

MERGER OF LOCAL JUSTICE AREAS

CONSULTATION DOCUMENT

Code Number CPL (L) 15/05

**The Area Director
Dyfed Powys Area
Her Majesty's Courts Service
4/5 Quay Street
Carmarthen
SA31 3JT**

4th July 2005

**Her Majesty's Courts Service
DYFED POWYS AREA
*Magistrates' Courts***

MERGER OF LOCAL JUSTICE AREAS

CONSULTATION DOCUMENT

1. INTRODUCTION

The purpose of this document is to set out the proposal to merge certain local justice areas in Dyfed Powys, under the provisions of Section 8 of the Courts Act 2003, and to inform those with an interest in the organisation of magistrates' courts and the service that they provide. The core list of those bodies and persons to whom this consultation document is being sent is set out at Appendix A. The Area Director for the Dyfed Powys Area of Her Majesty's Courts Service will arrange for this document to be sent them. However, this list is not meant to be exhaustive or exclusive and responses are welcomed from anyone with an interest in or views on the subject covered by this paper.

Requests to provide the document in any other language or medium should be sent to the Area Director.

The term 'Local Justice Area' was introduced by way of the Courts Act 2003, and local justice areas, until the implementation of that legislation, were known as 'Petty Sessions Areas'. The justices who sit to hear court business within a Local Justice Area are collectively referred to as a 'Bench' of justices.

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2. PROPOSED MERGER OF LOCAL JUSTICE AREAS

It is proposed to merge the following Local Justice Areas, subject to an Order being made by the Secretary of State by way of a Statutory Instrument, by virtue of Section 8 of the Courts Act 2003:

- a. **To merge the following local justice areas to form one new local justice area:**
- i. **North Pembrokeshire**
 - ii. **South Pembrokeshire**

AND

- b. **To merge the following local justice areas to form one local justice area:**
- i. **De Maldwyn**
 - ii. **Welshpool**

3. PROPOSED NAMES FOR MERGED LOCAL JUSTICE AREAS

- a. That the local justice areas of North Pembrokeshire and South Pembrokeshire, when merged, shall become the:

Pembrokeshire Local Justice Area

- b. That the local justice areas of De Maldwyn and Welshpool, when merged, shall become the:

Montgomeryshire Local Justice Area

4. EFFECTIVE DATE FOR MERGERS

The mergers shall take effect on the 1st of January 2006 or on such other date as may be determined by the Order of the Secretary of State.

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5. THE CONSULTATION PERIOD

The Consultation Period shall be eight weeks, commencing on the 4th July 2005 and ending on the 29th August 2005. Although in the main this consultation follows the Code of Practice on Consultation issued by the Cabinet Office, the Rt. Hon Harriet Harman MP QC, the Minister of State for Constitutional Affairs, has decided that reducing the consultation period from 12 weeks to eight will be permissible in the circumstances. This decision was taken to ensure that the timescale requirements for the election of Bench Chairman and Deputy Chairman as set out in The Justices of the Peace (Size of Chairmanship of Bench) Rules 2005 can be met and in view of the fact that there are no changes envisaged in this consultation that would materially alter the service to the public. In order to ensure that this consultation is as effective as possible, it has been produced in a bilingual format and will be published in the local press and on the HMCS website.

Please send your response by 29th August 2005 to:

Mrs Ann Beaumont
Judicial Liaison Manager
Justices' Clerk's Office
4/5 Quay Street
Carmarthen
SA31 3JT

Tel: 01267 220523

Fax: 01267 244128

E-mail: dy-dyfedpowysmccorp@hmcourts-service.gsi.gov.uk

Extra copies

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

Publication of response

A paper summarising the responses to this consultation will be published on 5th September 2005.

