Justice Committee

Scottish Court Service recommendations for a future court structure in Scotland

Written submission from Fife Council

Introduction

Fife Council (“the Council”) is of the view that Cupar Sheriff Court should not close. They respectfully submit that any benefits in relocating Court business from Cupar to other venues is outweighed by the substantial negative impact of closure. They request that the following points be taken into account:-

1. The Council understands that it is proposed that the majority of the business normally undertaken at Cupar Court will transfer to Dundee. The Council is concerned that the perspective of partner agencies has not been fully acknowledged in this decision making process and the Council has concerns about the impact on the relationship between Fife citizens and the Courts.

2. The Council questions whether the projected savings to public funds will be achieved, particularly in view of the resource implications for other public bodies.

Criminal Business

3. The Council considers that the relocation will be detrimental to individuals accused of criminal offences and other members of the public involved in the process.

4. The effect on witnesses or accused persons will be significant in terms of increased travel and inconvenience. The Council is concerned as to the issue of jury selection which is normally taken from the population where the jury sits. They consider that there is a threat to the principles of community justice and trial by ‘peers’ if accused persons from the Cupar area are tried by juries comprised from individuals from other areas.

5. There is concern based upon SCS figures (178 indictments at Kirkcaldy/91 at Dunfermline and 65 jury trials at Kirkcaldy and 23 at Dunfermline) in relation to capacity of remaining Courts to process this volume of business expeditiously. There may be a negative impact on agencies, both statutory and voluntary, systems and processes resulting in delays in justice being administered.

6. The main impact will be upon Court users and specifically Fife citizens who will have to travel further to access certain services. The increased travel requirements will have a disproportionately detrimental impact on persons on low income and from disadvantaged and rural areas in terms of cost and inconvenience. More specifically individuals with caring responsibilities (who are more likely to be women) may be adversely affected in relation to certain
types of cases such as domestic violence or sexual abuse where victims may be particularly vulnerable. There may be increased anxiety in having to travel further to give evidence.

7. Similarly young people and children involved in Court proceedings, may find the increased travel time stressful. In relation to child protection issues where time is of the essence in submitting requests for child protection orders, the increased travelling time may lead to increased risk of harm.

8. Individuals with disabilities may find the increased travelling difficult.

9. Individuals with substance misuse issues subject to Drug Testing and Treatment Orders may find themselves detrimentally effected by the move.

Civil Business

10. If Cupar Sheriff Court is closed there will be significant resource implications for the Council. At present the Council has a significant amount of civil business, most of which it understands will be relocated to Dundee. Such business includes child protection work and debt recovery. The proposed relocation of such civil business will require Council officers such as solicitors, social workers and other professional staff to travel further in the course of their business. This will have cost and efficiency implications for the Council.

11. The Council is also concerned that members of the public may be discouraged from raising proceedings if they have to travel further to attend Court, thus restricting their access to justice.

General Issues

12. The increased travel requirements generated by the proposed closure will potentially impact upon the Council's policy and drive towards reducing carbon emissions in Fife.

Conclusion

13. The Council’s preferred option is that a range of business should be retained at all existing Courts in Fife. Alternative solutions, for example progressing the development of a Justice Centre for Fife that meets the need to provide suitable Court and other services in Fife and video conferencing should be developed to reduce pressure and drive efficiencies.

Fife Council
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