Justice Committee

Scottish Court Service recommendations for a future court structure in Scotland

Written submission from Scottish Borders Council

I refer to your email of 24 April 2013, where you invite all interested organisations and individuals to submit written evidence on the SCS’s recommendations on the future Court Structure in Scotland.

Scottish Borders Council considered the attached report at their meeting on 22 November 2012. I attach the full report, together with a short, two sides of A4, summary of the main points. It is considered that the report deals fully with the two questions posed, namely:-

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

I hope that this is helpful. Please do not hesitate to contact me directly if I can be of any assistance.

Ian Wilkie
Head of Corporate Governance
13 May 2013
Scottish Court Service Consultation – Executive Summary

The Court closures will make Access to Justice more difficult for the Borders public.

Alternative imaginative proposals have not been considered.

The proposals do not improve or consider opportunities for sharing facilities with other justice sector organisations within the Scottish Borders.

The court at Duns is located and accessed through the rear of the Local Authority building and is adjacent to the neighbouring Police Station. This does not appear to have been taken into account.

Peebles Court currently shares accommodation with Police and Social Work and Criminal Justice and was recognised recently as being a ‘blueprint for Scotland’ by the then Deputy First Minister. This is at odds with the consultation paper.

The proposals are in conflict with the ‘Principles for Provision of Access to Justice’ in relation to:

- Excessive cost and the inaccessibility of the venue prevents an accused person having a fair trial by reason of material difficulties in obtaining witness attendance
- It is desirable that justice be delivered locally
- Loss of opportunity to serve as jurors
- Not all Borderers would be able to travel to and from court on the same day by public transport

The proposals may be in conflict with the European Convention on Human Rights (ECHR).

The Borders public and stakeholders are disadvantaged disproportionately compared to other parts of Scotland, in that 50% of the courts are proposed for closure and the additional travel burden is greater.

Vulnerable persons will be at significant risk if required to travel longer distances by public transport.

Accused persons might fail to appear at court, requiring Police Officers to arrest them and take them to court. Witnesses might not be prepared to come forward to give evidence because of the greater distances involved.

Pursuers in civil cases might find that their cases have been dismissed if they are late in arriving at court due to greater travel distances and/or inconvenient public transport.

Defenders in civil cases might find that decree has been granted against them in their absence if they are late in arriving at court due to greater travel distances and/or inconvenient public transport.
Gender based violence is one of the four top priorities for Safer Communities and the proposals seriously compromise an already challenging element of the coordinated community response to addressing domestic abuse.

The proposals contravene the Justice Strategy for Scotland (p.36) where it says:

“We must take action to ensure that more victims and witnesses have positive experiences of the justice system”.

If the proposals as set out by the Scottish Court Service are implemented without mitigation it appears, through our analysis, there will be discrimination against the following groups (as protected under the Equality Act 2010): women, young people and children, older people and people with a disability

The court business from Midlothian/Penicuik should be routed to Peebles.

In the event that SCS decide that Peebles court should close, it is suggested that the business should go to Selkirk.

The Council does not accept the alternative SCS proposal that those in the coastal settlements to the east of Edinburgh down to the Border south of Eyemouth may be better served by the journey to Edinburgh.

The Council has concerns that Edinburgh court does not have the capacity to handle the additional business.

The Council calls upon the SCS to engage in discussions to explore all available options.

The Court closures will impact significantly on the economies of Duns and Peebles. It is not acceptable for the consultation paper to say that:

‘we acknowledge that some people will be disadvantaged’.

The level of savings occasioned by the closure of the courts in Duns and Peebles is minimal, and is disproportionate to the negative impact occasioned on the Scottish Borders.

The proposals have a disproportionate impact on women, especially single parents, in terms of attending court.

Given the low wage economy in the Borders the proposals would have a disproportionate burden in respect of travel costs.

There are inconsistencies between the table on page 39 of the consultation paper and Appendix 6, which is an SCS document.

The Borders is likely to lose access to Sheriffs, with all business being handled by Summary Sheriffs, and specialist legal services and Shrieval expertise will be lost to Edinburgh.
PROPOSALS FOR A COURT STRUCTURE FOR THE FUTURE

Joint Report by Chief Executive and Director of Social Work

Scottish Borders Council

22 November 2012

1 PURPOSE AND SUMMARY

1.1 This report proposes a Scottish Borders Council response to the Scottish Courts Service consultation paper on a court structure for the future.