6. SUMMARY OF REASONS FOR MERGERS

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- a. The respective benches of justices serving the Local Justice Areas have expressed their desire for the proposed mergers.
- b. In the case of both proposed mergers, the respective local justice areas are sharing courthouses, that is to say:
 - i. The **North Pembrokeshire** and **South Pembrokeshire** Local Justice Areas share the Haverfordwest Law Courts at Hawthorn Rise, Haverfordwest; and
 - ii. The **De Maldwyn** and **Welshpool** Local Justice Areas currently share a courthouse facility at Welshpool:
- c. The justices of the respective benches at each court venue already sit together, as if they were already merged in the matter proposed, wherever it is legally possible to do so; that is to say:
 - i. Justices of the **North Pembrokeshire** and **South Pembrokeshire** Local Justice Areas already sit together as if they were already merged, with panels or day benches of justices being comprised of justices from each of the local justice areas.
 - ii. The **De Maldwyn** and **Welshpool** Local Justice Areas already sit together as if they were already merged, with panels or day benches of justices being comprised of justices from each of the local justice areas.
- d. In the case of both proposed mergers, the effect of the merger proposals would be to formalise the substantial changes that have already taken effect with the consent of the justices.
- e. The catalyst for the proposals to merge the benches, in the case of Pembrokeshire and Montgomeryshire, has been the justices assigned to the respective local justice areas. The majority, if not all, the justices affected by the proposed mergers are in favour of the proposed action.

7. JUSTICES

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The justices assigned to the benches affected by the proposals are as follows:

(a).In the proposed Pembrokeshire Local Justice Area

| | | |
|---|----------------------------|--------------------|
| 1 | North Pembrokeshire | 41 justices |
| 2 | South Pembrokeshire | 29 justices |
| | Total | 70 justices |

(b).In the proposed Montgomeryshire Local Justice Area

| | | |
|---|-------------------|--------------------|
| 1 | De Maldwyn | 21 justices |
| 2 | Welshpool | 17 justices |
| | Total | 38 justices |

8. YOUTH AND FAMILY PANELS

Although there are two Local Justice Areas in Pembrokeshire, North Pembrokeshire and South Pembrokeshire, there is one joint Family Panel for the entirety of Pembrokeshire, with justices from each Local Justice Area being elected to serve on that Panel. Currently, each of the two Pembrokeshire Local Justice Areas has its own Youth Panel. A natural consequence of merging the two Local Justice Areas will be to have just one Youth Panel for Pembrokeshire.

Montgomeryshire already has joint Family and Youth panels operating on a Montgomeryshire basis, with justices being elected from each of the Local Justice Areas, De Maldwyn and Welshpool, to serve on those respective panels.

9. POPULATION FIGURES

The population figures for the areas affected by the proposals are:

| | |
|------------------------|----------------|
| Pembrokeshire | 116,300 |
| Montgomeryshire | 59,474 |

Ceredigion already has just one Local Justice Area, with a population of 77,000, whereas

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Carmarthenshire, with three Local Justice Areas has a population of 175,600.

The total Powys population is: 126,354. The other two administrative areas within Powys, Brecknock and Radnorshire, have populations of 42,075 and 24,805 respectively.

10. WORKLOAD FIGURES

The workload figures for the year ending 31st December 2004 are as follows:

Pembrokeshire

| | |
|---------------------|--------------|
| 'Either way' cases: | 1,153 |
| Summary cases | 1,378 |
| Motoring cases | 1,297 |
| Breach cases | 87 |
| Youth cases | 270 |
| Total | 4,185 |

Montgomeryshire

| | |
|--------------------|--------------|
| 'Either way' cases | 389 |
| Summary cases | 372 |
| Motoring cases | 508 |
| Breach cases | 49 |
| Youth cases | 117 |
| Total | 1,435 |

'Either Way' cases are those that may either be dealt with at the Crown Court or a magistrates' court, whereas summary cases may be tried at a magistrates' court only. Breach cases consist of those cases where a defendant is returned to court having breached the terms of a community order.

