



County Court

Annual Report 2006 - 2007

Merseyside Group

www.hmcourts-service.gov.uk

Merseyside Group
Annual Report by the Designated Civil Judge and Regional Director

Information (please enter)

Designated Civil Judge: Judge Stephen Stewart QC
Regional Director: Chris Mayer
Area Director: Shaun McNally
Trial Centre(s): Liverpool

Courts covered in report (please enter manager name)

Court Name	Court Manager
1) Birkenhead	Paul Mulraney
2) Leigh	Clare Vickery
3) Liverpool	Jean Martin-Hall
4) Southport	Leonie Williams
5) St. Helens	Sheila Jones
6) Wigan	Mark Williams

Merseyside Group
Annual Report by the Designated Civil Judge and Regional Director

Comments Section:

N.B. This report was compiled by the DCJ. Therefore where the pronoun "I" is used, it refers to the DCJ

Workload, Capacity and targets; Listing arrangements

In the Region as a whole the number of claims issued increased substantially in the year 2005 -6. This year has seen the number of claims issued revert to approximately the level of previous years, though Small Claims track cases rose substantially in number. There was however a large increase in cases heard, particularly multi track (48% up on top a rise of 69% the previous year). This means that the number of Multi track cases heard has increased from 84 in 04/05 to 211 in 06/07. Despite this and despite the cuts, timeliness targets were exceeded in Small claims and Fast track cases, though by less than last year. In Multi track cases the target was not achieved but increased from 68% to 70%. It should be noted that Merseyside targets will be affected by Low Velocity Impact claims, perhaps more so than any other region. This means that small cases - some of which end up on the fast track and some on the multi track – are delayed by reason of intensive case management, so as to comply with guidance given by the Court of Appeal in the Casey case (October 2006)

Sitting days are well in line with allocation.

I have investigated in some detail the effect of the cuts in Merseyside. Although it is clear that there are problems in the Liverpool County Court, it is not easy to reach a consensus on the cause of the problems. The District Judges have highlighted major concerns. The Area Director accepts that there are real difficulties but attributes those problems to causes other than the cuts. He is embarking on a programme to address the problems he regards as independent of the cuts. All here are adamant that any further reduction in funding would be unacceptable.

There has been no change from last year in the following statement::

"I am in very regular contact with the Diary Manager, Listing Officer and HEO in charge of the DJs at Liverpool. There are numerous meetings between myself and the DJs in Liverpool. I sit at each of the other County Courts once a term and meet the DJs and the Court Manager. I chair quarterly Court Users' meetings in Liverpool and attend one Court Users' meeting a year at each of the outlying courts. DJs or CJs/Recorders deal with assessments up to £100k. If there are complications or the case is worth more than £100k, it is referred to a CJ. CJs/Recorders deal with all multi track cases save on the very rare occasion when a listing emergency arises and I then consider whether the case is suitable to be tried by a full time DJ. I keep an informal eye on the cases listed to be tried by Recorders."

The listing officer at Liverpool (Cathy Traynor) has been promoted to a higher grade at the Crown Court and will be missed. Not only did she do a splendid job, she was also the ASBO coordinator in the pilot of which Liverpool is a member and which is progressing well with the assistance of DJ Henthorn.

DJ Johnson (the senior DJ in Liverpool) states:

"Since last year we have implemented a back to back listing system to deal with 10 mins. disposal directions, final disposal hearings and bankruptcy lists whereby 2 or 3 DJs sit at the same time. This has allowed us to deal with a greater turnover of cases and, where time allows, to dispose of cases at a much earlier stage. A list of telephone hearings is listed each day, where certain applications are dealt with without the attendance of the parties....

We are trying to encourage the Profession to have carriage of as many orders as possible (both civil and family) to be filed by email

The need for additional DJ days to be allocated to care work (there are 4 ticketed care DJs in Liverpool) is eventually going to have a substantial effect on listing time and the mix of work undertaken generally by DJs. Up to an extra 5 days of DJs care time is requested, with no additional resources being allowed, is going to have a substantial effect on listing times"

Merseyside Group
Annual Report by the Designated Civil Judge and Regional Director

I should add that I understand that the Presiding Judges are (June 07) in the process of initiating a Circuit wide review of the best use of DJs' listing time. I have made it clear to the DFJ and the Area Director that, while I want to help Family as much as possible, I am not prepared to let Civil suffer to the extent that it is not delivering a good service. I am prepared to wait and see what happens over the next few months in terms of how civil is/is not affected and what comes out of the Circuit review instigated by the Presiders.

St Helens reports that, the workload having increased in the last 2 years by 3% and 6.3% respectively, it was stable in the year ending 31.03.07.

