

BIRMINGHAM CITY COUNCIL

**REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

18 NOVEMBER 2015
ALL WARDS

CRIMINAL COURTS CHARGE

1. Summary
 - 1.1 A report to advise the Committee of the introduction of the Criminal Courts Charge which will be imposed on all adult offenders who are convicted of a crime.
2. Recommendation
 - 2.1 That the report be noted.

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3. Background

- 3.1 The Government considers that convicted adult offenders should pay towards the running of the courts. The Prosecution of Offences Act 1985 (Criminal Courts Charge) Regulations 2015 bring this into effect making it possible to recover some of the costs of the criminal courts from these offenders, reducing the burden on taxpayers.
- 3.2 Courts already have powers to require offenders to make payments including compensation for victims, the Victim Surcharge – which funds victims' services – prosecution costs, and fines. Prior to this legislation there were no charges payable to cover the cost of administering a criminal court case by HM Courts and Tribunals Service.
- 3.3 The Criminal Courts Charge will be applied to offences committed after 13th April 2015.

4. The Criminal Courts Charge

- 4.1 Where an adult offender (aged 18 or over) is convicted of a crime, the court will order them to pay the Criminal Courts Charge. The charge is not linked to the offender's sentence but is imposed at a level which has been set according to the costs reasonably attributable to a case of the class. These charges are set out in the table below.

Conviction by a magistrates' court in proceedings conducted in accordance with section 16A of the Magistrates' Courts Act 1980 (trial by single justice on the papers).	£150
Conviction by a magistrates' court for a summary offence on a guilty plea.	£150
Conviction by a magistrates' court at a trial of a summary offence where (a) the defendant did not enter a plea, (b) the trial proceeded in the absence of the defendant, and (c) the court dealt with the case on the papers without reliance on any oral evidence.	£150
Conviction by a magistrates' court for an offence triable either way on a guilty plea.	£180
Conviction by a magistrates' court at a trial of a summary offence.	£520
Conviction by a magistrates' court at a trial of an offence triable either way.	£1000
Conviction by the Crown Court on a guilty plea.	£900
Conviction by the Crown Court at a trial on indictment.	£1200
Magistrates' court when dealing with a person for failure to comply with a community order, suspended sentence order or supervision requirement.	£100
Crown Court when dealing with a person for failure to comply with a community order, suspended sentence order or supervision requirement.	£150

- 4.2 The court will not be able to take the charge into account when they decide on the appropriate sentence.
- 4.3 The Criminal Courts Charge is also imposed where an offender is unsuccessful in their appeal to the court or where they attend hearings for

breaching certain court orders, such as failing to comply with community orders.

- 4.4 The charge will be paid after other financial impositions already set by the court, including the victim surcharge, prosecution costs and fines, have been collected. When summoned to appear at court an individual will be asked to provide information about their means so that appropriate payment rates can be set by the court.
- 4.5 The charge will be collected using existing HMCTS debt collection processes in a similar way to other financial impositions such as fines and compensation.

5. Consultation

- 5.1 As this is a Government imposed charge there has been no consultation on this matter.

6. Implications for Resources

- 6.1 Whilst the courts are not able to take the charge into account when deciding on sentence it remains to be seen if it has any effect on the amount of costs awarded to prosecutors. The awarding of costs by the courts and their recovery is important in respect of the prosecutions taken by Regulation and Enforcement as it has an impact on financial resources

7. Implications for Policy Priorities

- 7.1 Prosecutions are taken in support of the council's priorities in accordance with the Enforcement Policy. It is not envisaged that the Criminal Courts Charge will have any effect on prosecutions taken.

8. Public Sector Equality Duty

- 8.1 This is a Government imposed charge and applies equally to all individuals convicted of a crime.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil