



HM Courts &
Tribunals Service



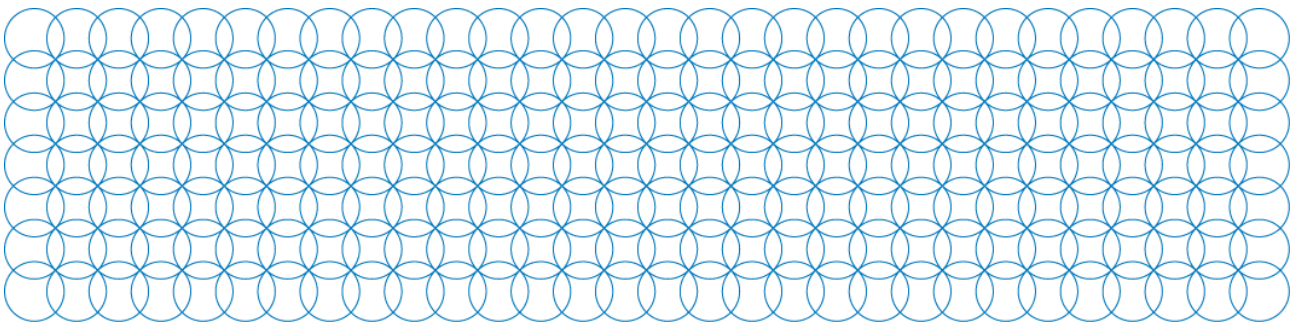
**Cambridgeshire Judicial
Leadership Groups**

Consultation on the proposed changes to listing arrangements for Cambridgeshire

Consultation Paper

This consultation begins on 5th November 2014

This consultation ends on 26th November 2014





HM Courts &
Tribunals Service



**Cambridgeshire Judicial
Leadership Groups**

Consultation on the proposed changes to listing arrangements in Cambridgeshire

A consultation produced by HM Courts & Tribunals Service,
part of the Ministry of Justice. It is also available on the
Ministry of Justice website at <https://consult.justice.gov.uk/digital-communications/cambridgeshire-schedule2015>

About this consultation

- To:** Those listed below at page 16
- Duration:** From 5th November to 26th November 2014
- Enquiries (including requests for the paper in an alternative format) to:** Siân Jones,
Justices' Clerk for Cambridgeshire and Essex

HM Courts & Tribunals Service
South East Regional Support Unit
Post Point 9.05
102 Petty France
London
SW1H 9AJ

DX 152380.

Email: SouthEastRSU@hmcts.gsi.gov.uk
- How to respond:** Please send your response by 26th November 2014 to the above address.
- Response paper:** A response to this consultation exercise is due to be published by 23rd December 2014.

Contents

Executive summary	6
Introduction	8
Proposal and Reasons	11
The proposed schedule	11
Explanation of the Schedule	12
Reasons	12
Persons/bodies being consulted	16
Questionnaire	18
About you	19
Contact details/How to respond	20
Impact Assessment	21
Appendix A: Map of county, courts and proposed charging police stations	27
Appendix B: Map of Local Justice Boundaries before Merger	28
Appendix C Travel	29
Annex D: Courthouse Facilities	30
The consultation principles	31

Executive summary

1. Following an application by HM Courts & Tribunals Service and the Judicial Business Group for Cambridgeshire and Essex the Lord Chancellor has made an order¹ combining the three benches in Cambridgeshire in order to improve the effectiveness of the delivery of justice by improving flexibility in dealing with cases in magistrates' courts in Cambridgeshire and to enable the best use of resources by more effective listing, including reducing delay. This consultation is intended to assist the Judicial Leadership Group and the Justices' Clerk in determining the listing schedule for the new Bench.
2. Court schedules set out when categories of cases are listed on a weekly basis. They have to be determined several months in advance of the start of the sitting year in April, to enable agencies and the defence community to plan and to run the judicial sittings rota.
3. Court schedules are determined by the Justices' Clerk, following consultation with the Judicial Leadership Group (JLG), a body made up of the Bench Chairman, District Judge, Deputy Justices' Clerk and Court Manager. The Shadow JLG which has been brought into existence to oversee the merger process has approved the proposed schedule.
4. The Practice Direction of 2005 made under s. 30 Courts Act directs that cases in magistrates' courts are normally heard before the Bench (or Local Justice Area – LJA) where the alleged offence or other matter arose. The creation of a new countywide bench means it is necessary to design a completely new schedule. However the formation of the new bench creates the opportunity to make better use of judicial resources and courthouses.
5. The key points of the proposed new schedule are:
 - Most adults charged or requisitioned² for criminal offences will appear before courts in Peterborough or Cambridge daily, the choice of court depending on the location of the alleged offence (see map on [page 26](#)).
 - Persons arrested and held in custody will appear before courts in Peterborough or Cambridge daily. On some days both courts will take prisoners, but on others there will be a countywide custody court either in Peterborough or Cambridge.
 - A specialist domestic violence court for Cambridgeshire will sit in Huntingdon Magistrates' Court with additional support for complainants and a specialist panel of magistrates.
 - The youth court will sit at Huntingdon Magistrates' Court.
 - All road traffic cases will be heard in Peterborough (apart from some trials).

