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## **Attitudes to Justice in a Rural Community**

This paper considers access to justice in rural areas through place-based research that draws on the insight of residents in a small community among the mountains and hills of the Mid Wales countryside. The paper reports on an interview study designed to gain the local knowledge and personal experience of one particular group of rural dwellers in the hope that it might help contribute to a wider discussion on access to rural justice. The current cuts to legal services in the UK conducted under Conservative austerity policy pose a particular threat to rural areas, wherein the provision of local justice can be deemed of some significance. Considering the potential impact cuts may have on rural justice, the paper suggests that giving further attention to justice in rural areas is of the utmost importance in contemporary socio-legal scholarship.

### **Introduction**

Transport is the single biggest concern of people living in the rural UK.<sup>1</sup> In the countryside, settlements are more spread out than in urban areas, with greater distances between housing stock and employment opportunities, leisure facilities and other essential services necessary to participate in twenty-first century society. These distances plus piecemeal public transport infrastructure combine to emphasise the importance of access to cars amongst the populace.<sup>2</sup> Car usage is much higher in rural areas than it is in urban areas.<sup>3</sup> As such, when the RAC Foundation shows that the UK's poorest families spend 31% of their household income on the purchase and operation of a car, it will be the rural poor who are hardest hit.<sup>4</sup> Such trends are only exacerbated by fuel generally costing more in rural areas than it does in towns and cities, at 2.1p per litre more for unleaded petrol

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<sup>1</sup> J Farrington, D Gray, S Martin and D Roberts *Car dependence in rural Scotland* (Edinburgh: The Scottish Office, 1998).

<sup>2</sup> N Collins 'Rural communities more isolated as public transport forgotten' (2014) *Daily Telegraph* January 14.

<sup>3</sup> Department for Transport 'National Travel Survey 2010' (2011) *Department for Transport Statistical Release* June 28.

<sup>4</sup> RAC Foundation 'Poorest households sink deeper into transport poverty' (2014) *RAC Foundation Press Release* February 6.

– and higher still in the most remote areas.<sup>5</sup> It is thus understandable that transport is emerging as, perhaps, the preeminent barrier to social inclusion in the countryside.<sup>6</sup> This is a phenomenon labelled mobility-related exclusion; an absence of transport restricting opportunities to experience modern society.<sup>7</sup> Many young, elderly, low paid, intermittently employed or unemployed in rural areas can thus be identified to exist in a state of transport poverty.<sup>8</sup> While access to employment must be a key concern here, research has suggested that unequal access to services may form an equally compelling argument for considering the link between mobility and social exclusion.<sup>9</sup> Access to legal services is one of the most important yet often overlooked ways in which rural areas lag behind urban areas with regards to access to public services.

To date there is little study on this element, with a relative dearth of investigation since studies such as the *Access to Justice in Rural Britain Project* some two decades ago. Moody calls this situation a case of *rural neglect*, with the countryside most significant in legal scholarship due to its absence.<sup>10</sup> In contrast, there is a plentiful and powerful literature on uneven access to services such as healthcare between rural and urban areas.<sup>11</sup> As such, studies into rural accessibility should include more focus on access to the institutions of criminal justice. This paper will seek to make a contribution to redressing this absence of investigation by reporting on a place-based study from Mid Wales looking at community attitudes to justice within a rural area. Interviews were conducted

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<sup>5</sup> Department for Environment, Food and Rural Affairs *The Cost of Fuel in Rural Areas* (London: Department for Environment, Food and Rural Affairs, 2012).

<sup>6</sup> S Nutley S 'Rural areas: the accessibility problem' in B Holye and R Knowles (eds) *Modern Transport Geography* (Chichester: John Wiley, 1998).

<sup>7</sup> S Kenyon, J Rafferty and G Lyons 'Social exclusion and transport in the UK: A role for virtual accessibility in the alleviation of mobility-related social exclusion?' (2001) 32 *Journal of Social Policy* 3 317.

<sup>8</sup> N Velaga, M Beecroft, J Nelson, D Corsar and P Edwards 'Transport poverty meets the digital divide: accessibility and connectivity in rural communities' (2012) 21 *Journal of Transport Geography* 1 102.

<sup>9</sup> D Gray J Farrington, J Shaw, S Martin and D Roberts D 'Car dependence in rural Scotland: transport policy, devolution and the impact of the fuel duty escalator' (2001) 17 *Journal of Rural Studies* 1 113.

<sup>10</sup> S Moody 'Rural Neglect: The Case Against Criminology' in G Dingwall and S Moody (eds) *Crime and Conflict in the Countryside* (Cardiff: University of Wales Press, 1999).

<sup>11</sup> See, for example, R Strasser 'Rural health around the world: challenges and solutions' (2003) 20 *Family Practice* 4 457 or R Goines, A Williams, M Carter, M Spencer and T Solovieva 'Perceived Barriers to Health Care Access Among Rural Older Adults: A Qualitative Study' (2005) 21 *The Journal of Rural Health* 3 206.

with rural residents to draw out their local knowledge and specific experience in order to try to understand access to justice from their perspective within a rural community.

### **Austerity Justice**

The accessibility of legal systems has traditionally been conceived in terms of economic barriers and, to a lesser degree, cultural or psychological barriers, but very rarely has access to justice been considered along spatial grounds.<sup>12</sup> As such, the barrier of space that can restrict the accessibility of legal services is a research field that would benefit from further inquiry. It is a vital period in which to initiate that process due to the ideology of austerity that has underpinned the economic approach of, first, the coalition and, now, the Conservative government of the UK since 2010 as they seek to cut public spending to reduce the national debt through developing a smaller state. As part of the austerity programme, cuts have been variously proposed and initiated to legal aid, the court infrastructure and policing. This process of cutting back public service provision in law and justice to the bare bones has been referred to as *austerity justice*.<sup>13</sup> The often unconsidered consequence is how such changes will have particular impacts on rural areas. Cuts to lawyers, courts and police all seem likely to exert a large impact on rural access to justice.

Legal aid cuts have been identified as creating the possibility of *advice deserts* in legal aid provision whereby the margins of legal practice are so tight that firms will not be able to carry on operations in marginally profitable areas with low client bases such as rural areas. On George Osborne becoming Chancellor, he conducted a review into the various savings that each government department would be expected to make, which saw the Ministry of Justice tasked with achieving one of the highest reductions of all government departments, from £9 billion to £6 billion leading to a £350 million cut from the legal aid budget affecting both civil and criminal funding. Advice deserts have already been identified in relation to civil law as legally aided practice has dried up following

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<sup>12</sup> M Blacksell, K Economides and C Watkins *Justice Outside the City* (Essex: Longman Scientific and Technical, 1991).

<sup>13</sup> S Hynes *Austerity Justice* (London: Legal Action Group, 2012).

severe restrictions to funding.<sup>14</sup> In April 2013, the Legal Aid, Sentencing and Punishment of Offenders Act 2012 came into force and severely restricted civil legal aid, all but decimating provision, which saw the number of civil cases granted funding for representation dropping by 62% within a year so 623,000 people annually are missing out on help with civil legal problems.<sup>15</sup> The act reversed the position that saw legal aid accessible for all civil cases other than those excluded by the Access to Justice Act 1999. Whole categories of law have been taken out of scope for legal aid with others only qualifying if they meet specific criteria.<sup>16</sup> For example, no family law funds unless there is proof of domestic violence, forced marriage or child abduction, no funding for housing or debt unless there is an immediate risk to the home and no immigration funding unless it involves asylum or detention.