At present hearing dates are being allocated as follows:

DJ 15 minutes Week commencing 14/8/07 - 11 weeks

DJ half day plus Week commencing 7/9/07 – 15 weeks

Rent & Mortgage Possessions are being listed week commencing 16/7/07. These cases are now all issued using Possession Claim on Line System (PCOL) which will not allow the hearing date to be over the 8 week target.

St Helens cannot accommodate cases in excess of one day hearing because of the pressure this would cause on the court case load. The court uses Diary Monitoring System to list cases and operates CPR as appropriate. Fast track hearings are currently within the 30 week target.

Generally all F/T cases are heard at St Helens but if all cases stand up on the day of hearing and there is not enough time for a DJ to deal with them, the Listing Officer will contact DMO who will arrange for case to be heard elsewhere (usually Liverpool).

Small claims hearings are released as required but due to listing constraints may sometimes have to be listed outside the 15 week target.

There has been an increase in disposal direction hearings resulting in a high volume of Telephone Hearings. Additional hearing time has had to be allowed - sometimes 3 afternoons per week.

Also there has been an increase in Mortgage Possession hearings averaging 2 per week. The Listing Officer needs to book Deputy District Judge days to deal with these additional lists.

Southport report that they are under pressure because both resident DJs now have a full Family ticket. This means that, whereas previously Family files were transferred to Liverpool after the first appointment, they are now remaining at Southport for the duration of the case. The DJs state that, while they are staying within target for targeted work, they are finding it increasingly difficult to list adjourned hearings and applications of 30 minutes or more – these currently stand at 15 weeks waiting time. As far as civil hearings are concerned, Small claims cases have a waiting time of 14 weeks and Fast track of 22 weeks. Telephone conferences were introduced in May 2006 and seem to be working well.

Birkenhead reports that the type and volume of the courts workload has remained similar to the previous year and hearing date targets were met.

A predominance of bulk issue, PI work has meant an increase in work occasioned by CFA disputes, premature issue arguments and low velocity impact allegations etc but no resultant adverse effect on performance generally has been discerned.

Wigan/Leigh

Wigan County Court is part of the Manchester Group Of Courts. It is uniquely placed due to the District Bench being supplied by the Manchester Group and the Circuit Bench by the Merseyside Group. The Trial Centre for Wigan is Liverpool.

The Circuit Judges are supplied by the Merseyside Judicial Team and sit 3 days per month, backed up by a District Judge when the list is busy.

Merseyside Group
Annual Report by the Designated Civil Judge and Regional Director

Small Claims and Fast Track Trials up to 1 day are heard at Wigan. Wigan lists its Fast -Track trials on allocation within the specified trial window. Multi Track cases are given directions by the resident DJs and sent to Liverpool for hearing

The workload in 2006/2007 has remained static overall. There have been high levels of insolvency work (288 debtors' petitions) and charging order applications have remained.

Due to the high volume of debtors' petitions and the need to reduce waiting times by bulk listing Wigan have arranged for the Official Receiver to be present at Wigan County Court on two occasions.

The nature of issue and cases heard has not changed in the last 12 months.

Wigan's performance against target is such that all targets were met (and many comfortably exceeded) save for Civil/Family Administrative process and the hearing times for Small claims and MT cases.

Leigh County Court also forms part of the Greater Manchester court Area for administrative purposes. However, its Trial Centre is at Liverpool.

Leigh County Court shares with Wigan County Court a complement of three District Judges, whose base court is Wigan. Supported by the pool of deputy District Judges, they provide 130 sitting days at Leigh. The normal sitting pattern at Leigh is therefore either two or three days per week. No Circuit Judges sit at Leigh. The courtroom accommodation is a single chambers.

Case Management/Operation of CPR

Whilst practically all case management is undertaken by DJs, I case manage some particularly problematical cases including, with the help of DJ Henthorn and DJ Travers (Birkenhead), the large volume of Low Velocity Impact cases.

Liverpool still balances the need for generalist DJs with specialisation of DJs in the areas of Industrial Disease, Clinical Negligence and Chancery/Mercantile work. DJ Smedley and DJ Heyworth have been approved as Regional Costs Judges and DJ Harrison is the TCC Judge.

In November 2006 there was a further meeting with the local legal practitioners in the area of industrial disease (especially mesothelioma) cases. The approved method of efficiently case managing this type of litigation was streamlined and appears to be working well. A further meeting will be held in November 2007.

I case manage and decide nearly all appeals from DJs. Acting DCJs when I am on leave are Judge Mackay and Judge Platts.

The DJs in Liverpool are still operating on approx. 3 days of CPR appointments and 5 afternoons of unlisted CPR paperwork each week. These are generally up to date, but are vulnerable to change at short notice if listing in other areas is in difficulty

Resources, including the availability of judiciary

There are two Circuit Judges (Judge Platts and myself) whose workload is 100% civil. In addition the TCC Judge (Judge Mackay) regularly assists with County Court Work whenever his TCC list allows him to do so. There are 4 other CJs who spend approximately 25% of their time on County Court work. We also rely on Recorders and to a substantial extent on HH John Morgan, who is a retired Judge. Hitherto there has been no major problem with the available CJ resources, but the situation will have to be carefully monitored in the future. Circuit Judge sitting days are in line with allocation.