¹ <http://www.legislation.gov.uk/ukxi/2014/2867/contents/made>

² Requisitions have replaced summonses for most criminal proceedings, and have the same effect.

- Cases prosecuted by bodies other than the Crown Prosecution Service will be centralised and heard in Cambridge or Peterborough with the exception of local authority cases.
 - Cases brought by local authorities will be heard at the nearest court to the authority.
6. The benefits of the proposed schedule compared with the current situation include:
- Extending the high quality service for victims of domestic violence currently available in North Cambridgeshire to the whole of the county.
 - More cases will be listed in each court resulting in a better use of resources. Longer courts mean that start times can be staggered to address problems in travel.
 - The increased business per court means that courts can be listed more regularly, reducing delay, particularly in the youth court.
 - Listing domestic violence cases separately from other trials will reduce delay in those cases.
 - Young people can be segregated from adult offenders both in the public parts of the court and in the cells, in compliance with the Children and Young Persons Act 1933 and the case of *R (on the application of T) v Birmingham Youth Court*.
 - Making better use of the excellent facilities of Huntingdon courthouse
 - Greater case volumes enable work to be split between anticipated guilty and not guilty courts, leading to more effective case management, thus reducing delay and leading to more effective trials.
 - Running trials side by side, thus enabling more effective hearings by giving more flexibility to deal with unpredictable changes (for example by defendants pleading guilty and time estimates).
7. It is recognised that this schedule may increase travel time for a small number of defendants and witnesses in the youth court, a larger number of defendants charged with offences of domestic violence, and for members of the legal profession. Some magistrates will also have to travel further to maintain their skills. However, as highlighted below in the Impact Assessment, there are some mitigation factors that should also be considered when looking at travel times.
8. The new schedule will require the same number of magistrates as at present, but whatever schedule is adopted, the fall in work in the youth court will require a fall in the number of magistrates authorised to sit in that court if they are to maintain competence.

Introduction

This paper sets out for consultation the proposed court schedule for the new Cambridgeshire Bench. The consultation is aimed at magistrates, other members of the judiciary, court users, stakeholders and public authorities in Cambridgeshire.

The merger of Local Justice Areas in Cambridgeshire requires a new court schedule for the new county bench. The aim has been to make better use of judicial resources and courthouses to reduce delay, improve facilities and to ensure that courts only sit with a full day's business, thus ensuring that magistrates, judges, and justices' legal advisers retain experience and competence.

One intended outcome is a significant improvement to the court's service in domestic violence cases. This will roll out to the whole of the county the excellent support given in the Specialist Domestic Violence Court in Peterborough (with the support of local authorities and the third sector), combined with the excellent facilities of Huntingdon courthouse. By concentrating all the business in a single specialist court it will be possible to reduce significantly the delay in bringing these cases to trial, rather than listing them with other cases, as is the case in Huntingdonshire and South Cambridgeshire. Complainants will receive specialist independent support across the whole of Cambridgeshire. Witnesses will have the option to give evidence by live link at a location nearer to their home. It would also mean the creation of a countywide panel of magistrates specialising in domestic violence, receiving additional training, as is currently the case only in North Cambridgeshire. This concentration of support would not be possible if cases continued to be spread across three courthouses.

The low number of young defendants has caused significant problems. The volume is so low that courts in Cambridge have to sit fortnightly. This builds in delay, particularly for trials, while the low volumes mean it is difficult for magistrates to gain enough experience to maintain competence. The low volumes are also a poor use of the resources of CPS, HM Courts & Tribunals Service and the Youth Offending Service. Other business must be listed at the same time, meaning that young people share waiting areas with adult offenders. The proposed schedule aims to reduce or eliminate these problems by having a youth court sitting in a single location every week with enough business to justify the resources put into it, and will provide the judiciary with sufficient experience. It will also ensure segregation, as no adult offenders will attend the courthouse on the same day.

The proposed schedule will result in longer journey times for some defendants, although for others the journey will be shorter than it would have been before merger. However travel times are only one factor among many which have to be taken into account in building the court schedule. The proposed schedule will result in less delay, which is key to the delivery of justice. Concentrating domestic violence and youth hearings in Huntingdon means that better support will be available to complainants and defendants and makes better use of court buildings. Concentrating the work into hearings which last all day leads to a more experienced judiciary.

Impact Assessment

An Impact Assessment indicates that the following are likely to be particularly affected:

- Defendants, respondents and other litigants in person appearing in magistrates' courts and their parents and other supporters
- Witnesses appearing in magistrates' courts
- Members of the defence community representing parties in magistrates' courts
- Magistrates assigned to Local Justice Areas in Cambridgeshire.
- Court staff

The proposal to centralise youth business in a single high-quality centre will increase travel for those defendants (about ten a week) who do not live in or near to Huntingdon. However in a survey in 2013 showed that almost all young defendants attend court with an adult and the majority of them travel by car, so that the impact will not be as great as might at first appear. Offset against this is the reduced delay through more regular courts and benefit of full segregation of young defendants from adults. It will also deliver improved facilities for defendants, witnesses and the Youth Offending Service. Witnesses can give evidence by live link and thus would not need to travel to Huntingdon.

