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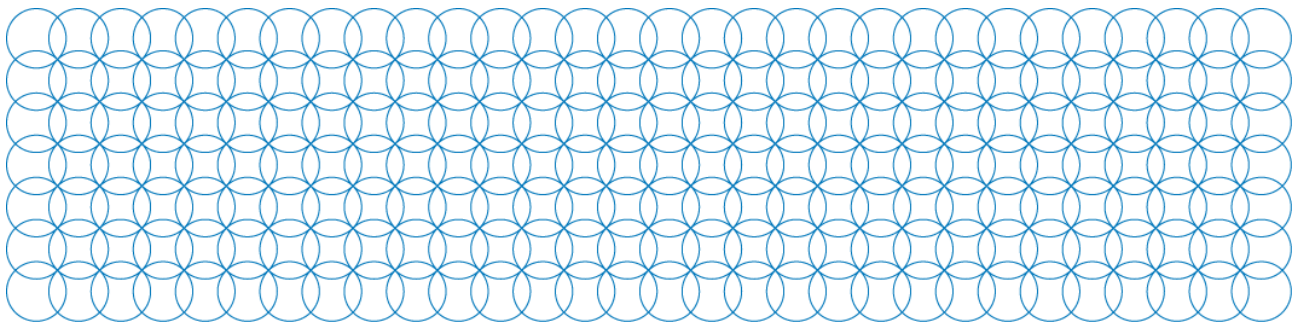


**Cambridgeshire Judicial  
Leadership Groups**

# **Consultation on the proposed changes to listing arrangements for Cambridgeshire**

## **Response to Consultation**

This response is published on 22<sup>nd</sup> January 2015







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>



## Contents

Introduction and contact details	6
Background	7
Summary of responses	8
Conclusions	11
Finalised Schedule from April 2015	15
Explanation of the Schedule	16
The consultation principles	17
Annex A – List of respondents	18
Annex B: Map of county, courts and charging police stations	19

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## Introduction and contact details

This document is the post-consultation report for the paper, A Consultation on the Proposed Changes to Listing Arrangements in Cambridgeshire.

It will cover:

- the background to the consultation
- a summary of the responses to the consultation
- a detailed response to the issues raised; and
- the finalised schedule which will commence on 1<sup>st</sup> April 2015.

Further copies of this report and the consultation paper can be obtained by contacting **Siân E. Jones** at the address below:

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This report is also available on the Ministry's website: <https://consult.justice.gov.uk/digital-communications/cambridgeshire-schedule2015>

Alternative format versions of this publication can be requested from the above address.

### Complaints or comments

If you have any complaints or comments about the consultation process you should contact HM Courts and Tribunals Service at the above address.

## Background

The Lord Chancellor has made an order<sup>1</sup> 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.

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, and in keeping with the objective of the merger, to make better use of judicial resources and courthouses.

Normally court schedules are determined by the Justices' Clerk, following consultation with the Judicial Leadership Group (JLG)<sup>2</sup>, a body made up of the Bench Chairman, District Judge, Deputy Justices' Clerk and Court Manager. However in this case the Shadow JLG, which oversees the bench merger process, worked with the Justices' Clerk in determining the schedule. In addition to the JLG members for the three current benches, it includes chairmen of the Youth and Family Panels and Training and Development Committees, members of the legal team and listing officers. Following the closure of the consultation, the Shadow JLG considered the responses, revised the proposal and determined the schedule for April 2015 – March 2016. For those who wish to skip the explanations, the finalised schedule will be found on [page 16](#).

It is customary for Justices' Clerks to conduct an informal consultation with key stakeholders when drawing up the court schedule. However in light of the significance of this schedule, as the first of the new county bench, this formal public consultation took place. In following years the intention is to revert to informal consultation with key stakeholders and with the JLG.

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

<sup>2</sup> See *Responsibilities for the leadership and management of the judicial business of the Magistrates' Courts*, December 2013, para 17

