THE LONDON ADVOCATE

THE NEWSLETTER OF THE LONDON CRIMINAL COURTS SOLICITORS' ASSOCIATION

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My message in the last edition of The Advocate spoke of a return to normality in the first half of 2021. Thankfully, that still appears to be an achievable goal, although from a mid-Lockdown 3 perspective what many of us might accept, even embrace, as "normality" is likely to be quite different to our pre-March 2020 existences. Nevertheless, just to be able to spend time again in the company of family, friends and colleagues will be so valuable.

Day-to-day criminal defence practice, however, continues to be fraught with difficulty. Many practitioners are understandably troubled about the safety of the courts, prisons and police stations are too often met with indifference or inflexibility: from the withdrawal of videolink first appearances from the police station, to on-going problems with over-enthusiastic court security, to the absence of CVP support in far too many places, and reports of benches being unreceptive to requests from duty solicitors to conduct slots remotely. The Association is working hard to resolve these concerns - the President and Committee members contribute to a wide range of CJS stakeholder and practitioner meetings - and urge members to keep reporting any issues.

Turning to the contents of this edition, we bring you a number of topical articles by members of the criminal defence community, covering Criminal Behaviour Orders and the overreaction to drill music, a ready-reckoner on the post-Brexit extradition arrangements and an analysis of the issues that arise when defendants who become adults between offence and conviction, or between conviction and sentence. Rounding off, Bruce Reid turns his acerbic gaze on life in the Mags in the time of Covid. I hope you find it all an interesting read. As ever, feedback or contributions from readers are welcomed.

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LCCSA NEWS

LCCSA PRESIDENT FEATURED IN THE TIMES

THE TIMES

On 28 January, Mark Troman was the subject of the "in conversation" column in the law section of The Times:

https://www.thetimes.co.uk/article/they-want-us-in-court-to-keep-the-system-moving-but-wont-recognise-the-danger-with-funding-tjwxhkr5f (paywall, or register for one article per week free)

The interview covered the exodus of criminal defence solicitors and the deleterious effects of the pandemic on firms' "financially perilous state" as well as the risks posed to court users' health by unsafe court estate. Mark stressed the urgent need for an immediate funding boost notwithstanding the criminal legal aid review (of which for more information see below), and condemned both the proposals to reduce the size of juries from twelve to two and the Home Office refusal to fund on-going videolink hearings from police stations to magistrates' courts.

MAGISTRATES' COURTS AND ADHERENCE TO SAFETY: ONGOING MONITORING

Please continue to report any concerns you have about your experiences at court so that the Association can raise them with Head of Legal Operations for London. Serious breaches and concerns should be put in writing

to local operations managers for the court in question. Conversely if things are done well in one court, by contrast to another, please include this so we can ensure there are no anomalies across the region:

https://forms.gle/L5PQFJzBpLYfstfb9

ID CARDS

From 1 February any solicitor from any specialism can apply for an identity card for use at most courts and tribunals in England and Wales. They do not have to join the association to obtain a card. Applications can be made on our website https://www.lccsa.org.uk/selecting the *Members* tab on the menu and then *ID card – Solicitors*.

Those members who have applied to upgrade their current police station identity card for use in courts should by now have begun the receive them.

HMCTS continue to expand the number of court venues that allow professional users priority entry with our identity cards. Not all venues are part of the scheme yet but a full list is available at the following link (so if you only attend a limited number of courts then it is worth checking before applying):

https://www.gov.uk/guidance/hmcts-professional-users-access-scheme-participating-courts-and-tribunals

Identity cards for use in police station custody suites are still available to accredited police station representatives. Again, the application form is online.

Please share this news with colleagues in your firms who might be able to benefit from the priority access scheme.

LATERAL FLOW TESTS

HMCTS are inviting all staff and professional court users to make use of local authority LFT facilities that provide results in around 30 minutes.