Similarly, many defendants charged with domestic violence offences will have to make a longer journey to Huntingdon than they would have made when there were three benches. However the decision to centralise all domestic violence in a single specialist court should result in shorter waiting times for trials and better facilities for defendants at the courthouse. Again, witnesses will be able to give evidence by live link and would not need to attend at the same courthouse as the defendant.

Some witnesses will also be faced with longer travel times, however they could give evidence by live link at a court or (increasingly) police station convenient to them, so the impact is less. Witnesses in youth and domestic violence courts already give evidence by video-link in many cases.

The proposals will impact on legal representatives who may find themselves with clients in both a local court and a centralised court. There may however be a saving for those who would otherwise have attended Huntingdonshire magistrates' court. Centralisation of non-CPS prosecutions should result in savings for public prosecuting agencies. The Youth Offending Services may be able to make savings by sharing resources at a single courthouse.

Magistrates are affected since they are at present assigned to one of three local justice areas within Cambridgeshire, although many already sit in other courthouses time to time. In future they will be assigned to the county and could in theory be assigned to sit in any courthouse. It is intended that magistrates will have the option to sit predominantly at either Cambridge or Peterborough, (unless they join the youth or domestic violence panels in which case they will also sit in Huntingdon).

The changes in the schedule will probably require some relocation of court ushers, either permanently or on certain days a week..

An Impact Assessment is attached. Comments on it are very welcome.

Consultation

Copies of the consultation paper are being sent to all magistrates assigned to the Local Justice Areas in Cambridgeshire, other members of the judiciary, Members of Parliament County Councils, the Lord Lieutenant for Cambridgeshire, Cambridgeshire Criminal Justice Board, the Police and Crime Commissioner, the Chief Crown Prosecutor, other prosecutors, the National Probation Service, the BeNCH Community Rehabilitation Company, representatives of the defence community, organisations interested in domestic violence, Community Safety Partnerships, Witness Support, Victim Support, and Youth Offending Services.

However, this list is not meant to be exhaustive or exclusive and responses are welcomed from anyone with an interest in or views on the subject covered by this paper.

Proposal and Reasons

The proposed schedule

Courtroom	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Peterborough 1	CUSTODY (County)	CUSTODY (North)	GAP + CUSTODY (County)	ROAD TRAFFIC	GAP + CUSTODY (North)	Occasional Court
Peterborough 5	TRIALS		NGAP + CUSTODY (County)	TRIALS	NGAP + CUSTODY (North)	
Peterborough 6	TRIALS	ROAD TRAFFIC	NON CPS (including Councils)	TRIALS		
P'boro Family	FAMILY	FAMILY		FAMILY	FAMILY	
Huntingdon 2		SDVC - GAP	YOUTH - GEN	SDVC - TRIALS	SDVC - TRIALS	
Huntingdon 3		SDVC- NGAP	YOUTH - TRIALS COUNCIL (3 P.M)	SDVC - TRIALS	SDVC-TRIALS	
Cambridge 1		GAP + CUSTODY (South)	TRIALS	CUSTODY (county)	GAP. CUSTODY (South)	Occasional Court
Cambridge 2			TRIALS		NGAP. CUSTODY (South)	
Cambridge 3	NON CPS (including Councils)		TVLO	DVLA/ RAILWAYS		
Camb Family			FAMILY		FAMILY	

Key

GAP: Guilty Anticipated Plea Court

NGAP: Not Guilty Anticipated Plea Court

SDVC Specialist Domestic Violence Court

TVLO: No-TV licence prosecutions

Custody Court: defendants arrested and refused bail by the police, appearing in custody (North)/(South) cases assigned (when on bail) to Peterborough or Cambridge respectively

(County) All custody cases in the county.

Fortnightly	Prosecuted by CPS	Non-CPS prosecutor or applicant	Family Courts
-------------	-------------------	---------------------------------	---------------

Explanation of the Schedule

The intention is to list a full day's work in each courtroom (six hours).

For police charged cases on bail or requisition, it is proposed to split the county in two for the purposes of listing most adult work (see the map on [page 26](#)), with work from north of Huntingdon going to Peterborough courthouse and south to Cambridge.

In accordance with the Transforming Summary Justice initiative, courts dealing with first appearance and sentencing have been divided into Guilty Anticipated Plea (GAP) and Not Guilty Anticipated Plea (NGAP) courts. Because of the different configuration of the courts (with the removal of domestic violence cases and the split of work from the former Huntingdonshire LJA) it has been difficult to calculate the requirement in Cambridge. It is possible that one NGAP court will not be enough and consultees' views are sought on this.

Police custody cases arise with limited notice and have to be heard within 24 hours. They will be listed with bail cases where possible in an Anticipated Plea Court, and where none is listed, in a standalone custody court. Volumes of these courts are unpredictable but it would be rare that there would be sufficient cases for a court in both Peterborough and Cambridge. For that reason standalone custody courts will usually be held for the whole county.

Occasional courts will continue to be held on Saturdays and Bank Holidays in both Peterborough and Cambridge.

It is proposed that all cases categorised by the police as domestic violence will be heard in Huntingdon courthouse.

It is proposed that all cases involving young defendants will be heard in Huntingdon.

Road traffic cases, which are prosecuted by lay presenters employed by the police, will continue to be centralised in Peterborough, in accordance with national policy.