1.2 The Scottish Court Service (SCS) consultation paper considers the provision of court services in future. It is about the way the provision of these services is structured in a modern country where the diverse needs of people are considered. The consultation paper notes that resources are not unlimited and that the court system has to be structured in a way which makes best use of the public money which government invests in the system.

1.3 The consultation paper considers a number of proposed changes to the court structure in Scotland but the proposals which impact most directly on Scottish Borders Council relate to Sheriff and Justice of the Peace (JP) courts with low volumes of business. In particular, the consultation paper proposes to close the Sheriff and JP courts at Duns and Peebles, and transfer the business into the neighbouring Sheriff Court districts of Jedburgh and Edinburgh respectively.

1.4 The response to the consultation from Scottish Borders Council strongly opposes the proposed changes and recommends a course of action to address the long term needs of the Scottish Court Service and meet the reasonable needs of the people of the Scottish Borders to continue to be able to enjoy fair access to local Justice.

1.5 The proposed Scottish Borders Council response to the consultation paper is set out in Appendix 1 to the report and has been developed by a Member/Officer Working Group. A summary of the proposed response is set out in Appendix 3 to the report.
2 RECOMMENDATIONS

2.1 I recommend that Council:-

(a) approves the response to the Scottish Courts Service consultation paper on ‘Proposals for A Court Structure for the Future’ as shown in Appendix 1; and

(b) Instructs the Chief Executive to seek an early meeting with the Scottish Courts Service to explore all possible alternative options to the proposed closure of the courts in Peebles and Duns.

3 BACKGROUND

3.1 The SCS has issued a public consultation on proposals for a court structure for the future. The consultation closes at noon on 21 December 2012. The foreword by the Lord President of the Court of Session, the Right Honourable Lord Gill, states that:-

"Most of the existing pattern of courts in Scotland was established many years ago. Radical changes are imminent in the provision of both civil and criminal justice. It is opportune that the Board of the SCS should now consider how the provision of courts at all levels can best be provided to meet these new and changing needs. This process has become more urgent by reason of the public expenditure constraints to which the SCS is now subject.”

3.2 To emphasise the need for change the SCS highlight the financial reductions across both its revenue and capital budgets as being substantial. The table below details the budgets as set following the Scottish Government’s 2011 Spending Review. The figures are expressed in cash terms (excluding the effect of inflation). The budgets for 2010/11 and 2011/12 are provided for comparison.

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<tr>
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<th>2010/11</th>
<th>2011/12</th>
<th>2012/13</th>
<th>2013/14</th>
<th>2014/15</th>
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<tr>
<td>Revenue</td>
<td>£73.6m</td>
<td>£69.9m</td>
<td>£68.5m</td>
<td>£67.4m</td>
<td>£65.4m</td>
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<tr>
<td>Revenue reduction from 2010</td>
<td>-5.0%</td>
<td>-6.9%</td>
<td>-8.4%</td>
<td>-11.1%</td>
<td></td>
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<tr>
<td>Capital</td>
<td>£20.3m</td>
<td>£10.4m</td>
<td>£8.5m</td>
<td>£6.0m</td>
<td>£4.0m</td>
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The SCS state that, when taking inflation into account, the reduction in the revenue budget from 2010/11 to 2014/15 is, in real terms, 20 per cent. In addition to reductions in revenue funding, the table demonstrates that the SCS are experiencing substantial reductions in the capital budgets for investment in court buildings and technology, from over £20 million in 2010/11 to £4 million in 2014/15.
The SCS state that they have no choice but to find ways to deliver their services at lower annual cost. They go on to say that

“choices have to be made, and compromises reached. But it also means that imaginative and new ways to deliver services can more readily find a place”.

3.3 The consultation paper then proposes a series of changes in the way courts are administered and introduce a series of proposals for the closure of Sheriff and JP Courts across Scotland.

3.4 In determining a baseline position for closure of courts, the SCS has stated that any Sheriff court with low volumes of business, i.e. a court which is scheduled to sit on average two days or less each week, and has an annual caseload of less than 200 new criminal cases, and less than 300 new civil cases, will be considered for closure. Both Duns and Peebles courts appear to fall into this group, as detailed in the consultation report.

4. PROPOSALS

4.1 Having considered the court capacity available at neighbouring Sheriff court districts, and taking into account the ‘Principles for Provision of Access to Justice’ which is set out in Appendix 2 of the report ("The Principles"), SCS propose the closure of Duns and Peebles Sheriff and JP courts by transferring the business to Jedburgh and Edinburgh respectively.

