Justice Committee

Scottish Court Service recommendations for a future court structure

Written submission from Hilary Cochrane JP

SCOTTISH COURTS ' RESTRUCTURING

Arguments for the retention of Sheriff and JP Courts at Haddington in East Lothian.

1. There is currently a proposal before the Parliament to restructure the Scottish Courts system. The proposals include the closure of the Sheriff and Justice of the Peace (JP) Courts in Haddington. Implementation of these closures will permanently damage the delivery of justice in the county of East Lothian. The closure of the courthouse and the Sheriff and JP courts is opposed. The information presented by the Scottish Courts Service (SCS) in its consultation document is challenged as incomplete and inaccurate.

2. The Scottish Parliament is respectfully requested to reject the closure. The Parliament's close, objective scrutiny of SCS's proposals will expose its weak arguments. The treatment of the figures relating to expected savings are selective and flawed and the use of them results in misleading conclusions. The financial and administrative information presented by SCS reveals the weakness of theoretical study. It is obvious to current court users that a scrutiny of the actuality of court activity and procedure would suggest different reforms and a change in the channelling of future funding.

3. An example of poor cost analysis by SCS is the strange treatment of buildings depreciation. Examples of poor statistical analyses by SCS are it's incomplete assessments of logistics and demographics.

4. SCS's failure to acknowledge the blindingly obvious, main causes of excessively high court costs undermines its central conclusions. Failure to attend by accused persons and witnesses is at an unacceptable level.

5. Lack of preparedness by court officers, both by defence agents but particularly by the PF's office are patently obvious even to the casual observer. These two factors are the cankers at the core. The procedural system countenances bad practice and by default perpetuates delay and wastefulness.

6. To criticise these agencies for their involvement in court delays and consequential costs (currently haemorrhaging public funding from various sources) is not to blame them for its cause. They too are amongst the victims of the system in place.

7. The present court closure programme will not cure these problems. The present court closure programmes will merely concentrate their occurrence onto a larger stage and make their irradiation more difficult.

8. Access to Justice for the population of East Lothian and other court users would be badly and permanently affected by the closure of its court. Amputation is irreversible surgery! SCS fails to chart the "out of court " functions the courthouse and it's resident
clerks and legal advisers provide. The solicitors based in East Lothian and users of the Haddington Court have highlighted this already in a joint submission to SCS in 2012 and further scrutiny of it by the Parliament is recommended.

9. Closure of the Haddington JP Court affects local justice immediately. In the medium term it will affect the recruitment of JPs in the county and in the longer term it will see an end to lay justice in East Lothian and elsewhere in Scotland. The present proposals will effect the McInnes report by stealth.

10. The data on transport facilities is wrong. The most important omission is that the journey times do not incorporate the completion of journeys from the rural bus and rail termini to the courthouse. There is no assessment of congestion, city parking availability nor intra-city transport links.

11. The "Livingston model ", where all the court users, solicitors, police, social work, DITO office, Procurator Fiscal's office, CAB and others, share facilities in a hub, is hailed as the model of best practice which should be replicated. In Haddington where closure is proposed a smaller version of the "Livingston model" already exists. It is not modern or purpose built as in Livingston but it functions effectively and cost efficiently. Local, direct access to the courthouse and related services is important to the operation and administration of local justice.

12. Haddington Sheriff and JP Courts qualify for retention on the grounds of case volume but are proscribed on the arbitrary criteria of proximity and capacity. It is unacceptable in a fair and representative system that the county of East Lothian should be deprived of either Sheriff or JP Courts. The future of both courts is inextricably related. The survival of a full status Sheriff Court, or even a lesser, Summary Sheriff Court in Haddington ensures the financial argument for the JP Court which can be serviced by the same administration and delivered at a small additional cost to the court system. Acceptance of the essential continuation of a JP Court by the Parliament provides the inverse financial argument for the retention of a Sheriff Court.

13. Centralisation proposals from a political party which advocates devolution of powers and self-determination is curiously contradictory. It smacks of short-termism, lack of understanding, and budgetary desperation.

14. As a serving Lothians and Borders (L&B) JP I encourage the Parliament to reject the proposals for Haddington and to retain this busy, relatively efficient facility which offers good, open access to Justice and serves the rural East Lothian community well and cost effectively. The Parliament is urged to look more radically at reforms within Scotland which will make permanent system savings and allow smaller, fit for purpose courts to continue.

15. The physical presence of the court in the county town and its related stakeholders in the quasi-"Livingston model" hub which operates successfully in East Lothian is important. It personifies the operation of the legal system in East Lothian. It is vital to the operation of the justice system that its users and to the larger community it serves that it operates in a local context.
16. Courts and their related structures should not be retracted to the urban and metropolitan. Arbitrary centralisation and concentration are contrary to open and fair justice. Freely open and clear, local access to justice and the consequent successful operation of the law and the implementation and enforcement of legislation are inseparable. This principle, accessible local justice, available and delivered locally by locally based agencies should be retained and replicated in local justice systems throughout Scotland.

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