



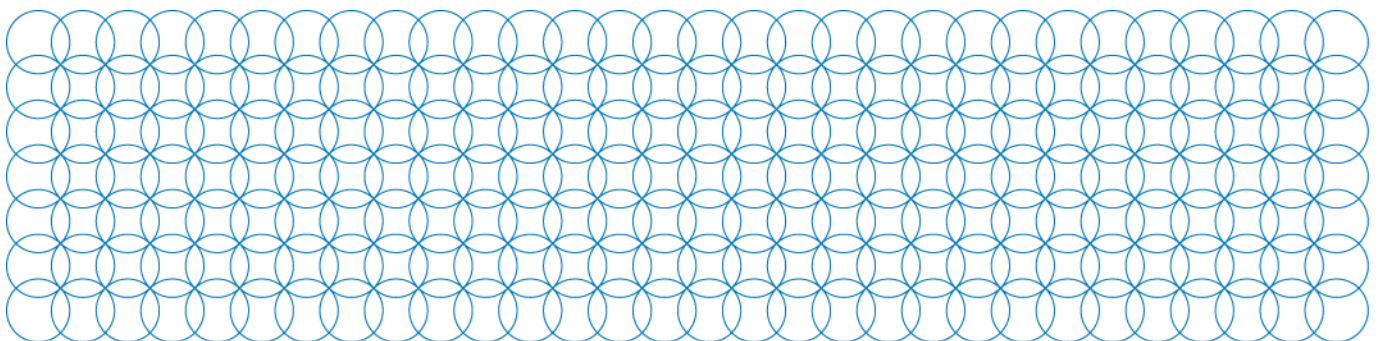
Ministry of
JUSTICE

Proposed merger of the Cambridge and East Cambridgeshire Local Justice Areas.

Consultation Paper CP52/09

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This consultation will end on 15 April 2010



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Proposed merger of the Cambridge and East Cambridgeshire Local Justice Areas.

A consultation produced by Her Majesty's Courts Service, part of the Ministry of Justice. It is also available on the Ministry of Justice website at www.justice.gov.uk

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Executive summary

This document outlines the issues surrounding future provision of court services in the South Area of Cambridgeshire and the proposal for the merge of the two current Local Justice Areas and Benches of Cambridge and East Cambridgeshire. The amalgamated Bench will be known as the South Cambridgeshire Bench. Sittings will continue to take place at Cambridge and Ely.

There is an insufficient range of work to make the continuance of separate Benches sustainable. This proposal sets out a way to enable a single Bench to provide flexibility and enable all magistrates to undertake a number and range of sittings sufficient to develop and maintain competence and confidence, as well as enabling them to sit where they are most needed by the business. Wherever it is possible to do so, cases will continue to be heard at the courthouse nearest to where the offence or matter occurred.

The principal reasons for this proposal are as follows:

1. The East Cambridgeshire Bench is dealing with a limited quantity and range of work. Other than overnight prisoners, custody cases are dealt with at Cambridge
2. The proximity of Cambridge to Ely means there would be little adverse effect on accessibility for magistrates.
3. Some savings and better value for money could be achieved by a single Bench.

Introduction

This paper sets out for consultation the proposal that Cambridge and East Cambridgeshire Local Justice Areas form a single Local Justice Area served by one Bench of magistrates. The Bench Merger proposal has the support of the Benches affected, the Area Courts Board, the Cambridgeshire Justices' Issues Group and members of the Cambridgeshire Criminal Justice Board. This consultation seeks the wider views of those people or groups who may be affected by the change including court users, stakeholders, public authorities, charities and business within the immediate areas concerned.

This consultation is being conducted in line with the government's Code of Practice on Consultation and falls within the scope of the Code. The consultation criteria, which are set out on page 16 have been followed.

A preliminary Impact Assessment has been completed and is available at www.justice.gov.uk. We will be developing the Impact Assessment during the consultation period.

The draft assessment indicates that the proposals are unlikely to lead to differential impacts in terms of race, disability, gender or sexual orientation nor result in a reduction in the quality of services to the public, court users or customers. The proposal will provide greater operational flexibility in the deployment of magistrates and staff. If you disagree with this conclusion you are invited to send your reasons as part of your overall response to this paper.

The Rural Proofing assessment can be found at the end of this document.