## Summary of responses

1. A total of 34 responses were received. Of these:
  - 13 were from individual magistrates,
  - one was from the Designated Family Judge
  - one was from the Regional Employment Judge,
  - one was from a member of the public
  - one was from the Crown Prosecution Service
  - two were from individual solicitors
  - one was a group response from solicitors in Cambridge
  - one was from the Bar Mess
  - one was from Cambridgeshire Police
  - one was from Witness Services
  - two were from Youth Offending Teams
  - four were from local authorities
  - two were from public prosecutors
  - two were from staff working for HM Courts & Tribunal Service
  - one, which did not address the consultation at all, was from a vexatious litigant
2. Of the 33 responses which referred to the matter in hand, 13 were in favour of the proposed changes, 13 were opposed (two of these respondents were also included in collective responses), six could be categorised as ambivalent, broadly supportive of the schedule but with concerns about aspects of it, and one addressed only a detailed point.
3. The general issues that were drawn were:
  - Respondents supporting the proposals said they were sensible and the logic behind them understandable. There was particular support for the specialist domestic violence court.
  - Almost every category of respondent mentioned a concern over the additional travelling court users would have to make. Some felt that the travel time guidance in the consultation paper was misleading and unrealistic. Some stated that the use of video link is not as widely used as suggested in the paper.
  - Some of those magistrates that responded highlighted that, as with other users, there would be a public cost implication in their having to travel further and this would also add time to their day (magistrates are not paid for their services).
  - The Youth Offending Services were concerned at the impact of travel on young defendants. However they supported the move to weekly courts in South Cambridgeshire. It was suggested that the issue of Wisbech defendants, who currently appear in Kings Lynn, should be addressed.



- It was suggested that increased travel time would mean that fewer defendants and witnesses would attend court, increasing delay.
  - Many respondents, including some in favour, referred to concerns about a reduction in the extent to which justice would be “local”. Some of these responses focused more on the prior issue of merger of three benches into a single Cambridgeshire bench.
  - Cambridge solicitors highlighted the difficulty they would experience if youth and domestic violence business were moved to another courthouse. Currently members of smaller firms can float between courtrooms but this would not be possible between buildings so far apart bringing into question defendants’ access to justice.
  - Cambridge solicitors objected to the county remand court on Monday on a number of grounds, including the number of cells in Peterborough (see below), the problem of travelling to Peterborough on a Monday from Cambridge, the need to rewrite duty solicitor contracts and the imbalance in county courts between Cambridge and Peterborough firms.
  - Cambridge solicitors (supported by the Bar Mess) suggested that there were insufficient cells in Peterborough magistrates’ court (eight), meaning that prisoners might sometimes have to share, thus rendering it unsuitable for a county remand court, while Cambridge had 15. They also pointed out that there was limited access there for people with mobility problems. They suggested that the cells at Peterborough were already unfit for use on health and safety grounds since prisoners might have to share cells and urged HM Courts & Tribunals Service to address this as a matter of urgency.
  - There were two joint responses, one from the local Bar Mess and the other from local solicitors in Cambridge. They showed a deep distrust for the consultation paper feeling that it was a steppingstone to eventually closing Cambridge Magistrates Court.
  - Lawyers and some magistrates stated concerns that that were unaware of where or how the data was gathered in the paper and that they had no way of challenging the information given. During the period the consultation was open Cambridge lawyers requested additional information which was provided.
  - Cambridge solicitors expressed concern that young defendants might have to deal with unfamiliar staff from the Youth Offending Service.
  - Cambridge solicitors suggested that Huntingdonshire courthouse should be closed so that more use could be made of Cambridge Magistrates’ Court.
  - Some magistrates were concerned at the loss of skills caused by having a specialist panel dealing with domestic violence.
  - While police road traffic prosecutions were already centralised in Peterborough before this consultation, Cambridge solicitors suggested that should be reviewed and the work split between courthouses.
4. Users also raised specific issues and impacts, for example, Cambridge City Council pointed out that the slot allocated for their work clashed with their existing slot in the county court. CPS was concerned at the impact on their staff in having to field two extra lawyers on a Friday, when they have fewer staff. The Peterborough YOS suggested that they would incur additional travel costs to Huntingdon and would have to set up an IT

link. Witness Services, while generally supportive, were concerned at ensuring volunteers for all courts. Public prosecutors sought clarification on centralisation of their business at a single convenient centre in the county.