Total workload figures (for 2004) for the entirety of the Area, county by county, are as follows:

| | |
|------------------------|--------------|
| Carmarthenshire | 7,600 |
| Ceredigion | 2,251 |
| Pembrokeshire | 4,185 |
| Powys | 3,398 |

The figures for Powys are broken down according to the two administrative centres within the County,

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Brecon and Welshpool, covering the areas as indicated:

| | |
|----------------------------------|--------------|
| Brecknock and Radnorshire | 1,963 |
| Montgomeryshire | 1,435 |

11. CONTEXT

(a). PEMBROKESHIRE

Pembrokeshire is one of the four county councils within Dyfed Powys, and until a few years ago had two courthouses, one at Tenby and one at the Shire Hall, Haverfordwest. Neither of the buildings was suitable for use as a courthouse and, in accordance with the former Dyfed Powys Magistrates' Courts Committee's Strategic Plan, one improved courthouse infrastructure was developed at Hawthorn Rise. As soon as the Hawthorn Rise building came available, the Tenby Courthouse and the Shire Hall Courthouse were both closed as magistrates' courts buildings.

Although there was opposition to parts of the Strategic Plan, there were no significant concerns about the plans to develop one purpose built courthouse in Haverfordwest to service the entirety of the needs for the Pembrokeshire Local Justice Area.

(b). MONTGOMERYSHIRE

Montgomeryshire was, until 1974, a county council in its own right but, resulting from the reorganisation invoked by the Boundary Commission in that year, it formed part of the Powys County, together with the former county councils of Brecknock and Radnorshire.

As with Pembrokeshire, there were no significant objections to the plans for one courthouse to service the needs of the Montgomeryshire Local Justice Area.

The Newtown Courthouse is not currently being used because of shortcomings in the building. The Welshpool Courthouse provision at The Town Hall, Welshpool, is currently being used by the justices of both the Welshpool and De Maldwyn Local Justice Areas. A new building is planned for Montgomeryshire, to be delivered as part of the Dyfed Powys and Gwent PPP (Private-Public Partnership Scheme).

(c). GENERALLY

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The plans to merge benches, within Pembrokeshire and within Montgomeryshire, does not at this stage take forward any matter concerning buildings, given that, in the case of each proposed merger, the justices of the respective local justice areas already share accommodation.

It is emphasised that the justices of the two Local Justice Areas within Pembrokeshire already conduct their business as if they were one Local Justice Area, whenever it is legally possible for them to do so. Similarly, the justices of the two Local Justice Areas within Montgomeryshire already conduct their business as if they were one Local Justice Area, whenever it is legally possible for them to do so.

12. CONFIDENTIALITY

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

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

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

13. CONCLUSION

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The proposals, if implemented, would not adversely affect service delivery.

The workload, when compared with other Local Justice Areas within Dyfed Powys and England and Wales, does not indicate a need in favour of there being more than one Local Criminal Justice Area within either of the respective areas affected by the proposals. The overall bench complement (i.e. the number of justices of the peace) of each of the proposed merged Local Justice Areas, if both mergers were implemented, would not in either case indicate a need for there being more than one Local Justice Area in either Pembrokeshire or Montgomeryshire. By comparison with other areas in England and Wales, both Local Justice Areas would have a small establishment of justices of the peace.

Given that Pembrokeshire justices sit at the same courthouse venue, and similarly Montgomeryshire justices sit at the same venue, a merger of Local Justice Areas in each case will not have any substantial effect on service delivery.

Responses to this document must be sent to me, the undersigned, by the end of the Consultation Period. Envelopes containing responses and representations should be marked for the attention of **The Judicial Liaison Manager** and endorsed:

'Response to Consultation – Local Justice Area Mergers'

**LUIGI STRINATI
Area Director
Dyfed Powys
Her Majesty's Courts Service
4/5 Quay Street
Carmarthen
SA31 3JT**

4th July 2005

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APPENDIX ONE

CONSULTATION SCHEDULE

CIRCULATION of the document setting out the proposals:

a. **To merge the following local justice areas to form one new local justice area (of Pembrokeshire):**

- **North Pembrokeshire**
- **South Pembrokeshire**

AND

b. **To merge the following local justice areas to form one new local justice area (of Montgomeryshire):**