4.2 The SCS also considers the accommodation provided. In considering the court accommodation in Duns it states that there are no cells or interview facilities. Equally, within the Council owned Peebles Sheriff and JP Court premises at Rosetta Road, the paper states that provision for custodies and witnesses is poor.

4.3 At no point does the consultation paper state that any discussion with the Council has taken place, or should take place, to discuss future options for use of the buildings.

4.4 By proposing to transfer the business of the Courts in Peebles and Duns to Edinburgh and Jedburgh respectively, SCS recognises that the issue of transport becomes relevant. The consultation paper provides details of the travel arrangement changes which will be necessary in the event of the Duns and Peebles courts closing.

4.5 The consultation paper states that, with regard to Peebles, ‘we accept that for many Peebles court users their journey to a court in Edinburgh would be longer and more expensive.’

4.6 The consultation paper states that for the year 2011/12 the number of people prosecuted before the Peebles courts was 230. It is clear that people who would normally be required to attend at the Peebles court will be adversely affected if they are to attend Edinburgh Sheriff Court. The paper estimates that around a total of 550\(^1\) people will have been called as

\(^1\) These figures includes Peebles and Haddington
civilian witnesses for the prosecution in the summary trials that took place. In the year 2011/12, in relation to civil cases, there was one ordinary proof and one summary cause/small claim proof. No jury trials took place in Peebles.

4.7 With regard to the new travel arrangements relating to the proposed closure of the court at Duns, the consultation paper states, ‘we accept that for some court users, travelling to Jedburgh could involve a longer and more expensive journey than they may have to take at present. Travel to and from Jedburgh is possible within the same day, although an early start might be involved.’ However, the paper does accept that – ‘to arrive earlier in Jedburgh, travel is required on the previous day’. SCS make this comment in relation to Eyemouth residents in the consultation paper.

4.8 For the year 2011/12, the number of people prosecuted in the Sheriff court and JP court at Duns was 590. The paper further states that an estimated total of 340 people will have been called as civilian witnesses for the prosecution in summary trials that took place. In the civil jurisdiction, no ordinary debate or proof, and no summary cause/small claims proof, took place. No jury trials took place in Duns.

4.9 The consultation paper further proposes that:-
‘those in the coastal settlements to the east of Edinburgh, down to the Borders south of Eyemouth, may be better served by the journey on the A1 trunk road and east coast rail link to Edinburgh, than by cross country journey on rural roads to Jedburgh.’

4.10 The SCS also considers the economic impact of its proposals on local communities affected by the changes should they go ahead. The consultation paper states that the economic life of any community does not stand still and there is a constant process of renewal as businesses and services close or evolve and new ventures emerge. By way of an example of this process the SCS identify the former court building in Peebles which accommodates a restaurant, hair salon and bookshop.

4.11 The consultation paper notes that for those courts identified for closure with full-time court programmes, business would be transferred to locations within reasonable travelling distances, limiting the wider economic impact, for example on solicitors’ offices.

4.12 The overall assessment by the SCS on the economic impact of the court closures will be ”localised, minimal and short term”.

4.13 In response to this consultation paper a Member/Officer working group has considered the implications of the proposals and has also met with representatives from the local Faculties of Solicitors in the Scottish Borders.

4.14 The consultation paper also proposes that, in future, there will be no Sheriff or Jury trials in the Borders and that they will be handled in Edinburgh.

4.15 A new judicial office of Summary Sheriff is proposed. Centres of Shrieval
specialism are being created in the new Sheriff and Jury Centres, none of which are in the Borders.

5

KEY CONCERNS

5.1 Access to Justice.

The Judicial Office for Scotland have prepared a set of Principles, which they require SCS to have regard to, in making provision of support under ss.61 and 62 of Judiciary and Courts (Scotland) Act 2008 (2008 Act) concerning the places in which courts should be located and court services should be provided. In providing services in support of the courts of Scotland, and the judiciary in those courts, SCS cannot be asked to provide services at a cost greater than the resources made available by the Scottish Parliament for that purpose.