St Helens have CJ allocation of 12 days per year. In the year end 31.03.07 they sat 2 days under profile.

The District Judge allocation of sitting days for 2006/07 was reduced on previous year's figure of 484 days (actually sitting 433.5 days) to 399 sitting days. Of these 324 were permanent District Judge days and 75

Merseyside Group
Annual Report by the Designated Civil Judge and Regional Director

were Deputy District Judge days. They utilised all resources and, through constantly monitoring lists and using any vacant slots, were able to keep within listing targets in all areas except Small Claims and only went 1.5 days over profile.

Southport has one DJ who sits 4 days a week and another 2 days a week. They do all civil cases save chancery and insolvency, though one DJ does do some chancery work. They are finding it increasingly difficult to find time to list urgent Family and Civil matters of a day or more owing to the limitation on Deputy sitting days. They report that they are getting to the stage where they will need more than one DJ a week and the Court Manager is preparing a business case for this.

At Birkenhead Six DJs have covered approximately 20 sitting days per week and although some reduction in the availability of DDJs has been of concern waiting times have been generally contained.

“Back to Back” and Block listing of trials, applications and disposals continue to considerably enhance efficiency. DJs and DDJs undertake all cases except those allocated to the Multi track and transferred to Liverpool.

Wigan/Leigh

District Judge sitting allocation was 520 days, roughly split 2:1. (Civil : Family)
Following the appointment of District Judge Sanderson the court’s reliance on Deputy District Judges fell to 18%. The provision of deputies has not been a problem. Until April 2007 District Judge Sanderson sat one week a month at Stockport/ Altrincham and 2 days per week at the Immigration Appeals Tribunal.

The majority of the work is dealt with by the District Judges at Wigan and Leigh. In appropriate cases where there are disability issues cases are transferred from Wigan to Leigh which is better able to cope with the requirements of the disabled.

Type and handling of Boxwork by DJs

In Liverpool an amount of boxwork, including provisional assessments and special procedure divorce are sent up daily to all full time and deputy DJs. This is dealt with during the day, and is up to date.

St Helens – DJ Bennett reports:

“There is no time set aside for any box work. The court relies on cases collapsing for box work to be dealt with. If there is any lengthy period when cases do not collapse as is not uncommon, the box work accumulates to an unacceptable level. The court is very much dependant on the goodwill of the District Judges who stay late or work through the lunch break to deal with urgent box work. Unlike some courts the court does not set aside any time for CPR paper directions work. This work has to be done when time and not listing allows.”

At Southport, boxwork is brought in daily and is turned round in about 3 days maximum. Urgent problems are brought in personally by the staff on a daily basis.

Birkenhead reports that Efficient management of box work continues to be a feature of the DJ’s (and DDJ’s) work at Birkenhead. It is all dealt with on a daily basis with rarely any arrears.

Wigan/Leigh

The majority of the box work and work required under the Civil Procedure Rules is undertaken by the 3 District Judge, with some back up, when sitting, from Deputy District Judges. Specific time is not allocated for box work. The Judges do the box work before the list commences, when the list has ended or whenever gaps appear in the list due to settlement of listed cases.

Merseyside Group
Annual Report by the Designated Civil Judge and Regional Director

ADR

It still remains the case that the overwhelming majority of civil cases settle without the need for Mediation. Liverpool have been considering using the National Mediation Scheme as the take up for the Liverpool Law Society scheme remains poor. I have mentioned this at the Liverpool Court Users' meeting. Liverpool is currently liaising with Central London (who use the National Scheme) and who have apparently had an improved settlement rate through mediation.

St Helens displays leaflets and posters offering mediation services, though the lack of an ADR service locally is not conducive to take up.

There is no ADR scheme in Southport but the Liverpool scheme is available to Southport practitioners. Very few cases are referred to ADR but many are stayed expressly to encourage settlement.

At Birkenhead the court sends out prescribed leaflets with the AQs but take up is, apparently, nil

There are no ADR facilities at Wigan/Leigh although the Manchester scheme is advertised and there are leaflets made available to parties. There is a possibility of a mediator being recruited in Liverpool. The court manager has asked that if this happens that Wigan/Leigh be a party to the Liverpool scheme. The District Judges are fully supportive of this initiative

School Visits and Other Work within the Community

All Courts in the Region offer one/two weeks work experience programmes to school students.

The Liverpool County Court CJs had a French Trainee Judge shadowing them for a week. Liverpool and Birkenhead staff are members of the Merseyside Group Outreach Committee. The area has participated in a university mentoring scheme where students have been paired with managers to discuss CVs, job opportunities, job shadowing, interview techniques etc. Further, the CJs have had 3 student marshals.