The effects of the £215m to be shorn from the criminal legal aid budget are only now taking hold as evident from the cut to solicitors' fees by 17.5% in a reduction that was initially staggered into two cuts of 8.75% over 2014 and 2015,<sup>17</sup> though the second part was temporarily suspended pending review in 2016.<sup>18</sup> These cuts can be said to be much greater in real terms due to fees not having risen with inflation. Hourly rates currently paid are generally below the rate required for firms to break even.<sup>19</sup> The break-even figure would be £35.02 per hour, while a sustainable business needs £105.06 per hour. The new rates pay as little as £14.89. Again, such cuts are expected to lead to advice deserts in criminal legal aid, such has been the warning offered by solicitors who staged the first ever industrial action by the profession in protest.<sup>20</sup> Less profitable firms will go out of business and the only ones that can survive will be those that process a large amount of clients thus focusing

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<sup>14</sup> N Byrom *The State of the Sector: The impact of cuts to civil legal aid on practitioners and their clients* (Warwick: Centre for Human Rights in Practice, 2013).

<sup>15</sup> S Hynes 'A year of austerity justice' (2014) *Legal Action* April.

<sup>16</sup> E Howard 'Legal aid in England and Wales: what is changing?' (2014) *The Guardian* September 9.

<sup>17</sup> O Bowcott 'Barristers and solicitors walk out over cuts to legal aid fees' (2015) *The Guardian* January 5.

<sup>18</sup> D Barrett 'Legal aid cuts reversed by Justice Secretary Michael Gove' (2016) *The Telegraph* January 28.

<sup>19</sup> J Parry 'What are Criminal Legal Aid Lawyers Paid?' (2015) *Parry Welch Lacey* at <https://parrywelchlacey.wordpress.com/what-are-criminal-legal-aid-lawyers-paid/>.

<sup>20</sup> C Baksi 'Criminal lawyers warn of "advice deserts" as they stage walk-out' (2014) *Law Society Gazette* March 7.

on volume work, which in practice means there will be a great deal of centralisation as firms consolidate to cover the large towns and cities and retreat from rural areas.

There are currently 460 courts and tribunal centres across the UK. 137 courts (89 magistrates' courts and 48 county courts) have closed since 2010 in England and Wales and, in 2015, the government confirmed that they will close another 91 courts (57 magistrates' courts, 19 county courts, two Crown Courts, four tribunal hearing centres and nine combined courts) in England and Wales, while a further 31 (2 magistrates' courts, 11 county courts, two Crown Courts, 15 tribunal hearing centres, and one combined court) are set to be integrated.<sup>21</sup> When this closure programme is complete it will mean that 38.5% of courts and tribunals will have closed since 2010. The aim is to reduce what, Justice Secretary, Michael Gove has identified as surplus capacity due to the quietness of some rural courts. According to the government those courts, which closed, were 'underused and inadequate', and an annual bill of £500 million will be cut by £200 million.<sup>22</sup> The money saved from the closures will supposedly be invested in refurbishing courts and improving technology use within them (though the government's own figures show that, of the 163 courts closed in 2010-15 only 52 have been sold so far). Most of the courts to be closed are located in rural Britain with Wales considered under particular threat. Because of that, court closures spark fear of *justice deserts* in rural areas.<sup>23</sup> The Ministry of Justice have three responses to such concerns.<sup>24</sup> Firstly, they state that, following the court closures, 95% of people would still be able to their required court within an hour by car. Secondly, they suggest that it is not necessary to physically attend court in this information age. Thirdly, they propose the ad hoc usage of alternative public buildings. The Law Society has rebutted all three points.<sup>25</sup>

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<sup>21</sup> M Fouzder 'Infographic lays bare impact of court closures' (2015) *Law Society Gazette* August 14.

<sup>22</sup> J Caird *Court and tribunal closures* (London: House of Commons Library, 2015).

<sup>23</sup> M Leftly 'Court closures spark fears of "justice deserts" in rural areas' (2014) *The Independent* April 19.

<sup>24</sup> Ministry of Justice *Proposal on the provision of court and tribunal estate in England and Wales* (London: Ministry of Justice, 2015).

<sup>25</sup> Law Society 'Law Society: Court closures will inhibit access to justice' (2015) *Law Society Press Release* October 8.

To start, they note how it will be harder for many people (victims, witnesses or defendants) to get to court with the travel estimates said to not take sufficient account of local geography or transport infrastructure, especially because they assume car use and thus ignore the infrequent and indirect public transport services that characterise rural areas. More so, for those using public transport, they will often face the difficulties of accessing peak time services and, as a result, pay premium rates for their travel. Considering the increased use of technology, they welcome such developments, but note that the technologies are not yet available at all the courts to which business is being redistributed and that the money to be saved from closing courts might be better used to increase the efficiency of the current ones. This consideration seems especially salient given that the government's efficiency drive seems to be backwards in taking work from underused courts to busy ones, which will only add to backlogs of work and overly-long waiting times when the spare capacity of the quieter courts could have been better utilised. On alternative venues, they note that such provisions are completely untested and raise numerous concerns such as security or whether there would be adequate facilities such as video link, witness/defendant segregation or interview rooms in public buildings. If, as seems likely, there are currently not such facilities, they would need to be installed, at a cost that might be better spent on maintaining purpose-built courts with superior and, crucially, relevant facilities.

Police forces in England and Wales face budget cuts from the Home Office of 20-40% by 2020.<sup>26</sup> In order to achieve this, the government have proposed reforming the pragmatic system of funding local police services, which developed in a piecemeal manner responding to need but that they consider to be too complex and in need of simplification. The new funding formula takes four key factors into consideration: overall population; the number of unemployed families with dependent children; urban deprivation, and; the number of bars and pubs per hectare. While police forces have accepted the value of focusing on deprived areas in densely populated towns and cities,

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<sup>26</sup> Editorial 'Police cuts: New funding formula underestimates the needs of rural areas' (2015) *The Independent* November 2.

it is said to unfairly penalise rural areas, especially through underappreciating the amount of non-crime work police are engaged in.<sup>27</sup> It means that large rural forces, such as Devon and Cornwall will get a smaller share of the overall pot. For example, Cumbria, which is facing cuts of almost £10 million while North Yorkshire will see cuts of £16 million and Lancashire £25 million. These new cuts follow budgets that have been cut by a fifth over the past five years, which reduced the number of officers in England and Wales by 17,000. A further 20,000 jobs would be lost by 2020. Chief Constables as well as Police and Crime Commissioners have been vocal in their opposition to these plans, in particular noting the extent to which rural policing will be compromised meaning that police forces will have to stop investigating some types of traditionally rural-specific crime such as petrol theft (including syphoning petrol from vehicles, theft of central heating oil and theft from farm fuel supplies) or wildlife crimes (such as badger-baiting, hunting with dogs and poaching). Such crimes consume significant police resources. The new formula may have been a reaction to previous criticism and threats to sue the Home Office by urban police forces that had originally been due to lose out on funding to county constabularies thus prompting a reversal to a scenario that now penalises the rural.<sup>28</sup>

The proposed cuts that will adversely impact on rural areas were announced around the same time as a report by the National Rural Crime Network showed that rural crime cost victims more than twenty times the amount previously estimated.<sup>29</sup> Rural crime in England and Wales was said to cost more than £800 million in 2014, with an average cost to victims of £2,500 for households and £4,000 for businesses. The report highlighted the need for rural policing, as much of this crime involved damage to farm equipment or isolated property thefts. The reports' chief recommendation was for a fairer funding proposal to be produced that reflects the true cost of policing rural areas, taking into account that providing police services over large, sparsely populated geographical areas

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<sup>27</sup> M Evans 'Police budget cuts branded "madness" as rural forces complain they are being unfairly penalised' (2015) *The Telegraph* November 3.