- **De Maldwyn**
- **Welshpool**

WILL BE TO:

- The Presiding Judges for Wales and Chester
- Liaison Judges for Dyfed Powys
- Resident judges, Swansea, Merthyr Tydfil and Mold
- Justices of the Peace for Dyfed Powys.
- The Chairperson of the Magistrates' Association, Dyfed.
- The Chairperson of the Magistrates' Association, Powys and Hereford.
- Members of the Courts Board for Dyfed Powys.
- The Chief Executive of each of the counties of Pembrokeshire, Powys, Carmarthenshire and Ceredigion, enclosing in each case a further copy to be passed on to Chairpersons of the respective county councils.
- Secretaries of Community Councils throughout Pembrokeshire and Powys.
- Members of Parliament for constituencies that encompass any part of Pembrokeshire or Montgomeryshire.
- Members of the Assembly, National Assembly Government, Wales, having constituencies that encompass any part of Pembrokeshire or Montgomeryshire.
- The Chief Constable for Dyfed Powys.
- The Chief Crown Prosecutor, Crown Prosecution Service, Dyfed Powys.

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- Head of Legal Services Commission, Wales.
- The Head of the Prison Service, Wales.
- Manager, Youth Offending Team, Pembrokeshire.
- Manager, Youth Offending Team, Powys.
- Prisoner Escort Custody Services (PECS)
- Reliance Custodial (PECS Contractors)
- The Witness Service, Dyfed.
- The Witness Service, Powys.
- The Victim Support organisation, Dyfed.
- The Victim Support organisation, Powys.
- The Library Service, Pembrokeshire
- The Library Service, Powys.
- Defence Solicitors for Dyfed Powys

IN ADDITION, an abbreviated version, appropriate to each of the areas, indicating how the full Consultation Document may be obtained, will be advertised in a local newspaper circulating in Pembrokeshire and in Powys.

FURTHER, a Notice similar to the respective newspaper advertisements, will be posted at courthouses currently routinely used by justices of the peace for the relevant Local Justice Area. A copy of the notice relevant to each respective area will also be posted at the offices most local to the Local Justice Area.

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APPENDIX TWO

NEWSPAPER ADVERTISEMENT

NEWSPAPER ADVERTISEMENT (PEMBROKESHIRE)

*Her Majesty's Courts Service
Dyfed Powys*

SECTION 8, COURTS ACT 2003 : MERGER OF LOCAL JUSTICE AREAS

It is proposed to merge the Local Justice Areas of North Pembrokeshire and South Pembrokeshire, to form one Pembrokeshire Local Justice Area. A Local Justice Area was, until the implementation of the Courts Act 2003, a Petty Sessional Area. Justices of the respective Local Justice Areas, known collectively as '*benches*' of justices, already sit at the same courthouse venue at The Law Courts, Hawthorn Rise, Haverfordwest, and the proposal is not intended to change the substantive service delivery to court users. The consultation period ends on 29th August 2005 and any interested person or body may obtain a copy of the Consultation Document by writing to:

**The Area Director
Dyfed Powys Area
Her Majesty's Courts Service
4/5 Quay Street
Carmarthen
SA31 3JT**

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APPENDIX THREE

NEWSPAPER ADVERTISEMENT

NEWSPAPER ADVERTISEMENT (POWYS)

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Dyfed Powys*

SECTION 8, COURTS ACT 2003 : MERGER OF LOCAL JUSTICE AREAS

It is proposed to merge the Local Justice Areas of De Maldwyn and Welshpool, to form one Montgomeryshire Local Justice Area. A Local Justice Area was, until the implementation of the Courts Act 2003, a Petty Sessional Area. Justices of the respective Local Justice Areas, known collectively as '*benches*' of justices, already sit at the same courthouse venue at The Town Hall, Welshpool, and the proposal is not intended to change the substantive service delivery to court users. The consultation period ends on the 29th August 2005 and any interested person or body may obtain a copy of the Consultation Document by writing to:

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