

Liverpool Crown Court



Guidance Note # 1/2023

- Remote attendance at court, and
- Policy on FCMH, CoTR and PTR

Purpose

The document provides revised guidance to court users about remote attendance at hearings at Liverpool Crown Court. It also sets out the policy we will adopt locally in relation to Further Case Management Hearings, Certificates of Trial Readiness and Pre-trial Review Hearings in line with the BCM Revival Handbook.

General matters

- ❖ Section 51 Criminal Justice Act 2003¹ enables courts to require or permit a person to take part in eligible criminal proceedings through a live video link ('a live link direction'). The Lord Chief Justice has given guidance which the Crown Court must consider when deciding whether to give such a direction.² The following local guidance seeks to recognise the benefits that can be achieved – both by the court and practitioners – through the use of IT to allow remote attendance at some hearings. Specifically, it sets out those hearing types where it is no longer necessary for advocates to apply in advance for a live link direction.

¹ <https://www.legislation.gov.uk/ukpga/2002/32/section/200/enacted>

² <https://www.judiciary.uk/wp-content/uploads/2022/07/Live-links-Guidance-for-criminal-courts-July-2022.pdf>

- ❖ The well-known principles of Better Case Management have been revised and updated in the new handbook 'The Better Case Management Revival Handbook' published earlier this month.³ It is expected that everyone who practises at the QEII will be familiar with these principles and follow them conscientiously. The purpose of this guidance note is to inform practitioners how some of those principles are to be promoted and applied locally.

Guidance

A Remote attendance of advocates

1. For the following hearing types, advocates can choose whether to attend in person or remotely. A prior application for permission to attend remotely is **not** required and should not be made.
 - Bail application
 - Mention – where the attendance of the Defendant is not required, or the Defendant is appearing from custody by CVP
 - Agreed POCA
 - Ground Rules Hearing
 - CTL extension
 - Compliance review
 - Application to break fixture
 - Pre-trial hearing involving legal argument only (eg S8 disclosure, s41 sexual history, hearsay, bad character, dismissal, abuse of process or any other application to exclude evidence) – where the attendance of the

³ <https://www.judiciary.uk/wp-content/uploads/2023/01/BCM-Revival-Handbook--January-2023-master-copy.doc.pdf>

Defendant is not required, or the Defendant is appearing from custody by CVP

2. This general permission is, of course, subject to a direction made by the court in a particular case requiring the advocates to attend the hearing in person.
3. It is important to note that these hearings will not necessarily be given a time marking and if the advocate chooses to attend remotely the advocate must be available at all times. Advocates cannot expect that the clerk of the court will make contact in advance to alert them that a case is about to be called on.
4. If an advocate chooses to attend remotely by CVP, a widely shared comment stating that fact and giving the advocate's contact details must be added to DCS before 8:00am on the day of the hearing. Also, when connecting to CVP, the advocate must indicate in addition to the advocate's name, the party being represented and the name of the case.
5. If any instructions are likely to be required (e.g. when resetting dates) then advocates must obtain such instructions and communicate with all other parties prior to the hearing.
6. All those appearing remotely should be appropriately dressed for attendance at court.
7. Apart from the hearing types listed above, all advocates – Prosecution and Defence – are normally required to attend in person all other hearings. This requirement to attend in person applies whether a Defendant in custody is attending the hearing by CVP or is produced from custody. Only in an exceptional case and with the permission of the court may an advocate attend other hearings remotely.
8. Any application for remote attendance at other hearings must be made in accordance with the requirements set out below and must provide sufficient

information to enable the court to consider the 'interests of justice' test. Purely speculative requests will not be considered. Advocates must not presume that a request will be granted, and the parties must prepare for the hearing on the basis that attendance by the advocate in person is required unless and until permission to attend by CVP is given.

9. An application for permission to attend remotely must be made no later than 12 noon on the working day before the date of the hearing. This is a strict time limit. Applications must be sent by email only to: CVP.LiverpoolCC@justice.gov.uk . If the applicant knows that the case is reserved to or listed before a particular judge, the name of that judge must be stated in the email request.
10. **A directory of CVP links** for each courtroom at the QEII is annexed to this guidance note. The directory will also be added to Section A on the DCS for new cases. This directory should be used by practitioners to identify the correct CVP link, in conjunction with the court daily lists, and court staff will no longer routinely setup a CVP link using the video hearing information form.

B BCM Revival - Local policy on FCMH, CoTR and PTR

11. Diligent adherence to BCM principles set out in the BCM Revival Handbook by all parties and agencies across the criminal justice system will result in significantly greater efficiency in dealing fairly with cases in the crown court. Accordingly, the judges at the QEII will expect compliance with these principles and the purpose of this guidance note is to encourage and ensure it.
12. To this end, the following scheme will be adopted:

Further Case Management Hearing

- At the PTPH, the judge may fix a date for a Further Case Management Hearing (FCMH) if it is thought that this would be useful or is necessary, or if there is good reason to believe that the case might resolve at that stage. Examples of situations where it might be appropriate to fix a FCMH include: the Defendant was not arraigned at the PTPH; there is a dismissal application; the need for a review after medical evidence has been obtained; the case is particularly complex and further time to take instructions was required by the defence.
- Any FCMH will normally be fixed for a date on or soon after the Stage 2 date taking account, as far as reasonably practicable, the trial advocates' availability.
- The Defendant will normally be required to attend the FCMH.