A link to their message and a list of courts and nearby testing centres can be found here. We and other organisations have called for on-site testing and we understand this is under consideration. Feedback on this proposal is welcome, will it work for you and your local courts? Has anyone tried it and is it quick and convenient? Prisoners in HMPs Pentonville, Wandsworth and Wormwood Scrubs are all being screened using LFT devices prior to production to courts as part of a pilot scheme.

PSR BEFORE PLEA PROTOCOL

Last October we shared this protocol and request form (https://www.lccsa.org.uk/psr-before-plea-protocol/) to introduce a national pilot in conjunction with the National Probation Service. NPS are seeing increased waiting times for PSRs caused by the pressures of the pandemic. The courts are keen to increase the use of on-the-day stand-down reports but are mindful of increasing footfall levels by having defendants and their lawyers wait around. This makes the pilot scheme a valuable option which we should all support. It is however contingent on prompt service of IDPC and funding being in place. Please also use the form to provide examples of where late service of evidence or irrational legal aid refusals frustrate your attempts to make use of the scheme.

CLAR PANEL ANNOUNCED

The Ministry of Justice has named the panel of legal experts appointed to test and challenge the recommendations made by the independent review into criminal legal aid, which is being led by Sir Christopher Bellamy, a competition lawyer and former judge.

The panel includes Richard Atkinson, former chair of the Law Society's criminal law committee; Bill Waddington, former CLSA chair; and Margaret Obi, solicitor and deputy High Court judge.

The panel is intended to report by the end of the year alongside the government's response to CLAR.

The full list of panel members: Sir Christopher Bellamy QC (chair), Professor Sue Arrowsmith QC, Richard Atkinson, Kate Aubrey Johnson, Professor Chris Bones, Dr Natalie Byrom, Jo Cecil, Anita Charlesworth CBE, Professor Dame Hazel Genn DBE, QC (Hon), FBA, LLD, The Right Honourable Baroness Hallett DBE, Neil Hawes QC, Dr Vicky Kemp, Professor Stephen Mayson, Margaret Obi, Crispin Passmore, Professor Neil Rickman, Bill Waddington, Dr Kevin Wong.

COMMITTEE MEETINGS

The LCCSA committee meets on the second Monday of each month at 6:30pm, for the foreseeable future, by telephone or video-conference. All members are welcome so if you wish to participate please contact the editor or Sara Boxer.

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ARTICLES

DEFENDING DIGGA D: CRIMINAL BEHAVIOUR ORDERS, REHABILITATION AND CULTURAL CENSORSHIP

Ella Jefferson of Bindmans examines some of the issues raised in the BBC Three documentary "Defending Digga D", which provides viewers some insight into the realities of life as an offender newly released from prison and on licence in the community.

Rehabilitation purports to be one of the cornerstones of the sentencing process but all too often we see focus placed on punishment and not enough on how, in practice, we can rehabilitate offenders and reduce crime in the process. This documentary perfectly captures how restrictive a life on licence can be, the pressure offenders are under to comply with various aspects of their sentence and the consequences of even objectively minor transgressions. The focus of the programme relates specifically to the ancillary Criminal Behavioural Order (CBO) imposed on Digga D following his conviction for conspiring to commit violent disorder. He was sentenced to a prison sentence as well as the CBO.

Prior to his conviction and sentence, Digga D was emerging as a successful and popular young drill artist. Digga D's CBO required him to notify the probation service and police of the release of any audio and/or visual material in which he knowingly appeared within 24 hours of its upload. He was also required to run the lyrics of any new material past the police and not publish any music that "incite[d] violence". So, what is a CBO and is its use in this context a form of cultural censorship?

What is a CBO?

A CBO can be imposed after an offender has been convicted of an offence, as part of his/her sentence. A court cannot make a CBO of its own volition. An order can only be made on application from the prosecution and is usually made by the prosecution following a request from the police or, in some cases, the council. A CBO can actively require an offender to do certain things and equally, can prohibit an offender from doing certain things. Even youths can have a CBO imposed on them following a conviction, as long as the local Youth Offending Team has provided their views on such a step.