<sup>28</sup> A Travis 'Police force threatens to sue Theresa May over funding plans' (2015) *The Guardian* September 4.

<sup>29</sup> National Rural Crime Network *The true cost of crime in rural areas* (Tavistock: National Rural Crime Network, 2015).

is relatively expensive in per capita terms and only gets more challenging as what resources there are become squeezed. Such considerations are largely ignored in the new proposals. Another consideration that is not taken into account is the impact that tourism has on many rural areas. To return to North Yorkshire, the area has 18 million visitors annually with rural tourist hotspots tending to be busy for a highly concentrated period during the summer months thus exerting a knock on effect for the relevant police forces. Dyfed-Powys Police, the largest force in England and Wales, covering over half the landmass of Wales, has previously published information outlining the specific complexities demanded by rural policing wherein officers have to manage such a wide array of time-consuming issues affecting dispersed populations stretched out across a wide area.<sup>30</sup> Responding to cuts, the force are engaged in a reorganisation effort aimed at centralising (and streamlining) support functions to ensure that they can still provide an on the beat presence across the vast region.<sup>31</sup> They will find it hard to cope with cuts to their budgets in ways that urban forces may not. Austerity, then, is coming to rural justice in all its manifestations.

### **Justice in Rural Areas**

On one level, the impact of austerity justice on rural areas will be a simple one of a lack of justice provision; the quantity of justice will decline as the institutions of justice retract from rural areas and consolidate in the large towns and cities. It makes sheer economic sense to centralise resources in this way if costs are trying to be saved. Such leads to the advice or justice deserts and the lack of police on the street. This will be a very significant development in its own right through potentially stopping people accessing services all together or, at best, making it more difficult to do so, which may have the effect of putting some people off seeking redress or getting help. Further, it will also undermine public trust in justice. Local justice services are important because, as the Crime Survey for England and Wales as well as the European Social Survey show, contact with the institutions of

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<sup>30</sup> Dyfed-Powys Police *Dyfed-Powys: Policing Rural Communities* (Carmarthen: Dyfed-Powys Police, 2013).

<sup>31</sup> Dyfed-Powys Police *Dyfed-Powys: Responding to Austerity* (London: Her Majesty's Inspectorate of Constabulary, 2014).

justice works to produce trust in the criminal justice system.<sup>32</sup> Positive contact with police, lawyers or magistrates promotes trust and, by extension, shapes the perceived legitimacy of the system in the eyes of the public as such experiences encourage a sense of acceptance upon this authority. Thus public co-operation rests in part on the ability of individuals to get a feel for the justice system and such processes are made far easier when the institutions operate at a local level and come closer to peoples' everyday lives. Research studies have shown that public perceptions of criminal justice become shaped by sensationalist media reporting and second-hand gossip when justice is detached from lived experience or personal knowledge.<sup>33</sup> People are happier, feel safer and become more engaged with local justice.

Another consideration on how a decline in local justice provision in rural areas will impact populations involves understanding the distinctive local legal cultures that coalesce around legal institutions and justice services in rural areas.<sup>34</sup> Local legal actors mould service provision to fit local conditions.<sup>35</sup> For example, social life in rural communities has been said to place a premium on personal relations with day-to-day life characterised by intimacy, familiarity and high visibility, which has an impact on the role that the institutions of justice should play in order to conform to local expectations.<sup>36</sup> Residents know one another and are aware of family histories, active social networks mean people stay attuned to local events and there is a relative homogeneity compared with urban areas all of which creates a great deal of social cohesion.<sup>37</sup> In such scenarios, the expectation is that personal relationships and cohesion keep the local community functioning so that any system of

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<sup>32</sup> M Hough, B Radford, J Jackson and J Roberts *Attitudes to sentencing and trust in justice: exploring trends from the crime survey for England and Wales* (London: Ministry of Justice, 2013).

<sup>33</sup> See, for example, K Jamieson and M Hennessy 'Public Understanding of and Support for the Courts: Survey Results' (2007) 95 *The Georgetown Law Journal* 4 899 or J Sprott 'Understanding public views of youth crime and the youth justice system' (1996) 38 *Canadian Journal of Criminology* 3 271.

<sup>34</sup> T Church *Examining Local Legal Culture: Practitioner Attitudes in Four Criminal Courts* (Washington DC: National Institute of Justice, 1982).

<sup>35</sup> K Boyum 'A perspective on civil delay in trial courts' (1979) 5 *Justice System Journal* 2 170.

<sup>36</sup> J Eisenstein 'Research on Rural Criminal Justice: A Summary' in R Green, J Jankovic and S Cronk (eds) *Criminal Justice in Rural America* (Washington DC: National Institute of Justice, 1982)

<sup>37</sup> C Edmondson 'Rural Courts, the Rural Community and the Challenge of Change' in T McDonald, R. Wood and M Pflug (eds) *Rural Criminal Justice: Conditions, Constraints and Challenges* (Wisconsin: Sheffield Publishing Company, 1996).

justice that was to prove too divisive or impose alien antagonisms on the local community would be rejected.<sup>38</sup> As such, local justice institutions should act so as to fit in through being informed by local sentiments in order that they are not disruptive and do not create tension. With such considerations in mind, rural courts are supposedly more effective than courts in urban areas as, due to their typically lower case volume and closer ties to the surrounding community, they have a greater relevance to the particular local area in which they are situated than might be possible in courts spanning more diverse and disparate populations.<sup>39</sup> This community orientation, then, potentially sets apart rural courts from their counterparts in large towns and cities, which is to suggest that their isolation from the wider legal system and main centres of population alongside the tamer pace at which they operate are virtues that allow for a greater sense of local justice.

Lawyers in rural areas are considered different too, renowned for taking a characteristically paternalistic attitude, whereby they see themselves as serving their local area and, as such, take some degree of ownership and responsibility, facilitated by a small number of lawyers covering distinct areas.<sup>40</sup> Franklin and Lee show that rural law firms are culturally embedded in their community and, as such, have a distinctive connection with the local society not seen to a similar degree in urban firms.<sup>41</sup> Rural policing, similarly, has been traditionally cast as of a different nature to metropolitan policing, with much more emphasis on local policing in England and Wales thus reaching closer to the community-centred ideal.<sup>42</sup> For one, there are particular issues commonly identified for policing in rural areas such as around the traveller community,<sup>43</sup> raves,<sup>44</sup> wildlife

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<sup>38</sup> K Fahnestock and M Geiger 'We All Get Along Here: Caseflow in Rural Courts' (1993) 76 *Judicature* 5 258.

<sup>39</sup> A Bartol 'Structures and Roles of Rural Courts' in T McDonald, R. Wood and M Pflug (eds) *Rural Criminal Justice: Conditions, Constraints and Challenges* (Wisconsin: Sheffield Publishing Company, 1996).

<sup>40</sup> K Economides 'The Country Lawyers: Iconography, Iconoclasm, and the Restoration of the Professional Image (1992) 19 *Journal of Law and Society* 1 115.

<sup>41</sup> A Franklin and R Lee 'The Embedded Nature of Rural Legal Services: Sustaining Service Provision in Wales' (2007) 34 *Journal of Law and Society* 2 218.

<sup>42</sup> R Mawby 'Rural Police: A Comparative Overview' in R Mawby and R Yarwood (eds) *Rural Policing and Policing the Rural* (Surrey: Ashgate, 2011).

<sup>43</sup> R Hester 'Policing New Age Travellers: Conflict and Control in the Countryside' in G Dingwall and S Moody (eds) *Crime and Conflict in the Countryside* (Cardiff: University of Wales Press, 1999).