Copies of the consultation paper are being sent to:

- Cambridgeshire Courts Board
- Justices Clerk
- Cambridgeshire Criminal Justice Board
- Senior Presiding Judge
- Liaison Judge
- Kenneth Sheraton District Judge (Magistrates' Courts)
- Cambridge and East Cambridgeshire Magistrates (including Bench Chairs)
- HMCS Staff
- Cambridgeshire Judicial Issues Group
- Public and Commercial Services Union
- Cambridgeshire Police Authority
- Cambridgeshire Constabulary
- Cambridgeshire Probation Service
- Youth Offending Team
- Cambridgeshire Crown Prosecution Service
- G4S, Prison Escort Service
- CAFCASS, Cambridgeshire
- Cambridgeshire Law Society
- Local Bar Association

- Cambridgeshire County Council
- Cambridge City Council
- Cambridge District Council
- East Cambridgeshire District Council
- Local Members of Parliament
- Citizens Advice Bureau
- Cambridgeshire Witness Service
- Cambridgeshire Victim Support
- Legal Service Commission
- Family Justice Council

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.

The proposals

- To merge the Local Justice areas of Cambridge and East Cambridgeshire
- To form a single bench for Cambridge and East Cambridgeshire

The Need for Change

The Courts Act 2003 provides magistrates with a national jurisdiction but assigns them to specific Local Justice Areas. A merger of the Cambridge and East Cambridgeshire Benches will allow magistrates to sit at either or both of the court houses at Cambridge and Ely, utilising their experience and competences where needed most, and offering a range of experience to develop and sustain the knowledge and competence to the level required for effective practice as a magistrate. There is a joint Family Bench that already sits in Cambridge.

Due to accommodation issues surrounding prisoner security all Ely remand cases are now heard at Cambridge reducing further the variety and complexity of the work for the East Cambridgeshire Bench. The interests of local justice would therefore be better served if the East Cambridgeshire Magistrates are able to sit in Cambridge.

The East Cambridgeshire Bench consists of 25 magistrates and Cambridge 94. The two Benches already work closely together, being served by the same Justices' Clerk and Legal Team, and contributing to a joint Youth Panel, Bench Training and Development Committee and a single County Family Panel, which works without any difficulties. The Benches have agreed to merge and wish to proceed with the formal process.

HMCS has a duty to ensure that it uses its resources in the most efficient and effective way, ensuring value for money and meeting the needs of local communities. A joint Bench would enable HMCS to deploy on a business needs basis and alleviate the need for separate Bench meetings.

Given the low volume of work maintaining separate Benches is not efficient and a better use of resources can be achieved by creating a single Bench.

The proximity to Cambridge means that there would be little adverse effect on accessibility for magistrates.

These reasons are set out in more detail as follows:

Workload

Ely is an extremely small court receiving very little work from the locality, and its workload is boosted by listing all safety camera partnership cases for the County of Cambridgeshire to bring it to sufficient volume to run courts.

The court sits periodically, 1 x court every Tuesday and 2 x courts on a Thursday. Overnight remand cases continue to be heard at Ely on these days with all other custody cases going to Cambridge. All Family matters are listed at Cambridge. All administration is undertaken at Cambridge.

A single Bench would enable improved efficiency and flexibility in listing of cases and would have a positive effect on the use of magistrate, legal adviser, staff and professional users' time.

The level of recruitment for magistrates was reduced throughout the county in 2008 and no new magistrates were recruited for Cambridge or East Cambridgeshire Benches in 2009 to allow for gradual shrinkage of the Benches to a more manageable level in order to reflect the current workload.

Location / Communication

The proposal to merge the Cambridge and East Cambridgeshire Benches will not have an impact on the accessibility of service provision to residents in the Ely area, as wherever it is possible to do so cases will continue to be heard at the courthouse nearest to where the offence or matter occurred.

Sittings for magistrates will continue to be arranged to suit their personal convenience as well as ensuring the efficient and effective despatch of court business.

Given the location of the courthouses and magistrates home addresses, any increases in travelling costs is likely to be minimal.

Personnel Implications

There are no personnel issues for court staff as the court will continue to sit at Ely.

Cost implications

This amalgamation would marginally reduce the costs of administering the two areas by reducing the number of Bench and other meetings held and by facilitating a more efficient use of Legal Advisers and other staff. Financial savings may be offset by increased travel costs for some magistrates.

Initial Stakeholder Consultation

There has been consultation regarding the proposed Bench merger with both the Cambridge and East Cambridgeshire Benches and individual ballots held showing that the majority of magistrates from both Benches support the merger proposal and the forming of a single bench.

Local Criminal Justice Board Members have indicated their support in reducing the number of Benches in order to help meet the needs of the magistrates and the efficient running of the courts.