St Helens has a timetable of work experience students and has had a college student working 1 day per week for 7 months.

Birkenhead reports that school pupils regularly attend the Court for work experience and close liaison is maintained with CABs and other advice agencies. The DJ shadowing scheme initiated with the Merseyside Trainee Solicitor Group last year continues to be very popular, two trainees sitting in with a DJ on 2 days each week. Regular meetings between the DJs and staff and court users continue to help to ensure the continued satisfaction of all concerned with the work of Birkenhead County Court.

Wigan/Leigh

The court has maintained its programme of work experience students from local schools and colleges. In addition the court has offered work experience to a lady suffering from a disability who is placed for 12 weeks on behalf of Wigan Employment Service.

Merseyside Group
Annual Report by the Designated Civil Judge and Regional Director

A legal advisor from Wigan Family proceedings court has sat in with District Judge Donnelly and District Judge Jackson on Family days. A further legal advisor spent 2 separate weeks shadowing judiciary and staff.

Accommodation

On 2nd May 2006 the new Liverpool Civil and Family Court became operational. The accommodation here provided is of a high standard. There are some matters still to be ironed out e.g. a leak in the library, better visibility of witnesses and possible improvement of the Advocates' room

As for the other Courts:

St Helens: *Some of the conference rooms are in need of refurbishment. Other than that, there is no reported change on last year's position which, in summary, was that District Judge hearings take place on the 2nd Floor where there are ample conference and waiting facilities. The Court has a courtroom at the local magistrate's courts. The practice has been established of dealing with all cases in chambers (used as court where the rules require) except where there are issues of safety or security. If the Court is made aware of a vulnerable witness steps are taken to keep parties separate. If necessary the court would use separate entrance/exit.*

Southport reports(DJ Humphries –Roberts):

"There are three permanent consultation rooms at Southport all of which have a soundproofing problem i.e. Parties can be heard discussing their case outside of the room. To combat this we use a radio to detract from what can be heard. There is also one conference room on the ground floor, which is not ideal for the usher to keep in contact with. I have recently met with HMRC the major occupiers of the building who have agreed to let us use of they their rooms, when not in use, again on the ground floor, and again not ideal, however it is very much appreciated on busy family listed days."

Birkenhead report that, whilst the DJs have been alarmed to learn that for security budgeting purposes Birkenhead County Court is not classed as a "Court Building", some ad hoc improvements to security have been made and a secure witness room is available on the ground floor. Otherwise, accommodation is satisfactory

Wigan

There are generally poor staff areas, however the court room is perfectly acceptable, the other hearing rooms, conference rooms and waiting rooms are acceptable.

The proposed move to the Magistrates building is now scheduled to take place on May 2008.

At Leigh accommodation is a single-floor building built in the 1940s, close to Leigh town centre. Public transport regular bus service to Bolton, Wigan, Warrington, and Manchester; bus or train and bus to Liverpool. The court is DDA compliant following upgrading of facilities in 2004.

Possession Claims on Line (PCOL)

A very recent development is that all Rent/Mortgage Possession cases are now issued at Warrington County Court as the Centralised Court for all PCOL work in the Cheshire/Merseyside. Strictly this postdates the cut off date for this report of 31.03.07, since the merger of Cheshire/ Merseyside was on 01.4.07. All administrative process for this type of work is now dealt with at Warrington.

In Liverpool, there were initial problems with obtaining the files from Warrington CC in time for the hearings, and ensuring that the lists were sufficiently full, but these seem to be settling down and hopefully will relieve

Merseyside Group
Annual Report by the Designated Civil Judge and Regional Director

the staff of some listing and order drawing duties.

St Helens :

The only procedures to remain at St Helens are Possession Hearings, and the Execution of Possession Warrants. This amounts to a substantial amount of work lost to the Centre (estimated at 35-40%) The increasing number of last minute applications for suspension of possession warrants many issued the day before or even on the day of execution put a strain on the daily list as judges are expected to deal with them without any extra time allowed.

Such is the complexity of the benefits system and some defendants' health and personal circumstances that many applications need more than the odd minute to be heard and dealt with properly. The pressure on the courts lists do not allow for such applications to be given separate time. When only one judge is sitting the knock-on effect on the rest of the list can be considerable

Wigan's PCOL court is Bolton

IT issues

Liverpool and Birkenhead have the Link system which is generally working well. Unfortunately the other courts in the region do not enjoy the same facility.

St Helens:

At the beginning of February 2007 a new I.T. system was installed in the court office. This meant that each member of staff had to undergo training on the use of the system. At the same time training had to take place on the use of the PCOL system. St Helens had been sending this work to Liverpool County Court since implementation of PCOL in October '06 as this court had no Internet access but once the new I.T. was up and running this work was quickly returned. Both the I.T. and PCOL training was done over a 2 week period and involved all staff. This obviously had a knock on effect on the output of work and an arrears situation quickly appeared. This is gradually reducing and with the removal of PCOL work from this office should improve dramatically.