<sup>44</sup> A Barton, D Storey C and Palmer 'A Trip in the Country? Policing Drug Use in Rural Settings' in R Mawby and R Yarwood (eds) *Rural Policing and Policing the Rural* (Surrey: Ashgate, 2011).

crime,<sup>45</sup> or crime involving agriculture.<sup>46</sup> Even within more all-encompassing issues such as domestic violence, which has often been ignored in rural areas and where there can be sensitivities based on the small communities that must be borne in mind.<sup>47</sup> Local justice, then, is a social phenomenon but one that would be lost if legal institutions dealt with rural life from afar. What is needed is research to try and address the impact such changes may have and that is what is offered in this paper.

### **The Crucorney Research**

This research involved interviews conducted with one group of rural residents to investigate their views on local justice services. It used a purposive sample for these interviews, a commonly deployed form of non-probability sampling wherein decisions concerning the individuals to be included in the sample are taken by the researcher based on a judgment of the participants' potential to generate relevant data allied to practical considerations that they would be willing to take part.<sup>48</sup> The purposive sample may be chosen for a variety of reasons but is most likely when the individuals under consideration possess particular knowledge or have had specific experiences allowing them to be used as a case study.<sup>49</sup> In this paper, residents of a Mid Wales Monmouthshire community called Crucorney were selected in order to share their first-hand experiences of the issues around access that affect residents of rural communities. Rural Wales was selected an appropriate location to investigate access to services due to extensive research from the Wales Rural Observatory that has shown an inadequate yet still declining level of rural service provision, which goes hand-in-hand with significant problems over the availability of rural transport and the need for car use.<sup>50</sup> For rural residents who cannot use a car, they are reliant on bus provision that, since

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<sup>45</sup> N Fyfe and A Reeves 'The Thin Green Line? Police Perceptions of the Challenges of Policing Wildlife Crime in Scotland' in R Mawby and R Yarwood (eds) *Rural Policing and Policing the Rural* (Surrey: Ashgate, 2011).

<sup>46</sup> J Donnermeyer, E Barclay and D Mears 'Policing Agricultural Crime' in R Mawby and R Yarwood (eds) *Rural Policing and Policing the Rural* (Surrey: Ashgate, 2011).

<sup>47</sup> G Squire and A Gil "'It's Not All Heartbeat You Know": Policing Domestic Violence in Rural Areas' in R Mawby and R Yarwood (eds) *Rural Policing and Policing the Rural* (Surrey: Ashgate, 2011).

<sup>48</sup> M Miles and A Huberman *Qualitative Data Analysis* (California: Sage, 1994).

<sup>49</sup> M Patton *Qualitative Research and Evaluation Methods* (California: Sage, 2002).

<sup>50</sup> K Moles and J Radcliffe 'Deep Rural Communities: Exploring Service Provision in Rural Wales' in P Milborune (ed) *Rural Wales in the Twenty-first Century* (Cardiff: University of Wales Press, 2011) 248

deregulation in the 1980s, has seen consistent levels of service reduction and decreasing satisfaction rates.<sup>51</sup> Despite notable Welsh Government-funded initiatives such as the on-demand Bwcabus in rural South-West Wales, subsidy cuts are seeing major providers scale back their operations in less profitable rural areas around the country.<sup>52</sup>

The specific community surveyed, Crucorney, is best conceptualised as a collection of small settlements spread out over five miles across a valley at the edge of the Brecon Beacons National Park. It consists of Cwmyoy, Forest Coal Pit, Llanthony, Pandy and Llanvihangel. The first three places are isolated collections of scattered houses with farms and cottages, whereas the latter two areas could be classed as villages with limited amenities. The nearest town is Abergavenny, a market town with a population of around 10,000 people. Abergavenny is 7.3 miles from Cwmyoy, 4.5 miles from Forest Coal Pit, 10.8 miles from Llanthony, 5.9 miles from Pandy and 4.8 miles from Crucorney. Most local services are provided in Abergavenny. There is a direct road for drivers and a bus services to the town from Pandy and Llanvihangel but no buses for the other three areas and there no rail links in any of the five settlements.

The research was conducted in partnership with the Crucorney Energy Group, a community group covering the five settlements that promotes sustainability and encourages local residents to work together to foster a greater sense of community. We previously worked together on a project looking into local transport issues funded by the Countryside Council for Wales.<sup>53</sup> The previous research involved a postal survey that established Crucorney as a community reliant on travel to access services (76.3% went to Abergavenny), with high car ownership levels (94.4% owned a car) and frequent car usage (89.6% used a car to access services). All accepted they would have to travel to use services. With access to the Crucorney community through our work on rural transport, the area was an obvious first port of call for considering views on access to justice in rural communities

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<sup>51</sup> J Preston *A Fair Deal? Regulation and Financing of Bus Services in Wales* (Cardiff: Public Policy Institute for Wales, 2014).

<sup>52</sup> J Wild 'Bus operators in Wales threaten to cut services' (2013) *Financial Times* November 22.

<sup>53</sup> D Newman *Crucorney Energy Group Transport Survey 2014* (Cardiff: Sustainable Places Research Institute, 2014).

but especially so considering that the area was one of those to be affected by the government court closure programme. In 2015, Abergavenny Magistrates' Court was marked for closure with its work being moved to Cwmbran Magistrates' Court, which is 15.3 miles beyond Abergavenny and thus 20-25 miles from these communities. In addition, the Council have raised concerns that the nearest police station, Abergavenny, has been put forward for closure as part of Gwent Police's efficiency drive, which would mean the nearest manned station would again be Cwmbran with likely a skeleton service provided with Abergavenny Town Hall. The nearest law firms are also in Abergavenny, where there are five with two that provide criminal legal aid and it remains to be seen how they are affected by the legal aid cuts but one of these has a second office in Crickhowell (5.9 miles from Abergavenny), which would conceivably be merged. Crucorney, then, represents the 'perfect storm' of police cuts, court closures and legal aid changes that it has been claimed will disproportionately affect the provision of justice to communities in rural Wales.<sup>54</sup> As such, the Crucorney community provided an excellent sample through which to explore how rural residents related to legal services, and how they reacted to the possibility of cuts and centralisation of the institutions of justice. In this manner, they offered a valuable purposive sample with which to work allowing for a place-based insight into rural access to justice in 2015.

The Crucorney Energy Group provided an initial list of 649 properties that make up the area. Through conducting the fieldwork, it became evident that 68 of these properties were holiday homes and 30 were caravans so were not visited by the research team. Fieldwork also highlighted that around 25 properties were second homes apparently unoccupied at the time of the research with neighbours informing the researchers that the households were empty during the study. In the week preceding the fieldwork, a letter was sent out offering householders the opportunity to opt out of the research (or to arrange being interviewed by another means if they would not be available at home during the fieldwork period). 14 choose to not take part, most of which cited the reason

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<sup>54</sup> D Williamson 'Warning that Wales faces a 'perfect storm' of police cuts, court closures and legal aid changes' (2015) *Wales Online* October 30.

that research on accessing local services would not be relevant to them as they had their own cars and could drive wherever they chose. One respondent noted that, 'basically we live in the country and we sort ourselves out'. A revised list of 512 properties was considered as relevant to the fieldwork, of which householders from 97 participated giving coverage of 18.9% of households.

