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Miss Julia M Eeles
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Our ref: JME/SAL
Your ref: DWP/IL/AC

Dear David

Re: Proposed changes to Magistrates' Court arrangements in Halton

Thank you for your letter of 23 October, together with the attached paper.

By now you will have received a copy of the letter sent to all the Magistrates' Courts stakeholders in Cheshire, Halton and Warrington which sets out the rationale behind the planned changes and the route taken to arrive at the decisions.

I am aware that the Council was concerned to have found out about the planned changes through indirect routes. As I explained at our recent meeting, the listing of cases in the courts is considered to be a judicial function and one which can only be exercised by the judiciary – which for these purposes includes the lay magistracy. Since the establishment of Her Majesty's Courts Service in April 2005, very strict guidance has been issued on how changes to listing practices should be achieved. Proposals have to be submitted by HMCS managers to the local Justices' Issues Group (JIG), which in Cheshire comprises the six Bench Chairmen, two representatives of the Magistrates' association, the District Judge, the Justices' Clerk and finally, the Area Director. If a consensus can not be reached by the JIG, as happened in this case, the issues have to be referred to the Area Judicial Forum, which comprises exactly the same membership, but with the additional of the Liaison Judge (HHJ Elgan Edwards) and the exclusion of the Area Director. Although a consensus could not be reached in the AJF, the Chairman determined that the planned changes to listing arrangements would proceed and he wrote to all magistrates informing them of this decision on 30 October.

It was only at this point, once the decision had been made, that I could inform stakeholders and ask for their views on implementation of the changes. As I explained at our meeting, this is not a matter for consultation as such because the decision is one for the judiciary, although as I have stated in my recent letter, my colleagues and I are very keen to hear from stakeholders about practical and local implications and how potential problems might be overcome.

These changes are in no way a reduction in the status of the Halton Magistrates' Courts or the others affected in a similar manner. This is the way in which HMCS, supported by the Local Criminal Justice Board, is dealing with a particularly serious problem in the summary justice system in Cheshire, Halton and Warrington. HMCS needs the co-operation of all the magistrates, staff and the stakeholders involved in the system to resolve the problems.

Turning to the specific issues you have raised, I accept that it could be difficult for some court users to get from Halton to Northwich by public transport. However, it is road traffic cases which are to be heard in Northwich, which presupposes that offenders have access to a vehicle. Also, relatively few road traffic trials involve civilian witnesses. Those which might result in a custodial sentence (driving while disqualified, excess alcohol and death by careless or dangerous driving) would be heard in Warrington in any event. Defendants already in custody will be transported to court by the Police or GSL.

The removal of custody road traffic cases from Halton will free up more trial spaces and also allow the CPS to concentrate their Designated Case Workers (DCWs) and qualified lawyers in a much more effective manner. Far from reducing the status of the Halton courts, these changes will increase their importance in the delivery of simple, speedy, summary justice.

My colleagues and I have considered your suggestion that Halton be used as the central point for dealing with road traffic cases. While your argument is persuasive from the view of the merger of HMCS Cheshire & Merseyside, it does not fit in with either the Police or the CPS current arrangements. Therefore, while the Police and CPS continue to operate within Cheshire, Halton & Warrington boundaries, it makes more sense administratively for the cases to be heard in Northwich.

Turning to the recruitment of magistrates, all magistrates are now appointed to a national Commission of the Peace which means that they can sit anywhere in England & Wales. In future recruitment exercises, prospective candidates will be told that although they will be allocated to a particular Bench, they can expect to sit at court locations other than their local courthouse. In fact, this already happens with Halton and Warrington magistrates helping each other out in family and youth courts. All new magistrates will be fully trained and will be given the relevant experience in all types of adult criminal cases.

I can confirm that these changes are in no way linked to any plans to close courthouses in Cheshire, Halton & Warrington. In fact, we need all the courtrooms we have in order to deal with the increasing workload and trial volumes. Of course, I can not predict the future and how my successor, Shaun McNally, will manage the workload and court estate in this Area, but I have discussed these changes with Shaun and I can assure you that he also has no plans to close courthouses here.

His Honour Judge Elgan Edwards, as the Chairman of the Area Judicial Forum, is taking the judicial lead on these changes and has already stated publicly that they will be kept under review. That does not mean that everything will be reversed in a few months time, nor does it mean that there might not be a need for even more changes, but I am sure that Shaun McNally will keep you and the other stakeholders informed of progress in the future.

I hope this information goes some way to allaying the fears of your members.

Yours faithfully

A handwritten signature in black ink, appearing to read "Julia Eeles".

Julia Eeles