



HER MAJESTY'S
COURTS SERVICE
hmcs

Cheshire Area Director's Office

PWB House
Middlewich Road
SANDBACH
Cheshire
CW1 1HY

Telephone 01270 757950
Fax 01270 760594
www.hmcourts-service.gov.uk

Mr J Tradewell
Council Solicitor
Halton Borough Council
Legal Services
Municipal Buildings, Kingsway
Widnes WA8 7QS



Miss Julia M Eeles
Solicitor
Area Director

Our ref: JME/SAL
Your ref:

30 October 2006

Dear colleague

Re: Changes to listing arrangements in Cheshire Magistrates' Courts

I am writing to notify you formally of changes to listing arrangements which are being made in Cheshire Magistrates' Courts, with the support of the Criminal Justice Board and the judiciary.

You may already have heard about the proposals, but probably not in detail and you may not have been informed of the full reasons behind the changes.

Background

As a result of the successful efforts of the Cheshire Police, over the course of the last twelve months the number of offenders brought to justice in Cheshire has increased by 22%. Directly as a result of this success, the volume of trials in Cheshire has increased over the same period by 20%. None of the criminal justice agencies has received any additional resources to meet this increased workload and one of the effects has been a steady increase in delays in finalising trials in the Magistrates' Courts. As at the end of August 2006, there were over 1,400 trials listed in the system which usually can cope with around 700. That figure has now risen to over 1,900 trials so the position is getting worse daily. The problems are worst in Warrington, Halton and Chester. The impact of these delays is most serious for victims, witnesses and defendants who often have their cases adjourned two or three times because of lack of trial time and it can take over twelve months for a contested case to be completed. This is not a satisfactory service for users of the courts and accordingly, Her Majesty's Courts Service (HMCS) with the full support of the Cheshire Criminal Justice Board and the judiciary has devised changes to the listing system to create more trial spaces which will assist in reducing delays.

Listing changes

There are three main changes to listing arrangements.

- Cases involving custody will be concentrated in 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 1 January 2007

Trials Blitz

During the course of November, extra trials courts will be heard in Halton and Chester. Two additional District Judges (Magistrates' Courts) will be sitting in these courts. Extra prosecutors have been funded by the Criminal Justice Board. It is hoped that these additional courts will clear at least 10% of the trials backlog.

Second District Judge (Magistrates' Court)

Cheshire already has the benefit of one District Judge (Magistrates' Court), but it is generally acknowledged that the increase in workload, particularly in the north of the Area, justifies the appointment of a second professional judge. A business case is being prepared and following consultation with the Justices' Issues Group and the Cheshire Advisory Committee, it will be submitted to the Judicial Appointments Commission for consideration. The appointments process takes some time, so even if approved, any appointment may not happen for some months.

The decision making process

The listing of cases in all courts is a judicial function. That means that any changes to listing practices are a matter for the judiciary, supported by HMCS. In this case, the listing proposals were put to the Cheshire Justices' Issues Group (JIG), which comprises the Chairmen of the six Benches, two representatives of the Magistrates' Association and the current District Judge (Magistrates' Court), Judge Knight. The members of the JIG consulted their Bench Committees, and in turn their Benches and the representatives of the Magistrates' Association consulted the Branch Executive Committee. The JIG was unable to reach a consensus and in accordance with the

guidelines established by Lord Justice Thomas, Senior Presiding Judge for England & Wales, the issues were referred to the Area Judicial Forum (AJF), which comprises the same members as the JIG but is chaired by His Honour Judge Elgan Edwards. The decision of the AJF was that these changes should be implemented.

There are practical issues which need to be identified and resolved, both on an Area and on a local basis. To this end, I would be grateful to receive comments on how HMCS can best accommodate your needs in implementing these changes. The four Legal Managers, Peter Jones for Warrington and Halton, John Koziarski for Vale Royal and Macclesfield, David Magrath for Chester, Ellesmere Port & Neston and Richard Holland for South Cheshire, will be convening local meetings to discuss issues and solutions.