As regards the terms of CBOs, for youths a CBO must be imposed for a minimum term of 1 year and no longer than 3 years. For adults a CBO must be imposed for a minimum of two years and can have no specified end date.

When can the Court impose a CBO?

The Court can impose a CBO if they are satisfied to the criminal standard (beyond reasonable doubt) that:

1. The offender has engaged in behaviour that caused or was likely to cause harassment, alarm of distress to any person; and
2. The court thinks that making the order will help in preventing the offender from engaging in such behaviour.

What are the grounds for opposing a CBO?

If the Prosecution are looking to make an offender the subject of a CBO, they will be able to make representations objecting to its imposition. These arguments will likely turn on the reasonableness and proportionality of the requirements/prohibitions sought by the prosecutor. The police/local authority must provide evidence to support the request for a CBO- i.e. a statement from the police, which summarises the offender's offending history, an up to date record of the offender's previous convictions, any views of the Youth Offending Team etc.

What kind of things can the order (a) prohibit an offender from doing and (b) require an offender to do?

Examples of positive requirements include requiring an offender to attend a particular course or to engage with a particular service. Prohibitions can include not associating with named individuals, not attending a particular area; not wearing hooded clothing, not being in possession of an unregistered phone and restricting social media usage. There does not exist an exhaustive list of requirements and/or prohibitions, meaning that there is a great deal of flexibility in terms of what the eventual CBO might look like. However, the Court must only impose requirements/prohibitions that are **proportionate and reasonable**. The prohibitions and requirements according to the sentencing guidelines should, as far as practicable, avoid interference with times an offender would normally work, attend school, or other educational establishment/conflict with any court order.

What are the consequences of breaching a CBO?

If an offender subject to a CBO fails to comply with the prohibitions/requirements set out within the order they could be committing an offence unless they have a reasonable excuse for their actions. Again, there is no set definition of what constitutes a "reasonable excuse" but for example if one of the prohibitions prevent an offender from going to an area and for reasons out of their control, i.e. an emergency, they are compelled to go to that area, that is likely to be a reasonable excuse capable of amounting to a defence.

What are the appeal avenues available to those who are the subject of a CBO?

If a CBO has been imposed following Youth or Magistrates Court proceedings, there is an automatic right of appeal to the Crown Court as the CBO forms part of the sentence. If the CBO has been imposed following Crown Court proceedings, a defendant must apply for permission to appeal the CBO to the Court of Appeal. Both an offender that is the subject of a CBO and the Prosecution can apply to vary or discharge the CBO in appropriate circumstances. This means that the conditions of the CBO can be made more stringent or relaxed on application from either party.

Commentary

As is the case with gang injunctions, CBOs impact certain factions of society more than others. When used to police particular genres of music- the cultural significance and meaning of which may well be lost on a mainstream audience- CBO's represent a real threat to freedom of expression felt most heavily by individuals who already feel as though they don't have a voice.

Drill is a genre of music that originated from the U.S. but has in the last few decades become a fixture of British culture, particularly within the black community. Many young artists have found fame and indeed fortune through releasing home-recordings and videos of their music on YouTube and other platforms. There is no doubt that these platforms represent a democratisation of the music industry that has allowed artists without 'contacts' to achieve success. The genre offers a voice to a marginalised group within society, allowing them to document the reality of the communities within which they live, or have lived. Drill music has been criticised for its use of expletives, references to violence and criminality and many have argued a link between offending and it as a genre. Whilst drill music might not be everyone's cup of tea, is such an argument not conflating the coexistence of violence and drill music with causation? Drill music isn't the first genre that has been accused of glorifying and inciting violence. The same argument was made about grime and before grime, about garage music. It leaves one contemplating whether some of the rock and roll protest anthems actively encouraging revolution during the 1970s and 1980s would be similarly criticised today for inciting violence, or whether this is another example of discriminatory policing. Does drill music or indeed any music, actually incite or encourage violence? Are violent lyrics any different to violent video games or films?

