

REPORT TO: Executive Board

DATE: 16th November 2006

REPORTING OFFICER: Strategic Director – Corporate and Policy

SUBJECT: Proposed Changes to Magistrates' Court Arrangements in Halton

WARDS: Borough-wide

1.0 PURPOSE OF THE REPORT

- 1.1 The purpose of the report is to recommend an appropriate response from the Council in relation to proposed changes to the Court arrangements in Halton. The Council became aware of potential changes in Magistrates' Courts arrangements in the Borough from information provided by local Members and local Magistrates over recent weeks. However, no formal contact had been made with the Council until a letter was received from the Area Director of Her Majesty's Courts Service on 31st October 2006.
- 1.2 In the absence of such a letter, the Chief Executive had written to the Area Director on 23rd October 2006 expressing the concerns of the Council in relation to what it was believed was being proposed.
- 1.3 A copy of both those letters is attached to the report, together with a further letter which the Chief Executive has received in response to his letter of 23rd October 2006.

2.0 RECOMMENDED that:

- (1) the Council expresses its concern and disappointment that HMCS has asked for the Council's views after its decision appears to have been made and seeks further clarification in relation to the points raised in this report;**
- (2) the action of the Chief Executive in expressing the Council's concerns be endorsed;**
- (3) HMCS be asked to reconsider its decision in the light of the concerns of the Council and other stakeholders;**
- (4) HMCS be asked to work with the local Bench and other stakeholders to thoroughly examine other options to improving the performance of the Courts service in Halton, including looking at the alternate use of Courts in Halton and Warrington;**

- (5) **HMCS be requested to consider Halton as the location for the hearing of road traffic cases given the road and public transport infrastructure in and around the Borough.**

3.0 SUPPORTING INFORMATION

- 3.1 The Council was formally told of changes to the Magistrates' Courts arrangements in a letter received from the Area Manager, Her Majesty's Courts Service, on 31st October 2006. The principal changes are as follows:

There are three main changes to listing arrangements:

- Cases involving custody will be concentrated at Warrington, Crewe and Chester. This means that any defendants brought to court in custody on an overnight arrest, remanded in custody on an adjournment, arrested on a no bail warrant or likely to be sentenced to a custodial sentence will be dealt with at the three locations mentioned above. Therefore custody cases currently heard at Halton (Runcorn) will be heard at Warrington; those currently heard at Vale Royal (Northwich) will be heard at Chester and those currently heard at Macclesfield will be heard at South Cheshire (Crewe).
- All road traffic cases will be heard in one location in Cheshire, probably Vale Royal.
- Pre-trial reviews will be removed from the courtroom and will be dealt with administratively.

All non-custody criminal cases and non-road traffic will continue to be heard in the local courts. All youth cases and family cases which do not involve custody will also continue to be heard in the local courts.

It is intended that these changes will take effect from 1st January 2007.

- 3.2 The Council has effectively been told that these new arrangements are being put in place. The letter from the Area Manager stated "The listing of cases in all Courts is a judicial function. This means that any changes to listing practices are a matter for the judiciary, supported by HMCS".
- 3.3 The attached letter from the Chief Executive makes a number of points as to the detrimental effect these new arrangements will have on the administration of justice within Halton. They essentially relate to four key points:
1. Accessibility – to Warrington and Vale Royal to Halton residents by public transport, given Halton's low car ownership. It is felt this will have a detrimental effect on Court attendance, not just

from defendants, but also witnesses and supporting family members.

2. Cost – additional costs to any individuals wishing to, or being required to, attend Court.
3. Attracting new Magistrates – difficulties already existing in attracting new Magistrates. This is likely to make it more difficult.
4. The long-term future of the Courts in Halton – it is felt that when the next review of Court activity takes place, the spotlight will further be placed on Halton's Courts as business is reduced.

3.4 It is suggested that the Council expresses its concern and disappointment that it has not been consulted in these important changes to the justice arrangements in the Borough and seeks clarification on a number of points, as follows:

- The HMCS letter informs the Council that there is a backlog of Court cases, with the worst problem being in Warrington, Halton and Chester, but does not say why Warrington and Chester have been chosen ahead of Halton as venues for hearing cases. It would be helpful to understand why.
- The HMCS letter suggests that all road traffic cases will be heard at one location ("probably" Vale Royal). It should be clarified why this has been chosen and, if it is 'probably', when will a final decision be made, and could Halton be considered for that location given its good transport infrastructure.
- It would be useful to understand if the location of the Custody Suite in Runcorn had been taken into consideration when selecting the Warrington location.
- It would also be interesting to know if HMCS had considered the environmental impacts of this decision, given the national and international concerns around Climate Change. These changes will increase vehicle movements and journey times.

3.5 It is suggested that the Council makes further representations as outlined in this report, together with any further concerns the Executive Board may wish to make.

4.0 POLICY IMPLICATIONS

4.1 There is clearly a concern that a reduction on Court activity in Halton could threaten the future viability of Halton's Courts.

5.0 RISK ANALYSIS

- 5.1 There are no risks to the Council contained in this report, but there is a risk of Court attendance being affected if these changes go ahead.

6.0 EQUALITY AND DIVERSITY ISSUES

- 6.1 In an area where income and car ownership is low, moving the Court activity out of Halton will reduce access to the Court for local residents.

7.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
None, other than those attached.	I. Leivesley's Office, 6th Floor, Municipal Building	I. Leivesley