

**THE MAGISTRATES' ASSOCIATION**  
**JUDICIAL POLICY AND PRACTICE COMMITTEE**

**Evidence to the Communities and Local Government Committee: Localism**

**Introduction**

There are three main issues that concern the Magistrates' Association when considering the question of localism. These are:

- The concept of local justice
- The management of magistrates' courts
- Community engagement

**1. The concept of local justice**

Magistrates have their origins in communities and for most of their history a link to a community has been an essential prerequisite for the selection of magistrates. The definition of local and community may have changed significantly over the 650 years of the Magistrates' Courts and may now mean different things to different people, depending on their own location, but the concept of crime being dealt with in the area in which it is committed remains fundamental to the criminal justice system.

The Association therefore believes that summary justice should be rooted in communities and actions taken by the justice system both to try to prevent offending and to deter re-offending should be taken at a local level. The magistrates' courts have an essential part to play in delivering this local justice in an open democratic and participative manner.

Wherever possible magistrates have links to communities or knowledge of them and whenever possible, trials in magistrates' courts should be heard by a bench constituted of such magistrates.

As in so many other areas of public life, the arrival of greater mobility in society has changed the nature of communities. Magistrates may well come from within the very community where offences are committed, or from slightly further afield, but this does not detract from the importance and effectiveness of local justice. The very diversity of the magistracy is of real benefit — magistrates are selected, trained, developed and appraised to a much higher level than was known even 20 years ago. They are equipped to deal with matters ranging from those where local knowledge might be beneficial to the understanding of a case being dealt with — through to those where such knowledge is unnecessary.

Nevertheless, as the move by some local authorities to develop Community Justice Panels (often linked to the notion of restorative justice) and the previous government's initiative relating to community courts (where North Liverpool and

Salford remain the best known examples) exemplify, there is an important role for criminal justice to be seen to be closely involved in and with local communities.

The criminal justice system belongs to the people it serves. Magistrates *are* such people. Magistrates' courts also operate in an open and transparent manner that is an essential feature of a criminal justice system in a true democracy.

## **2. Management of magistrates' courts**

Magistrates' courts form the focus for community justice. Magistrates deal with all summary crime cases brought to court, a significant percentage of either-way criminal offences as well as family matters and certain other civil cases. Magistrates' courts have always had a strong link to their local areas - however in recent years, that link has been weakened as control has moved from local Magistrates' Courts' Committees (MCCs) which were closely linked to local authorities, to amalgamations of MCCs particularly in Metropolitan Areas and now to HMCS, an agency within the Ministry of Justice.

This link has become even more remote with the addition of the Regional and Area management layers of HMCS. In little more than ten years the management of the business of a court has been removed from complete local control to a complete lack of local control to such an extent that anecdotes are told across the country of the inability to make simple local changes within a court (e.g. changing light bulbs) without several strata of HMCS becoming involved.

It is the view of the Association that not only would the removal of one or more of these layers be financially beneficial, but the management operation of local courts would not suffer, and there would inevitably be an increased local involvement between the community and the local criminal justice system.

The Magistrates' Association would strongly urge that the administration of local courts, especially that of youth courts, is taken away from the central control of HMCS and returned to a form of local governance which allows for the involvement of magistrates in the management of their courts.

HMCS already accepts the principle that there should normally be a court within no more than one hour of travel by public transport. To meet this target would require a change of the HMCS policy of maximising courtroom utilisation and a fundamental reappraisal of the resultant estates driven court closure proposals. County market towns and their surrounding rural hinterland do not need a courtroom functioning five days a week but do benefit, directly and indirectly, from the presence of an operating magistrates' court.

## **3. Community Engagement**

The Magistrates' Association's MIC (Magistrates in the Community) project already provides opportunities for judicial engagement with communities — with schools, neighbourhood schemes, local councils, employers etc. This is an inexpensive programme but is already under threat because of HMCS budget cuts affecting court open days, school visits and other engagement activities. Cuts in funding should not be allowed to compromise this highly successful and effective programme. There

should be a budgeted marketing programme for community engagement to ensure consistent national and local awareness and to encourage communities to become involved.

Local authorities and other bodies should be sensible to the need to promote the magistracy and all its functions, to the whole community they serve. The Association's MIC project and the associated schemes Local Crime, Community Sentence (LCCS) and the Mock Trial Competition have helped to introduce the role of the court in society, and the involvement of citizens in administering justice, to a wide audience within its limited funding.

This has been of real benefit because it has opened up the workings of the Criminal Justice System to the community. It is our view that one of the main reasons for a lack of confidence in the criminal justice system has been lack of knowledge. Informing the public at local level as well as a national level is a key to a greater understanding of the system and how it works. Consistently our statistics indicate an increase in public confidence following any one of our presentations. This should be maintained and properly funded at local and national level.

Historically, the media also have a significant part to play as it is often media output on which the public opinion is based, whether right or wrong. Despite the relative demise of the local press, the development of new technologies makes it easier than ever to communicate accurate outcomes from the decisions of courts and this should be progressed on a local basis.

#### **4. Summary**

We welcome the opportunity to respond to this consultation because we are rooted in local communities. Our members are competent, well trained and regularly appraised in their roles. They give their time freely to the criminal justice system and accordingly we on their behalf would welcome any steps to move us closer to the communities we serve both in terms of communication and control.

If second tier councils are to be the key building block in addressing the issue of localism then summary justice ought to be aligned with that tier of local government.