One thing is clear: individuals who have served prison sentences already struggle to break into the employment market upon their release from prison. Where CBOs specifically seek to restrict an artist's ability to create and perform, they add another barrier to an already competitive industry; discouraging studios, record labels and branding companies from engaging the artist's services. Digga D is clearly an insightful young man who recognises the reality of the cycle of violence of crime and offending and desperately wants to break away from it. His music allows him to do that. Breaking the cycle of reoffending can only come through genuine rehabilitation, ensuring that individuals have the tools and freedom to make income legitimately and, in this case, leave the toxic environment that they document in their songs, behind. Digga D's manager put it best when he said of Digga D's music: *"this is his form of rehabilitation; this is his way out".*

Ella Jefferson is a Solicitor in the Criminal Defence and Extradition Team at Bindmans. She represents a broad spectrum of individuals throughout the criminal justice process.

https://www.bindmans.com/our-people/profile/ella-jefferson

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EXTRADITION POST-BREXIT: THE TCA AT A GLANCE

The potential fallout from Brexit for extradition and cross-border criminal justice security had been forewarned even before the first vote was cast in the Referendum. The risks to the UK of losing access to SIS II and complicating a relatively simple (albeit not perfect) EAW process were highlighted by many practitioners, law enforcement agencies and politicians. Áine Kervick of Kingsley Napley explains where we now stand.

On 31 December 2020 the Transition Period ended. The UK-EU Trade and Cooperation Agreement (the TCA) was agreed at the final hour on 24 December 2020 with Part III of the TCA dealing with law enforcement and judicial cooperation. Part III is incorporated into the Extradition Act 2003 and is, for the most part, consistent

with the system that operated under the EAW scheme with some notable differences.

What are the key differences?

- The TCA refers to "Arrest Warrants" (AWs) rather than EAWs;
- Any EAWs issued prior to 31 December 2020 will be treated as AWs;
- The TCA does not apply to EAW cases where an individual was arrested or extradited prior to 31 December 2020. The 2003 Act will continue to apply to those cases, in its unamended form (Polakowski v Westminster Magistrates' Court [2021] EWHC Civ 53 (Admin);
- The EU 27 and Gibraltar remain Part 1 territories;
- Norway and Iceland are now Part 2 territories and will require the additional processes that this designation brings;
- The principle of proportionality will apply to both accusation and conviction warrants. Under the EAW scheme, this only applied to accusation warrants (under section 21A Extradition Act 2003);
- Diplomatic assurances are enshrined (Art. 84);
- The CJEU jurisprudence will no longer apply to the UK in respect of AWs under the TCA (although Member States will remain bound by its jurisprudence and this will likely have some impact on the UK). The TCA specifically confirms that UK and CJEU interpretation of the TCA will not be binding on the other (Art. 13(3));
- The Specialised Committee on Law Enforcement and Judicial Cooperation (SC-LEJC), made up of UK and EU officials, will oversee the operation and implementation of the Part III measures;
- If the UK should denounce the ECHR or Protocols 1, 3 or 16 thereto, all criminal cooperation under the TCA will halt (Art. 136(2)).

Bars to extradition?

- The UK will require dual criminality in all cases (save for group terrorism, drug trafficking and serious violence – Art. 79(3));
- Nationality bar (Art. 83) – this is an opt-in bar. Germany, Austria and Slovenia exercised this during the transitional period and are expected to continue this under the TCA;
- Political offences – there is no bar for political offences save for specific terrorism related offences where the UK or a Member State notifies the Special Committee of an intention to rely on this bar.

What have we lost?