5. Users were asked for alternative proposals. Most responses understandably addressed only the concerns of the individual respondent, without addressing the impact of each change on the rest of the court's work. The exception was the Cambridge solicitors who produced a complete alternative schedule, with (in summary) domestic violence, youth, road traffic, and custody work shared between Cambridge and Peterborough, and Huntingdon used as a centre for trials and non-CPS prosecutors.
6. During the consultation process staff members of the Shadow JLG also spoke to Julian Huppert MP, to solicitors in Cambridge and Peterborough, and to members of various bodies dealing with domestic violence in Peterborough and Cambridge.
  - Mr Huppert, as with other users, was principally concerned at the additional travel time entailed by young defendants and followed up the concern of one of the solicitor respondents about the suitability of the cells in Peterborough.
  - In addition to the issues raised in their response, Solicitors in Cambridge expressed concern at the loss of business entailed by the Monday custody court being held in Peterborough.
  - Peterborough solicitors supported the concept of a specialist domestic violence court but suggested that since the majority of cases came from Peterborough and environs it would be more sensible to hold the court there.
  - The domestic violence specialists supported the specialist court in Huntingdon.
7. During the consultation period the Ministry of Justice announced changes to legal aid, in particular limiting duty solicitor contracts to seven countywide bodies<sup>3</sup>. As a result, when the Justices' Clerk and other legal managers met with Cambridge solicitors, the Legal Aid Agency local contracts manager also attended. It was recognised that if this is implemented, it would impact significantly on the way defence firms would service custody courts. In the short term the Legal Aid Agency has undertaken to draft rotas from April on the basis of the new schedule, so that all firms in Cambridgeshire share duty work in Huntingdon and the firms who currently service Huntingdonshire are assigned to another court.

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<sup>3</sup> This is subject to judicial review at time of writing

## Conclusions

### In general

8. The Shadow JLG reviewed the responses for any fresh considerations and additional impacts which had not been foreseen. The original consultation contained a full explanation of the reasons for the design of the schedule, which we will not rehearse here. While most of the responses raised issues which had been identified and considered in the initial drafting of the schedule, there were some new points raised. Having considered all the points the JLG revised the schedule in their light.
9. Clearly the Shadow JLG could not address objections to proposals which it had not made. The proposed schedule would not substantially reduce the use of either Peterborough or Cambridge courthouse and is not a proposal to close either of them.
10. Some responses suggested that a countywide bench should not have been created, or that listing should continue on the basis of the three separate courthouses and in the interests of “local justice for local people”. However the single bench was created precisely to enable more flexible listing. Magistrates and judges are prevented by their judicial oath from administering justice differently from place to place, and from treating local people in a different way from other defendants, or acting in the interests of a specific section of society. Even before merger, there were only three magistrates’ courts in Cambridgeshire, and magistrates therefore already have to deal with cases across with a wide geographical area (as does the Crown Court).
11. The process of designing a court schedule to some extent resembles a Rubik’s cube; moving one thing has an impact on others. It is clearly necessary to fit the schedule around the resources of Her Majesty’s Courts & Tribunals Service and that is a key factor in the bench merger and revised schedule. It is also necessary to take account of the resources of other users. We must introduce the Transforming Summary Justice reforms and have properly loaded GAP and NGAP<sup>4</sup> courts sitting at the same time as far as possible. Where possible we need to take account of other calls on parties, for example county court hearings for local authority enforcement departments and MARAC<sup>5</sup> meetings for domestic violence specialists.

### Travel

12. The JLG was obviously aware of the increased travel for many participants, though also conscious that there are others who will experience no change or an improvement. It also sympathises with the doubts several respondents have expressed about the travel times in the consultation document. Some consistent method of measurement had to be used which could be independently verified, which is why Google Maps was used. We are aware that travel times could be longer than those shown, although we do believe they are not wildly inaccurate. In light of the responses we have reconsidered the question of travel.

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<sup>4</sup> Guilty Anticipated Plea (formerly EFH) and Not Guilty Anticipated Plea (formerly EAH)