The bulk non-CPS cases for Cambridgeshire and Essex (TV licence and DVLA prosecutions) will continue to be centralised, in Cambridge. In addition two courts, one in Cambridge and one in Peterborough, will be held weekly for other non-CPS prosecutors including local authorities. Time will also be made available at the close of other business in Huntingdon for Huntingdonshire Council's cases. The listing of this court after youth trials is provisional; it would be equally possible for the court to be listed after the SDVC.

The number and frequency of trials courts is based on current volumes and will be kept under review. While the starting point is that trials will be listed in the court where the case starts (either Peterborough or Cambridge) they could be moved to minimise waiting times at both courthouses, or to better meet the needs of the parties.

Reasons

Courthouse Utilisation and Facilities

There is capacity at all three Cambridgeshire Magistrates' courthouses to accommodate a different listing pattern to make better use of resources and facilities. Each courthouse is currently underutilised with many courts consistently sitting less than five hours.

Huntingdon courthouse has the most modern facilities for both court users and witnesses. Due to low caseload in Huntingdonshire, it has been underused. It is proposed that we maximise use of the Huntingdon for the most sensitive business whilst maintaining regular use of both Cambridge and Peterborough, and working with the Regional Tribunal Judge to ensure that hearings in the Employment Tribunal at Huntingdon are not affected.

We have been told that the interim mental health liaison and diversion service which currently serves Peterborough court would also attend Huntingdon under this proposal.

Court sessions

The court schedule must take account of workload and resources. There are a number of key areas:

Workload

Cambridgeshire, as in many other parts of the country has seen a decrease in criminal proceedings over successive years, although the trend appears to be diminishing:

Completed cases

	2014	2013	2012	2011
Cambridgeshire	20,654	20,000	21,984	23,192
Huntingdonshire	4,990	6,782	7,753	4,397
North Cambridgeshire	9,914	6,084	7,246	8,202
South Cambridgeshire	5,750	7,134	6,985	10,593

In Cambridgeshire there were 1229 trials listed in the year ending August 2014 compared with 1290 listed in the previous year. This represents a 4.8% reduction in the number of trials.

We do not anticipate a significant increase in criminal workload in Cambridgeshire. Introduction of a streamlined back-office procedure for dealing with minor offences (the “single justice procedure”) is likely to reduce court hours from 2015, with the main impact on non-CPS courts. The impact of the Transforming Summary Justice initiative may be to reduce the number of trials. The trend in family proceedings is upwards, but from a low base.

The Youth Court

There has been a significant reduction in youth offending and prosecutions across the county. This reflects a national trend.

Youth Proceedings

	2014	2013	2012	2011
Cambridgeshire	494	852	1,050	1,279
Huntingdonshire*	6	245	294	262
North Cambridgeshire	294	339	447	596
South Cambridgeshire	194	268	309	421

*Huntingdonshire youth cases have been heard in Peterborough since 2013

The result is that on average only 11 young defendants appear each week in Peterborough, and eight in Cambridge and on some days numbers can be much lower.

This has necessitated a reduction in the number of youth courts to the extent that the court in South Cambridgeshire sits only once a fortnight for about half a day, sometimes with as few as three defendants. While the court in Peterborough has sufficient business to enable weekly courts, it usually has insufficient business for a full sitting day. There is a serious risk that magistrates, judges and legal advisers will lose experience so that their competence will be affected.

Centralisation of youth work at Huntingdon would ensure full weekly lists making better use of the time of all involved, including the Youth Offending Service. Creating a youth specialist centre at Huntingdon would also have the advantage that adults and youths would remain completely separate. This has been a legal requirement since 1908, however a case in the High Court in 2013³ has ruled that courts must also hold vulnerable young defendants in cell accommodation segregated from that occupied by adults. This is difficult to achieve at present in any courthouse in Cambridgeshire, however by listing nothing but youth business at Huntingdon, it can be easily achieved.

Domestic violence cases

Domestic violence is at present a key area of concern in the criminal justice system, and represents a significant proportion of caseload. Nationally, it is recognised that the quality of outcomes and support to victims is improved by operating an effective Specialist Domestic Violence Court (SDVC). These courts focus resources on domestic violence cases, providing additional support to alleged victims and allowing specialist magistrates and legal advisers to receive additional training.

There is a well-regarded SDVC at Peterborough, dealing with high volumes of work and providing specialist support services to victims and witnesses of domestic violence. On the other hand domestic violence cases in Cambridge and Huntingdon are heard in the ordinary criminal courts without the benefit of the specialist support available at Peterborough. A countywide SDVC is long overdue in Cambridgeshire and the proposal to centralise this type of work in Huntingdon has the advantage of being in a central location accessible to court users across Cambridgeshire. The courthouse has excellent facilities for victims and witnesses allowing them separate waiting areas, access to the court room and if necessary to the court building. It would enable the success of the Peterborough SDVC to be replicated for Cambridgeshire as a whole.

Adult charge and requisition cases

Work in Cambridgeshire is presently not spread evenly throughout the week or within courthouses. In particular, a small number of cases arise in Huntingdonshire, resulting in underutilised courts. Moving most of the Huntingdonshire workload to Cambridge would not only enable Huntingdon to become a specialist centre for both domestic violence and youth work, but would ensure appropriate levels of work at Cambridge.