- Mutual trust and confidence: there is no reference to the principle of mutual trust or mutual confidence in each other's legal systems which was such a core principle under the EAW scheme;
- CJEU jurisprudence. It is a difficult time for practitioners who were admiring of the CJEU jurisprudence; happier times of course for its critics. We anticipate many arguments pointing to its continued relevance and significance notwithstanding that it is no longer binding;
- One of the biggest practical losses is access to SIS II. We have written about SIS II here. This is the information sharing system amongst all EU 27, Norway, Iceland, Switzerland and Lichtenstein which provides for real time information sharing from police databases. Requested persons were routinely identified during traffic stops. It was used an estimated 600 million times per year by the UK. The use of Interpol red notices and information systems as a replacement is less efficient and more cumbersome;
- We are no longer a member of Europol and Eurojust;
- Now the UK is outside the EU its requests will not be prioritised as they would under the EAW scheme and this may result in delays in incoming transfers;
- The TCA does not provide a mechanism to replace the Framework Decision in respect of custody transfer between Member States;
- There is no mechanism for pre-trial bail conditions to be enforced in another territory. Whilst European Supervision Orders were rarely used in practice pre-Brexit, they offered a useful mechanism to protect fundamental freedoms, particularly in the case of less serious offences where Member States might have been more willing to use them.

The TCA's incorporation into the Extradition Act 2003 offers some clarity to practitioners as to the process to be followed and is certainly preferable to a no deal scenario but it is too early to see what the practical impact of the changes will be. We expect interesting legal challenges at each stage of extradition proceedings under the new arrangements as practitioners, the courts and criminal justice agencies grapple with the changed regime.

Áine Kervick is an associate in the criminal team at Kingsley Napley, with particular expertise in representing children and young

people and advising on the international dimension of criminal cases

https://www.kingsleynapley.co.uk/our-people/aine-kervick

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"A TALE AS OLD AS TIME": CROSSING THE SIGNIFICANT AGE THRESHOLD INTO ADULTHOOD

In reviewing the case of R v T [2020] EWCA Crim 822, Chloe Birch, counsel at Carmelite Chambers, sets out the considerations for those who turn 18 between commission of an offence, date of conviction, and sentence.

Sentencing in the Youth Court is governed by Youth Sentencing Principles, which are - for understandable reasons – different to those which govern the adult sentencing regime. When sentencing young people in the criminal courts, tribunals must have regard to the principal aim of youth justice: to prevent offending by children and young people. The focus is on rehabilitation where possible – so say the Overarching Principles of the **Sentencing Children and Young People Definitive Guideline**.

But, what about those who commit an offence as a young person of 16 or 17 years old and are 18 by the time of conviction? Should they be sentenced as the adult they have become, by virtue of their numerical age, or as the child they were when the offence was committed?

What about co-defendants who are still 16 or 17 years old, or younger? Is it right that they are sentenced principally considering their rehabilitation and the prevention of re-offending, whilst their friend is dealt with as an adult?

What if the delays in the case which mean a defendant has turned 18 years old before sentence, are through no fault of theirs?

R v T [2020] EWCA Crim 822

In the recent case of **R v T [2020] EWCA Crim 822**, the Court of Appeal considered the disparity in sentence between defendants who had taken part in committing the same offence but were dealt with separately for sentence in the Youth Court and the Crown Court.

The case began as an allegation of section 18 GBH with intent against six youth defendants – all of varying ages: the youngest being 14, and the oldest being the appellant, T (who was 17 at the time of the offence). The six youths appeared before the Youth Court for their first appearance on 27th August 2019, when their case was sent to the Crown Court. The first hearing – as per the normal timescales – at the Crown Court, was 24th September 2019, which happened to be T's 18th birthday. The Crown indicated that if the defendants who had caused the complainant's fractured cheekbone, and produced the knife and committed the stabbing, were to plead guilty to the GBH offences, pleas to s4 Public Order would be available for, and acceptable from, the remaining defendants – including T. T had no control over the pleas of the others.

The two leading offenders did plead guilty to the GBH offences, but not until November 2019 – by which time T was 18 years and 2 months old. Once these pleas were formally entered, pleas to s4 public order were accepted from the remaining defendants, all of whom – apart from T – were remitted to the Youth Court for sentence. Even the two who had pleaded guilty to GBH. Because T had entered his guilty plea as an adult, he remained in the Crown Court for sentence. He was the only one over 18 years old at the date of the pleas being entered.

T was sentenced to an 18-month Community Order with what the Court of Appeal called "substantial requirements".

The remaining co-defendants were all sentenced at the Youth Court. Under the youth sentencing principles, because they had pleaded guilty to a first time offence, they were all entitled to a Referral Order – which all of them received – even the two who had pleaded guilty to fracturing a cheekbone and stabbing. T's role was far less serious than either of these, and yet his sentence was more onerous. The other offenders who, like T, had pleaded guilty to section 4 Public Order received Referral Orders of 3 months in length. Of note, the stabber had since also turned 18 years old – after the case had been remitted to the Youth Court for sentence.

T appealed his sentence on the grounds that it was manifestly excessive compared to the sentences imposed on the co-defendants.

Authority indicates that turning 18 is *not* a "cliff edge" in sentencing. In **R v Clarke [2018] EWCA Crim 185**, the Court of Appeal said that "*reaching the age of 18 has many legal consequences, but it does not present a cliff edge for the purpose of sentencing*" [paragraph 5] and that youth and maturity can be "*potent factors*" [paragraph 39] in determining sentence. But T's case is a vivid example of how unjust disparity still features – particularly in multi-handed youth/young adult cases.

Sentencing Council Definitive Guideline

The important date is that at which there is a "finding of guilt", whether by plea or conviction. At paragraph 6.1 of the Overarching Principles, it is noted that *"there will be*

occasions when an increase in the age of a child or young person will result in the maximum sentence on the date of the finding of guilt being greater than that available on the date on which the offence was committed."

In such situations, continues the Guideline, *the Court should take as its starting point the sentence likely to have been imposed on the date at which the offence was committed.*

This includes young people who have not merely increased in childhood age, but who attain the age of 18 between the commission of the offence and the finding of guilt. When this occurs, the purposes of sentencing adult offenders have to be taken into account, which are:

- the punishment of offenders;
- the reduction of crime (including its reduction by deterrence);
- the reform and rehabilitation of offenders;
- the protection of the public; and
- the making of reparation by offenders to persons affected by their offences.

The case of *R v Ghafoor (Imran Hussain)* [2002] EWCA Crim 1857 sets out these points which are reflected in **s142 Criminal Justice Act 2003.**

Paragraph 6.3 of the Definitive Guideline states that when any significant age threshold is passed "*it will rarely be appropriate that a more severe sentence than the maximum that the Court could have imposed at the time the offence was committed should be imposed."* However, a sentence at – or close to – the maximum may be appropriate.

In the case of **R v Amin [2019] EWCA Crim 1583**, the Court of Appeal considered the case of Amin who was 17 at the time of commission of the offence but 18 at the time of conviction. Allowing the appeal, they quashed a sentence of 4 years' detention for a Detention and Training Order of 24 months. In that case, assessing the line of authority on this point and with reference specifically to section 6 of the Definitive Guideline, the Court reiterated that although it is not the sole factor, the age at the time of commission of the offence is a significant factor to take into account and remains the starting point for the sentencing tribunal.

Similarly, in *R v Obasi* [2014] EWCA Crim 581 [paragraph 6] the Court observed: "*with respect to an offender who has crossed a relevant age threshold between the date of the offence and the date of conviction, culpability is generally to be judged by reference to the offender's age at the time of committing the offence*".

Court of Appeal – R v T

Turning then to the judgment of the Court of Appeal in the case of T, setting out the considerations of disparity [paragraph 18] they remarked, adapting the well-known test of Lawton LJ in *Fawcett* [1983] 5 Cr.App.R. (S) 158: *"looking at the matter in terms of disparity, the question is whether a right-thinking member of the public would consider that something had gone wrong with the administration of justice when this appellant received a substantial community sentence with significant requirements attached to it, yet his co-accused received shorter and less onerous Referral Orders instead, including in particular, a defendant who was only three months younger and who had pleaded guilty to the much more serious offence of inflicting grievous bodily harm".*

Having read Probation reports of T's engagement with the Community Order in the time awaiting Appeal, the Court of Appeal sought to achieve parity with the Referral Orders imposed on the co-defendants by reducing the length of the Community Order, and quashing its additional requirements.