Householders participated in a variety of ways. Primarily, 46 took part by way of being interviewed in their own homes. A further 22 were involved in four focus groups, three of which were conducted at the weekly coffee morning organised by the local church and one impromptu group that was held at a local pub at the invitation of patrons. Following the fieldwork, 10 had telephone interviews. Finally, 19 emailed responses to questions that the research team sent to them. Interviews were conducted over the course of five week days in June 2015 between the hours of nine am and six pm. It was deemed important to include an element of telephone and email interviews after the fieldwork to boost participation of those who will have been at work during the door-to-door surveying with telephone interviews conducted at the time requested by the householders. The focus groups offered a valuable means to engage with a large group of householders who had gathered for their regular coffee morning and enthusiastically welcomed the researchers into their meeting. It was especially important to capture this group as respondents had previously suggested that the coffee morning represented a significant informal support network through which the church facilitated assistance for the elderly and infirm that did not have access to their own transportation.

Across the various formats, householders were asked questions from a semi-structured interview script. The interview started by briefing participants on the manner in which the researcher attempted to find out about local experience of travel needs and access to services. They then moved on to explore issues of rural life such as the reasons householders chose to live in the area, their perceptions of rural living and the positives/negatives of the countryside. Next, the interviews looked at attitudes and usage of transport, questioning where householders travelled,

how they got there and the reasons behind such choices. After this, the interviews addressed the provision of local services asking householders to reflect on what services they had access to, whether this was sufficient and what they would like service provision to look like in the future. Finally, the interviews focused on access to justice provision in particular, probing experiences and perceptions of legal services and court provision as well as considering police services. All questions were informed by local knowledge drawing on the expertise of the Crucorney Energy Group as well as the research team's previous experience of working on the community's travel survey. Interviews lasted between thirty minutes and an hour in length, and were analysed using thematic analysis.

Thematic analysis was used as a valuable method for identifying, analysing and reporting patterns across a data set that, thereon, minimally organises this information in rich detail.<sup>55</sup> Accordingly, the three sections of results in this paper follow the guidelines for conducting good thematic analysis set out by Braun and Clarke to ensure that any themes identified match the original data.<sup>56</sup> In this way, it is possible to draw out the worldview of the participants without unduly imposing my own biases as a researcher (for example, what issues I think are important) and, as such, I keep them relatively free from critique and do not compare them to the academic literature. There will always be some level of debate about how large a sample is necessary in qualitative research such as this, with suggestions ranging from two to 400 responses for reliable findings.<sup>57</sup> Guest et al have shown that, for studies that use thematic analysis on purposive samples, as few as twelve interviews are sufficient to produce a workable data set.<sup>58</sup> As such, the 97 responses received for this survey can be considered of value in helping to paint a picture of how one rural community relates to justice and, in so doing, this place-based study of rural access to justice offers a unique contribution to the literature, which will hopefully help illuminate

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<sup>55</sup> G Guest *Applied Thematic Analysis* (California: Sage, 2012).

<sup>56</sup> V Braun and V Clarke 'Using thematic analysis in psychology' (2006) 3 *Qualitative Research in Psychology* 2 77.

<sup>57</sup> A Fugard and H Potts 'Supporting thinking on sample sizes for thematic analyses: a quantitative tool' (2015) 18 *International Journal of Social Research Methodology* 6 669.

<sup>58</sup> G Guest, A Bunce and L Johnson 'How Many Interviews Are Enough? An Experiment with Data Saturation and Variability' (2006) 18 *Field Methods* 1 59.

understanding of community experience. This study will not seek to generalise for all rural communities, even those in Wales, but it does try to offer local knowledge from this particular community to help stimulate wider debate. In the three sections that follow, responses on the issues of lawyers, courts and the police will be organised according to the dominant themes that emerged from the interviews.

## **Lawyers**

Discussions on rural justice started by talking about lawyers, which were a key inspiration behind the study as so little was being written about the impact that the cuts in legal aid remuneration and duty contracts would have on remote practices, outside the most populous urban areas. There was, though, a general lack of interest in the topic of lawyers. A number did not respond to the line of questioning on lawyers, with 15.5% (15 out of 97) not reacting to the topic and offering no comment. They would not talk about lawyers at all. That a significant proportion declined to address the topic of lawyers, despite it being pushed in the interviews and taking up several questions in the online surveys, highlights a sense of ambivalence among some that must be recognised.

Turning to those who did talk about lawyers, the disinterest of those mentioned above can be reflected in a majority of all respondents – 58.8% (57 out of 97) – expressing opinions to the effect that access to lawyers was ‘not important’, had ‘no relevance’ and that law firms were ‘not a significant rural issue’. Many discussed how they had never used a lawyer and, even amongst those who had, this was generally for wills and conveyancing, two types of law that the residents considered exceptional yet mundane so that it did not raise access to any level of significance to them. This left 25.8% (25 out of 97) of respondents that did consider lawyers to be a pertinent matter, though it needs be acknowledged that the survey did push them to consider lawyers and there were numerous comments along the lines of, ‘I’ve never thought about whether lawyers are important before’ or ‘yes, lawyers are important when I actually come to think about it’.

Among all respondents, though, was general agreement that it was fair to think you might have to travel to get access to a lawyer. There was a general sense of pragmatism on this issue with that the expectation that a rural dweller should have to drive to use any services including legal, as in the following quote:

The solicitors are in Abergavenny. I can get to them easily enough because I drive. It's close enough for me and for most people here because you do have to drive really. If you can't drive then that's not great but I'm not sure they could realistically be any closer, they just wouldn't get the business.

Many compared the situation to other services, as with the next respondent:

We have less favourable access to solicitors but no more so than to doctors or dentists who are far more valuable.

Thus even among those who saw the value of legal services, travel was expected, especially considering the need to do so for services that were perceived to be of greater value.

Aside from travel, talking about lawyers led to three main themes emerging from these interviews around the utility of local knowledge, whether a personal service was important and touching on issues of remote access.

### *Local Knowledge*

One topic of conversation centred on lawyers' knowledge of the local area with mixed views on the importance on this trait. Some of these respondents identified the value of having a lawyer drawn from the community as in the following examples:

I've previously used a solicitor in Abergavenny, which was an excellent service. It was very homely. I guess that means I do find a local service important, I felt comfortable and at ease because they were very much part of the community. Yes, I can imagine it could be an

uncomfortable experience if you go to a strange town where you don't know anything, especially if you are talking about something awkward.

I think it does matter that lawyers come from the community and know the lifestyles of those they represent. Personal experience of an area provides the best context in which to understand the behaviour of its residents.

By this line, local knowledge is a valuable commodity:

Yes, it does matter that lawyers come from the local community – but it's up to you to ask them a list of questions to see if they understand the matter in the context of deep rural issues.

Several respondents picked out the importance of knowing about agriculture in such a rural area:

Farmers need access to solicitors that understand how to communicate and not just send letters and be overly formal.

I use a solicitor from Abergavenny to sort out my will. If there was one closer then I would use them but the distance to Abergavenny isn't a problem. Not really. Local knowledge is very important for legal services. Take my brother for example. He moved accountants because his old one didn't have the appropriate level of agricultural knowledge he required. It is better to have a specialised person who knows the area.

For most respondents, though, there are more important factors to consider than locality:

It doesn't matter whether lawyers come from the community and know the lifestyles of those they represent.

Local knowledge isn't important. The law has to be applied equally to all regardless of background.

For the majority, the quality of the lawyer trumped whatever local knowledge they had for many as in these quotes:

Knowledge of the local area isn't important but recommendations and having a good reputation are what most people are looking for.

Competence in the things I used them for is more important than location. Local knowledge isn't important if they listen and gain experience.

### *Personal Service*

Discussions of local knowledge tended to go hand-in-hand with respondents considering the value of being provided a personal service thus using a solicitor known to them and with whom they could develop a relationship. A small number reflected on the benefits of the personal aspect of the lawyer-client relationship in the local law firm:

I've never really thought about solicitors, whether they need to be local but, do you know what, I think they do, really. Local knowledge is important for something like that – they need to know where you come from, who you know, maybe what trouble you've been in or what kind of place you want to buy, who's involved. Yes, the solicitor should be local, that's important.

