

MAGISTRATES
ASSOCIATION



ANNUAL REPORT AND
ACCOUNTS 2008–2009

From the Chairman

This is the report of the Magistrates' Association for 2008/2009 – the fourth year since the Association was granted a new Charter and bye-laws on 14 June 2005.

Your Association has been extremely involved during the past year in raising the profile of the magistracy and the work that we undertake in the justice system. As you will see from the report, your committees, supported by the staff at the national office, have worked exceptionally hard to promote your views and opinions. During the year we have moved forward to become more proactive and to this end we have introduced a new website and a regional structure to ensure engagement at all levels. We have extended relationships with the media so that our views are sought on relevant issues. But we are not complacent and the Board of Trustees is writing a strategic plan to further develop the Association. We have progressed the motions at the AGM last year and in relation to out-of-court disposals have had a fair measure of success but we will continue to seek a wider involvement of our courts in more serious matters.

I would like to thank the committee officers and members, all branch officers and bench representatives and staff for the hard work undertaken on behalf of members and ensure you that we will continue to raise our profile and promote our very considerable contribution to the criminal justice system.

JJ Thornhill

Chairman

About us

The vast majority of members of the Magistrates' Association are justices of the peace. All members belong to one of sixty-one local branches in England and Wales. Each branch elects two or more representatives to the national Council.

Members of the Board of Trustees are elected by Council, with one third resigning from office each year. All new appointees to the Board undergo an induction process.

A risk management programme is in place. The Board has identified potential risk areas and has received reports on risk management. All identified areas of risk – and the steps taken to minimise exposure in each case – are reviewed annually.

The Board is the overall policy making body of the Magistrates' Association and is therefore responsible for all of the activities featured in this report. The Board has referred to the guidance in the Charity Commission's general guidance on public benefit when reviewing our aims and objectives and in planning our future activities. In particular the trustees always consider how planned activities will contribute to the aims and objectives they have set.

What we do

The Magistrates' Association is a charity with the following **charitable objects**:

To promote the sound administration of the law by the following means:

- (a) educating and instructing magistrates and others in the law, the administration of justice, the treatment of offenders and the best methods of preventing crime; and*
- (b) issuing publications and promoting conferences and discussions on developments in the law and the administration of justice.*

We aim to **fulfil these objects** by:

- *Promoting* justice for all
- *Safeguarding* community justice
- *Protecting* judicial independence
- *Increasing* the knowledge of magistrates
- *Educating* the public.

The activities that we undertake to **achieve these aims** are:

- Promoting awareness of magistrates and the magistrates' courts service
- Developing guidance and protocol to improve the delivery of justice in magistrates' courts to the benefit of all
- Providing information, guidance and advice to magistrates
- Consulting magistrates on proposals which affect the delivery of justice in magistrates' courts
- Responding to proposals which affect the delivery of justice in magistrates' courts

- Educating the public through community based presentations, publications and events.

Our achievements and performance during 2008/2009 are described in the following pages but we highlight the following as matters which we referred to in last year's annual report and which have been achieved:

- Worked to update *Costing the Earth* to benefit magistrates and the wider public when dealing with environmental matters in court
- Continued to exert pressure to obtain extended powers for magistrates in both criminal and civil jurisdictions
- Reviewed and updated the Association's website for the benefit of members and the wider public
- Ensured proper implementation of revised section 21 protocols with strong emphasis on appropriate facilities for, and safety and security of magistrates
- Celebrated the 100th anniversary of the youth courts by encouraging MIC teams to work with youth panel magistrates to inform and benefit the public via a variety of mechanisms so that people of all ages can be better informed about attitudes to law and order over the past 100 years and how youth courts operate today
- Monitored and challenged the inappropriate use of out-of-court disposals
- Supported magistrates in their local outreach work to educate and benefit the public
- Improved communications with family panel magistrates through two highly successful family court conferences.

Council and Committees

Much of the work of the Magistrates' Association is achieved through Council and its standing committees.

