

Jayson Lewis,

By email.

31<sup>st</sup> August 2020.

**Open Letter.**

Dear Sirs,

We are writing to express our concern as to the Regional Court sitting at Cardiff on weekends and bank holidays. We attach a complaint made by one of our group already for ease of reference.

A decision was made nationally at the start of the COVID-19 pandemic to shut Courts and only hold regional remand Courts. Although CVP was rushed through and made available to the Prosecution from the outset, it was not made available to us for logistical and bureaucratic issues between HMCTS, the Police and Court security providers. Despite this, each of us sent advocates to this Court in order to represent our clients and ensure that the Court could continue to progress matters and prevent the case backlog from getting worse. We all attended without complaint.

We have sought to engage with HMCTS during these difficult times, but we feel that our concerns have and remain ignored.

As Courts have reopened over the last few months, we are concerned that a decision has been made for weekend and bank holiday remand courts to remain regional; sitting in Cardiff. We understand that a decision has been made that this Court will remain in Cardiff until at least the end of 2020.

The concerns we have are:

1. Defence practitioners have not been consulted on matters that directly affect them.
2. Solicitors outside Cardiff are generally not paid for travel by the Legal Aid Agency and that travel can often be 25 to 30 miles each way in some instances where the travelling time is often in minutes twice the mileage for each journey.
3. Many of our clients, if released from Court, have a lengthy and extended journey home on public transport increasing the risks posed to them by COVID-19.
4. Regional courts at weekends can be busy, and one would hope that reduced footfall within any Court building would equate to a reduced risk. The regional court often has

20+ advocates in attendance in a building where social distancing is extremely difficult due to the building design.

5. The CPS are generally appearing remotely and it would seem this is treated as a given, without individual applications having to be made. However, applications for Defence Advocates to appear via CVP are routinely refused. We would also submit that the reasons given in refusing permission do not, in our view, appear in accordance with the guidance provided by the Chief Magistrate and Deputy.
6. Solicitors still have reduced staffing levels and have to cover not only courts but also police stations on weekends and bank holidays.

This weekend has highlighted our concerns prompting this correspondence.

On Monday 31<sup>st</sup> August 2020 there were c35 appearing before the Court. The cell complex could not accommodate that number so a decision seems to have been made centrally that defendants from outside Cardiff should not be brought to Court until space had been created by concluding Cardiff cases. This decision was not conveyed to any of us and we had many Advocates at Court who had to wait for hours for their clients to arrive.

Despite this inconvenience and the increased footfall within the building with so many advocates waiting, applications to appear via CVP were again refused in each and every case.

We would therefore ask for two resolutions:

1. The weekend and bank holiday for Gwent be moved back to Newport Magistrates Court.
2. Whilst we understand the need to ask permission, we would ask that there should be a starting point of permission being granted on weekends and bank holidays for CVP unless there are compelling reasons to the contrary e.g the defendant was a youth or vulnerable defendant facing serious charges.

The goodwill that we had and used to ensure the Court could continue to operate has unfortunately been extinguished as a result of the above. If we can not reach a mutual agreement on the above, we are resolved that we will no longer attend these courts.

We have however agreed that we will arrange for the Duty Solicitor at court that day to act for all of us as agent each weekend and bank holiday for all of our clients.

We are of course disappointed that circumstances have deteriorated to such a degree as to prompt us to take this decision and we look forward to hearing from you.

Yours faithfully,

Costley and Partners.

DGJ Solicitors.

Driscoll Young.

EQ Solicitors.

Everett Tomlin, Lloyd and Pratt.

Fonseca Law.

Gartsides.

HPJV Solicitors.

JNP Legal.

Roger James, Clements and Partners.

Rubin Lewis O'Brien LLP.

Twomlows.