Certificate of Trial Readiness

- At the PTPH the judge will set a date for the service of Certificates of Trial Readiness (CoTR). The date will be the Monday⁴ that is 28 days before the week in which the trial is fixed or warned to start.
- It should be noted that the parties cannot agree subsequently to vary the date for service of a CoTR.

Pre-trial Review

- At the PTPH the judge will set a date for a Pre-Trial Review hearing (PTR).
- The PTR will normally be fixed for a date soon after the date for service of the CoTR – so between 21 and 28 days before the week in which the

⁴ or Tuesday if a Bank Holiday

trial is fixed or warned to start, taking account, as far as reasonably practicable, the trial advocates' availability.

- The Defendant will normally be required to attend the PTR.

HHJ Andrew Menary KC

Resident Judge and Honorary Recorder of Liverpool

30 January 2023

Annex A

Liverpool Crown Court



Directory of CVP courtroom links

Courtroom 3.1

CVP address: hmcts2267@meet.video.justice.gov.uk

Web browser: <https://join.meet.video.justice.gov.uk/HMCTS/#/?conference=hmcts2267@meet.video.justice.gov.uk>

Courtroom 3.2

CVP address: hmcts2590@meet.video.justice.gov.uk

Web browser: <https://join.meet.video.justice.gov.uk/HMCTS/#/?conference=hmcts2590@meet.video.justice.gov.uk>

Courtroom 3.3

CVP address: hmcts1281@meet.video.justice.gov.uk

Web browser: <https://join.meet.video.justice.gov.uk/HMCTS/#/?conference=hmcts1281@meet.video.justice.gov.uk>

Courtroom 4.1

CVP address: hmcts2591@meet.video.justice.gov.uk

Web browser: <https://join.meet.video.justice.gov.uk/HMCTS/#/?conference=hmcts2591@meet.video.justice.gov.uk>

Courtroom 4.2

CVP address: hmcts2592@meet.video.justice.gov.uk

Web browser: <https://join.meet.video.justice.gov.uk/HMCTS/#/?conference=hmcts2592@meet.video.justice.gov.uk>

Courtroom 4.3

CVP address: hmcts1564@meet.video.justice.gov.uk

Web browser: <https://join.meet.video.justice.gov.uk/HMCTS/#/?conference=hmcts1564@meet.video.justice.gov.uk>

Courtroom 4.4

CVP address: hmcts2594@meet.video.justice.gov.uk

Web browser: <https://join.meet.video.justice.gov.uk/HMCTS/#/?conference=hmcts2594@meet.video.justice.gov.uk>

Courtroom 4.5

CVP address: hmcts2593@meet.video.justice.gov.uk

Web browser: <https://join.meet.video.justice.gov.uk/HMCTS/#/?conference=hmcts2593@meet.video.justice.gov.uk>

Courtroom 4.6

CVP address: hmcts2595@meet.video.justice.gov.uk

Web browser: <https://join.meet.video.justice.gov.uk/HMCTS/#/?conference=hmcts2595@meet.video.justice.gov.uk>

Courtroom 5.1

CVP address: hmcts2597@meet.video.justice.gov.uk

Web browser: <https://join.meet.video.justice.gov.uk/HMCTS/#/?conference=hmcts2597@meet.video.justice.gov.uk>

Courtroom 5.2

CVP address: hmcts2596@meet.video.justice.gov.uk

Web browser: <https://join.meet.video.justice.gov.uk/HMCTS/#/?conference=hmcts2596@meet.video.justice.gov.uk>

Courtroom 5.3

CVP address: hmcts1280@meet.video.justice.gov.uk

Web browser: <https://join.meet.video.justice.gov.uk/HMCTS/#/?conference=hmcts1280@meet.video.justice.gov.uk>

Courtroom 5.4

CVP address: hmcts2598@meet.video.justice.gov.uk

Web browser: <https://join.meet.video.justice.gov.uk/HMCTS/#/?conference=hmcts2598@meet.video.justice.gov.uk>

Courtroom 5.5

CVP address: hmcts3111@meet.video.justice.gov.uk

Web browser: <https://join.meet.video.justice.gov.uk/HMCTS/#/?conference=hmcts3111@meet.video.justice.gov.uk>

Courtroom 5.6

CVP address: hmcts1963@meet.video.justice.gov.uk

Web browser: <https://join.meet.video.justice.gov.uk/HMCTS/#/?conference=hmcts1963@meet.video.justice.gov.uk>

Courtroom 6.1

CVP address: hmcts1964@meet.video.justice.gov.uk

Web browser: <https://join.meet.video.justice.gov.uk/HMCTS/#/?conference=hmcts1964@meet.video.justice.gov.uk>

Courtroom 6.2

CVP address: hmcts1965@meet.video.justice.gov.uk

Web browser: <https://join.meet.video.justice.gov.uk/HMCTS/#/?conference=hmcts1965@meet.video.justice.gov.uk>