- The **Family Courts Committee** considers all issues relevant to magistrates who sit in family proceedings courts. In particular it addresses the allocation of work between family proceedings and county courts, the impact of any delay on families involved in cases especially the children and the relationship between the various agencies involved in family work.
 - The focus of the **Judicial Policy and Practice Committee** is the operation of the criminal justice system: procedure in court, inter-agency issues, the role of Justices' Issues Groups and Area Judicial Forums, facilities for magistrates and new legislation.
 - ❖ The **Support, Training and Development Committee** supports magistrates in their judicial role by promoting high quality, accessible training and development for all. By enabling magistrates to maintain their competences they are able to perform their judicial functions more effectively. It also provides support and guidance on issues which impact on the development of magistrates, eg sittings, time off work and allowances.
- ▲ The **Road Traffic Committee** deals with road traffic offences and consideration of the impact on other road users and the public. Offences discussed include routine matters such as speeding and drink driving but also include heavy goods vehicle related driving matters and issues arising from new and proposed legislation.
 - ★ The **Sentencing Policy and Practice Committee** deals with all issues relating to sentencing and sentences. It scrutinises sentencing practice and monitors the use of out-of-court disposals. This committee also takes the lead on other decisions of the court such as bail, community sentences, environmental offences and custody which includes consideration for the safety of the public.
 - The **Youth Courts Committee** covers youth court issues and looks at the relevance and potential impact of initiatives aimed at reducing youth crime.

What we have achieved

Promoting awareness of magistrates and the magistrates' courts service

To do this we:

- Secured a representative role for the Magistrates' Association on the newly established Family Justice Council to ensure issues from family proceedings courts are properly aired and considered
- Developed and maintained excellent contact with the Youth Justice Board resulting in introduction of more intensive referral orders and discussions on the operation of other new orders
- ★ Represented the Association on working groups such as the national sentencer/probation forum, the intensive alternatives to custody programme board; such groups look at delivery of pre-sentence reports, unpaid work requirements and other issues related to magistrates' decisions in court
- ★ Carried forward policy to urge government to withdraw the end-of-custody licence scheme and the automatic release at the half-way stage of a custodial sentence which is damaging confidence in the criminal justice system and to bring in early release which is earned by a combination of good behaviour and rehabilitative work

■ **The Family Courts Committee**

● **The Judicial Policy and Practice Committee**

❖ **The Support, Training and Development Committee**

- ▲ Argued strongly for driving while disqualified to be an either-way offence to enable sentencers to deal with serious serial offenders with appropriate sentences
- Met and briefed MPs and Lords during the passage of the Coroners and Justice Bill and proposed amendments to challenge a change to current wording from 'have regard to' to 'follow' Sentencing Guidelines, to insert a clause requiring the Sentencing Guidelines Council to monitor the operation of out-of-court disposals and to insert a clause to make clear that the Sentencing Guidelines Council is not entitled to comment on sentences imposed by individual judges
- Briefed MPs regarding concerns on provisions in the Policing and Crime Bill relating to sex offences and alcohol misuse

Developing guidance and protocols to improve the delivery of justice in magistrates' courts

To do this we:

- Organised two conferences, in London and Birmingham (followed by a newsletter incorporating key points) for family panel chairmen and legal advisers to share good practice, current issues and solutions to improve magistrates' effectiveness in dealing with difficult and vulnerable families

▲ **The Road Traffic Committee**

★ **The Sentencing Policy and Practice Committee**

➤ **The Youth Courts Committee**

- ★ Reviewed and updated the guidance material on environmental offences *Costing the Earth*. All relevant changes of legislation have been included with more guidance for sentences when seeking information before sentence. This guidance is also highly regarded and referred to by many agencies and organisations involved in this work including local authorities and will benefit the public
- ★ Encouraged strongly the need for *at least* one magistrate who sat on a trial to return for sentence
- ★ Worked with the Justices' Clerks' Society to produce guidance for magistrates on electronic monitoring and exclusion requirements
- ▲ Pressed government for more checks arising from grave concerns of increasing number of overseas lorry drivers appearing in court and involved in road traffic incidents; government has responded by increasing High Risk Traffic Initiative at ports and on road networks supported by automatic number plate recognition and weigh-in-motion sensors as well as new measures for VOSA examiners to immobilise vehicles that have been prohibited for further journey due to defects or contravention of driver's hours
- Reacted to members concerns about the independence of justices' clerks by pressing for an amendment to s29 Courts Act 2003 to ensure their functions in relation to justices continue to operate effectively

