



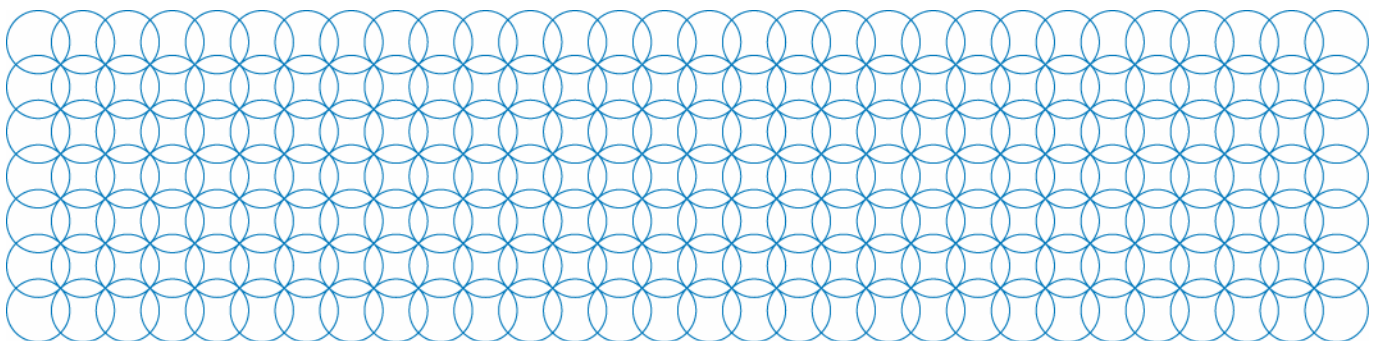
Ministry of
JUSTICE

Proposed merger of Warley and West Bromwich Local Justice Areas

Consultation Paper [CP2/09]

Published on 27 January 2009

This consultation will end on 21 April 2009





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JUSTICE

Proposed merger of Warley and West Bromwich 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 consultation paper outlines a proposal to merge the two current Local Justice Areas in Warley and West Bromwich and Benches in Warley and West Bromwich to form a Local Justice Area for the Borough of Sandwell. The amalgamated Bench would be known as the Sandwell Bench.

Over the past four years, the two Local Justice Areas have been working towards amalgamating Panels and Committees. The Family Panel amalgamated in 2004 and the Bench Training and Development Committee, Bench Committee and Lord Chancellors Advisory Committee in 2005. All administrative staff are based at the Warley courthouse and the Justices' Clerk is responsible for both courthouses. In 2009, all youth work will also be listed at just the one courthouse at Warley.

The proposal should not affect service delivery within the Borough of Sandwell as court users are already accustomed to attending either of the court houses to deal with magistrates' courts work.

If the proposal is accepted, it will provide the flexibility to enable magistrates to sit at both courthouses and to maximise the facilities that both courthouses offer. The proximity of the courthouses (just two miles apart) means that the ability of the magistrates to be involved in local justice will not be affected. Sittings for magistrates will continue to be arranged, wherever possible, to suit their personal convenience as well as ensuring the efficient and effective delivery of court business.

Introduction

This document sets out the proposal for the merger of the Warley and West Bromwich Benches, along with the merger of Warley and West Bromwich local justice areas into a single justice area.

This consultation is being conducted in line with the Code of Practice on Consultation issued by the Cabinet Office and falls within the scope of the Code. The consultation criteria, which are set out on page 14, have been followed.

An initial Impact Assessment has been completed and does not indicate that the proposals are likely to lead to additional costs or savings for businesses, charities or the voluntary sector, or the public sector. Consequently, this paper does not contain an Impact Assessment. If you disagree with this conclusion you are invited to send your reasons as part of your overall response to this paper.

The initial Impact Assessment established that the proposed merger will not result in a reduction in the quality of service to the public, court users or customers. The proposal will provide greater operational flexibility in the deployment of magistrates within the Borough of Sandwell. This will have a positive impact in ensuring that sufficient magistrates are available to sit in court and will reduce duplication and save costs. Both the courthouses at Warley and West Bromwich will remain operational under this proposal. Cases will be allocated to those courthouses in accordance with local custom and practice and the identified needs of the court users.

An Equality Impact Assessment has been completed and this is published alongside this document.

Copies of the consultation paper are being sent to:

- All members of Parliament within the area
- The Justices' Clerk
- The Liaison Judge at the Crown Court
- District Judge (Magistrates Court)
- Local Law Society
- Victim Support
- Local Witness Services
- Secretary of the local Magistrates' Association
- The Trade Union representing staff in the Magistrates' Court (PCS)
- The local branch of the Justices' Clerks' Society
- Crown Prosecution Service, West Midlands
- The West Midlands Police Authority

- The Justices of the Peace to the local justice areas of Warley and West Bromwich
- West Midlands Probation Service
- The Chief Executive of Sandwell Metropolitan Borough Council
- Sandwell YOT
- HMCS staff based at Warley courthouse
- Black Country, Staffordshire and West Mercia Courts Board
- Legal Services Commission
- West Midlands Justices Issues Group
- Local Law Society
- Liaison Judge for Black Country
- Witness Service, Sandwell
- CAFCASS
- Prison Service
- Sandwell Race Equality
- Lord Chancellor's Advisory Committee
- Reliance
- SOADA

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

The Courts Act 2003 provides magistrates with national jurisdiction but the need to assign them to a specific LJA creates some barriers to flexible sitting arrangements. A merger of the benches will allow magistrates to sit at either courthouse. West Bromwich courthouse is a listed building with limited facilities for court users and the public. The work that can be listed at this courthouse is limited and does not provide the Bench with the full range of work that could be experienced if they sat at both sites.

