Justice Committee

Scottish Court Service recommendations for a future court structure in Scotland

Written submission from North Lanarkshire Council

I enclose response on behalf of North Lanarkshire Council's to the Justice Committee's request for views on the recommendations in 'Shaping Scotland's Court Services' together with (1) the Council's response to the Consultation dated December 2012; and copy letter to the Scottish Courts Service dated 8th May 2013 and relevant enclosure.

Council's response to the consultation

The main response can be found here:

Additional comments

Closure of Motherwell and Cumbernauld Justice of the Peace Courts will equate to a considerable loss of income to the Council.

North Lanarkshire Council believes that the closure of Motherwell and Cumbernauld Justice of the Peace Courts will constitute a serious reduction in the availability of summary justice in North Lanarkshire. One of the principles of the summary justice system as it existed was to dispense justice within local communities and much of this principle will be lost by what is proposed, both for those in the justice system and those who have dealings with it.

As was made clear in our response to the Scottish Courts Service consultation, we have serious concerns about these proposed changes. We do not believe that access to justice is served by these proposals and we have concerns about travel time, about the economic impact on many of our town centres and the potential costs to the users of our courts.

The consultation paper cited the low volume of work, poor facilities and the proximity of the existing courts to the sheriff courthouse as the rationale for closure. The Council does not accept this analysis can be applied to Cumbernauld and Motherwell JP Courts.

The analysis did not take into account that Cumbernauld JP court serves a disparate population and that many court users will have a significantly longer and more expensive journey. Public transport services between Cumbernauld and Coatbridge are poor.

Additionally, we are concerned that witnesses may find themselves travelling on the same public transport as the accused or witnesses cited by the opposing side. We
believe that these factors will deter witnesses from attending court and potentially lead to further delay and expense in securing their attendance.

Furthermore, 2,548 new complaints were dealt with by Motherwell JP Court over 156 sitting days in 2011/12, up from 2,191 new complaints during the previous year. The rationale for closure of the JP court in Motherwell does not reflect the upward trend in volume of work there.

We are also concerned that accused persons will be less likely to attend court if the JP court is transferred outwith their local area. We believe that this will lead to more warrants being issued to secure accused persons’ attendance in court and therefore the burden on the public purse will be increased.

**Letter to SCS 16 May**

PROPOSED CLOSURES OF JP COURTS IN NORTH LANARKSHIRE

I write in response to the call for evidence on the Scottish Courts Service’s recent report “Shaping Scotland’s Court Services”. With respect to the two questions you put, I respond as follows.

(1) The Council is of the view that the closure of Cumbernauld and Motherwell Justice of the Peace Courts would cause a serious reduction in the availability of summary justice to many people living in North Lanarkshire. One of the principles of summary justice system as it exists is to administer and dispense justice within local communities and this principle seems to be disregarded in the proposed court closures.

(2) The impact on court users of the SCS’s recommendation would be adverse as they would be deprived of local justice and have to travel a distance to the courts to which the business of the existing courts are being transferred. There is poor provision of public transport between courts that would be closed and the courts to which the business is proposed to be transferred. This could result in an increase in failures to appear. A possible consequence of this would be additional costs in the administration of justice which appears not to be taken account of in the proposals.

I enclose a copy of the response which was sent on behalf of North Lanarkshire Council to the Consultation in December 2012 and a copy of my letter to the Scottish Courts Service enclosing response to the set of questions they issued with their letter of 19 April 2013 regarding the draft Parliamentary Orders.

I trust the above responses and the enclosures to this letter are of assistance.

Yours faithfully
Letter to SCS 8 May

Dear Sir/Madam

Draft Parliamentary Orders – Shaping Scotland’s Court Services

I refer to your email of 19 April 2013 to Mr Whitesfield, the Council’s Chief Executive and enclose response on behalf of the Council to the set of questions you issued in your said email.

The Council responded to the Scottish Court Services’ Consultation, ‘Shaping Scotland’s Court Services – Proposals for a Court Structure for the Future’. The response was dated 21 December 2012.

I wish to reiterate the Council’s views on the proposed closure of Cumbernauld and Motherwell Justice of the Peace courts as follows:-

The Council is strongly of the view that the recommendations to close Cumbernauld and Motherwell Justice of the Peace courts will constitute a serious reduction in the availability of Summary Justice to many people living in North Lanarkshire. One of the principles of the Summary Justice system as it existed was to dispense justice within local communities and much of this principle would be lost by the proposed court closures, both for those in the Justice system and those who have dealings with it.

The Council notes that travel times to court will be increased, in some parts of the authority significantly. This could lead to accused persons failing to attend court, leading to more warrants being issued and placing a greater burden on the police.

It is noted that initially JP court business from Cumbernauld will be transferred to Coatbridge. The figures in the Consultation paper in respect of the time and cost of travel reflect the distance between the existing JP court and the court to which businesses would be transferred. Public transport links between Cumbernauld and Coatbridge are poor. It is also noted that there is inadequate car parking facilities at Airdrie Sheriff Court.

The Council is also concerned that the proposed closures would have a detrimental effect on local businesses.

The Council recognises that the Scottish Court Service require to change the manner in which services are delivered. The Council, however, would wish to convey its concern that access to justice will be lost in the implementation of the cost saving exercise that is being delivered by the Scottish Court Service.

Yours faithfully