³ *R (on the application of) T (by his mother and litigation friend RT) v the Secretary of State for Justice and Birmingham Magistrates' Court* [2013] EWHC 1119 (Admin)

Transforming Summary Justice is a new national initiative which aims to streamline prosecution preparation and the defence disclosure process to enable complete case management at the first hearing. All new criminal proceedings must be listed in either NGAP (not guilty assumed plea) or GAP (guilty assumed plea) courts, where possible listed side by side, to enable transfer of work. In order to comply with this initiative we propose assigning all first hearings on charge or requisition to NGAP and GAP courts sitting side by side. This requires the listing of sufficient business in each court to provide a day's work. The initiative prescribes 30 cases in a GAP court and 15 in an NGAP to allow time to be given to case management. It is also essential that these courts are held as often as possible to prevent long delays if cases have to be adjourned.

Effective Trials

Although cases which go to trial are a minority of the business of a court, they take up most of its time. They impact on more people (witnesses and victims), and take up a much greater share of the resources of prosecution and defence. However because of the need to find time in the court's diary to hear the trial, they are particularly prone to delay. Delay can be stressful for defendants, witnesses, and victims. Delay is also inimical to justice, because of fading memories, withdrawal of complaints and the reduced impact of punishment after conviction.

The division of the county into three means that at present waiting times for trials differ geographically: it is currently possible to list a three hour trial at Huntingdon in six weeks, while in Cambridge it is 12 weeks. The proposed new court schedule will allow for greater flexibility with two trial courts running side by side, enabling the transfer of work between them. This should reduce delay and the number of trials adjourned for lack of court time (currently running at 4.7% of all trials). By focusing trials together there will be greater emphasis on witness care whilst ensuring trial courts are fully utilised.

Whilst trials will normally take place in the same court as the first hearing, it will be possible to move them from Cambridge and Peterborough and vice versa to minimise waiting times and in answer to the needs of defendants, witnesses and legal representatives.

Magistrates' sittings

Magistrates are required to sit at least 13 days a year in the criminal jurisdiction in order to maintain their competence. The Lord Chancellor recommends that the average number of sittings should range between 17 and 23 days (34 to 46 half days). An assessment has been undertaken to determine the impact on sittings of these proposals. The average adult court sittings in Cambridgeshire will remain above the recommended minimum.

Gaoler provision

Low utilisation has meant that full gaoler services have been provided on sites where there has been limited need. In particular at Huntingdon Magistrates' court often no defendants require these services although contractual provision is made for them. Combined county remand courts sitting in either Cambridge or Peterborough, and a single SDVC, will ensure a better level of provision.

Persons/bodies being consulted

Copies of the consultation paper are being sent to:

- All magistrates assigned to the Local Justice Areas in Cambridgeshire
- Resident Judge, Cambridge Crown Court
- Resident Judge, Peterborough Crown Court
- Designated Family Judge, Cambridgeshire
- Regional Employment Judge
- Cambridgeshire County Council
- Peterborough City Council
- Cambridge City Council
- East Cambridgeshire District Council
- Fenland District Council
- Huntingdon District Council
- South Cambridgeshire District Council
- Cambridgeshire Police and Crime Commissioner
- Stephen Barclay MP
- Jonathan Djanogly MP
- Julian Huppert MP
- Stewart Jackson MP
- Andrew Lansley MP
- James Paice MP
- Shailesh Vara MP
- Lord Lieutenant for Cambridgeshire
- Cambridgeshire Criminal Justice Board
- Chief Crown Prosecutor for East of England Region
- National Probation Service
- Bedfordshire, Northamptonshire and Cambridgeshire Community Rehabilitation Company
- Youth Offending Service Cambridge
- Youth Offending Service Peterborough
- Chief Constable of Cambridgeshire Police
- Cambridgeshire Police and Crime Commissioner

Consultation on the proposed changes to listing arrangements in Cambridgeshire

- Solicitors' firms practising in magistrates' courts in Cambridgeshire
- Cambridge and District Law Society
- Peterborough and District Law Society
- Secretary/Administrator, South Eastern Circuit
- Witness Support
- Victim Support
- Women's Aid, Peterborough
- Cambridgeshire Independent Domestic Violence Adviser Manager
- Cambridgeshire Domestic Abuse and Sexual Violence Partnership
- Cambridge Community Safety Partnership
- Fenland Community Safety Partnership
- East Cambridgeshire Community Safety Partnership
- Safer Peterborough partnership
- Huntingdonshire Community Safety Partnership
- Capita Ltd
- DVLA Court Liaison
- East Midland Trains
- Environment Agency
- First Capital Connect Railways
- Greater Anglia Railways
- Health and Safety Executive
- Royal Mail Prosecution Department
- RSPCA

However, this list is not meant to be exhaustive or exclusive and responses are welcomed from anyone with an interest in or views on the subject covered by this paper.

Questionnaire

Responses are welcomed to the following questions set out in this consultation paper.

- 1) **What comments would you like to make on the proposed court schedule?**

- 2) **Please describe any particular impacts that should be taken into account when considering the proposed court schedule**

- 3) **Will the proposed court schedule have a direct impact on you? If yes please provide further details.**

- 4) **Please detail any alternative proposal that you may wish to suggest that could achieve the aim to improve the effectiveness of the delivery of justice by improving flexibility in dealing with cases in Cambridgeshire, and to enable the best use of resources by more effective listing**

- 5) **Do you think a single weekly Not Guilty Anticipated Plea court in Cambridge is enough? If no, please state your reason**

Thank you for participating in this consultation exercise.