The following two respondents drew contrast with firms from outside the local area:

Help has to be local, it needs to be there for you when you need it. You need someone there you can talk to, someone who understands you and what you represent. It is important that solicitors understand local thoughts and experiences. City lawyers only have an interest in money. You compare city offices with their glass windows and everything perfectly in its place, clinical, to the local Abergavenny office, which is dusty, old messy and comfortable to approach.

I once used a solicitor in Abergavenny but they travelled to my home. I liked that personal touch. I think that's something you would only really get with a local firm because they would take the time to get to know you and to treat you as an equal. You are not just a customer, another name in the book. You are a face from the community. I appreciated them coming out to see me so I would always go local in the future, I would definitely go back to them.

They were happier in a local law firm that felt more like the rural community they belonged to.

Most respondents, though, took the opinion that a working relationship could be struck up with a lawyer wherever they were from.

I have a solicitor, he's based in Crickhowell, what, twelve miles away. I will always use him. Yes, I have to drive but I don't mind doing that at all when it's worthwhile. When there's someone you trust and who knows you then you will go to them.

Our family solicitor is in Swansea, the one in Abergavenny wasn't any good for us personally. Distance wasn't an issue and didn't play a part in us choosing our solicitor. It was just too messy when we tried the Abergavenny service so we went to the one I trusted – and we will keep doing it.

### *Remote Access*

A final theme to emerge from the lawyer part of the interviews was thinking around remote access, thinking particularly of using telephone or online services. There was a divide among respondents on this topic. Most regarded remote services as a good thing as in these quotes:

Most anything you need can be done online. If I had to use a lawyer, I would try to use the internet.

You should be able to do it all online.

Some dealt with law firms largely remotely already:

My solicitor is in Pontypool so that's about 15 miles away. Not exactly local but I don't think that really matters. Not to me. I mostly use email and phone calls to sort out problems. The distance isn't an issue really. If I needed to go I would just set up an appointment for when I had the car.

Despite the enthusiasm for online services, there was widespread scepticism it would work due to the age profile of the area and the poor internet connectivity as reflected by these respondents:

Online legal services are interesting but wouldn't work round here. The broadband is just too slow. Older generations would struggle with the idea. It wouldn't work for them.

It's no good having online legal services for someone like me. The internet is so slow here. So I don't think it would work to do legal meetings on the internet, it would take longer than driving to the offices even if they were ten miles away. And lots of older people like me just don't use the internet anyway, so how could we sort out legal problems that way.

There were also a small minority who did not like the idea of remote services and would prefer face-to-face contact (whether local or not):

Legal services must be provided face-to-face, though that doesn't necessary mean they need to be local. They just need to be there. It's a different thing, as long as you can get to the service then that's all that matters.

## **Courts**

Following questioning around lawyers, the interviews moved on to consider courts, with the effect of the government's desire to reduce the court estate on the provision of justice outside the metropolis forming the other chief motivation for this research. The questions on courts got a better response than those on lawyers, with only a handful – 4.1% (four out of 97) – not discussing the

issue. The higher response rate showed greater engagement with the subject of local courts, though, again, it should be said that most respondents had not previously given the issue much thought.

Many respondents did not know where their local court was. They would often guess ('Is it Abergavenny, I've never noticed it but I feel like it should be') and then sometimes got it wrong ('I suppose it's in Hereford – or is it Newport?'). A large number admitted it was not an issue that had ever held any particular relevance to them, commenting that they had 'never used it', 'not affected us' or 'not something I've ever had call for'. Most were unaware about the closures that had happened or were proposed. Following on from this consideration that it rarely came up in day-to-day life, there was a split on whether or not it was a significant local issue.

Though the numbers for and against seeing courts as important to rural areas such as this were close, there was a slightly higher proportion in favour at 49.5% (48 out of 97) than against, 46.1% (45 out of 97). Even among those who valued the courts, though, there was often an eagerness to place them into context ('other things, like the Post Office or supermarkets, they're part of your daily life: courts are not'). In general, the responses showed a significant degree of concern about the courts, though the views on travel echoed those toward law firms, with almost all considering it a fair assumption that travel would be needed. The dominant view is reflected in these quotes:

I drive to the dental practice in Crickhowell. And the GP. So I have to drive but you accept that. It isn't ideal but that is the reality of life in a rural area. So it makes sense that you have to drive to a court, which is something you would use a lot less anyway.

Court closures don't really affect me as I've never had to use them (touch wood) and, if I did, I would just drive like I have to drive everywhere else.

Aside from questions of travel, three main themes can be identified in the conversations around local courts concerning their role in forming part of a community, questions over whether it would

be economical to maintain a court and a transport-related consideration about victims having to travel out of the area.

### *Community Hub*

Most of those respondents that expressed their belief in the importance of local courts did so by invoking the role that they might play in community. For this group, taking a court out of a town as with the Magistrates' Court in Abergavenny was seen as one more act of desecration to the idea of community identity, another dissection from the core. Those who saw the courts as a community hub in this way are reflected by the following quotes:

In Abergavenny, the court is at the heart of the town. It's just off the high street and is one of those establishments that tie the identity of the town together. You don't need to have ever used it to feel sad that it would go. It's just another little piece of local history being taken away.

Abergavenny was a fine town once upon a time but gradually, and bit by bit, you see it all being chipped away. Losing these important institutions takes the soul of the place away because anything of any importance becomes removed to another town or city and the idea of an old county town being an organising hub, a place for people to build their lives around, is lost. I find it very sad for the town, for the community.

For some respondents the loss of courts can be tied into a wider decline of community related to incomers and their desire to be left alone in a peaceful rural idyll, as in this quote:

It's hard to say whether justice is important for a sense of community as we don't have a community in this small village, people are too spread out. But back when I lived in Abergavenny, it certainly helped back then, what twenty years ago. It helped to have all those functions like the Magistrates' Court, the police station, you felt like you were in a community. Now that's all gone – or going – and, with the outsiders that have come in, I

think that's all lost for good. They don't want to be in a community, they want their quiet country life when they get home from work.

A small number of respondents suggested that courts should be located in their local community to ensure that the law reflected what local people thought. They were concerned at it becoming detached from local experience. The following quotes show this view:

If you take courts out of the community, what is there to make those judges or the lawyers there pay attention to local people or local issues? If the court goes from Abergavenny, I don't see how Abergavenny is represented in the justice system anymore.

For most of us, thankfully, courts aren't a part of our lives but you would like to think that, if you did need to go to court, the people there – the magistrates, whatever – would reflect the community, that they would understand our issues. I don't see that now, how would that happen if the court was 20 miles away?

#### *Will it be Used?*

Many respondents, whether they thought it was important to have courts locally or not, entered into discussions about the economic value of keeping courts local, questioning whether they would be used enough to justify the cost at a time of austerity and wider cuts to public spending. Such a view was captured by the following respondent:

It would be nice if there were still local courts but it's just the way of the modern world.

Justice services probably aren't affordable if you make some cost/benefit analysis at a local level for somewhere like here.

Without knowing the actual low usage figures for Abergavenny Magistrates' Court, many (rightly) assumed that it must be underutilised and thus mused on whether this made it worthwhile spending money on it:

I don't suppose it gets used that much, I mean we're a quite dispersed area – and a peaceful one at that. I can image something like a GP surgery would be used innumerably more so, if it came down to a decision about which one could be maintained locally, it would make sense to go with the one that more people relied on.

