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To the Judge Representatives of the Judiciary to Local Criminal Justice Boards

As you know, there have been discussions with the DCA, Home Office and Attorney's office about the relationship that the judiciary should have with Local Criminal Justice Boards.

At a recent meeting of the National Criminal Justice Board of which Igor Judge is a member the issue was discussed and it was agreed that two options should be put to LCJBs:

- (1) The Judge Representative should be supplied with all agendas and papers for the Board and attend when he wished or on agreed occasions when the agenda could be structured accordingly.
- (2) Creating an advisory group chaired by the Judge Representative and comprising members of the legal profession, including the CPS, which would meet with the representatives of the board two to three times a year.

Igor and I would therefore strongly urge you to discuss the issue of your relationship with the LCJB early in the New Year with the Chairman of your LCJB. The choice is being left to local agreement; what is important is that there is a structure for engagement through one of the two options and that you are always provided with agenda and board papers.

In the New Year, it is intended to put forward arrangements which will operate nationally under which Magistrates will attend some meetings of Crime and Disorder Reduction Partnerships on an agreed basis (such as no discussion of sentencing policy), as it is agreed that direct engagement with these bodies is a better solution than a consultative group. We hope that the new arrangements between the permanent fulltime judiciary with LCJBs can be brought into effect as soon as possible where they do not exist or where they need revision in the light of this letter.

At discussions the Presiding Judges have had about this issue, they, the Lord Chief, Igor and I have all favoured the first option and would encourage you to agree with your local board that form of representation. There are a number of reasons why we think that in everyone's interest this would be the better option:

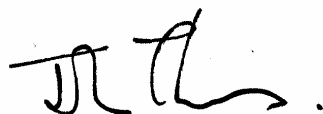
- (a) Attending Board meetings from time to time, probably only for part of the meeting, as the representative of the judiciary is entirely compatible with judicial independence. The judge does not become a member of the board, but goes to its meetings as the representative of the judiciary to make the judiciary's views known. He is not responsible for any part of the LCJB's duty to deliver the Executive's plans and targets.
- (b) It is better this task be done directly by the judge who has the necessary authority and who can better explain the constitutional or legal position. He has the specialist knowledge and the experience of sitting in court.
- (c) It is far better that these issues are dealt with by the judge rather than by an interlocutor - the HMCS Area Director on behalf of the judges in the Area.
- (d) It has been the experience of those of us who regularly sit on boards that direct and regular contact and the provision of early information enables any issues to be corrected before they develop into problems.
- (e) The LCJBs will have the responsibility for setting targets that affect the courts, such as those on ineffective trials. I am writing separately on this to you today.
- (f) You are all being overburdened with commitments outside the court. It is much better to attend meetings from time to time for short agreed points where decisions are made than being obliged to set up yet another committee which is only consultative and can easily become a talking shop. We must discourage the proliferation of more consultative groups.

On my visits to the Circuits I have discussed this issue with many chairman and in particular with Chief Constables; so far, I have not encountered any who have not favoured direct engagement with the Board and attendance by the Judge at Board meetings as and when necessary.

Please give me a ring if you would like to discuss any of these issues.

May I wish you a very good break, a Happy Christmas and my best wishes for 2005.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'JLH', followed by a period.