About you

Please use this section to tell us about yourself

Full name	
Job title or capacity in which you are responding to this consultation exercise (e.g. member of the public etc.)	
Date	
Company name/organisation (if applicable):	
Address	
Postcode	
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/>
Address to which the acknowledgement should be sent, if different from above	
Postcode	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

Name of Group	
Summary of representation	

Contact details/How to respond

Please send your response by 26th November 2014 to:

Siân Jones,
Justices' Clerk for Cambridgeshire and Essex
HM Courts & Tribunals Service
South East Regional Support Unit
Post Point 9.05
102 Petty France
London
SW1H 9AJ

Email: SouthEastRSU@hmcts.gsi.gov.uk

Extra copies

Further paper copies or alternative format versions of this consultation can be obtained from this address or from courthouses in Cambridgeshire.

Publication of response

A paper summarising the responses to this consultation will be published by 23rd December 2014. The response paper will be available online at <https://consult.justice.gov.uk/digital-communications/cambridgeshire-schedule2015>.

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the DPA and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Impact Assessment

1) What is the problem under consideration and what are the policy objectives and intended effects?

Problem

If the three Local Justice Areas in Cambridgeshire merge into one, it will be necessary to develop a court schedule for the new Local Justice Area. The decision to apply for merger was to address the problem that the courts in Cambridgeshire are faced with a falling caseload in criminal and civil work, and have the only those resources necessary to deal with it. The combination of these two factors with a division of the business into three LJAs means that there have been too many courts with too little business in them. The excessive numbers of courts made it a struggle to staff them. The low level of business meant that many magistrates had reduced experience with a risk to their competence. Finally, by spreading most of the work across three courthouses, we are not making the best use of our facilities. Work is divided into small parcels meaning that courts can not be held with sufficient regularity leading to delay. Delay is stressful, costly, and can impact directly on the quality of justice.

Aims/objectives

To create a court schedule for the new Local Justice Area of Cambridgeshire which minimises delay, facilitates effective case management, provides the most suitable facilities for court users, makes the most efficient use of resources and ensures that members of the judiciary retain sufficient experience to maintain competence.

Outcomes

- Greater flexibility in managing the caseload with a view to reducing delays.
- To share the caseload more equitably between magistrates, enhancing experience and competence.
- Enhanced and more consistent service to court users
- To run only the number of courts that HM Courts & Tribunals Service has resources to service.
- Enable other agencies and organisations who service the courts to work more effectively within their own resources.
- To implement the Transforming Summary Justice initiative.

2) What policy options have been considered including alternatives to proposal?

With the creation of the new bench, it is essential to create a new court schedule. Alternative models have been considered.

Replicating the current division into three based on courthouses will merely replicate the problems which led to the need to apply for merger: it does not match the

caseload and the low volumes of cases leads to delay. It also continues the risk of inappropriate and unlawful mixing of young people with adult offenders. Caseload in the current Huntingdonshire Local Justice Area is insufficient to enable division of work into anticipated guilty and not guilty courts, as is good practice and required by the Transforming Summary Justice initiative.

We have also considered spreading domestic violence cases across all three, or possibly two courthouses, however that does not make optimum use of court time or the effective use of the excellent facilities at Huntingdon court. Focusing hearings in a single court centre ensures the support of independent domestic violence advisers and other specialist support which would not be feasible if hearings were spread across the county and held on several days of the week.

Any viable alternative proposals put forward as a result of the consultation will be given full consideration.

3) Group(s) affected by this proposal.

We have identified that this proposal principally affects the following groups in Cambridgeshire :

- Defendants, respondents and other litigants in person appearing in magistrates' courts and their parents and other supporters
- Witnesses appearing in magistrates' courts
- Members of the defence community representing parties in magistrates' courts
- Magistrates assigned to Local Justice Areas in Cambridgeshire.
- Court staff

We have identified that for most groups the impact is solely the increased travel time and cost for some. There is an additional impact on the defence community relating to their capacity to service multiple courts.

Defendants, respondents and other litigants in person, and their supporters

A survey in 2013 showed that 52% of defendants in Cambridgeshire lived in the town or City where the case was listed. Most of those defendants would travel to the same courthouse under the new schedule and thus experience no impact. On the other hand 18% lived outside the county altogether, so any additional distance would usually be a small part of their journey.

Some defendants who live in some parts of Huntingdonshire will have a longer journey, having to travel to Cambridge. This amounts to roughly 26 people a week. The table of travel at Appendix B shows that the likely increase in journey times would not exceed one hour and would usually be much shorter.

Most defendants under the age of 17 will have a longer journey, having to travel to Huntingdon, rather than Peterborough or Cambridge. This amounts to roughly 18 defendants a week. However we know from a survey done in 2013 that 94% of young defendants attend with an adult and that 58% travel by car. The majority of young defendants live in either Peterborough or Cambridge. The distance from both towns to Huntingdon is about 20 miles. There is a good bus and train route from Peterborough

taking about half an hour and a bus from Cambridge taking about an hour. On request the court would usually be able to give defendants a later surrender time, either to benefit from shorter journey times or off-peak ticket prices.