- Defined criteria to be used by HMCS when considering closure of courthouses and persuaded HMCS to agree to a maximum travelling time for court users

Providing information, guidance and advice to magistrates

To do this we:

- Worked closely with the Judicial Studies Board in production of new family bench book, bench reference cards and centralised training material
- Promoted the importance and recognition of the changing role of the family panel chairman
- ❖ Supporting employed and self-employed magistrates with problems such as meeting minimum sitting requirements in current economic climate, short notice court cancellations and unhelpful employers
- ❖ Issued The Magistrates' Association Guide to *Being an Employed Magistrate, Appraisal and Taking Part in the Mock Trial Competition*
- ❖ With the Judicial Studies Board, produced a second series of Wingers' Workbooks based on competence 2 – making judicial decisions designed for magistrates needing distance learning opportunities

■ **The Family Courts Committee**

● **The Judicial Policy and Practice Committee**

❖ **The Support, Training and Development Committee**

▲ **The Road Traffic Committee**

★ **The Sentencing Policy and Practice Committee**

➤ **The Youth Courts Committee**

- ❖ Represented the Magistrates' Association on Judicial Studies Board thematic groups to ensure that training materials are up-to-date, relevant, effective and accessible covering areas such as case management, chairmanship and diversity
- Compiled a handbook of relevant documents for Magistrates' Association members of Justices' Issues Groups
- Provided guidance on use of interpreters in court for magistrates to benefit court users with language difficulties
- Launched a new website with information for magistrates, branches, Magistrates in the Community presenters and for the general public including a section especially for young people
- Continued to publish the *Magistrate* magazine including ideas from the readers' panel
- Held a series of seminars to exchange ideas and good practice for Magistrates in the Community presenters and coordinators to improve presentations to the general public
- Organised an in-house media training course for key committee members to enable them to assist with media queries
- Raised awareness of guidance issued by the Lord Chief Justice, Senior Presiding Judge, Justices' Clerks' Society and others

■ **The Family Courts Committee**

● **The Judicial Policy and Practice Committee**

❖ **The Support, Training and Development Committee**

Consulting and responding to magistrates on proposals which affect the delivery of justice in magistrates' courts

To do this we:

- Contributed to and liaised with other organisations concerned about the increased evidence of the detrimental effects on health and well-being due to smoking cannabis particularly among young people; this culminated in the reclassification of cannabis from a Class C to Class B giving more serious sentencing options
- ★ Collected local sentencing guidelines with a view to liaison with the Sentencing Guidelines Council to seek consistency and good practice across England and Wales
- ★ Responded to many consultations including Sentencing Advisory Panel consultations on burglary and drug offences, Sentencing Commission Working Group on the structured sentencing framework and sentencing commission and the Defra Fairer and Better Environment Enforcement project
- Via membership of the Private Law Working group established a greater role for family proceedings in private law cases to reduce delay for families with problems
- Contributed to the national debate on the sentencing of young offenders including giving evidence to the Justice Committee

▲ **The Road Traffic Committee**

★ **The Sentencing Policy and Practice Committee**

➤ **The Youth Courts Committee**

- ❖ Argued for a change in statute to give working magistrates a minimum of 15 days off work per year for magisterial duties to help make benches more representative of local communities
- ▲ Argued for a central database of driver-offered courses to enable drivers to access a driver improvement/speed awareness course to be accessed locally rather than in the area of the offence which is often an inhibiting factor
- Collected and analysed figures for use of out-of-court disposals sought by members to highlight misuse and abuse of penalty notices for disorder
- Produced a list of offences not suitable to be dealt with by a fixed penalty notice or penalty notice for disorder
- Supported a Private Members' Bill on theft from shops bringing cases back into magistrates' courts

Educating the public through community based presentations, publications and events

To do this we:

- Widened the debate on alcohol, drawing particular attention to the perils of alcohol and substance abuse for young people and the subsequent consequences when this leads to criminal behaviour

- **The Family Courts Committee**
- **The Judicial Policy and Practice Committee**
- ❖ **The Support, Training and Development Committee**

- Provided branches with a toolkit of facts, PowerPoint presentations, mock trials and sentencing exercises to enable magistrates to put on events and exhibitions to celebrate 100 years of the youth courts. These attracted significant numbers of the general public and a lot of media attention locally
- Liaised with the Commonwealth Magistrates' and Judges' Association to facilitate overseas visits to courts by Magistrates' Association members
- Linked with the media achieving good press coverage on a number of issues across a wide number of publications, radio and TV programmes
- Increased the number of probation areas involved in the Local Crime Community Sentence project which helps the public to understand how magistrates deal with more serious cases in court, the role of probation and what is meant by community sentence
- Supported the Citizenship Foundation in strategic aims and organisation of the National Magistrates' Court Mock Trial Competition with over 370 schools participating to improve knowledge of the legal system
- Supported magistrates presenting to their local communities by providing materials, sentencing exercises, ideas for presentations
- Explained how MIC could support the community engagement programme and featured MIC events in the *Magistrate*

- ▲ **The Road Traffic Committee**
- ★ **The Sentencing Policy and Practice Committee**
- **The Youth Courts Committee**

Next year and beyond

We aim:

- To continue to review and improve our organisational structure so as to increase accountability and efficiency
- To promote the role of the magistracy as a vital component of the justice system in England and Wales
- To celebrate the 650th anniversary of the magistracy in 2011
- To instigate independent research into the use of magistrates in the 21st century
- To press for more private and public law cases to be heard in family proceedings courts to reduce delay for families with problems and protect children from significant harm
- To work with magistrates to identify the local factors which result in custodial sentences for young people with the aim of reducing the number through more inter-agency cooperation
- To ensure that budgetary restrictions have minimal impact on the criminal justice system and in particular the youth justice system
- To monitor and press for transparency in the use, misuse and abuse of out-of-court disposals and to work on restriction of any further extension of power to others to issue fixed penalties
- To seek ways to encourage young, employed people to join the magistracy by making working life compatible with the judicial duties without putting pressure on magistrates, their employers or families
- To continue to develop self-study materials to assist mentors who play a key role in supporting new magistrates
- To review the sentencing form, an important tool for probation when preparing reports for sentencers
- To seek input into the evaluation of virtual courts pilots

Finances and financial management

Law applicable to charities in England and Wales requires the trustees to prepare financial statements for the financial year which give a true and fair view of the Magistrates' Association's financial activities during the year and of its financial position at the end of the year. In preparing financial statements giving a true and fair view, the trustees should follow best practice and:

- select suitable accounting policies and then apply them consistently;
- make judgments and estimates that are reasonable and prudent;
- state whether applicable accounting standards and statements of recommended practice have been followed, subject to any departures disclosed and explained in the financial statements; and
- prepare the financial statements on the going concern basis unless it is inappropriate to presume that the Association will continue in operation.

Trustees are responsible for keeping accounting records which disclose with reasonable accuracy the financial position of the Association and which enable them to ascertain the financial position of the Association and which enable them to ensure that the financial statements comply with applicable law. They are also responsible for safeguarding the assets of the Association and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

All the current trustees have taken all the steps that they ought to have taken to make themselves aware of any information needed by the Association's auditors for the purposes of the audit and to establish that the auditors are aware of that information. The trustees are not aware of any relevant audit information of which the auditors are unaware.

Further information relating to the Association's finances can be found in the Honorary Treasurer's Report.

J J Thornhill JP

Chairman

Treasurer's report for the year ended 30 June 2009

Income and Expenditure

The Association's income arose principally from membership subscriptions, grants, tax recoveries under the gift aid scheme, dividends and interest from investments and advertising revenues. The campaign encouraging members not previously signed up to the gift aid scheme to do so has been very successful. The initiative, launched towards the end of the previous financial year, resulted in additional one-off income during the year of £85,000 and additional ongoing annual income of £9,000. A full year of the subscription increase implemented in January 2008 raised a further £21,000. The additional one-off revenue will help to protect the Association for several years from the effects of the abolition in 2011 of the transitional rate of gift aid following the reduction in the basic rate of income tax in April 2008. Subscription levels during the year under review remained unchanged.

The Association reports an operating surplus for the year of £65,899 in its unrestricted funds against a deficit in the previous year of £37,530. The additional income from gift aid was partly eroded by lower than anticipated magazine advertising revenue and higher governance charges. These higher costs arose mainly because the previous year's figures were lower than normal as a result of combining one of the Council meetings with the AGM.

Continuing falls in the value of the Association's investment portfolio resulted in a further reduction in the Association's net assets of £232,548.

Investments

The investment portfolio continues to underpin the long term requirements to service subscriptions of life members.

The percentage of Investments held by the Association in equities has fallen during the year partly as a result of continuing volatility in the financial markets. However the risk profile of the portfolio continues to be balanced between fixed interest holdings and equities (mainly UK). Despite the further reduction in the value of investments over the course of the year, the Association's advisers have indicated that in their opinion there is reason for some cautious optimism for a selective return to the equity market as a basis for long term recovery. The portfolio is structured to provide a hedge against longer term inflationary pressures and is operated within continuing overall objectives to maximise the Association's assets within a medium risk strategy.

Reserves

The Board of Trustees' policy is to use the available resources in carrying out its charitable objectives ensuring that there are sufficient reserves to fund life members' subscriptions and to ensure the continuation of the Association.

The Board has modified its policy during the year to reflect current requirements and financial conditions. The new policy is to retain in cash an amount equivalent to at least one month's unrestricted expenditure and minimum free reserves of £100,000. This will provide adequate working capital allowing for periodic

fluctuations in receipts and payments. Actual cash balances at the year end were £333,959 against a requirement under the policy of at least £85,495. Free reserves at 30 June 2009 were £101,244.

The Association continues to set aside a sum to meet the current value of future subscriptions of life members. The figure at 30 June 2009 amounted to £1,694,351 represented on the Balance Sheet by the aggregate of the designated fund (£1,579,582) and the creditors: amounts falling due after more than 1 year (£114,769).

Conclusion

The Association's finances continue to be satisfactory. At the time of this report the financial markets are experiencing a significant and steady improvement although only time will tell whether that trend can be sustained.

The Board of Trustees has set a balanced budget for the year to 30 June 2010 with only a very modest increase in subscriptions.

I would like to thank our auditors, my fellow Honorary Officers and Trustees and all staff at the national office for their help, advice and commitment to the Association.

M J Dodden JP

Honorary Treasurer

What follows are not the statutory accounts but a summary of information relating to both the Statement of Financial Activities and Balance Sheet and as such may not contain sufficient information to allow for a full understanding of the financial affairs of the Association. The full accounts from which these summary financial statements are derived have been audited and there are no concerns expressed in the audit opinion. The annual accounts were approved on 16 September 2008 and are available (free of charge to members) from the Association's national office – The Magistrates' Association, 28 Fitzroy Square, London, W1T 6DD.

Funds not immediately required are invested either on short-term deposit or by our investment managers, who have discretionary powers of investment within the terms laid down in the Charter.

The investment powers of the trustees are laid down in the Supplemental Charter and give the trustees power to invest in shares, stocks, funds, securities, unit trusts and other investments.

No material changes to accounting policies have taken place during the year.

The cash assets of the Association are all held in order to finance ongoing activities.

Statement of financial activities for the year ended 30 June 2009

	Unrestricted Funds £	Restricted Funds £	Total 2009 £	Total 2008 £
Incoming resources				
<i>Incoming resources from generated funds</i>				
Grants	-	129,500	129,500	111,504
Investment income	93,984	-	93,984	93,190
<i>Incoming resources from charitable activities:</i>				
Annual subscriptions	939,567	-	939,567	824,334
Publications and other income	4,418	-	4,418	5,896
<i>Magistrate – advertising and sales</i>	53,870	-	53,870	56,226
Total incoming resources	1,091,839	129,500	1,221,339	1,091,150
Resources expended				
Costs of generating funds	2,118	-	2,118	13,334
Charitable activities	965,562	125,010	1,090,572	1,071,789
Governance costs	58,260	-	58,260	43,557
Total resources expended	1,025,940	125,010	1,150,950	1,128,680
Net incoming/(outgoing) resources	65,899	4,490	70,389	(37,530)
Net loss on investment assets	(298,447)	-	(298,447)	(268,704)
Net movement in funds	(232,548)	4,490	(228,058)	(306,234)
Total funds brought forward	2,061,834	11,941	2,073,775	2,380,009
Total funds carried forward	1,829,286	16,431	1,845,717	2,073,775
The above fund balance is analysed as to:				
Designated funds	1,579,582	-	1,579,582	1,703,128
Unrestricted funds	249,704	-	249,704	358,706
Restricted funds	-	16,431	16,431	11,941
	1,829,286	16,431	1,845,717	2,073,775

All amounts relate to continuing activities.