If the proposal is accepted, arrangements for sittings would, wherever possible, be arranged to suit the magistrates' personal convenience, whilst at the same time ensuring that they maintain competence in all aspects of magisterial law. As the present rota is arranged according to magistrates' availability, it is not anticipated that this will be altered and no-one will be expected to sit at a location that is inconvenient to them. Due to the close proximity of both courthouses, it is not anticipated that there will be an increase in subsistence costs. Magistrates would be able to sit on cases at both sites, if this arrangement is convenient to them.

Planning for a new courthouse at West Bromwich has resumed. This courthouse is likely to be able to deal with all the adult criminal work currently listed at both courts. Cases are currently listed across two sites, but there are restrictions on the type of work listed at the courthouses due to a lack of proper facilities.

Some work is centralised already – West Bromwich deals with all non-Police work and domestic violence cases. Warley deals with family work. With the possibility of a new-build courthouse at West Bromwich, both courthouses would be fully operational as courts, so maximising the facilities for court users at both sites. Adult work (both in custody and remand work) would be listed at West Bromwich and youth and trial work at Warley. This would reduce the cost of transporting prisoners as adult in custody remands would be heard at West Bromwich rather than at both sites. Other transport costs for Youth Offending Team officers would also be reduced with work listed at one site, rather than across two.

Distribution by type of workload presently:

Warley Magistrates Court	West Bromwich Magistrates Court
Adult remand and custody work	Adult remand and custody work
CJSSS bail cases	CJSSS bail cases
Youth work for Sandwell	Private prosecution work for Sandwell
Family proceedings cases for Sandwell	Road traffic work for Sandwell
Trials	Probation breach cases for Sandwell
Prison video link cases	Domestic violence CJSSS bail cases for Sandwell

Suggested distribution of workload once new building in West Bromwich is completed*:

Warley Magistrates Court	West Bromwich Magistrates Court
Youth remand and trials for Sandwell	Adult remand and custody work for Sandwell including all CJSSS cases
Family proceedings work for Sandwell	Prison video link cases
Private prosecution work for Sandwell*	Adult trials
Road traffic work for Sandwell*	Domestic violence work
	Probation breach cases

* please note that this could be subject to change

Professional users of the courts presently attend both court houses to deal with Adult remand work and trials. One Local Justice Area would create more certainty in relation to the Listing of work and in the case of remand work, remove the need to travel to two courthouses.

Both Benches currently have the same Justices' Clerk, appointed for the whole of the Black Country area and a Deputy Justices' Clerk. There is also a Court Manager, with responsibility for both buildings and staff. All court staff, administrative and legal, are based at the Warley courthouse and have been since 2005.

Both Warley and West Bromwich operate within one local authority, the Borough of Sandwell. The Warley bench consists of 129 magistrates and the West Bromwich bench consists of 110. The combined bench would therefore stand at 239.

All of the Panels and Committees are combined and operate as a Sandwell Panel with the exception of the Youth Panel.

The following are combined Panels (either Sandwell or Black Country):

Sandwell Lord Chancellors and Secretary of State's Advisory Committee

Sandwell Training and Development Committee

Sandwell Bench Committee

Family Panel (Black Country Panel)

Family Training and Development Committee (Black Country Panel)

Since 2005, Sandwell has seen a fall in the workload in both the adult and youth court. Weighted caseload in the adult court has reduced from 40,728 to 34,378 from 2005 to 2008. In the Youth Court, weighted caseload has fallen from 6,492 to 3,816 over the same period of time.

In 2007, the total number of magistrates' sittings was 8560. The average number of sittings per magistrate were 31 sessions. The total number of legal and administrative court staff is 49. The number of magistrates, is, therefore, sufficient to be able to deal with workload, whilst at the same time ensuring the availability of the full range of work.

Effective Date for Merger

If the proposal is accepted, it will then be subject to an Order being made by the Secretary of State by way of Statutory Instrument by virtue of section 8 of the Courts Act 2003. It is intended that Warley and West Bromwich will merge to form one Local Justice Area to be known as Sandwell Local Justice Area on the 1st January 2010 or such other date as may be determined by the Order of the Secretary of State.

Impact of Bench Merger and LJA merger on local population

Work is already centralised according to the facilities available at each courthouse. As there is just over two miles distance between the two courthouses, this should not adversely impact on the residents of Sandwell and those using the courthouses. Public transport links exist and the walking distance between the two is approximately 30 minutes.

As there is no intention to close either of the courthouses, the proposal should not impact on the population.

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 Warley and West Bromwich into one Local Justice Area to be known as “Sandwell”?

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 21 April 2009 to:

Mr Peter Hammersley
Area Director,
Warley Magistrates Court
Oldbury Ringway
Oldbury
West Midlands
B69 4JN.

Tel: 0121 533 3401

Fax: 0121 533 3403

Email: tracey.calleia@hmcourts-service.qsi.gov.uk

Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available online at www.justice.gov.uk/index.htm.

Alternative format versions of this publication can be requested from tracey.calleia@hmcourts-service.qsi.gov.uk

Publication of response

A paper summarising the responses to this consultation will be published within three months of the closing date. The response paper will be available online at 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.

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 Gabrielle Kann, Ministry of Justice Consultation Co-ordinator, on 020 3334 4496, or email her at consultation@justice.gsi.gov.uk

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

**Gabrielle Kann
Consultation Co-ordinator
Ministry of Justice
102 Petty France
7th floor
Zone B - 7.14
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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tracey.calleia@hmcourts-service.gsi.gov.uk