Since the middle of 2013, young defendants from Huntingdonshire have had to travel to Peterborough court. We have had no reports of difficulty in their attending on time or a rise in failure to attend and therefore do not anticipate that the reverse journey, or the journey from Cambridge, will cause any greater difficulties.

The largest segment of defendants affected will be defendants charged with domestic violence offences for whom Huntingdon is not their nearest court. We do not have data for the number of defendants this would affect, but it will probably be between 30 and 50 defendants a week. Most of what is said about young defendants applies equally to this segment. The journey will not usually exceed a hour and could be much less.

Witnesses appearing in magistrates' courts and their supporters

Much of what is said above applies also to witnesses. However in their case it will usually be possible to arrange for witnesses to give evidence by live link at a court or police station convenient to them, so the impact will be much less. The classes of witnesses most affected are those in Youth and domestic violence courts, most of whom already give evidence by live link.

Members of the defence community representing parties in magistrates' courts

The schedule changes the type of work heard at Huntingdon. It is likely that the changes to the schedule will increase the number of represented defendants appearing there and that will have some impact on defence lawyers, few of whom are based in the town. It is likely that there will be days when they have clients in Huntingdon and another court. This already occurs to some extent but will probably increase. The increase in centralised custody courts is likely to have a similar impact.

We would welcome the help of the defence community to identify the impacts and what can be done to mitigate them.

Magistrates

Magistrates are at present assigned to one of three local justice areas within Cambridgeshire. In future they will be assigned to the county and could in theory be assigned to sit in any courthouse. However, many magistrates already sit at more than one courthouse as all magistrates are eligible to sit in the traffic court in Peterborough, and magistrates from Huntingdonshire sit in the youth court there. Most family magistrates sit in both Peterborough and Cambridge.

It is intended that magistrates will have the option to sit predominantly at either Cambridge or Peterborough, (unless they join the youth or domestic violence panels in which case they will also sit in Huntingdon). Allocation of magistrates' sittings will continue to be based on preferences expressed by individual magistrates. All magistrates are entitled to claim for travel.

The only potential impact is on any members of this group with a disability which in any way restricts their ability to travel, and those with caring responsibilities who may be disproportionately inconvenienced by longer journey times to court. Individual

assessments will be conducted in relation to particular individuals for whom such an issue is identified and steps taken to ensure that their sittings are at the most convenient courthouse.

Court staff

The changes in the schedule will probably require some relocation of court ushers, either permanently or on certain days a week. This will be addressed through the HM Courts & Tribunals Service policy on managing organisational change, which requires managers to address equality impacts and to review them.

- a) *Are there gaps in information that make it difficult or impossible to form an opinion on how your proposals might affect different groups of people? If so what are the gaps in the information and how and when do you plan to collect additional information?*

We may not have as much information on the impacts on the defence community as we would like and hope to gain a better insight through this consultation.

- b) *Having analysed the initial and additional sources of information is there any evidence that the proposed changes will have a positive impact on any of these different groups of people and/or promote equality of opportunity? Please provide details of which benefits from the positive impacts and the evidence and analysis used to identify them.*

As identified above, some defendants, supporters and witnesses will have a shorter journey due to the change in the schedule.

Defendants and witnesses in youth and domestic violence cases will have the benefit of shorter waiting times to conclude cases.

Witnesses in domestic violence cases will have the benefit of enhanced support which was previously only available to those in Peterborough.

Witnesses in youth and domestic violence cases will have the benefit of the facilities at Huntingdonshire law courts, and the facility to give evidence by video link.

At present the interim mental health liaison and diversion service only provides a service at Peterborough magistrates' court. In the new schedule defendants from North Huntingdonshire will appear at Peterborough court and thus can benefit from the service. More significantly, the Service will also provide a service at Huntingdonshire magistrates' court, meaning that defendants charged with domestic violence from anywhere in the county can receive the service.

- c) *Is there any feedback or evidence that additional work could be done to promote equality of opportunity? If the answer is yes, please provide details of whether or not you plan to undertake this work. If not, please say why.*

Her Majesty's Court Service has a plan to develop live link technology, as does Cambridgeshire police, in the next two years. This will reduce travel time for both defendants and witnesses, who will increasingly be able to attend court by link at a location convenient to them.

- d) *Is there any evidence that proposed changes will have an adverse equality impact on any of these different groups of people? Please provide details of who the proposals affect, what the adverse impacts are and the evidence and analysis used to identify them*

The only likely equality impact we have identified is on those defendants on low incomes who would have to pay more to travel than under previous arrangements. For example, a bus ticket from Cambridge to Huntingdon is £2.90 more than a ticket from the suburbs of the Cambridge to the centre of the city. From Peterborough to Huntingdon it is £4.90 more. We have no data on the number of people this is likely to affect, but the numbers are unlikely to be negligible.

Where tickets are cheaper after 10 a.m., it would be possible in many cases to delay the surrender time on request to mitigate the impact. It will also be possible in some cases to move trials in some cases from Cambridge to Peterborough and vice versa to meet the needs of defendants, witnesses, or representatives.

- e) *Is there any evidence that the proposed changes have no equality impacts? Please provide details of the evidence and analysis used to reach the conclusion that the proposed changes have no impact on any of these different groups of people.*

N/A.