These measures have not been taken lightly and it is understood that they will cause inconvenience and additional cost for some court users. However, HMCS, the judiciary and the Cheshire Criminal Justice Board consider that it is more important to meet the needs of the victims and witnesses of crime, together with defendants, than to maintain a system which is having such a detrimental effect on these key people. I have attached a position statement written by Steve Collett, chair of the Criminal Justice Board, to that effect.

Please forward any comments either to me or to your local Legal Manager. Thank you for your understanding and co-operation.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'J M Eeles', with a stylized, cursive script.

Julia M Eeles
Area Director

HMCS Decision re: Listings Changes within the Cheshire Magistrates' Courts

The Cheshire Criminal Justice Board fully supports the decision taken by Her Majesty's Court Service (HMCS) to improve the way in which the Magistrates' Courts structure their business.

All Local Criminal Justice Boards (LCJBs) are charged with the following responsibilities:

- Bringing more offences to justice
- Maximising the timeliness and effectiveness of the local criminal justice system
- Enhancing public confidence in the local criminal justice system
- Ensuring that victims and witnesses receive a consistently high level of service from all criminal justice agencies

In Cheshire we have been very successful over the past three years in bringing more offenders to justice with 24,375 offences brought to justice over the last 12 months – a 50% improvement compared to the 12 months ending August 2003. This has not only created more work flowing through the local criminal justice system, with a 20% increase in the number of trials listed for hearing in the last year, but has also produced significant pressures on the resources of all the agencies.

These pressures were brought to the attention of the Board through an independent review of the three Witness Care Units established in Cheshire in February 2005. The review, commissioned by the Office for Criminal Justice Reform, showed that good progress had been made by the Witness Care Units in their first year but also identified the following problems:

- Many cases are taking a substantial time to be finalised, with some Magistrates' Court cases taking over 12 months from the date of the commission of the offence to the date of trial;
- This is affecting victims and witnesses at a time when they often feel vulnerable and intimidated;
- Local listing practices are resulting in Witness Care Officers having to warn and de-warn witnesses because of the number of listed trials that cannot be heard;
- This backlog of cases is resulting in substantial contact being needed to remain engaged with witnesses and keep them informed, but some get fed up of waiting

and refuse to give evidence forcing the Crown Prosecution Service to drop the case;

- The demand on the Witness Care Officers is impacting on their capacity to fully meet their 'Victims Code of Practice' obligations – a legal duty to provide the crucial information and advice to victims and witnesses.

The Board recognised that the problems did not lie solely with the Magistrates' Courts and commissioned research to examine what further action all agencies needed to take to reduce the increasing problem within the Area of delays in criminal case trials being concluded. This research, to be formally presented to the Board in November, identifies a further range of actions required by the CJ agencies to begin to tackle the grave problem of some 1,431 trials being outstanding on the 31st August 2006.

Key to the reduction in trial delays has been the proposal to create more trial sessions in all the Magistrates' Courts in Cheshire through changes to the listing of cases and the use of Crown Prosecutors and Designated Case Workers. The consolidation of custody cases in three locations and the centralising of road traffic cases in a single location will create six additional trial courts per week. It is acknowledged that this could cause some inconvenience for victims and witnesses due to extra travelling costs but they are entitled to seek assistance to cover this cost. Further measures being taken forward by HMCS and supported or sponsored by the Cheshire Criminal Justice Board include:

- Taking Pre-trial Reviews out of the court system
- Deployment of additional Designated Case Workers by the CPS
- A trial 'blitz' in November supported by £20K of Board resources and including the involvement of additional District Judges (Magistrates' Courts)
- Further changes in CPS, Police and Probation practices
- An application for a further permanent District Judge (Magistrates' Courts) for HMCS Cheshire

All these changes will be required to enhance the efficiency with which all Criminal Justice agencies can deploy their resources and significantly increase the capacity of the local criminal justice system to reduce the time taken to deal with trials.