The principles can be summarised as

a) The provision of services must be compliant with Article 6 of the European Convention of Human Rights;

b) Subject to the efficient disposal of business, it is desirable that criminal justice be delivered locally;

c) The SCS should ensure that most people will be able to travel to their local court by public transport so as to arrive at the start of the case in which they are concerned, and be able to return home by public transport on the same day;

d) Within each courthouse appropriate facilities must be provided for criminal trials, civil proofs or other hearings where the physical presence of parties or witnesses is required;

e) SCS should seek to provide services that allow the administrative business of the courts to be undertaken without the need for physical attendance at a court or courthouse, particularly in respect of those parts of Scotland which are remote and where public transport provision is scarcer;

f) Save where the exceptions provided in Article 6(1) of the ECHR apply, judgment should be pronounced publicly. It is important therefore that court buildings and court proceedings are publicly accessible and that the courts provide information about their work to communities or individuals with particular interest in given cases and to the public more generally.

g) In providing the facilities for civil and criminal proceedings and in providing services to court users generally, the SCS must ensure that the accommodation or service is:

   i. fit for purpose;
   ii. accessible, safe and secure; and
   iii. consistent with future arrangements for expenditure of public funds

Savings realised by Court Closures

5.2 Scottish Borders Council’s main concerns are framed within the context of the Principles themselves. The Council is concerned that if the proposals are implemented as currently defined by the SCS it would be in clear
conflict with the Principles for the provision of Access to Justice as laid down by the Judicial Office for Scotland.

5.3 The level of savings occasioned by the closure of the courts in Duns and Peebles is minimal, and is disproportionate to the negative impact occasioned on the Scottish Borders.

5.4 In particular, the rental paid by SCS to Scottish Borders Council in respect of the court facilities in Peebles is £10,175 per annum. There are no permanent staff and, accordingly, the Council cannot see how any meaningful savings can be achieved by the closure of the courts at Peebles.

5.5 The costs paid by SCS to Scottish Borders Council in relation to Duns are detailed in the table below at paragraph 5.6. As with Peebles, there are no permanent staff and, accordingly, the Council cannot see how any meaningful savings can be achieved by the closure of the court at Duns.

5.6 **Scottish Court Services - Duns**

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<th>2011/12</th>
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<tr>
<td>27.85% of electricity</td>
<td>£2009.41</td>
<td>£1252.23</td>
<td>£1746.54</td>
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<tr>
<td>used</td>
<td></td>
<td></td>
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<tr>
<td>27.85% of heating oil</td>
<td>£1106.24</td>
<td>£545.36</td>
<td>£1226.20</td>
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<td>used</td>
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**Sheriff Clerk Office - Duns**

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<th>2011/12</th>
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<tr>
<td>26% of repairs &amp; maintenance to communal areas</td>
<td>£883.45</td>
<td>£3705.20</td>
<td>£1071.11</td>
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<tr>
<td>26% of cleaning contract</td>
<td>£4428.02</td>
<td>£4428.02</td>
<td>£4428.02</td>
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5.7 The Court facilities at Peebles have recently been extensively modernised and provide quality, accessible justice services to the public, all at a very reasonable cost to SCS. The minimal savings which could be made from the closure of Peebles court are vastly outweighed by the additional costs by people requiring to attend Edinburgh by the loss of local access to justice and the loss of dispensation of justice in a local area. The facilities were described in the recent past as a “Blueprint for Scotland” by the then Deputy First Minister. It was also hailed a success by the then Lord Advocate for Scotland, Lord Boyd, QC.

5.8 The consultation paper misrepresents the true picture at Duns in that there is no recognition of the fact that the court is situated adjacent to the Police Station where there are sufficient holding cells and secure parking. There is also a secure private route for prisoners being brought from custody. However, the Council is always keen to ensure facilities are fit for purpose into the future and, as such, would welcome engagement with SCS to explore options which maintain the integrity of justice served to the people.
of Berwickshire.

5.9 **Additional Travel Burden**

The Council is also concerned that the public may no longer have access to specialist legal advice in the Borders if these proposals go ahead as currently set out in the consultation paper.

5.10 The Council is concerned that the proposals will lead to the Borders courts being served by Summary Sheriffs with the consequent loss of specialist legal work to Edinburgh. This will disadvantage the Borders public in terms of having to travel greater distances to the courts and also for specialist legal advice. Any loss of specialist legal services will have an impact on the other businesses in the affected settlements.

