Justice Committee

Scottish Court Service recommendations for a future court structure in Scotland

Written submission from Andrew G Ferguson

Haddington Sheriff Court

I have read the Scottish Court Service document on “Shaping Scotland’s Court Services; a dialogue on Court Structure for the Future”, listened to the presentation from Eric McQueen and the arguments against put forward by the Legal fraternity in East Lothian.

I have attempted to refrain from making comment and hoping that “common sense” would prevail but alas I sense that it is not as common as I envisaged since the Justice Secretary, Mr Kenneth MacAskill has approved the recommendations and it was subsequently approved by the Scottish Parliament.

I would therefore make a few points which would I hope be worthy of consideration by the Justice Committee. These are as follows:-

1. In Appendix 1 of the above document, in part D it is desirable that criminal justice be delivered locally as this engages the local community in the administration of Justice. How can this be perceived by the population of East Lothian, which extends well beyond East of Haddington as to be fair, if the justice is administered from Edinburgh?

How would the citizens of Edinburgh view justice being administered from Haddington?

I would suspect that it would not be acceptable and not credible.

2. The use of Video conferencing (part F of Appendix 1) would seem to be a way dealing with justice in East Lothian by remote administration in Edinburgh. I would suggest that this could be appropriate in some instances but if earnestly developed to cover the majority of cases there are hidden costs which have not been considered and would ultimately be more expensive. Any such System would have to serviced and maintained to a high level or it would be open to ridicule and not be trusted.

3. I attended a meeting in Haddington Town Council Chambers on Tues. evening, 7 May to listen to the discussion and arguments for keeping the Court open. There were several eminent speakers who made worthwhile contributions to the case for retaining Haddington Court.

A forensic financial analyst presented a report which demonstrated that the exercise to close Haddington Court would ultimately be approx. £500k more expensive. He also stated that he had repeatedly asked key questions of Scottish Court Services but had never been given an answer.
The Chief Executive of East Lothian Council gave an interesting account of her meeting with Eric McQueen which concluded that any proposals or suggestions she had made to assist with SCS savings were not taken seriously. She intimated in so may words that the “goalposts had been moved” several times.

4. The West Lothian model of Livingston Court is closely resembled by Haddington due to its proximity to other services. The Procurator Fiscal, Police, Social Work services are co-ordinated efficiently and effectively and it is inconceivable that such a good quality service should be lost to the East Lothian Community.

5. At the Meeting mentioned in 3. above, it was demonstrated using statistics comparing Edinburgh and Haddington Courts that a better productivity was realised in Haddington.

6. Closing Haddington and moving the service to Edinburgh will be a disincentive to many as the additional cost and travelling time will put persons off attending the Court. It would see an increase in Non- Appearance Warrants. Witnesses may be discouraged and reluctant to attend the Court. CHURN would probably increase. The closure would be counter productive therefore the old adage applies “if it isn’t broken don’t fix it”.

7. The population of East Lothian is predicted to rise within the next decade and therefore the need for local community justice will be emphasised.

8. Finally this submission from myself is not based on any personal effect such a change would have upon me as I will be ineligible in 2014 to sit on the bench after nearly 25 years service. It is based purely on the desire to see that Justice should continue to be administered locally and of paramount importance is the fact that the PUBLIC PERCEPTION THAT JUSTICE WILL DONE IS VISIBLE TO THE COMMUNITY OF EAST LOTHIAN.

NOTE:- Such perception is assisted weekly in the East Lothian Courier and East Lothian News coverage of the Sheriff Courts activities.

9. The SCS Business Case recommending closure of Haddington demonstrates that they know “the cost of everything and the value of nothing.” What price does one put on Goodwill?

I appeal to the Justice Committee to give serious consideration to all the submissions provided in the support of the retention of Haddington Sheriff & JP Court.

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