I've never been to court and I don't know anyone who has been to court. We're a quiet little area, even Abergavenny really when you compare it with a big town or Cardiff. So I just wonder, is it a case of efficiency? They're cutting so much now and the court was probably low down on the list of priorities, even if it is sad to lose it.

Several respondents questioned whether the court closures might be short-term thinking as with this quote:

I've lived here for 50 years and, over that time, you see a lot of things come and go, you get used to people closing things down to save money. And it's often short-sighted because they'll decide decades later that they actually need it and then pay to rebuild it. It's like the train station, I remember when we had a train station here but that closed in 1953. Well, now we realise that the best thing for the village would be a train station so everyone can get around; it will be cheaper than the expensive fuel we have to pay up here. Well, I wonder if the court will be like that: in a decade's time, we'll have a survey come round here talking about reopening a court because people realised they preferred to have them cover the whole country.

A couple of respondents suggested that the courts were worth it no matter how much it cost, as in the following:

I didn't know Abergavenny was closing but I'm not surprised, you can't put a price on justice but politicians always want to save money and do things on the cheap. What is there to

remind people? I'm not being patronising or judgmental but young people need to be taught lessons (that's how we all learn) that they can't just do what they want.

### *Victim and Defendant*

The final consideration around courts concerned worries about what would happen to victims who had to travel further at a distressing time. Abergavenny was seen as the right distance for a court; moving beyond that, people began to get concerned. These respondents, though, were not especially worried for themselves, with most talking about how 'I could drive to court if I ever need to' or 'I've always got people I can call on, God forbid I need to go [to court] but I would manage it'. There was some concern that some victims of crimes may have to use public transport and then see the defendant too, as in the following:

It's ludicrous that victims and those they accuse might have to travel on the same public transport to get to a more remote court. Surely victims should be provided with transport by the courts?

I find it quite worrying to think that a girl might have been hit by a man and then have to sit across from him as they get the bus to wherever. That must be horrible and it is bound to happen when you have to travel for courts, lots of girls don't drive.

A couple of respondents recounted personal stories about people close to them who had gone through such an experience and how upsetting they had found it, especially when the person they knew who had made the accusation found themselves surrounded by the family of the individual they accused on public transport.

### **Police**

Originally, the police were not intended to be a part of this study, which was reacting to the two government policies on cutting legal aid and reducing the court estates, and how rural communities would be affected. During the fieldwork, though, speculation arose about the potential cuts to police

numbers but, more importantly, local residents themselves identified concerns around police as the area of rural justice that was of greatest significance to them; it was the police and local police station that they really cared about with regards to justice services.

Only three interviews did not touch on the police and those were especially short interviews wherein respondents had dismissed any form of questioning on matters of justice, closing down conversation with sentiments such as 'I don't feel the questions on legal services are relevant to me, I assume they are there as a funding requirement' or 'I can't really answer them because I have no experience and don't see how they relate to my life'. In the rest of the interviews, all but four respondents claimed that matters of local police provision were significant, a massive majority of 92.8% (90 out of 97). There was a great deal of concern that the police station would move further away and the police stop visiting the community as much.

This consensus highlighted that police were the prominent local justice issue for the respondents in this survey. Indeed, discussions around police became a good way to encourage respondents to think about justice more generally and it is fair to say that, for some, their engagement on topics such as lawyers and courts revolved around the role they played in ensuring the relevance of a local police force. The following quotes sum up this attitude:

I worry about there being no police. If the courts go then it makes sense for lawyers to leave as well, it's where they work so they will follow the work. But with all of that gone, what's to stop the police from following, they can say that they need the courts and they need to be close to lawyers so have to reallocate their resources. It's a worry.

Yes, it would be nice to have more local courts and lawyers would be useful too, we need more local services generally. It's part of a wider process though, there being less and less local and by that I don't just mean in Llanvihangel, I mean in Abergavenny too, which used to be a big town but is increasingly just houses. What we need is police. Of course, we're a village and I'm not being unrealistic but even in Abergavenny. And now they come from

Cwmbran I believe. Soon it'll be Newport. It's like we're being made to fend for ourselves. And yes, we're local people here, you tend to know everyone, it's the same faces that have been around for years but we still need protection. And with all these new estates they're building, there are outsiders in the area and most people are decent I'm sure of that but it's dangerous to make assumptions and we pay for police to protect us and make sure we don't have to worry about these things. So, yes, courts are important but police is the big one.

Some articulated it more clearly than others but there was a pervading mood that could be identified suggesting that a chief concern around losing lawyers and courts was that it may have the knock on effect of justifying the police retreating from the local community as well. The anxieties this produced can be seen in the three main themes that emerged around the issue of police leaving the local area; the loss of police on the streets, the effect this may have on vulnerable local people and the specific nature of rural crime.

### *Bobby on the Beat*

One of the most popular complaints about the perceived decline in local police services revolved around the idea of actually seeing police on duty, walking around the community. Many respondents raised this issue, as in the following pair of quotes:

I know it's a cliché but you never see police on the streets anymore and, while I know we're not in some London gangland here, it makes you feel safer. You want to see the police.

I don't remember the last time I saw a policeman on patrol. And that's a worry, you certainly used to see it a lot and it made you feel safer but society is changing and the police, locally and in the smaller towns and villages at least, are disappearing.

A large amount of respondents made the point that they were paying tax for the police so deserved to see them in the area:

I'm not sure how important it is to have courts locally but the police are a different thing and I am concerned that they will be closing down the police station in Abergavenny and moving to Cwmbran. That will affect us, not because there is a lot of crime around here but because you expect the police to be there and feel safer because of it. We are entitled to it, we pay our rates to have a local police service but will we still have on if they are based in Cwmbran?

They make these cuts, to the police say, something that I think we all agree is vitally important – you want to see the police there, to let you know that you are safe and to put wrongdoers off causing trouble. But they cut them, they close down the stations, only have enough to sit behind a desk and yet we still pay the same amount for them, the community charge doesn't get reduced to reflect us losing our police.

#### *Vulnerable Residents*

While many respondents were at pains to emphasise that this was a low-crime area, they identified particular concerns for the elderly living in such an isolated community and how a decline in local policing might impact on them:

We have a strong sense of community here but it's isolated. Up that road, there, you have three small houses, hundreds of yards apart and away from the rest of us down here. Well, if they get in trouble, say someone realises they're old folk at home alone and targets them, who is going to know? And how can the police respond quick enough if they're all the way over in Cwmbran? I worry for them I do.

It's not the likes of us who have to worry, it's all the elderly folk – and there are a lot of them around here. They're the ones at risk and it must be a scary thing to see the police moving even further away, you're going to feel very isolated.

Some identified their own fears:

I do worry about what happens now there aren't so many police around. I'm on my own. I have plenty of friends but it's not the same.

I am very concerned about the police moving to Cwmbran. I'm sure they have their reasons but that doesn't help me when I feel unsafe in my own home at night, the home I've lived in all my life. I wish they thought a little more about us when they made these big decisions.

### *Rural Crimes*

While there was not much overall crime, respondents did pick out two areas of particular local concern, which tie in to some of the biggest rural policing issues mentioned earlier. The first was the perception of several that the gypsy community offered something of a problem, with several recounting hearsay about crimes committed by gypsies and some claiming personal experience as in the following:

The main crime we get around here is from gypsies. I've had mechanical parts stolen in the last couple of months, my lad had his bike pinched.

It's not politically correct and people don't like to hear it but the gypsies are a problem here. Everyone round here knows it and will tell you so whether you like it or not. The police aren't doing anything and, now they've left Abergavenny, they won't even notice and will probably keep on letting them get away with it.

Whatever the reality of the allegations against these gypsies, some local people were concerned that the closing of the local police station would make it harder to tackle it.