The District Judges do not use the Link system at this court.

Southport is a non-link Court which is very frustrating for all the staff. They have no access to the Internet, and only unreliable access to the Department's Intranet through a dial up service. With the majority of information being sent electronically by the Department i.e. Pay and Grading issues/e-News etc, they report feeling very left behind. They state that this also affects the customer service they can offer with regard to PCOL as they are not able to check the PCOL screens for updates and have to refer their customers to Warrington County Court.

Birkenhead - Link is installed and each DJ has access to it and uses IT accordingly to his personal aptitude and preference.

Wigan/Leigh

Wigan is not a Link Court. Staff do not have e mail or internet access, although the District Judges do.

General Issues

Liverpool is running the ASBO pilot scheme efficiently with the help of the Administrative staff and DJ Henthorn

Merseyside Group
Annual Report by the Designated Civil Judge and Regional Director

Wigan/Leigh report:

“Wigan has suffered significantly throughout the year with staff shortages and vacancies not being filled. This has resulted in the court failing to hit the throughput target of 94% in 5 days and the small claims targets.

PCOL was forced upon all courts even though it is not appropriate for non-link courts. Despite a vigorous marketing campaign there appears to be very little take up. Wigan and Leigh Housing and West Lancs. do not appear to be interested”

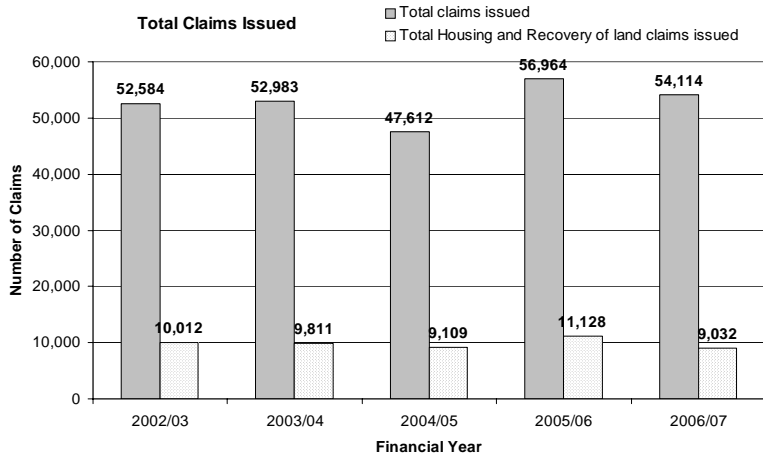
Merseyside Group
Annual Report by the Designated Civil Judge and Regional Director



Merseyside Group
Annual Report by the Designated Civil Judge and Regional Director

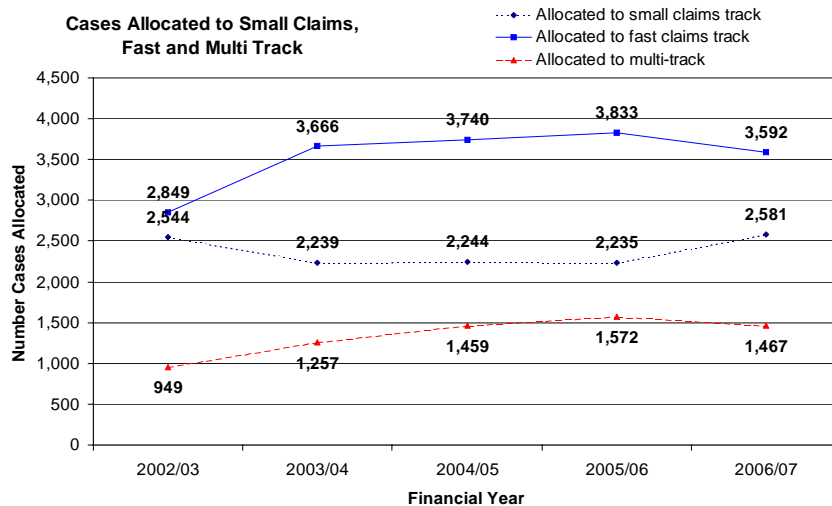
County Court Claims Issued¹

Financial Year	EW 06/07	2002/03	2003/04	2004/05	2005/06	2006/07	% Diff
Total claims issued	878,396	52,584	52,983	47,612	56,964	54,114	-5.0%
Total Housing and Recovery of land claims issued	221,729	10,012	9,811	9,109	11,128	9,032	-18.8%