"That said" – said the Court of Appeal - *"the real problem in this case arises simply from the accident of the appellant's age and the timing of the relevant court appearances, which has resulted in the cliff edge of an adult sentence at the age of 18".*

The "accident" of T's age and the timing of court appearances is of particular concern knowing, as we do, about the delays and likely case timeframes in 2021 criminal justice. It highlights the huge impact that even the shortest of delays can have on how young people are dealt with by the courts, and how wary youth practitioners must be before time is allowed to elapse unnecessarily.

Wider impacts include rehabilitation periods of adult sentences which are much greater. Although in effect T will have engaged in the same rehabilitation work with Probation as his co-defendants did with the Youth Offending Team, the Community Order will take an additional year to be "spent" in terms of his criminal record, compared to a Referral Order which is spent as soon as it is complete. Similarly, the point of release from imprisonment, and the length of time defendants are subject to the Sex Offenders' Notification Requirements are also greater.

Of course, defendants who are accused of offences can cross the significant age threshold of 18 between the date of commission of the offence and the first court appearance. In that instance, the Youth Court has no jurisdiction to hear the case at all. Small impacts such as lack of access to YOT, the physical layout of the courtroom, the company of an appropriate adult, may all make a material difference to the experience of a very

young adult in a criminal court, perhaps for the first time. The concept of RUI means it is increasingly the case that the timescales of police station cases are extended by months, if not years. These currently involve no fast-tracking provisions for young people, including those approaching their 18th birthday. This can also preclude young people from being eligible for youth cautions or out-of-court disposals designed to triage them away from the criminal justice system at the earliest stage.

In a time where, unfortunately, the timelines of the relevant court appearances *are* likely to cause a cliff edge of adult sentencing for youths who find themselves in the adult court arena – particularly those in multi-handed cases where control over proceedings is not all theirs – the 18th birthday of youth clients should be as important to youth practitioners as it is to youth defendants themselves. We must be ready to ensure that, despite their numerical age, young people who commit offences as young people are appropriately dealt with as just that.

Chloe Birch is one of Carmelite's newest junior tenants. She has a very busy Youth Court practice. She is Vice-Chair of Women in Criminal Law, and a Middle Temple scholar.

https://www.carmelitechambers.co.uk/members/chloe-birch

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BRUCE REID

IMPROVED SAFETY MEASURES IN MAGISTRATES COURTS IN THE GREATER LONDON AREA

FELIX MANSFIELD (Defence) – Selina! Where have you been? – looking fit!

SELINA STOAT (Prosecutor) – Thanks Felix. Hello to you too, Squirrel - I've been doing live links – Keep Fit workouts instead of a commute and knitting all the way through the hearings. Fix the camera angle and DJ Honeybun can't see I am half way through a jump-suit. If he complains about the needles constantly clicking I tell him I have a loud keyboard. Good to be back! I am surprised anyone's alive down here, although it's difficult to tell with zombies…..

(Pause)……..It's a joke, Squirrel; but you do you look a bit miserable?'

SQUIRREL NUTKIN (Defence) – Yeah I am. Struggling with my alcohol problem……'

FM – Good Lord! You poor thing – have you seen The Law Society about it? I am sure they can help….

SN – Didn't know they had an off licence……

Besides, I have only had it since this morning, I've got "Next On Syndrome" - a state of terminal boredom – Court 8 seem to have collectively congealed. The Legal Advisor doesn't help – I know the trial forms get longer and longer but I can't see why she needs the name of the Defendant's Labrador….

FM – It's a PET form…..!

SN – Ho, Ho, Ho! It's your round…….still, it occupies the time waiting for the Brixton van to arrive.

