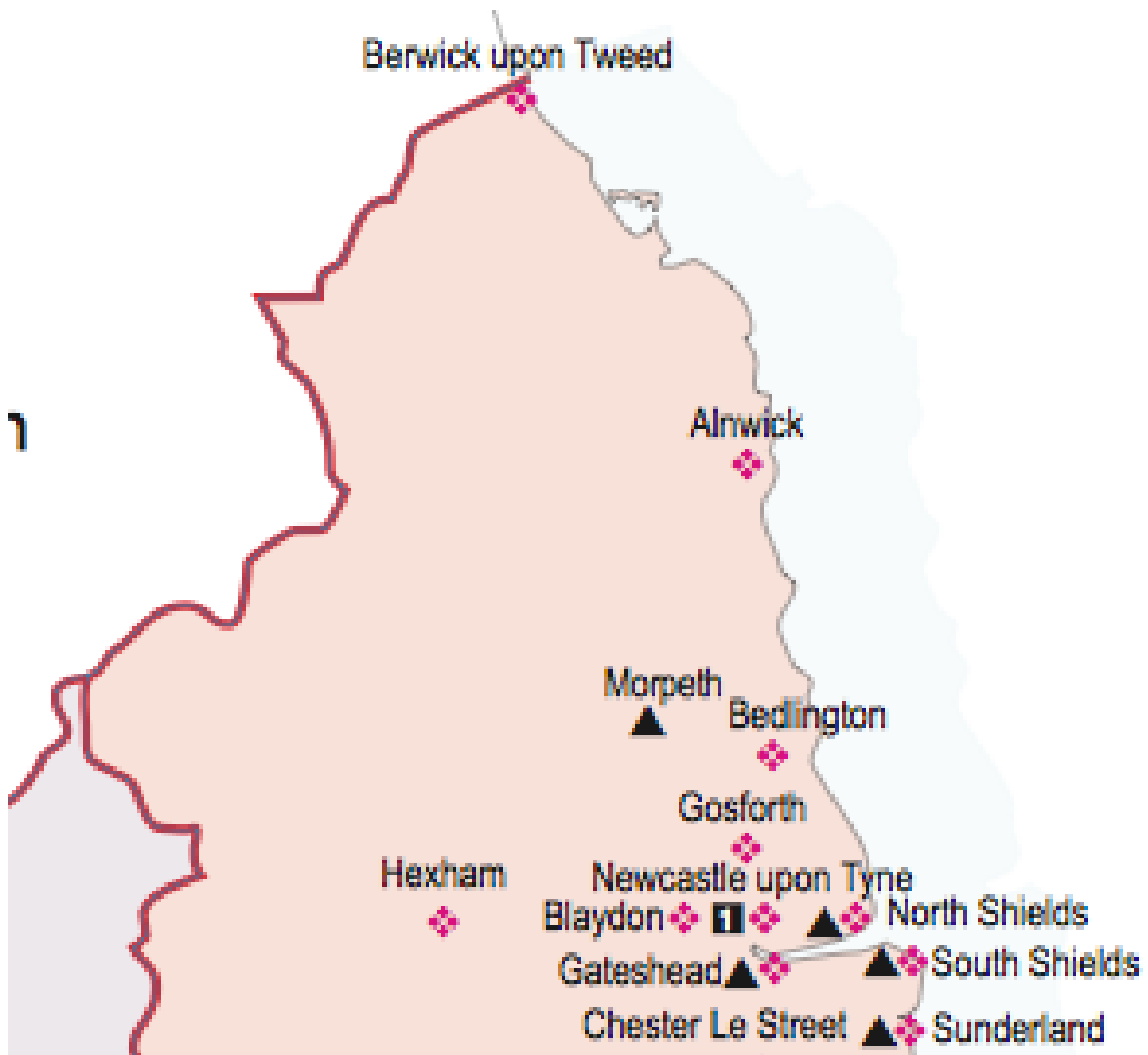
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HH Judge	Sloan	QC, Honorary Recorder of Newcastle
Senior	Solicitor	for Sunderland City Council
Ian W	Swales JP	South Tyneside Bench
Valerie	Telfer JP	Newcastle & Tynedale Bench
Peter	Thubron	Westgarths Solicitors
Pam	Vedhra	South Tyneside Youth Justice Service
Peter	Watson JP	City of Sunderland
Charles	Weidner	Hathaway Solicitors, Gateshead
Andrew	Westgarth	Westgarths Solicitors

Annex B - Map of Northumbria – court sites at:

1. Berwick upon Tweed (population 13,265*)
2. Bedlington (population 16,974) – total population for Northumberland 316,000
3. Newcastle (population of unitary authority – 259,000)
4. North Shields (population of Borough – 201,000)
5. South Shields (population of Borough – 148,000)
6. Gateshead (population – 201,000)
7. Sunderland (population of city area – 275,000)

*Data based on 2011 Census information



Annex C - average travel times between court sites

	Bedlington			Berwick			Gateshead			Newcastle		
	Miles	Time (minutes)		Miles	Time (minutes)		Miles	Time (minutes)		Miles	Time (minutes)	
		Car	P/T		Car	P/T		Car	P/T		Car	P/T
Bedlington	0	0	0	53	67	118	16	25	63	15	27	49
Berwick	54	73	114	0	0	0	63	88	74	62	85	68
Gateshead	17	30	61	66	86	61	0	0	0	1.5	6	14
Newcastle	15	27	47	64	82	67	1.6	8	13	0	0	0
North Shields	13	24	86	66	85	113	9.1	24	43	8.4	21	31
South Shields	16	31	89	69	92	101	8.8	22	41	9.6	25	42
Sunderland	21	42	86	74	102	105	13	33	45	12	30	46

	North Shields			South Shields			Sunderland		
	Miles	Time (minutes)		Miles	Time (minutes)		Miles	Time (minutes)	
		Car	P/T		Car	P/T		Car	P/T
Bedlington	13	25	85	16	29	97	23	41	92
Berwick	65	76	105	68	89	109	75	101	104
Gateshead	9.5	22	53	9.1	23	39	13	29	41
Newcastle	8.2	21	32	11	26	42	14	32	43
North Shields	0	0	0	6.2	18	31	13	29	75
South Shields	7.1	20	34	0	0	0	8.2	25	47
Sunderland	12	32	73	8	24	45	0	0	0

Annex D –

Impact Assessment, updated following consultation responses

Group(s) affected by this proposal.

