

Association of Lord-Lieutenants

STATEMENT of UNDERSTANDING

on

The Role of Lord-Lieutenants

within

THE MAGISTRACY

MAY 2019.

Her Majesty's Lord-Lieutenants have had a very long association with The Magistracy in England and Wales and, as Her Majesty's personal representative within their county, help to maintain the relationship between The Sovereign and the Judiciary.

Historically most Lord-Lieutenants have chaired the Lord-Chancellor's Advisory Committees within their own county. These committees dealt with both the recruitment of new magistrates and the conduct of magistrates in office.

However, changes to the management structure of Advisory Committees in 2019 saw the merger of counties for advisory committee purposes and the splitting of the recruitment and conduct functions.

As a result of these changes advisory committees in the future will cover two, three or four counties.

This *Statement of Understanding* is an attempt to set out the relationship between Lord-Lieutenants and the Magistracy in this new structure without being too prescriptive. The Senior Presiding Judge is reasonably relaxed about Lord-Lieutenants developing their own individual role within the guidelines of the Directions and with the agreement of their local Advisory Committee.

Willie Tucker (*Derbyshire*)
Lord-Lieutenants Magistracy Committee.

The changes to the structure of Advisory Committees in 2019 saw the existing 44 committees covering both recruitment and conduct being divided and reduced in number to 24 committees dealing with attraction/recruitment and 7 committees dealing with conduct.

As expected, very few Lord-Lieutenants have shown interest in chairing the conduct committees because of the huge geographical areas these committees now cover. Lord-Lieutenants have, however, expressed a keen desire to see themselves with a continuing relationship through the recruitment committees as a means of maintaining an interest and involvement in Magistracy affairs. (*A survey conducted by the Association of Lord-Lieutenants in early 2019 showed that only two Lord-Lieutenants wanted to be involved in conduct matters*).

Under the previous structure most, but not all, advisory committees were, at the invitation of the Lord Chancellor, chaired by the Lord-Lieutenant of the county in which the committee was based. On moving to the new structure, the reduction in the number of committees has led inevitably to a reduction in the number of Lord-Lieutenants required to act as chairmen with the regrettable result that some long serving Lord-Lieutenants have found themselves “redundant” from this important role within their own county.

However, other than no longer chairing their local advisory committee, all Lord-Lieutenants should consider their relationship with their county magistracy as unchanged.

This means, for example, that *all* Lord-Lieutenants can, if they so wish, maintain a relationship with the new advisory committee covering their county, even if that committee is now chaired by the Lord-Lieutenant (or any other properly appointed person) of a neighbouring county. Indeed, all Lord-Lieutenants are encouraged to strengthen their relationship and to be very much seen in their own county as an active supporter of the Magistracy. (it should be noted that the Directions as currently drafted do not include provision for the appointment of *Vice Chairmen of Advisory Committees*).

The Future:

In the 2019 survey the vast majority of respondents firmly believed that the links between the Magistracy and the Lieutenancy should be retained and strengthened, the most common reason being that Lord-Lieutenants are best placed to ensure that the voluntary role of the magistracy is recognised and acknowledged and that magistrates are properly thanked for what they do.

How then might this “involvement” be best achieved?

It is recognised by all that Lord-Lieutenants have previously been highly supportive of these aims. However, perhaps a degree of uniformity is needed across counties on the ways used to promote this relationship.

Lord-Lieutenants might, for example, consider the following:

- (a) They should nurture and develop a relationship with the magistracy on a local basis, whether they chair their local advisory committee or not.
- (b) Attraction to the role is currently a big issue for most parts of the country. There is a shortage of JPs in most, if not all, counties. A national attraction campaign currently being rolled out can be enhanced by adding a local perspective to it. There is an aspiration to recruit up to 2000 magistrates this year.
- (c) Lord-Lieutenants in their travels around their county should seek to identify persons who might make very good magistrates and advise them accordingly. They should also seek to make every effort to encourage employers to release and support staff willing to serve as magistrates.
- (d) Use should be made of already existing Lieutenancy networks (especially Deputy Lieutenants) to promote membership of the magistracy.
- (e) Lord-Lieutenants should always attend swearing-in ceremonies. They should attend bench AGMs and speak, briefly and encouragingly, thanking all JPs for their voluntary service as a JP.
- (f) Writing personal letters of thanks to retiring JPs for their years of service is to be encouraged as is the signing by the Lord-Lieutenant of retirement certificates. (advisory committee secretariats can provide this information for each county within a regional grouping).

- (g) Meet at least annually with your Bench Chairman to be updated on issues and matters of relevance to your county.
- (h) Ensure you are kept well informed of arrangements for regional advisory committee meetings and attend (possibly annually) as an observer if you do not actually chair the committee covering your county.
- (i) Support and, if necessary, initiate discussions on succession planning for chairing these committees.
- (j) Accept, as and when possible, invitations to attend regional training events, social occasions, mock trials and conferences organised by your local/regional magistracy and offer to give a formal welcome if requested to do so.
- (k) On occasions attend magistrates' court hearings, both family (with permission of the parties) and criminal, in order to gain a better understanding of the role and current issues.
- (l) To consider taking on a role in the county Magistrates Association.

This list is not to be seen to be in any way exhaustive and all Lord-Lieutenants should share best practice from their own county/regions. This can be done through the Association's Secretary and/or the Association's Magistracy Committee.