

BIRMINGHAM CITY COUNCIL

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

17 JANUARY 2018
ALL WARDS

INTRODUCTION OF THE SINGLE JUSTICE PROCEDURE

1. **Summary**

- 1.1 This report details the process of the Single Justice Procedure introduced by the Criminal Justice and Courts Act 2015. The Government has signed a new Statutory Instrument which expands the availability of this procedure to a group of additional prosecutors that now includes local authorities.

2. **Recommendation**

- 2.1 That the report be noted.

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3. Background

- 3.1 The Single Justice Procedure (SJP) is a new process aiming to remove high volume, low level “regulatory cases” from Magistrates’ Courtrooms where there is a “guilty” plea or the cases are not contested.
- 3.2 The purpose of the SJP is to deal more efficiently with summary only offences which do not carry an option of a custodial sentence. These are currently administered under the summons and court hearing procedure. These cases result in a financial penalty where the defendant is found guilty.

4. Current Process Procedure up to 16/10/2017

- 4.1 The defendant, regardless of their plea, will be given a Court date and summonsed to attend. The details of the case will be presented to the Magistrates Bench by a solicitor in a formal Courtroom and a decision made.

5. New Process Procedure as from 16/10/2017

- 5.1 The defendant will be sent a SJP notice that enables them to plead guilty to the offence or indicate they wish to attend court. The notice gives the defendant a date to respond to the allegation rather than a date to attend Court, which is 21 days from the service of the notice.
- 5.2 Where the defendant pleads guilty by responding within 21 days to the SJP notice, they will not have to attend Court. A single Magistrate and Legal Advisor will deal with the case. The guilty plea also means that there is no requirement for a formal Court set up or full bench of magistrates. Additionally there is no requirement for a prosecutor (Solicitor / Officers) to attend court either.
- 5.3 If a not guilty plea is entered or the case is identified as being complex then the matter will be adjourned to a Corporation Court and will be prosecuted by way of a summons as is the case now.

6. Changes Implemented by Legal Proceedings Team

- 6.1 Following liaison with Birmingham Magistrates’ Court and the Criminal Litigation Team (Council Solicitors), the Legal Proceedings Team (Regulation and Enforcement’s Administration Team for prosecutions) instigated the use of the SJP on Monday 16th October 2017. The Legal Proceedings Team is now using the process for all litter cases and we now intend to use the procedure for other summary only matters.
- 6.2 The new SJP process is completely electronic and dispenses with a lot of paperwork and manual recording. SJP notices are drawn up by our Legal

Proceedings Team and are sent to the Birmingham Magistrates Court via email to a dedicated Court mailbox. On conclusion of cases the Court Resulting Team will email a copy of the results to the Legal Proceedings Team.

- 6.3 At the moment finalised cases are reported to Committee in the month that they are heard. To date this has been relatively simple in that an officer has been present at court to hear the outcome of prosecutions. If there is a delay by the courts in the notifying outcomes this may affect the timeliness of our reports to committee. All cases will be reported but this may necessitate a change to the Legal Proceedings report.

7. Implications for Resources

- 7.1 The SJP is an example of an alternative service delivery which saves time for the Courts and for the person committing the offence.
- 7.2 Overall these changes will help our colleagues in Legal Services in that it reduces their need to attend court where guilty pleas are entered. However as your officers only attend trials, i.e. when not guilty pleas have been entered, there will be commensurate time saving for regulatory officers.
- 7.3 Our Legal Proceedings Team will save some time from not attending court, however, this will be re-invested in the production of SJP notices.

8. Implications for Policy Priorities

- 8.1 None identified.

9. Public Sector Equality Duty

- 9.1 There is no impact identified for the council as this will have been dealt with by the Ministry of Justice when implementing the SJP regime.

10. Consultation

- 10.1 No consultation is required to be undertaken by the local authority.

Head of Environmental Health
on behalf of:

DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil