

# **Proposed merger of the existing Shropshire local justice areas into two local justice areas**

**Response to Consultation**

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**Response to consultation carried out by Her Majesty's Courts Service, part of the Department for Constitutional Affairs. This information is also available on the DCA website at [www.dca.gov.uk](http://www.dca.gov.uk)**

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## **Introduction**

This document is the post-consultation report for the consultation paper on the proposed merger of the existing Shropshire local justice areas into two local justice areas.

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; and
- the next steps following this consultation.

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

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This report is also available on the Department's website at: [www.dca.gov.uk](http://www.dca.gov.uk)

## **Background**

The consultation paper on the proposed merger of the existing Shropshire local justice areas into two local justice areas was published on 13th July 2005. It invited comments on the proposals in the consultation paper which envisaged:

- the merging of the Shrewsbury, Oswestry and Drayton local justice areas to form the new local justice area of Shrewsbury and North Shropshire; and
- the merger of the Telford and Bridgnorth local justice area with South Shropshire justice area (formerly the Ludlow local justice area) to form the Telford and South Shropshire local justice area.

Under the proposals the rural courthouses situated in Ludlow, Oswestry and Market Drayton will be retained within the new local justice areas.

The Consultation period closed on 25<sup>th</sup> November 2005 and this report summarises the responses, including how the consultation process influenced the proposal consulted upon.

A list of respondents is at Annex A.

## Summary of responses

1. A total of 56 responses to the consultation paper were received. Of these, 23 responses were from councils, ranging from County Councils to individual Parish Councils. One MP and two Lords Lieutenant responded together with the Rural Team of the Government Office for the West Midlands. All other responses were from serving magistrates (or groups associated with the magistracy), the West Mercia Courts Board and several members of the West Mercia Criminal Justice Board. There was one response from a retired magistrate.
2. This consultation exercise posed the following question:
  - i) **“do the proposals for the mergers of the benches in Shropshire into two larger local justice areas present the best options for the way forward?”**

The responses were analysed to ascertain the amount of support or opposition to the proposals and the basis for these.

3. With the exception of one single serving magistrate, and one retired magistrate, all magistrates and bodies associated with the magistracy, the West Mercia Courts Board, the West Mercia Area Judicial Forum, and all the criminal justice agencies who responded, were in favour of the proposals. The two Lords Lieutenant who responded were also in favour. Two County Councils responded, Shropshire being in favour and Worcestershire acknowledging receipt of the consultation paper but making no further comment. Of the other local District, Town and Parish Councils responding 62% were in favour, 33% against and one (5%) stating a neutral view as to the consultation proposals but saying that it was merely a paper exercise. Overall, 78% of those responding were in favour, 16% against and 6% adopting a neutral stance.

## **Responses to the Specific Question**

### **Do you believe the proposals for the mergers and the supporting reasons present the best options for the way forward?**

1. The West Mercia Courts Board, West Mercia Area Judicial Forum, West Mercia Police, West Mercia Crown Prosecution Service, West Mercia Probation Service, Worcestershire Victim Support Service and HM Prison Service all fully supported the proposals as did senior legal and administrative staff of Her Majesty's Courts Service who are based in West Mercia.
2. The five Chairmen of the existing Shropshire local justice areas discussed the proposals at their recent annual general bench meetings and with the support of their magistrates, wrote in favour of the proposals. They welcomed these proposals as a means of ensuring the continued existence of the rural courthouses of Ludlow, Oswestry and Drayton as well as providing greater judicial experience for rural magistrates. In supporting the proposals, the West Mercia Justices Issues Group, the Lords Lieutenant of Shropshire and Worcestershire, the Shropshire Advisory Committee on Justices of the Peace, the Shropshire County Council and Shropshire Magistrates' Association also mentioned the retention of the rural courthouses and the greater flexibility in the deployment of magistrates.
3. The Rural Team of the Government Office for the West Midlands said that they wished to ensure that rural communities were not disadvantaged and supported the proposals because they preserved the rural courthouses, and allowed greater flexibility in the deployment of magistrates which would lead to greater court experience.
4. The Chairman of the Telford local justice area made the additional point that he and his bench welcomed the proposed alignment with the existing South Shropshire local justice area (formerly Ludlow) pointing out that both benches had worked and trained together for over 20 years and that there was a bond between them and also with the staff at Telford.
5. Neighbouring benches of magistrates in Worcestershire and Herefordshire, the Herefordshire and Worcestershire Advisory Committees on the Appointment of Magistrates, and the Powys and Herefordshire Branch of the Magistrates' Association all wrote in support of the proposals.

6. Mr Owen Paterson MP (North Shropshire) expressed the view that the rural courts at Oswestry and Drayton provided the absolute minimum level of service necessary and that there should be no further reductions. However, under the proposals being consulted on the rural courthouses are to be retained and the service provided by the Oswestry and Drayton courthouses will remain at current levels.
7. The one serving magistrate (a member of the Telford bench) who expressed reservations about the proposals accepted the creation of the two larger local justice areas but was concerned about the alignment of the existing South Shropshire (formerly Ludlow) local justice area with Telford rather than Shrewsbury. She said that the public transportation systems were much easier and more direct to Shrewsbury than to Telford and that the population of this area looked more to Shrewsbury than Telford. It was her view that these would be critical factors in the event of the closure of the Ludlow courthouse.

These points are dealt with under paragraph 9 below.

8. The response from the retired magistrate supported the two proposals as she approved of retaining the three existing rural courthouses and reducing the frequency of bench and panel meetings. However, she, along with one town council, rejected the suggestion that repeat offenders in rural courts are tried by the same justices and that rural justices are limited in the range of cases they try.

The approval of the retired magistrate for retaining the three existing rural courts and for reducing bench and panel meetings brought about by the creation of two larger local justice areas is welcomed. The potentially greater risk of repeat offenders in rural areas being tried by the same magistrates was identified by an independent body, Her Majesty's Magistrates' Court Inspectorate (as it then was) on the occasion of a full inspection of West Mercia Magistrates' Courts in November 2002. They commented: "small benches can limit the magistrates' experience of specialist areas, and there is the prospect that repeat offenders appear before the same magistrate". However, the Chairmen of the rural benches, on behalf of their currently serving magistrates, have accepted all the reasons set out in my consultation paper for the creation of two local justice areas. They did not dispute that rural justices are limited in the range of cases they try and that there is a need for greater individual judicial experience. The justices in the three rural local justice areas have difficulty in getting the minimum number of sittings in their specialist panels, and the justices in the South Shropshire local justice area (formerly Ludlow),

have not dealt with a known custody case at the Ludlow courthouse since October 2000. This is because the building is simply not big enough to be adapted to meet the requirements of the Human Rights Act 1998 as there is no space to build a modern custody suite within the courthouse big enough to allow for both the required segregation of adults and youths of both sexes and for secure interview room facilities. This has led to greatly reduced opportunities for local magistrates to hear known custody cases - a serious reduction in experience for any magistrate.

9. Sixty-two per cent of the District, Town and Parish Councils who responded agreed with the proposals. A number indicated the importance they attached to the continuation of the rural courthouses. Of the 33% opposing the proposals, four main reasons were given:-

- Firstly, a number of councils were concerned that rural magistrates and victims and witnesses would have to travel greater distances. One of these councils thought that recruitment of magistrates from rural areas could suffer because of greater travelling.

However, as no closure of any existing rural courthouse will arise from these proposals the vast majority of victims and witnesses will continue to attend exactly the same courthouses now and in the future. As previously stated, the Chairmen of the rural benches have said that their justices, who will have to do the actual additional travelling, support my proposals. If these serving justices raise no objections to the additional travelling I cannot see that this will be a major factor preventing recruitment of new rural justices in the future.

- The second main reason came from councils concerned with the alignment of the existing South Shropshire local justice area (formerly Ludlow) with Telford rather than Shrewsbury because road and rail communications with the latter are better.

However, under the proposals being consulted on the future of the Ludlow courthouse will be made more secure and the vast majority of local cases will continue to be heard in that building. Local court users will be largely unaffected, and this was acknowledged by one local council that said "as long as the Ludlow courthouse remains open South Shropshire people will continue to attend that building". The Telford magistrate referred to earlier has accepted that "the Telford staff have always provided efficient administrative support to

the Ludlow courthouse” and she believes that this will continue. The Chairman of the South Shropshire local justice area (formerly Ludlow) has stated in his response that his justices accept all the proposals, including this specific alignment with Telford.

- The third main reason came from three councils who were concerned that the Bridgnorth area will be involved in a further merger so soon after its merger with the Telford local justice area in January 2005 when the Telford and Bridgnorth local justice area was created. A point was also made about the potential loss of the identity of Bridgnorth if the new Telford and South Shropshire local justice area is created.

It is the case that the magistrates from the Bridgnorth area will be involved in a further merger shortly after their merger with the Telford local justice areas. However, these justices support the proposals. Furthermore, victims and witnesses from the Bridgnorth area will continue to attend the Telford courthouse and will not be affected by these proposed changes in any material way. It is acknowledged that if the “Telford and South Shropshire” local justice area is created, “Bridgnorth” will not specifically be mentioned in the name; however this has not been raised as a matter of concern by the Bridgnorth justices who now serve at Telford.

- The fourth reason was a general feeling that these proposals are a further example of the erosion of rural life. Again, however, as the proposals retain all existing rural courts it is difficult to see how this erosion would happen.
- Finally, one parish council expressed the view that these proposals were a cost cutting exercise, that the West Mercia Police and local Shropshire justices had either not been consulted or were not in favour, that the merger of local criminal justice areas would not lead to a reduction in the number of meetings of magistrates and that repeat offenders would be better served by appearing in front of magistrates who knew them and their previous criminal history. In reply, I refute the suggestion that the proposals are merely a cost cutting exercise as all existing courthouses, magistrates and staff are to be retained. Furthermore, I can confirm that West Mercia Police and Shropshire magistrates were consulted: the Chief Constable of West Mercia as a member of the Local Criminal Justice Board and all justices in

Shropshire were sent a copy of the consultation paper. The Chief Constable has since replied in favour of the proposals which were also discussed extensively by Shropshire justices at bench meetings. The merger will lead to a reduction in magistrates' meetings because statute law requires each separate Local Justice Area (however small) to hold certain specific bench and panel meetings each year. Therefore, with two Local Justice Areas instead of five the number of meetings required by statute will be reduced. Finally, the remarks about repeat offenders being better served by magistrates who know their previous history runs counter to the comments of Her Majesty's Magistrates' Courts Inspectorate (as it then was) in November 2002 when they highlighted the greater potential for this to happen in small benches and regarded it as a negative factor in the process of justice.

## Conclusion

1. As already stated 78% of respondents supported the proposals including all key agencies related to the local criminal justice system.
2. All responses were considered in detail. The importance attached by the overwhelming number of respondents to the retention of the rural courthouses at Ludlow, Oswestry and Market Drayton was significant and duly noted. One of the main reasons behind the proposals was to secure their retention and this consultation has clearly demonstrated the considerable magisterial and general public support for this.
3. In relation to the rural courthouses, building work is currently proceeding at the Ludlow courthouse and by April 2006 the Ludlow County Court and office should have moved from their existing premises into this building. Facilities will then be on a shared basis with the magistrates. A proposal to share facilities at Oswestry Magistrates' Court with Oswestry County Court is also being actively discussed.

## Next Steps

There has been broad support for the proposition that the following mergers take place:-

### Merger One

- (a) **Shrewsbury** Local Justice Area, **Oswestry** Local Justice Area and **Drayton** Local Justice Area to form the new Local Justice Area of **Shrewsbury and North Shropshire**.

### Merger Two

- (b) **Telford and Bridgnorth** Local Justice Area and **South Shropshire** Local Justice Area to form the **Telford and South Shropshire** Local Justice Area.