5.11 Sheriff and jury trials currently take place in the Borders. The paper proposes that sheriff and jury trials will now routinely be held in sixteen sheriff courts, none of which are in the Scottish Borders. The effect of this is greater travel distances for all persons attending the court from the Scottish Borders and, critically, the loss of the accused person’s historic privilege of being tried by his or her peers from the community where the alleged offence occurred. The Council is also concerned that this means that Borders residents will lose the privilege of serving as a juror. Even if court processes were altered to allow Borderers to serve as jurors in the new Sheriff and Jury courts, travel distances would make it almost impossible for the vast majority to do so.

5.12 It is clear that for the people living in the Eyemouth area it would not be possible for them to travel to court and home on the same day. This is a clear breach of Principles laid down by the Judicial Office for Scotland.

5.13 The provision of services by SCS must be compliant with Article 6 of the ECHR; that is to say that it must support the determination of a citizen’s rights and obligations or of any criminal charge against him or her by way of a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

5.14 Given the low wage economy in the Borders, the proposals would have a disproportionate burden in respect of travel costs. It is clear that for many households on low incomes in the Scottish Borders the costs of using public transport over the large distance they will be expected to travel to attend court will simply be unaffordable and as such deny them the opportunity of a fair trial or to be properly examined as a witness. Appendix 5 highlights the additional travel costs for bus journeys from affected settlements in the Duns and Peebles court areas travelling to either Jedburgh or Edinburgh.

5.15 Not only will the change in court locations impact on the costs for people attending court, it will also impact the time needed to travel to court. Appendix 4 indicates the number of households within communities that can access the courts before 10:00am by public transport. It is very clear that the people of Berwickshire have better access to a court in Duns compared to Edinburgh or Jedburgh. The situation is similar in Tweeddale where it takes considerably less time to get to Peebles than Edinburgh.
In addition to this, owing to the limited provision of public transport there could well be a situation whereby both the accused and witnesses may be required to travel on the same public transport to attend court. This could very likely lead to witnesses not attending court when directed to do so and potentially leave them in contempt of court and/or having a warrant issued against them.

The Council has particular concerns that witnesses in criminal matters will not be prepared to come forward to give evidence if they are required to travel long distances, at great inconvenience to themselves. This will lead to injustice if the full facts are not made available to the courts.

There is a greater concern that accused persons will fail to turn up at court which will simply involve a greater burden on the public purse if these persons have to be arrested and taken to court by Police Officers.

Even if persons attending court are able to afford the travel costs it is entirely possible that pursuers and defenders in civil cases may find that the court has granted decree against them or has dismissed their case, in their absence if they are delayed in attending court by reason of the excessive distances to travel involved.

It is, therefore, entirely conceivable that the members of the public affected by the changes proposed by the SCS could be denied their right to a fair trial, or to present evidence at a trial by reason of excessive cost or the inaccessibility of the venue.

**Economic impact**

The towns of Duns and Peebles benefit from, and rely for their economic resilience and sustainability on, a locally based court. The provision of legal services in these towns to the local population is, to a large extent, supported by the presence of the local Sheriff and Courts. Equally, the throughput of attendees at court provides a regular stimulus to the local economy, for example, through the provision of fuel, refreshments and food.

In addition to this, the economic impact on attendees at court will be significant with requirements to travel to Edinburgh and Jedburgh requiring longer more expensive journeys.

**Exploration of options**

By moving the Sheriff and JP Courts in Peebles and Duns to Edinburgh and Jedburgh respectively, this would prevent justice being able to be seen to be dispensed locally in both of these affected communities.

The Council accepts that the SCS have to find ways to deliver their services at lower annual cost. The Council also accepts that choices have to be made, and compromises reached. However, the Council does not accept that the natural conclusion to this challenge is the closure of courts that serve rural communities. The Borders public and stakeholders are disadvantaged disproportionately compared to other parts of Scotland, in that 50% of the courts are proposed for closure and the additional travel
burden is unacceptably greater than for other parts of Scotland.

5.25 The consultation paper refers to the low level of business in the Peebles court. SBC would respectfully suggest that there is an alternative option to closure, which has not been addressed or even considered, which would involve directing some of the Midlothian/Penicuik court business to Peebles court.

5.26 Therefore, SBC would respectfully suggest that before any final recommendation is put to Ministers for approval re closures of courts, that an examination of whether an effective alternative local solution can be provided which addresses both the requirements to manage budget reductions yet maintains the integrity of justice served to local rural communities.