<sup>5</sup> Multi Agency Risk Assessment Conference

## Consultation on the proposed changes to listing arrangements in Cambridgeshire

13. The JLG notes that no model proposed could exclude some long journeys, given that there are only three magistrates' courts in the county and that a significant minority of defendants do not live in Cambridgeshire at all. Given therefore that it is impossible to eliminate travel altogether it is necessary to balance the advantages of the proposed schedule against increased travel in some cases. The view of the JLG is that the advantages of centralising youth and domestic violence, in terms of the reduction of delay and concentration of facilities and expertise, outweigh the disadvantage of the longer distance to travel in the case of some defendants.
14. This view was supported by a significant proportion of respondents, particularly in relation to the specialist domestic violence court. Splitting domestic violence between Peterborough and Cambridge would double the workload of domestic violence advocates and specialist police officers in a way which would put the service at risk. It would also dilute the benefit of a specialist panel of magistrates dealing with all domestic violence cases in the county in a consistent way.
15. The increased frequency of youth courts for defendants from South Cambridgeshire was also supported by respondents in order to reduce delay and to increase the experience of youth magistrates. The decision then is which courthouse to use. No consideration could support the use of Cambridge courthouse for this business: more defendants live in Peterborough than any other part of the county and the JLG is aware that the journey east along the A14 in the morning is worse than the journey west. Huntingdon is a compromise in terms of distance but the courthouse has advantages of its own, in terms of full segregation for youth defendants and the quality of the building.
16. Whether defendants and witnesses would cause problems by failing to appear in greater numbers clearly has to be a matter of speculation at present, however the JLG was aware that this was not the result when Wisbech and Ely closed in 2011, and it has not been the experience in other parts of the country following court closures. In particular, Huntingdonshire youth court closed last year with all business going to Peterborough, but there has been no impact on attendance. It is therefore likely that if young people from St Neots or St Ives can get to Peterborough, young people from (say) Peterborough or March could make a similar journey to Huntingdon. We are also aware from a survey that most 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. Clearly the matter will have to be reviewed in the light of experience.
17. We also intend to explore mechanisms to enable defendants with genuine problems in arriving by 10.00 to come later. This already occurs to some extent informally, through defendants, particularly those from out of county, contacting the court and asking for a later start. However it requires further work to identify how to stagger start times in a more organised way. It is only achievable if there is sufficient work to ensure that courts will last more than an hour, which is likely to be the case in a centralised youth court but would often not be the case if the cases remained split between two sites.
18. The JLG anticipates increased use of video link to enable witnesses (both prosecution and defence) to give evidence at a site convenient to them, which could be a courthouse or police station. This will substantially mitigate the impact of travel on victims and witnesses. We are working with Witness Support to facilitate this and a multi-agency problem solving event has already taken place which identified solutions.

19. The impact of travel on magistrates will be mitigated by enabling them to specify a preferred court house and as far as possible their adult sittings will be assigned to that courthouse. Beyond that, the Bench chairman will consider individual claims for reasonable adjustments for example on the grounds of disability or transport restrictions.

### **Centralised custody courts**

20. The decision to move towards countywide custody courts is in line with developments in the rest of England and Wales, for example there is a single custody court for Kent. Calculations based on custody numbers in 2014 show that there is insufficient work for two custody courts in a day and the practice in the past has been to list custody cases in with other work. Because the number of arrested prisoners can never be accurately predicted, this can lead to courts being significantly overlisted, as was pointed out by a Cambridge solicitor in the course of the consultation. Holding either custody-only courts, or spreading custody cases across more than one court mitigate this risk. The proposed schedule makes use of both of these solutions on different days, depending on the other business listed in them. The creation, through TSJ, of GAP and NGAP courts provides suitable places to list the cases.
21. Solicitors in Cambridge particularly objected to the court on Monday being held in Peterborough since Monday is usually the busiest day for prisoners. However it was for precisely that reason that a dedicated custody court was scheduled for that day. The majority of prisoners are from Peterborough police station. To hold the court in Cambridge would subject the majority of prisoners to an unpleasant journey in a cellular van along the slower lane of the A14. Fewer prisoners would be making the slightly easier journey from Cambridge to Peterborough.
22. The Shadow JLG has however recognised the impact in terms of loss of business to Cambridge solicitors, at least under the current state of legal aid contracts, through three county-wide custody courts being held in Peterborough, and as a result has moved one of them to Cambridge, on a Tuesday. This has been enabled by moving an NGAP court from Friday to Tuesday and splitting the custody cases between that and the GAP court.
23. We have investigated the issue raised by Cambridge solicitors about custody facilities in Peterborough. It must be noted that cell-sharing is common in courts and prisons and is by no means unique to Peterborough. We have the advantage of a recent inspection of custody facilities in Peterborough by Her Majesty's Inspectorate of Prisons. No concerns about cell-sharing were raised, provided the escort service carried out a risk assessment first. It is already the case that all remands for the county are heard at Peterborough on several days a year and there have been no problems reported with overcrowding. On the basis of numbers last year, most prisoners will not be required to share in any event.
24. The fact that Peterborough, in common with many courts, does not have disabled access to the cells has long been known and the recognised procedure is for the defendant to be transferred to Cambridge, which will continue.
25. In relation to custody courts in general, the Shadow JLG is aware of a number of reforms which are likely to change the landscape significantly in the next twelve months. The reform of duty solicitor contracts is likely to change the focus of many defence representatives from individual towns and cities to the county as a whole. And HM Courts & Tribunals Service and Cambridgeshire Police are actively working to introduce

police station video links which will reduce the need for defendants in police custody to travel to court.