Number Allocated to Small Claims, Fast Track and Multi Track

Financial Year	EW 06/07	2002/03	2003/04	2004/05	2005/06	2006/07	% Diff
Allocated to small claims track	81,419	2,544	2,239	2,244	2,235	2,581	15.5%
Allocated to fast claims track	50,694	2,849	3,666	3,740	3,833	3,592	-6.3%
Allocated to multi-track	27,174	949	1,257	1,459	1,572	1,467	-6.7%

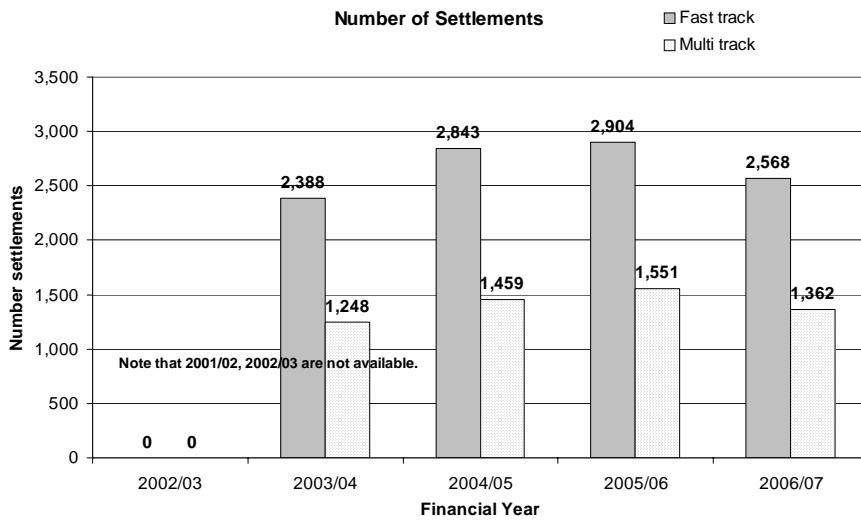


¹ The England and Wales column is for comparison purposes. The % Diff column shows the increase from 2004/05 to 2005/06

Merseyside Group
Annual Report by the Designated Civil Judge and Regional Director

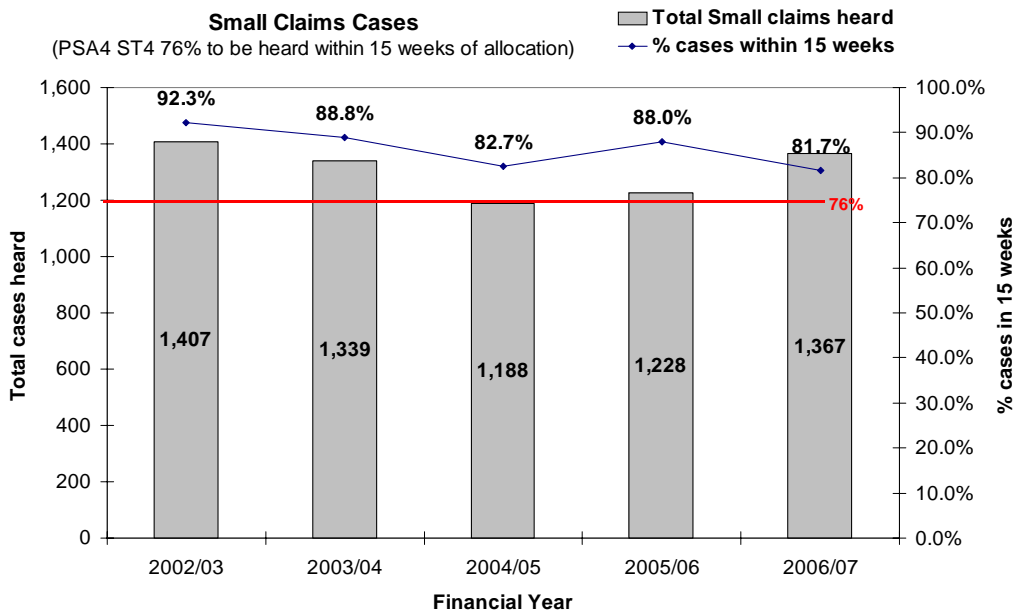
Number of Settlements After Allocation

Financial Year	EW 06/07	2002/03	2003/04	2004/05	2005/06	2006/07	% Diff
Fast track settlements	37,522	n/a	2,388	2,843	2,904	2,568	-11.6%
Multi track settlements	22,530	n/a	1,248	1,459	1,551	1,362	-12.2%



Number of Small Claims Heard and Timeliness

Financial Year	EW 06/07	2002/03	2003/04	2004/05	2005/06	2006/07	% Diff
Small claims cases heard	45,816	1,407	1,339	1,188	1,228	1,367	11.3%
Small claims cases heard in 15 weeks	80.0%	92.3%	88.8%	82.7%	88.0%	81.7%	-7.2%



