



JUDICIARY OF
ENGLAND AND WALES

HIS HONOUR JUDGE RICHARD FOSTER
RESIDENT JUDGE AND HONORARY RECORDER OF LUTON

Report to Luton Borough Council – 22nd March 2016

1. It has been an honour to have been appointed the Honorary Recorder of Luton an appointment which I hope will continue for all future Resident Judges at Luton Crown Court. I was appointed Resident Judge in 2012, and I have just been reappointed for another 4 years. It is in my view important to embed the court and its work into the community and for the appointment as Honorary Recorder to the senior criminal judge in Bedfordshire to be seen as a reflection of Luton being the capital town if not the county town of Bedfordshire.
2. The appointment of Resident Judge is made by the Lord Chief Justice in consultation with the Lord Chancellor and subject to the supervisory role of Presiding Judges (who cover the whole of the south-east from the south coast through London and up to Northamptonshire) I am responsible for the delivery of criminal justice at Luton Crown Court. We have six courts and six full time Circuit Judges, and not only do we deal with all the more serious criminal cases for Bedfordshire (the magistrates court dealing with the volume of less serious cases), but because of pressures upon neighbouring courts we also deal with all homicides for Milton Keynes and North Hertfordshire, as well as all appeals from Hertfordshire and now all work sent from Hemel Hempstead Magistrates Court.
3. It was attributed to Benjamin Disraeli to have said that there are three types of lies: lies, damned lies and statistics. But if may I will trespass on your patience by quoting some at you. We have 368 outstanding trials, which compares favourably to neighbouring courts where St Albans (also with 6 courts) has 666 outstanding cases and Cambridge and Peterborough (with 8 courts) 524. A key test of efficiency is how long it takes for a case to be tried from it being sent to the Crown Court from the magistrates and for Luton it is an average of 41 weeks which is one of the top performances in the region. This is against the background of Bedfordshire being the county with the highest homicide rate per capita in the country, and also from some CPS statistics having the highest ratio of the most serious indictable only offences in the country – yes more in percentage terms than London, Birmingham or Liverpool. So without wishing to sit on our laurels we have much to be proud of in terms of the value for money service which we provide to the local community. I wish to take this opportunity to pay tribute to my hard working judicial colleagues, and the nothing short of brilliant commitment from the hard pressed staff of Her Majesty's Courts and Tribunals Service.
4. Having given a very much summary “state of the nation” report I now want to concentrate on three key areas: (1) the modernisation of the criminal justice system

(2) the treatment of prisoners and the role of custodial sentences (3) the court's community engagement.

5. First, the court's modernisation programme. Partly through savings from court closures the government has committed itself to investment in the criminal justice system. This programme has much further to go but important developments have already taken place. Since the beginning of this year all new cases no longer have paper files but all documents are loaded on to a new "Digital Case System". Judges, court staff, the CPS, Probation Service and defence practitioners all have access to it – so gone are the days when bundles of documents have to be photocopied multiple times for different criminal justice agencies. Alongside this the judiciary has implemented a "Better Case Management" initiative whereby the police and CPS are expected to have served the key evidence at a much earlier stage so enabling the Crown Court to expect defendants to be able to enter a plea at the first hearing just 28 days after the case has been sent to us by the magistrates. This provides defendants the opportunity to obtain the maximum credit on sentence for a guilty plea at that stage and enables the whole system to concentrate its resources on those remaining cases where a trial is really necessary. Another important development has been the use of video-link facilities. Now the vast majority of pre-trial hearings of those in custody are conducted by prison to court video-link, thus saving the costs of transport as well as the disruption to the prisoner's regime which might include some training or course which he has been waiting for. So this is not only a financial benefit but perhaps more importantly a welfare benefit for those in custody. Additionally Bedfordshire Police are opening a video-link suite at police headquarters in Kempston enabling vulnerable witnesses as well as those who find it difficult to travel to Luton (especially now that we are losing the facility of Bedford Magistrates' Court) to give evidence remotely.
6. This leads me to deal with those in custody and the use of prison sentences. Especially for a young person custody has to be a last resort, but in my view is essential for certain categories of offenders – particularly the drugs dealers who wreak such havoc on society and the dangerous including those involved in knife crime and the gang culture. It has been said that the test of a civilised society is how it treats its prisoners. A report of Her Majesty's Inspectorate of Prisons last year criticised some of the facilities for those in custody in court buildings. I therefore reviewed our own facilities to include as personal inspection and I am satisfied that all prisoners processed through Luton Crown Court are treated with respect and humanity. By way of example the first thing which happens upon a prisoner's arrival at court is to be offered a hot drink, and if late (which inevitably is no fault of the prisoner) the court is if need be kept waiting. A recent initiative by the local Bar Mess (as is the group name for those barristers who practice locally) has been for books to be provided for prisoners at court to make use of any waiting time.
7. I want also to mention the Intensive Offender Management (Prolific Offender) Scheme which some of you may be familiar with. It is an innovative scheme which only operates in Hertfordshire (where it is known as "Choices and Consequences") and Bedfordshire, and has my full support and that of the senior judiciary. In broad terms it is an alternative to custody for prolific acquisitive non-violent offenders who will typically be in their late twenties or thirties, who will have been to prison before and for whom prison is no real deterrent and usually will be committing multiple burglaries to fund a drug habit. Candidates are selected by the police as those who might be at a stage when rehabilitation is possible. They are offered an holistic community order usually of 4 years with work

done on financial management, drug addiction, employability, other health issues and housing – as a clear alternative to a long prison sentence which they know they will – and do – receive if they breach the order. It is an expensive scheme in terms of judicial manpower and probation resources but I do urge you to give it your support. At the end of the day each case requires judicial approval and if we are to take the risk of not locking somebody up we do need the reassurance that the resources are in place for the intensive community alternative.

8. Finally, I want to deal with the court's community engagement. I have written to every secondary school in Luton offering support with any work they are carrying out with students, particularly on the topics of drugs, knife crime and the gang culture. Accompanied by some of my staff and Dave Collins of Luton Youth Offending Service I attended Challney High School for Boys last year and took part in their "Personal and Social Development" day. The court has also hosted visits by numerous local schools and colleges on court visits whereby they have an induction from one of the court clerks with a tour of the building, sitting in court observing cases and concluding with a question and answer session with me or one of my colleagues. We also have a special arrangement with the Faculty of Law at the University of Bedfordshire so that a group of undergraduates visits us each week and sit in court followed by a session with a judge discussing what they have seen. I regard all this as a particularly important part of my role as Honorary Recorder.
9. Please may I conclude with two matters? First, April 2017 will be the twenty fifth anniversary of the opening of Luton Crown Court. I would like to mark the occasion appropriately, possibly with a lecture from an eminent criminologist followed by a reception. It would be marvellous if this could be a civic as well as a judicial event and I hope to discuss with your officers. Finally, you do not need my invitation to visit the court and to observe its workings – it is a fundamental principle of our criminal justice system that it is transparent and open to the public. However I do urge you to visit us. You would be made very welcome and if we know you are coming a tour of the building and all the agencies in it can be arranged.