I wish to express to the Committee my views on the recommendations in the SCS recent report.

1. Experience and qualifications

These views are based on my experience as a solicitor practising in all the Sheriff Courts in the Lothians, but principally Edinburgh for over thirty years, and being a Sheriff in West Lothian for almost eight years, and the Sheriff in Haddington for four years until I retired as a full-time Sheriff two years ago.

2. What will be the local impact of the SCS’s recommendations on access to justice?

The impact will be very considerable.

a. There are a number of firms of local solicitors who will not find it economical to provide the range of services that they presently provide. This will be especially so in the cases which are funded by legal aid. The solicitors will not be funded for the additional cost of time and travel to an extent that this type of work which affects the poorer members of the community will become uneconomic. As a result these services will not be provided and the public will be deprived of access to justice in many cases which will principally involve children and families and personal liberty. Having practised as a solicitor in private practice for over thirty years I am all too well aware of the financial problems which face solicitors at the present time, and the limitations that the loss of the local court will have on their ability to provide access to justice for the local population.

b. There is a problem in all courts at the moment in ensuring the attendance of witnesses. In my time as a Sheriff I was frequently being asked to grant warrants to arrest witnesses because they had not attended court. This problem will be exacerbated if the witnesses have further to travel. This means that evidence will not be available to the court and access to justice will be denied to the victims of crime, accused persons, and to persons involved in important matters involving their families and personal lives.

3. What will be the local impact be on court users of the SCS’s recommendations?

The impact will be extremely detrimental.

a. The population of East Lothian at the moment enjoy a quality of service from their local court which is unsurpassed by any other court in which I have had the privilege of working. This will undoubtedly be lost if business is transferred to Edinburgh. This is not meant as a criticism of my colleagues and court staff in
Edinburgh. It is simply due to the fact that the volume of business in Haddington is much smaller. The staff provide a more personal service. They have local knowledge. If there is a problem it is much simpler to resolve. All the necessary contacts are local. The chain of communication between court service providers e.g. social work, police, procurator fiscal, and solicitors is far less and more straightforward. This results in less mistakes and provides a far more efficient service to all court users. The Court, social work HQ, police, procurator fiscal, are all located within 150 metres of each other. The turn-around time of cases in Haddington is less than in Edinburgh. These are all invaluable benefits that will be lost if the proposal is implemented. The people of East Lothian will not enjoy these benefits if they have to use Edinburgh Sheriff Court.

b. Haddington has one resident Sheriff. This has enormous benefits. There is consistency in decision making. There is local knowledge. There is not the same duplication of effort where cases transfer from one Sheriff to another and volumes of papers have to be read over and over again. There is no “Sheriff shopping” where an accused will plead not guilty before a particular Sheriff to avoid a Sheriff who has a reputation for being a heavy sentencer, thus causing delays and wasting court time and expense. If there is a problem the Sheriff knows who to contact locally to sort it. The whole system in Haddington is far more efficient and provides a far better service to court users.

c. Probably the most obvious impact on court users will be the inconvenience and extra time and cost that will be involved if they have to travel to Edinburgh. There is eighteen miles between the courts. However, many residents live further than eighteen miles from Edinburgh. They will need to use public transport or drive. Public transport is expensive and time consuming. If they drive they will need to find and pay for parking in Edinburgh which is difficult and expensive in the city centre. In Haddington the parking is ample and free. Many users are elderly. Access in Haddington is a lot easier. If elderly people use free public transport, they still have the problem of travelling to and from the bus or train station to Chambers Street where the court is located.

d. One important impact that will be lost is the "naming and shaming" of local offenders. Having one's name published in the local East Lothian Courier has an enormous impact. It certainly acts as a very effective deterrent to anti-social behaviour. This will be lost if East Lothian cases are one of dozens of cases from all over Edinburgh and the Lothians are dealt with together in Edinburgh. The local newspaper does not have the time or resource to have a reporter sit in court on several days in case a local appears in court. At the moment, the paper has a reporter in court in Haddington for half a day when most of the newsworthy cases are heard.

A recent example of this is contained in the front page headline of the East Lothian Courier of 10th May 2013 which reads “Disabled benefits cheat is jailed for a year”.

In my view, this case would probably not be covered in Edinburgh Sheriff Court as it would not be picked up by the Evening News, and certainly would not merit front page headlines. It acts as a deterrent to persons locally who might be tempted to steal public money which is required by other disabled persons, if they are aware that prison will result if it is merited.
e. The largest court user of Haddington is East Lothian Council. It is involved in many civil cases involving children and families. These include adoptions, family disputes, social work reports for criminal and civil cases, and anti-social behaviour orders. There will be substantial inconvenience and extra cost incurred if local authority staff have to travel to Edinburgh. This cost will be borne by the council tax payers of East Lothian.

f. The largest number of witnesses in criminal cases are police officers. At the moment, in Haddington, police witnesses are on standby to give evidence. This means that they can continue with their police duties knowing that if required to give evidence they can be called to court to give evidence at very short notice as they can travel the short distances involved with no traffic problems in a short time. This facility will not be available in Edinburgh due to the time, distances and traffic involved. This will result in inconvenience and additional expense to both the police and the residents of East Lothian.

g. The Justice of the Peace court in Haddington deals with minor crimes. It is serviced by local Justices who give their time for free. They have local knowledge about local problems. They administer local justice. Many of them will not want to travel to Edinburgh to serve and as a result their experience will be lost.

Furthermore, local justices will require to deal with all the cases in court, not only from East Lothian, but also Edinburgh and Midlothian. There will be no separation of cases. East Lothian cases will not be dealt with by East Lothian JP's, but by justices without local knowledge.

h. Finally, there is an adverse effect on persons who might not strictly speaking termed "court users". By this I mean the court staff who use the court for their employment and local businesses who rely on court users for trade.

All the court staff live in East Lothian. They will need to decide whether to give up their job or transfer to Edinburgh or further afield in the Court Service. This will cause them loss, inconvenience and expense.

Local traders will be deprived of the business which they provide to all the court staff and other users.

These are the adverse effects which I perceive will result if the closure goes ahead. No doubt there are others which other persons will bring to your attention. I have restricted my views to the two questions posed on line. I have not dealt with the economic argument for closure put forward by SCS as I understand that is not a topic upon which views are being sought. However, if the Committee do require information on this aspect I understand the local solicitors have obtained the views of an accountant to refute the economic argument for closure.

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