- f) *Is a full Equality Impact Assessment Required?* Yes No

- g) *Even if a full EIA is not required, you are legally required to monitor and review the proposed changes after implementation to check they work as planned and to screen for unexpected equality impacts. Please provide details of how you will monitor evaluate or review your proposals and when the review will take place.*

The changes will be monitored as part of the regular review of the court schedule which takes place every six months. The review gathers views of professional court users, magistrates and staff. The Specialist Domestic Violence Court has an operational group which includes professional court users which reviews the operation of the court and meets quarterly. Professional court users are in regular contact with court staff about service and able to raise issues at any time which will feed into these reviews.

The justices' rota is also reviewed six monthly by court staff in consultation with the Bench Chairman. In addition, magistrates' sitting patterns are regularly monitored and checked by Bench Chairmen to ensure that minimum sitting requirements are met. Magistrates know that concerns about sittings can be raised with their Bench Chairman or the Deputy Justices' Clerk. The needs of individuals with a disability will continue to be considered in accordance with the disability discrimination provisions.

4) Will the proposal affect the availability of public services?

There should be no reduction in the level of public service provided by the courts and the service will be enhanced by the proposals as discussed elsewhere. In so far as there has been a change to journey times in some cases there will be some impact on accessibility, with cases listed in locations which are more accessible to some users and less to others, but access will not be prevented in any case.

Additional service will be available at Huntingdon with the extension of the interim mental health liaison and diversion service.

5) Name of Senior Manager and date approved

Name: Chris Jennings (Delivery Director)
Department: HM Courts & Tribunals Service South East Regional Support Unit
Date 31 st October 2014

Appendix A: Map of county, courts and proposed charging police stations

CAMBRIDGESHIRE



Appendix B: Map of Local Justice Boundaries before Merger

CAMBRIDGESHIRE



Appendix C Travel

Travel distances and times by car and public transport from all centres exceeding 15,000 population

Journey times and distances are from centre of town or city, actual distances for individuals will vary. Public transport times are based on arrival at 09:45 – off-peak times may be shorter, but only significant differences are noted.

	Cambridge Courthouse			Huntingdon Courthouse			Peterborough Courthouse		
	Miles	Time (minutes)		Miles	Time (minutes)		Miles	Time (minutes)	
		Car	P/T		Car	P/T		Car	P/T
Peterborough	38	48	72	20	29	20	0	0	0
Cambridge	0	0	0	18	30	63	36	51	77
St Neots	19	33	49	10	21	37	26	37	62
Huntingdon	19	29	67 ²	0	0	0	21	35	30
Ely	17	33	39	23	42	80 ³	31	49	50
March	35	57	56	22	37	63 ⁴	19	34	31
St Ives	16	25	48	9	16	30	26	37	77
Whittlesey	43	53	66	19	34	39	6	13	24
Wisbech*	40	69	125 ¹	32	50	86	22	35	53

Source: Google Maps.

* Police and CPS cases from Wisbech and environs are charged to King s' Lynn magistrates' court and are unaffected by these proposals

¹ 82 minutes to arrive after 10:00

² 42 minutes to arrive after 10:00

³ 69 minutes to arrive after 10:00

⁴ 48 minutes to arrive after 10:00

Annex D: Courthouse Facilities

Cambridge Magistrates' Court is a modern courthouse with six courtrooms located in the city centre. It is accessible for those with limited mobility. It has bus and rail links including the guided bus service which goes east as far as St Ives. The courtrooms are equipped with hearing enhancement facilities and video link. There are two secure witness suites, ample waiting, interview areas and comprehensive cell provision. Baby changing facilities are provided together with a variety of vending machines. Administrative support is limited to ushers and one near-court resurter.

Huntingdon Law Courts & Employment Tribunal Centre is a purpose built, modern court facility in the town centre. It is currently used by the Magistrates' Court and Employment Tribunals. It is well served by road, rail and bus networks. There are two courtrooms available for the Magistrates' Court with ample cell access. Courts have disabled access and are equipped with video link facilities and a hearing loop. There is a secure witness waiting area, which can be accessed via a non-public entrance, with direct access to the witness box in the courtroom. There are ample waiting and interview areas. Vending machines and baby changing facilities are available. There is no magistrates' court administration on site apart from ushers.

Peterborough Magistrates' Court, built in 1978, is located in the city centre. It has five courtrooms with ample cell access and video link facilities. It is served by good road, rail and bus links. It has disabled access and hearing enhancement facilities. There is a secure witness waiting area with direct access to the witness box in court. A coffee bar is open in the morning, together with vending machines. Baby-changing facilities are provided. The court administration for all magistrates' courts in Cambridgeshire is based on site.

The consultation principles

The Cabinet Office Consultation Principles of October 2013 sets out a set of principles to help policy makers make the right judgments about when, with whom and how to consult. They can be found here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/255180/Consultation-Principles-Oct-2013.pdf

© Crown copyright 2014
Produced by the Ministry of Justice

You may re-use this information (excluding logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/> or email: psi@nationalarchives.gsi.gov.uk

Where we have identified any third party copyright material you will need to obtain permission from the copyright holders concerned.

**Alternative format versions of this report are available
on request**