2 broad categories are affected, namely:

- Professionals in the criminal justice system, including magistrates and District Judges, legal advisers and administrative staff and
- Those who may use the criminal justice system either as defendants, victims or injured parties.

The current complement of the 7 benches in Northumbria is 677 magistrates. This number is likely to reduce based on known retirements and possible resignations. Individuals will continue to have the option to sit predominantly at a court of their convenience. All individuals are entitled to claim for travel and loss of earnings etc. There is a potential impact on any members of this group with a disability which in any way restricts their ability to travel or access any of the court buildings, and those with caring responsibilities who may be disproportionately inconvenienced by longer journey times to court. In both cases, this could be mitigated in individual cases by focusing attendance at the most suitable courthouse.

Individual risk assessments will be conducted in relation to particular individuals for whom such an issue is identified. Other groups potentially affected are judges, magistrates and HMCTS staff with caring responsibilities, which restrict travel time. Again, these will be identified through personal questionnaires and these individuals.

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

Ongoing scrutiny is required to monitor additional travelling time, costs and personal safety implication for all parties named above, regarding any further changes to estate or listing practices. There are no such proposals under consideration by the JBG at the current time to effect such changes. Other groups, who have been identified as a result of the consultation exercise, at the Youth Offending Teams, who currently have separate funding arrangements. HMCTS are prepared work constructively with YOTs in implementing any future changes.

- b) Is there any evidence that any proposed changes will have a positive impact on any of these different groups of people and/or promote equality of opportunity? Please provide details of which benefits from the positive impacts and the evidence and analysis used to identify them.***

The purpose of this change is to ensure that there is greater flexibility in managing the caseload and a reduction in the number of court sessions. This flexibility will be available to everyone equally. If as part of this process it is identified that the service could provide support or facilities to assist any individual to enable them to increase the opportunity for

sitting or expand the choices available to them this will, subject to prohibitive/disproportionate cost, be provided. This response has acknowledged anxiety that exists about potential future changes, particularly with regard to court estate, but there is no information that we have that allows us to address these concerns.

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

No such feedback or evidence provided.

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

There are potential impacts for defendants, victims and witnesses and other court users (e.g. prosecutors on behalf of local councils), if listing practices change as a result of the consultation. The proposals affect magistrates who will be able to continue to express a preference for the courthouse at which they will predominantly sit. Court sittings are assigned randomly based upon magistrates' availability and the need to meet the minimum sitting requirements set by the Lord Chancellor. Individual preferences will be factored into this process. Many justices' home or work bases are, however, of roughly equal distance to more than one court location.

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

Subject to the specific situation regarding the community at Berwick upon Tweed, there is currently no evidence to suggest that the impact of the proposals is likely to be detrimental in equality terms. Nor is there any evidence to suggest that the proposal is likely to have a disproportionate impact on one magistrate demographic group or community more than another, or that there is any discrimination on the basis of protected characteristics.

If the change is implemented a further rota questionnaire will confirm choices and ensure that specific needs are met.

f) *Is a full Equality Impact Assessment Required?* Yes No

No adverse impacts have been identified. The consultation invited "any additional evidence or information you believe we should take into account in relation to the equality impacts". A full EIA has not been completed.

- g) Even if a full EIA is not required, you are legally required to monitor and review the proposed changes after implementation to check they work as planned and to screen for unexpected equality impacts. Please provide details of how you will monitor evaluate or review your proposals and when the review will take place.**

With regard to magistrates, the changes will be monitored as part of the preparation of each Justices' rota, which is prepared on a 6 monthly basis. Sitting patterns are regularly monitored and checked by Bench Chairmen to ensure that minimum sitting requirements are met. Any anomalies in sitting patterns will be identified through this process. Individual magistrates know that if they have any concerns regarding the way sittings have been allocated to them that this can be raised with their Bench Chairman or the Deputy Justices' Clerk. The impact upon other court users will also be regularly reviewed and a questionnaire will be circulated periodically by or on behalf of the JBG in relation to changes to listing practices.

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

The Magistrates' Court estate across the county is made up of courthouses at Berwick upon Tweed, Bedlington, Newcastle, North Tyneside, Gateshead, South Tyneside and Sunderland. This consultation does not raise any questions about the future of this estate. This consultation regarding proposals about changes to Local Justice Areas does not raise any issues about court estate. Any future changes to estate would be subject to formal consultation. Any significant changes to the court schedule, including the centralisation of categories of work, will be the subject of separate stakeholder engagement.

- i) What improvements to the service will the proposal offer?**

Flexibility in dealing with court business, resulting in retention of magistrates' competence, reduced delay and more consistent provision.

Reduction in duplication of work,

HMCTS legal staff focused on court based duties .

- j) Name of Senior Manager and date amended impact assessment approved**

Name: Mark Swales (Delivery Director)
Department: HMCTS North East Regional Support Unit
Date 16 January 2015

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