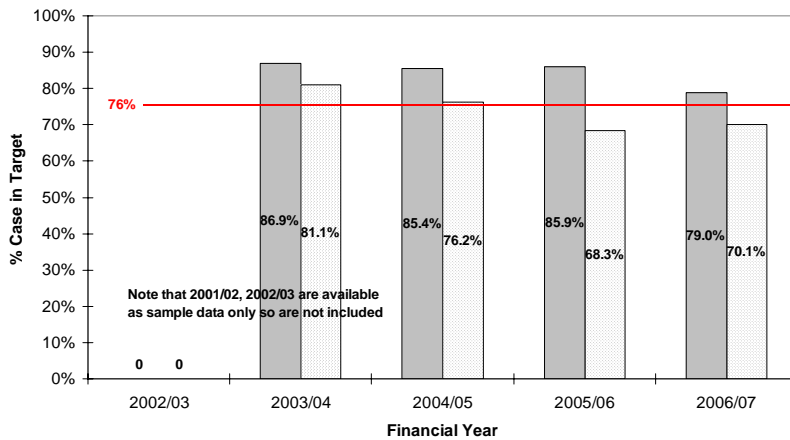
Merseyside Group
Annual Report by the Designated Civil Judge and Regional Director

Numbers of Fast and Multi Track Trials and Timeliness²

Financial Year	EW 06/07	2002/03	2003/04	2004/05	2005/06	2006/07	% Diff
Fast track cases heard	11,020	n/a	1,245	796	900	993	10.3%
Fast track cases heard in 30 weeks	78.9%	n/a	86.9%	85.4%	85.9%	79.0%	-8.1%
Multi track cases heard	4,388	n/a	111	84	142	211	48.6%
Multi track cases heard in 50 weeks	78.1%	n/a	81.1%	76.2%	68.3%	70.1%	2.7%

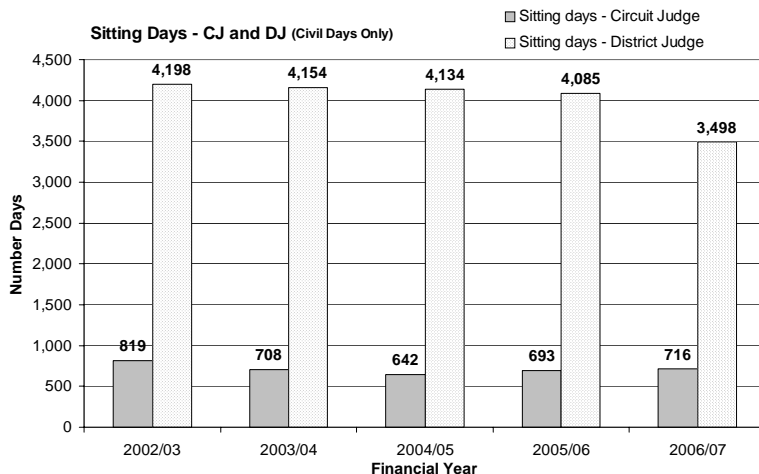
Fast and Multi Track Cases
(PSA4 ST5/6 76% to be heard within 30/50 weeks of allocation)

■ % Fast Track within 30 weeks
□ % Multi Track cases within 50 weeks



County Court Sitting Days³

Financial Year	EW 06/07	2002/03	2003/04	2004/05	2005/06	2006/07	% Diff
Sitting days - Circuit Judge	14,538	819	708	642	693	716	3.2%
Sitting days - District Judge	65,784	4,198	4,154	4,134	4,085	3,498	-14.4%



² Figures for Fast Track and Multi Track before December 2002 were recorded on a sample basis only.

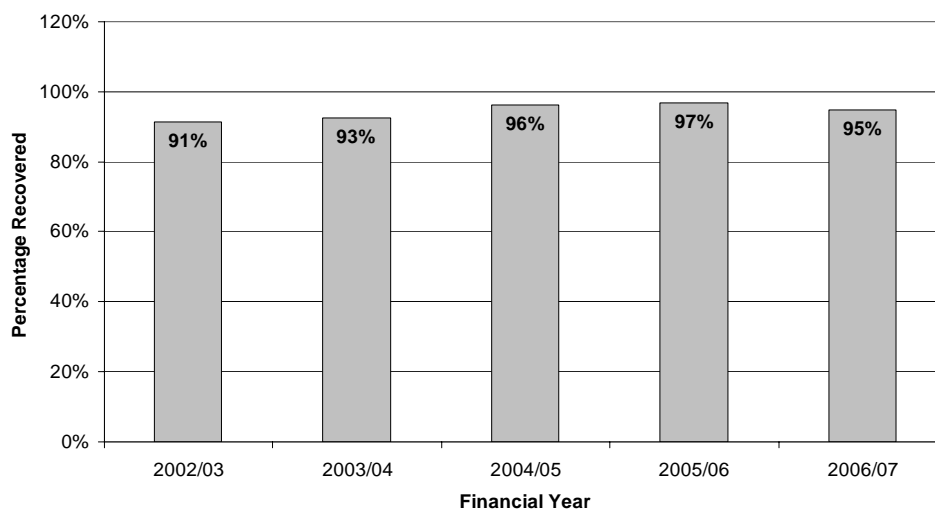
³ Approximate numbers for civil cases as many judges have mixed lists including family cases.