In these circumstances, it is proposed to respectfully request the Lord Chancellor to invoke the powers conferred upon him by virtue of Section 8 of the Courts Act 2003 and to proceed to allow the mergers to take effect from 1<sup>st</sup> January 2007.

## **Consultation Co-ordinator contact details**

If you have any complaints or comments about the **consultation process** rather than about the topic covered by this paper, you should contact the Department for Constitutional Affairs Consultation Co-ordinator, Laurence Fiddler, on 020 7210 2622 or email him at [consultation@dca.gsi.gov.uk](mailto:consultation@dca.gsi.gov.uk)

Alternatively, you may wish to write to the address below:

**Laurence Fiddler**  
**Consultation Co-ordinator**  
**Department for Constitutional Affairs**  
**5<sup>th</sup> Floor Selborne House**  
**54 - 60 Victoria Street**  
**London**  
**SW1E 6QW**

If your complaints or comments refer to the topic covered by this paper rather than the consultation process, please direct them to the contact given on page 1.

## **The Consultation Criteria**

The six consultation criteria are as follows:

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

**These criteria must be reproduced within all consultation documents.**

## Annex A – List of Respondents

Abram, John – JP (Oswestry)
Acton Scott Parish Council
Area Judicial Forum
Area Management Forum
Ashford Carbonel Parish Council
Badger Parish Council
Bickerdike, Anita – Area Legal Manager (Telford & Bridgnorth and South Shropshire)
Bridgnorth District Council
Brinton, Mr M (Lord Lieutenant of Worcestershire)
Bromsgrove & Redditch Advisory Sub-Committee (Chairman)
Byng, Carol – JP (South Shropshire Bench)
Chelmarsh Parish Council
Chetwynd Parish Council
Church Aston Parish Council
Church Stretton Town Council
Crown Prosecution Service – Chief Crown Prosecutor
Ellesmere Town Council
Evans, Mr Des – JP (Telford & Bridgnorth Bench Chairman)

Government Office for West Midlands (Rural Sustainability Team)
Haywood, Annie – JP (Bromsgrove & Redditch Bench Chairman)
Heber-Percy, Mr A (Lord Lieutenant of Shropshire)
Hine, Dr Ian – JP (Herefordshire Bench Chairman)
HM Prison Service – West Midlands Area Office, Shrewsbury
Justices Issues Group
Lawley & Overdale Parish Council
Leebotwood & Longnor Parish Council
Legal Forum (Her Majesty's Courts Service – West Mercia Area)
Loppington Parish Council
Lord Chancellor's Advisory Committee – Counties of Herefordshire and Worcestershire
Magistrates' Association – Powys and Herefordshire Branch
Morville Parish Council
Much Wenlock Town Council
Newby, Arthur Keith (Mr Newby is a Councillor on the North Shropshire District Council. He responded as a member of the public in favour of the proposals. His response has not been counted as no other members of the public were consulted).
North Shropshire District Council
Ollier, Mr David – JP (Oswestry Bench Chairman)
Owen Paterson, MP
Prees Parish Council

Quarterly Management Forum (Her Majesty's Courts Service – West Mercia Area)
Shifnal Town Council
Shrewsbury & Atcham Borough Council
Shropshire County Council
Shropshire Magistrates' Association
Smith, Beryl – JP (Telford & Bridgnorth)
Stowe Parish Council
The Lord Chancellor's Advisory Committee for the County of Shropshire
Thomas, Russell – JP (Telford)
Tibberton and Cherrington Parish Council
Tilt, Mr R – JP (South Shropshire Bench Chairman, West Mercia Bench Chairmans Forum)
Trimby, Mrs Catherine – JP (Shrewsbury Bench Chairman)
Victim Support Worcestershire
Wem Town Council
West Mercia Constabulary – Chief Constable
West Mercia Courts Board
West Mercia Probation Board - Chairman
West Mercia Probation Service – Chief Officer
Windsor, Eric – JP (Drayton Bench Chairman )
Worcestershire County Council

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