The other issue of local rural crime that was identified involved illegal raves, as in these quotes:

Raves are the only real issue here. What do you do if they're all drinking and smoking drugs in the field and it's concerning people? Well, you call the police. It's already happened then and you just have to hope they can come out and stop it. But what if they've already caused

damage, it's too late. But if there were more local police, then the kids might get put off doing it. There aren't though.

The only problem we really get round here is with raves. Every now and then you'll get a load of drugged up kids throwing a party in someone's field. If the police won't help, well, you've just got to get involved yourself, get a few people together and scare them off.

The closing sentiment about was echoed in passing by several respondents with the message that, if the police would give up on local provision, then local residents would have to look after each other through alternatives means of dispute resolution (including a couple of respondents laughing about how this might end up in violence being perpetrated to perceived wrong doers).

## **Conclusions**

As the practical impact of the various government cuts in the field of justice begins hold, this is the correct moment for more, in-depth study of rural access to justice in general. In recent years, studies have been conducted in the US and Australia but England Wales lags behind with the leading research such as the *Access to Justice in Rural Britain Project* being up to two decades old and, as such, very nearly completely out of date considering that the institutions of justice they looked at may soon become a rare sight in rural areas. This is not simply an opportune time for further research but an essential moment at which to consider what impact these changes are having with regards to rural access to justice and how this affects communities. It may just be that such research could capture the end of an era and the start of a brave new world. Two decades ago, Koffman stated that, though most crime takes place in large urban areas, there was much for socio-legal scholars to learn from looking at rural areas.<sup>59</sup> With the radical changes imminent in the provision of access to justice, the possible insight for researchers today is amplified several fold: we need more

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<sup>59</sup> L Koffman 'Crime in Rural Wales' in G Dingwall and S Moody (eds) *Crime and Conflict in the Countryside* (Cardiff: University of Wales Press, 1999).

studies of rural justice if we want to understand the full lived reality of law in society, especially under an age of austerity.

An essential consideration that should be given further deliberation in subsequent analyses of attitudes to justice in rural areas is that of demographic change. Monmouthshire is a relatively prosperous region of Wales thriving due to in-migration.<sup>60</sup> As such, it can be identified as part of the trend for *rural gentrification* that has been identified in parts of the Welsh countryside over the past three decades.<sup>61</sup> This process sees affluent urban residents migrating into the countryside to displace less affluent rural groups and has gone hand-in-hand with a shift from indigenous farming communities to more middle-class incomers happier in remote dealings. The *new rurality* is said to involve a professional and managerial service class for whom travel and telecommuting are hard-wired into their existence, an affluent group that does not tend to depend on local, state-provided services and is less affected by welfare cuts or restrictions in service provision.<sup>62</sup> Understanding the influence of the changing nature of traditional agricultural communities on attachment to local legal services promises much insight to illuminate the residents of this community as rural populations more widely. There is also the need to consider more deprived rural communities for whom the issue of access to services may have a heightened sense of importance, especially given the increased reliance of such communities on inadequate public transport. Such considerations may feed a more pronounced need for local legal services such as courts, in view of the problems of public transport in rural Wales. It is conceivable that a survey conducted in the more disadvantaged parts of rural West Wales, ranked as the poorest areas in Northern Europe,<sup>63</sup> might produce different results. Here, the closure of Cardigan Magistrates' Court means that there is one court in the whole of Ceredigion to cover potential users across a distance of 100 miles in each direction.

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<sup>60</sup> National Assembly for Wales *Key Statistics for Monmouthshire* (Cardiff: National Assembly for Wales, 2008).

<sup>61</sup> M Phillips 'Rural gentrification and the processes of class colonisation' (1993) 9 *Journal of Rural Studies* 2 123.

<sup>62</sup> M Shucksmith *Exclusive Countryside? Social exclusion and regeneration in rural areas* (York: Joseph Rowntree Foundation, 2000).

<sup>63</sup> Eurostat *The poorest regions in the UK are the poorest in Northern Europe* (Brussels: European Union, 2014).

Timetabling of bus services would be crucial here as, with the criminal courts' expectation to expect defendants to appear for 9.30 in the morning, the scheduling of rural buses might make it impossible for many who are not able to drive for whatever reason to appear before mid-morning. In addition to practical considerations, differences in perceptions as to the meaning and importance of community might be found between more traditional rural areas, not least the less economically prosperous, and more affluent gentrified areas, which could also have an impact on attitudes to the provision of local services such as justice. The changing conceptions of community would be usefully pursued in this regard.

Perhaps the most significant specific finding of this study has been the community's pragmatic acceptance of the decline in legal services, as distinct from the concern about less policing. Despite general concerns about the centralisation of services that would once have defined the local area and around which communities would gravitate, the residents surveyed here were willing to accept some specific losses and legal services were among these. There was a figurative red line in operation concerning cuts to local services, separating those services locals might accept giving up and those that were deemed too important to sacrifice. Lawyers and courts fell on one side of the line, while the police were on the other. The practical resignation that these rural dwellers displayed to losing some of their legal services needs to be probed further as it will offer a guide as to just how deep and wide cuts to rural justice might feasibly be pushed by governments with a focus on cutting their justice budgets. Additional questions could be pursued on, both, lawyers and courts. For example, is the ambivalence to lawyers related to the, perhaps limited, areas of specific expertise that small solicitors can provide? Will, property and agricultural law were mentioned by respondents but further study could probe their views on more complex matters such as serious crime or complex property transactions. As another example, it might be valuable to look at how views on courts varied between those who had not previously had contact with the courts and those who had appeared as defendants, victims, witnesses or to support others. Is there more appreciation for local provision with personal experience?

The findings in this paper would also be well supplemented by future research looking at how the impact of a retreat in state justice services might be mitigated. This might include exploring further the value of existing innovations such as virtual legal advice through online portals or the feasibility of maintaining community transport for such usages in a dispersed area as in this research. The court closure programme could inspire work into looking at the effectiveness of pop up courts in rural communities and probing the prospects of utilising spaces in non-court buildings as suggested by the government. There may also be a place for studies that tackle the discontent over there being a less visible police presence on the street by considering the merits of mobile police stations, addressing acceptability of a time-shared *bobby on the beat*. If rural populations are willing to accept cuts to legal services, it may be that innovations are needed to ensure that some form access to justice is to be maintained even if it looks different to that which has conventionally been experienced. Researchers should work with communities to gauge how they feel about such options and what, if any, alternative best services justice in their eyes.

The type of questions posed to rural residents in this paper are of value to developing a greater understanding of how justice works in practice and, as such, further exploration in future socio-legal scholarship would likely prove fruitful to improving our knowledge about law in (rural) society. Such probing could act to encourage the as yet underdeveloped field of study Economides et al seek to promote considering place in legal scholarship as ‘geojurisprudence’, ‘geo-legal studies’ or the ‘geography of law’.<sup>64</sup> In particular, building on the survey offered in this paper could contribute to their desire that research seek to illuminate the relationship that exists between legal institutions and legal norms, for example moving beyond considering how such residents feel about the provision of local services and onto addressing whether and in what ways these perspectives may shape (or reshape) their views on justice. As alluded to in the previous section, some residents suggested that, without a local police provision, they may be forced to take measures into their own

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<sup>64</sup> K Economides, M Blacksell and C Watkins) ‘The Spatial Analysis of Legal Systems: Towards a Geography of Law?’ (1986) 13 *Journal of Law and Society* 2 161.

hands. As such, one potentially interesting topic for further study, might involve looking into how attitudes to law, justice and morality alter in time and space, with distance from a centralising state and between communities with varying degrees of local identity. Further, how this might change with the cuts.