FM – Me too, Walworth's stuck behind a truckload of langoustines rotting on the M25, courtesy of Brexit. The fishermen have sworn to blockade until the smell reaches Parliament.

SN – Tough competition with the Brixton van, if that stays there much longer.

SS - Got any bail cases? You could get rid of some of those? Larry Lizard's in the lobby, surprised he hasn't got strategic COVID. I'd strike while the iron is hot if I were you…..It will be Drug O'clock in few minutes and he'll be gone.

FM – Nah, he left 'cos the wait outside was too long; we've got Wimbledon security doing a guest spot. I've got an Instagram of him standing around freezing in his boxers whilst they're searching the third set of tracksuit bottoms; told me to forward it to the Court store and you personally if there's any noises about a warrant……

What was it that the Lord Chief Justice was waffling on about? Bet he hasn't been in a Magistrates Court since Pupillage. Reducing footfall in the Courts? A presumption that every case will be remote? Now I get it - so he's not producing any of the punters at all. And then Wimbledon blocks anyone who has a sharpened pencil at the door.

But that means that half the Supporters Club won't get in the building, so at least my life is a bit quieter. Justice continues – sort of…

(He looks out the window and muses.)

Wait a minute…..who's the dude with the long white hair outside? The one pushing my man's family about? Bit tasty for an old guy – you don't shove a Camberwell crowd about like that…..

MAN WITH LONG WHITE HAIR – Stand back! Form an orderly line 2 metres apart! Those are the Regulations and I am telling you to obey them or an adverse inference will inevitably follow…..!

(He brandishes a roll of black and yellow tape with an imperious look and proceeds to fix it across the entrance.

Wimbledon Security look on approvingly…..although they don't do much…..)

ASSORTED REPROBATES (In varying hostile chorus) - Think you're hard, do you Grandad? Who are you pushing?.....'

There follow various imprecations as to parentage and dubious sexual proclivities with close family members rounding off with the final menacing threat – 'We're ****ing Millwall!!!'

MWLWH – Now, it happens that I am a football supporter myself, my good fellow……Ouch! ….Let go! Unhand me…..!!

SN (Alarmed) - Use your glasses, Felix, that's a wig he's got on! It's the Lord Chief Justice on a Fact Finding Mission! Oh no!, Now they're accusing him of being a West Ham supporter; there's about to be claret on the carpet. Scramble! We've got to get him out of there!'

Selina double drop-kicks the two leading assailants with a blow worthy of a leather cat-suit and then, exercising skills usually demonstrated by UN Peacekeepers, Felix and Squirrel manage to extricate His Lordship from imminent dismemberment. They do so largely by assuring the crowd that they will use the black and yellow tape to truss him up quietly out of harm's way and then promise to have a quiet word to make sure that the tribe's errant relative gets to the match untroubled by Judicial intervention...

SN – Neat work, Selina! Where did you learn that?

SS (Arching an eyebrow) – 'Ladies Keep Fit' has moved on since you used to ogle it, Squirrel….."

FM (Dusting himself down) - You OK, Your Lordship?, Now we all appreciate the commitment of the Higher Judiciary, and in particular your personal efforts to help in a universal crisis but……but, like, we all need to be careful…..This isn't Kansas anymore……Look, we got the wig back….. and don't worry we'll get you to a medic, there's one in the cells.

SN – Medic? What medic? The Psychiatric team could do some first aid but they don't come any more since COVID….

FM – No, but the Nightingale ICU in the cells will take him in and patch him up. New HMCTS initiative, Squirrel: there's so many cases in the cells it saves on transport to Guy's, which is now even harder to get into than this place. The rotting langoustine log-jam means the ambulances can't get through, so they figured they'd bring the hospital to us. He'll have to wait for a couple of List Callers to get off the ventilators but he'll be fine.

If you ask the Nurses nicely they will give you a whiff of oxygen – that will wake you up to face Court 7 – the Olanzapine's pretty useful too…….

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