### **Other scheduling issues**

26. The Crown Prosecution Service raised a number of concerns about the number of courts and their distribution due to the profile of their part-time staff. A number of amendments have been made which we hope will meet their concerns, for example, moving all fortnightly courts to a Monday and moving the Friday NGAP court in Cambridge to Tuesday, which also enables the county's custody work to be heard there.
27. It was also recognised that having all the fortnightly trial courts on the same day made it easier for agencies to rota staff and cleared a day entirely for the Employment Tribunal which shares the courthouse
28. Cambridge City Council pointed out that the proposed non police court in Cambridge on Monday would clash with their booking with the County Court. We have therefore exchanged it with the DVLA and railways court on Thursday.
29. The other non-CPS prosecutors who responded requested that their work was centralised in a single court house which in fact was the intention of the Shadow JLG. This has already been the case for the past year and no problems have emerged.
30. Cambridge solicitors suggested that road traffic cases from the south of the county should be decentralised back to Cambridge. However the original change was made last year in line with national policy of the Ministry of Justice and the Home Office and the JLG can see no compelling reason to depart from it, particularly in light of the likely changes to this business, which will probably result in most cases being dealt with outside the courtroom from 2016.
31. In completing the review the shadow JLG identified that there was no obvious place for enforcement, and therefore assigned slots for probation breach and fines enforcement cases within the existing schedule.
32. With regard to the concern at young people being dealt with by unfamiliar staff from the Youth Offending Service, the JLG noted that the same officers from the YOS would continue to service the court in Huntingdon and that many defendants would be first offenders and therefore not familiar with court officers in any event.

## Finalised Schedule from April 2015

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

**(North)/(South)** cases assigned (when on bail, summons or requisition) to Peterborough or Cambridge courthouses respectively, see Annex B

**(County)** All custody cases in the county.

Fortnightly	Prosecuted by CPS	Non-CPS prosecutor or applicant	Family Courts
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## 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, the county is split in two for 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.

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 (sometimes called PACE courts) continue to be held on Saturdays and Bank Holidays in both Peterborough and Cambridge to deal with people held in custody by the police. It is likely that this will be reviewed in the next 12 months.

All cases categorised by the police as domestic violence will be heard in Huntingdon courthouse.

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 be centralised in Cambridge. Prosecutions by the railway companies of Cambridgeshire cases will also be centralised in Cambridge. In addition two courts, one in Cambridge and one in Peterborough, will be held weekly for other non-CPS prosecutors with business centralised for each prosecutor in one or the other. Time will also be made available at the close of other business in Huntingdon for Huntingdonshire Council's cases.

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 (other than youth and DV) will be listed in the court where the case starts (either Peterborough or Cambridge) they could be moved to better meet the needs of the parties or to minimise waiting times.



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

## Annex A – List of respondents

- Alan Charlton Williams JP
- HH Judge Green, Designated Family Judge for Cambridgeshire
- Susan Grossey JP
- Terry McCarthy JP
- David Bredin JP
- Alison Finn, Member of public
- Dr Rosemary Spencer JP
- Tony Lewellyn, Network prosecutions manager DVLA
- Roger Alpress, Court Associate, HM Courts & Tribunals Service
- Anna-Lise McDonald, Environment Agency Solicitor
- Joanna Melton JP
- Joan Tiplady JP
- Ismail Abdulhai Bhamjee, member of public (response did not address the issues)
- Judy Roland JP
- Sarah Asbrey, Senior Crown Prosecutor
- Kevin Jay, Cambridge City Council Local Taxation Manager
- Ian A J Balmer JP
- Sarah Steed, East Cambridgeshire District Council, Solicitor Legal & Domestic
- Matthew Wynn, South Cambridgeshire District Council, Rent & Recovery manager
- Mike Fadyzean, Cambridgeshire Police
- Catherine Tulk, Senior Legal Adviser, HM Courts & Tribunals Service
- Liam Easton, Head of Offenders Service, Peterborough
- Colin Miles, Peterborough City Council; Lawyer for Governance Directorate
- HH Judge Richard Byrne, Regional Employment Judge
- Mary Duff JP
- Rosalind Lund, Cambridgeshire Youth Offending Service
- Tracey Croucher, Witness Services
- Richard L Guy JP
- Dr IT Kilvington-Shaw JP
- Monica Lentin, solicitor
- Jacqui Appleton, solicitor
- Cambridge & Peterborough Bar Mess
- Group response from solicitors in the Cambridge area
- Stephen Barley JP

## Annex B: Map of county, courts and charging police stations

### CAMBRIDGESHIRE



**Note:** police stations and courts are not co-located.





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