Summary

With the current low levels of work and the move in May 2009 of custody cases to Cambridge, East Cambridgeshire magistrates are unable to maintain variety and complexity in order to develop and maintain competence and confidence, as well as enabling them to sit where they are most needed by the business

A combined Bench will have sufficient volume and mix of work to enable magistrates to maintain and utilise their experience and competence and have enough magistrates to fill various Bench positions, committees and panels.

The proximity of Cambridge and good transport links makes the courts accessible within a reasonable distance and travel time for magistrates.

The proposal will not affect service delivery because the two courthouses currently in use in Ely and Cambridge will continue to operate. Cases will be allocated to those courthouses in accordance with local custom and practice and the identified needs of users. Wherever it is possible to do so, cases will continue to be heard at the courthouse nearest to where the offence or matter occurred.

Given the above HMCS propose as soon as practicable to merge the Cambridge and East Cambridgeshire Bench in order to establish a single jurisdiction and Bench for South Cambridgeshire

Questionnaire

We would welcome responses to the following questions set out in this consultation paper.

Question 1: What comments would you like to make on the proposal to merge Cambridge and East Cambridgeshire Benches into one Local Justice Area to be known as South Cambridgeshire Bench

Question 2: Please describe any particular impacts that should be taken into account and why.

Thank you for participating in this consultation exercise.

About you

Please use this section to tell us about yourself

Full name	
Job title or capacity in which you are responding to this consultation exercise (e.g. member of the public etc.)	
Date	
Company name/organisation (if applicable):	
Address	
Postcode	
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/> (please tick box)
Address to which the acknowledgement should be sent, if different from above	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

Contact details/How to respond

Please send your response by Thursday 15 April 2010 to:

**Mike Littlewood
Area Director
New London Road
Chelmsford
Essex
CM2 0PP**

DX 97660 Chelmsford 4

Tel: 01245 287974

Fax: 01245 245770

Email: mike.littlewood@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.justice.gov.uk/index.htm>.

Alternative format versions of this publication can be requested from karen.dennis1@hmcourt-service.gsi.gov.uk or by phone 01284 748481

Publication of response

A paper summarising the responses to this consultation will be published in August 2010. The response paper will be available on-line at <http://www.justice.gov.uk/index.htm>.

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

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 Ministry.

The Ministry 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.

Impact Assessment

The Rural Proofing Checklist, prepared by DEFRA, was used in assessing the rural impact on any decisions. This would be an important assessment as

South Cambridgeshire is a rural county.

1. *Will the policy affect the availability of public and private services?*

No. The court will continue to sit at Ely

2. *Will the cost of delivery be higher in rural areas where clients are more widely dispersed or economies of scale are harder to achieve?*

No changes proposed to the current service.

3. *Will the policy affect travel needs or the ease and cost of travel?*

A single Bench will impose an element of increased travelling for some magistrates that are prepared to sit at either Ely or Cambridge, however this is anticipated to be minimal given where magistrates live and their proximity to the respective courts.

4. *Does the policy rely on communicating information to clients?*

Cambridge already undertakes the administration for both courts so court users should not see any difference in service.

5. *Is the policy to be delivered by the private sector or through a public-private partnership?*

Not relevant.

6. *Does the policy rely on infrastructure (e.g. broadband, main roads, utilities) for delivery?*

There are already adequate road and rail links

7. *Will the policy impact on rural businesses, including, including the self-employed?*

No as the court will continue to sit at Ely.

8. *Will the policy have a particular impact on land-based industries and, therefore, on rural economies and environments?*

No.

9. *Will the policy affect those on low wages or in part-time seasonal employment?*

No.

10. *Is the policy to be targeted at the disadvantaged?*

No.

11. *Will the policy rely on local institutions for delivery?*

No.

12. *Does the policy depend on new buildings or development sites?*

No.

The consultation criteria

The seven consultation criteria are as follows:

1. **When to consult** – Formal consultations should take place at a stage where there is scope to influence the policy outcome.
2. **Duration of consultation exercises** – Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.
3. **Clarity of scope and impact** – Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.
4. **Accessibility of consultation exercises** – Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.
5. **The burden of consultation** – Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.
6. **Responsiveness of consultation exercises** – Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.
7. **Capacity to consult** – Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

These criteria must be reproduced within all consultation documents.

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 Julia Bradford, Her Majesty's Courts Service Consultation Co-ordinator, on (020) 3334 4492 or email her at julia.bradford@justice.gsi.gov.uk.

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

Julia Bradford
Consultation Co-ordinator
Ministry of Justice
102 Petty France
6:37, 6th Floor
London SW1H 9AJ

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 under the **How to respond** section of this paper at page 11.

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