Merseyside Group
Annual Report by the Designated Civil Judge and Regional Director

Recovery of Debt

Financial Year	EW 06/07	2002/03	2003/04	2004/05	2005/06	2006/07	% Diff
% money recovered on warrants for recovery of debt	90%	91%	93%	96%	97%	95%	-2.0%

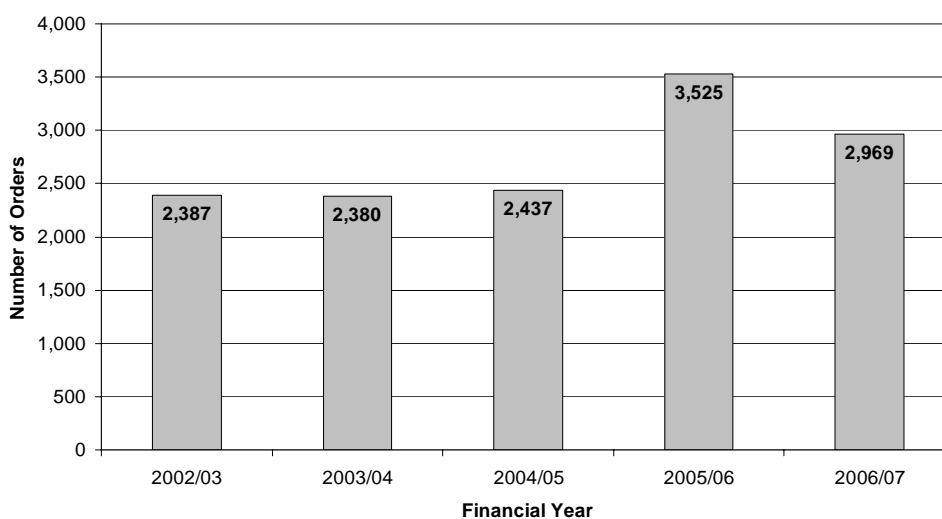
* % of Money Recovered on Warrants for Recovery of Debt



Attachment of Earnings

Financial Year	EW 06/07	2002/03	2003/04	2004/05	2005/06	2006/07	% Diff
Attachment of Earnings orders made	84,756	2,387	2,380	2,437	3,525	2,969	-15.8%

* Number of Attachment of Earnings Orders

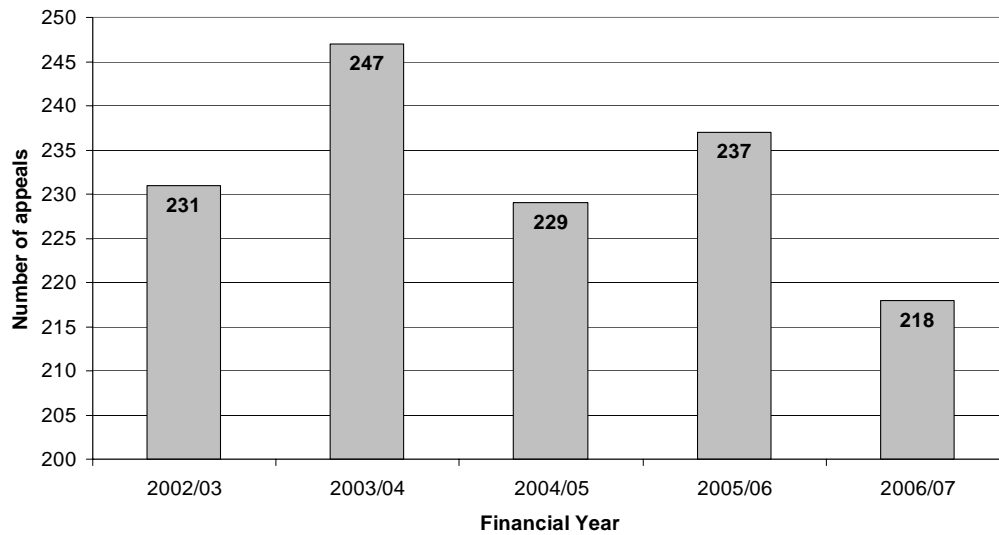


Merseyside Group
Annual Report by the Designated Civil Judge and Regional Director

Appeals⁴

Financial Year	EW 06/07	2002/03	2003/04	2004/05	2005/06	2006/07	% Diff
Appeals from District Judges	3,082	231	247	229	237	218	-8.0%

Number of Appeals from DJ's



⁴ Appeals from District Judge – JH9 – Issue appellants/respondents notice (N161/N162)