5.27 The SCS is correct in stating that this is an opportunity to identify imaginative and new ways to deliver services. The proposals as they currently stand do not improve or consider opportunities for sharing facilities with other justice sector organisations within the Scottish Borders. The Council would be pleased to work with the SCS to examine opportunities and create solutions that would enable both the SCS to achieve its ambitions and to ensure that the population served by Duns and Peebles courts continue to have accessible Sheriff and JP courts available in the long term.

5.28 The Council is concerned that Edinburgh Sheriff Court does not have the capacity to handle the additional business from Peebles, Haddington and part of the Duns court if business from east coast residents is required to transfer to Edinburgh. In the event that the decision is taken to close the Peebles court, the Scottish Borders Council requests that the business should transfer to Selkirk.

5.29 **Protecting Vulnerable People**

Scottish Borders Council, Lothian and Borders Police, NHS Borders and the four Registered Social Landlords in the Scottish Borders have invested significant resources in 2012 to ensuring equity of access to support for victims of domestic abuse and their children. Collectively known as the Pathway Project, this £1.23 million investment has been made possible by successfully securing funding from the Big Lottery and the Scottish Government who have made a significant financial contribution to the Pathway as part of their commitment to creative and innovative responses to domestic abuse, which addresses both the requirements to manage budget reductions yet maintains the integrity of justice services to local rural communities.

5.30 The Pathway Project utilises the existing locality model in the Scottish Borders; the evidence base for improved outcomes for victims when barriers to support are removed is considerable, as is the evidence base for the experiences that victims have in engaging with the court process. Delivery of services, particularly in a rural area, need to reflect the known barriers to access for particular vulnerable groups. These proposals, as
currently established, will have a negative impact on a commitment to reduce inequalities across the Scottish Borders.

5.31 In the last five years Scottish Borders Council has applied for 18 Permanence Order applications and 23 Freeing for Adoptions in the four Sheriff Courts in the Scottish Borders. The Council requires to have access to local courts in order to progress permanence and adoptions timeously in the best interests of the child. The inability of the courts in the Scottish Borders to deal with such matters, if the current proposals go ahead, would inhibit both the prospective adoptive parents and natural parents from being able to access their local courts and liaise with specialist solicitors in the area, if this expertise was lost to Edinburgh.

5.32 **Cases calling in Duns and Peebles courts**

Attached, as Appendix 6, is a list of sitting days, criminal cases calling and civic cases calling for each of the Sheriff courts in Scotland. This is an SCS document. Cases calling refers to the number of times a case calls in court and is an accurate measure of the business of the court as opposed to simply listing new cases.

5.33 With regard to criminal cases calling, attention is drawn to the figures for Lochmaddy, and Portree which are to remain open. These courts deal with less than a quarter and a third of Duns courts business respectively. The figures equate to less than a half and three quarters of the Peebles business.

5.34 With regard to civil cases calling, there are a number of Sheriff courts, which are to remain open, with fewer civil cases than Duns and Peebles. The SCS proposes to retain the Sheriff courts of Lerwick, Kirkwall, Lochmaddy and Portree. All of these courts have less civil cases currently than Duns. Two of the four courts have less civil business than Peebles.

6 **IMPLICATIONS**

6.1 **Financial**

There are no costs attached to any of the recommendations contained in this report.

6.2 **Risk and Mitigations**

The Borders public and wider stakeholders will be adversely affected if the court at Duns and Peebles close. It is essential that a robust response is submitted to the SCS if that risk is to be avoided or mitigated.

6.3 **Equalities**

If the proposals as set out by the Scottish Court Service are implemented without mitigation it appears, through our analysis, there will be discrimination against the following groups (as protected under the Equality Act 2010).

- Women (including lone parents and carers)
• Young people and children
• Older people
• People with a disability (including vulnerable adults)

6.4 These concerns are detailed in the response to the consultation.

6.5 The extent of the potential discrimination from the proposals against the equality groups and the general population of the Scottish Borders are compounded by poverty, access and the principles of justice being determined locally, as detailed in the consultation response.

7 CONSULTATION
The Corporate Management Team, the Chief Financial Officer, the Corporate Equalities and Diversity officer, the Head of Audit and Risk, the Clerk to the Council and Corporate Communications have been consulted. Any comments received have been incorporated in the final result.

Approved by

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Author(s)

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<tr>
<td>David Cressey</td>
<td>Head of Housing and Community Justice</td>
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<td>Ian Wilkie</td>
<td>Head of Legal and Democratic Services</td>
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Background Papers: SCS Consultation Paper, September 2012
Previous Minute Reference: Scottish Borders Council, 26 January 2012