Balance sheet at 30 June 2009

	£	2009 £	£	2008 £
Fixed assets				
Tangible assets		148,460		139,140
Investments		1,440,851		1,641,525
		<hr/>		<hr/>
		1,589,311		1,780,665
Current assets				
Stock	1,170		3,276	
Debtors	103,929		78,685	
Cash at bank and in hand	333,959		409,332	
		<hr/>		<hr/>
		439,058		491,293
Creditors: amounts falling due within one year		67,883		62,815
		<hr/>		<hr/>
Net current assets		371,175		428,478
		<hr/>		<hr/>
Total assets less current liabilities		1,960,486		2,209,143
Creditors: amounts falling due after more than one year		(114,769)		(135,368)
		<hr/>		<hr/>
Net assets		1,845,717		2,073,775
		<hr/>		<hr/>
Unrestricted funds				
– Designated funds		1,579,582		1,703,128
– Other				
Tangible assets		148,460		139,140
Free reserves		101,244		219,566
Restricted funds		16,431		11,941
		<hr/>		<hr/>
		1,845,717		2,073,775
		<hr/>		<hr/>

The financial statements were approved by the Trustees and authorised for issue on 15 September 2009 and signed on their behalf by:

J J Thornhill, *Chairman* **M J Dodden**, *Honorary Treasurer*

Report of the Auditors

We have examined the summary financial statements which comprise the summary consolidated statement of financial activities and the summary consolidated balance sheet.

This report is made solely to the charity's trustees, as a body, in accordance with the Accounting and Reporting by Charities: Statement of Recommended Practice 2005. Our audit work has been undertaken so that we might state to the charity's trustees those matters we are required to state to them in an auditors' report and for no other purpose. To the fullest extent permitted by law, we do not accept or assume responsibility to anyone other than the charity and the charity's trustees as a body, for our audit work, for this report, or for the opinions we have formed.

Respective responsibilities of trustees and auditors

The trustees are responsible for preparing the summary financial statements in accordance with the recommendations of *Accounting and Reporting by Charities: Statement of Recommended Practice 2005*.

Our responsibility is to report to you our opinion on the consistency of the summary financial statements with the full financial statements and report of the Trustees. We also read the other information contained in the annual report and consider the implications for our report if we become aware of any apparent misstatements or material inconsistencies with the summary financial statements.

Basis of opinion

We conducted our work having regard to *Bulletin 1999/6 The auditors' statement on the summary financial statement and Practice Note 11 The audit of charities* issued by the Auditing Practices Board for use in the United Kingdom.

Opinion

In our opinion, the summary financial statements are consistent with the full financial statements and the Report of the Trustees for the year ended 30 June 2009.

BDO Stoy Hayward LLP
Chartered Accountants and Registered Auditors
Epsom, United Kingdom
16 September 2009

Trustees

Cindy Barnett OBE JP (*Chairman and trustee to November 2008*)

Bill Clift MBE JP (*from November 2008*)

George Curry JP

Mike Dodden JP (*Honorary Treasurer*)

John Fassenfelt JP (*Deputy Chairman from November 2008*)

Elliot Griffiths JP

John Howson JP (*Deputy Chairman*)

Flo Kaufmann JP

Fred Manning JP

Richard Monkhouse JP (*from November 2008*)

Martin Prevezer JP

Anne Smith JP

John Thornhill JP (*Chairman from November 2008*)

Simon Wolfensohn JP

Senior staff members

Sally Dickinson *Chief Executive*

Ann Flintham JP *Communications Manager*

Brian Worboys *Finance Manager*

Editor of *Magistrate* magazine

Simon Hudson JP

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MAGISTRATES
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