Justice Committee

Scottish Court Service recommendations for a future court structure in Scotland

Written submission from Robert Mitchell

I welcome this opportunity to give evidence to the Justice Committee and trust it will be given careful consideration. I previously responded, to the SCS paper ‘Court Structures for the Future in Scotland’ (September 2012).

Our evidence is primarily concerned with the proposed closure of Haddington Sheriff and Justice of the Peace Courts and the impact it would have on the access to justice for individuals living in East Lothian and on the communities of East Lothian as a whole.

Before addressing the two questions posed by the Committee, I need to make clear that in my opinion the criteria used to identify Courts for closure, is arbitrary and flawed. Where genuine access to justice is the aim then an arbitrary mileage figure as used by SCS is misconceived and incomplete.

More importantly the Court serves the whole of East Lothian, large tracts of which are considerably more than 20 miles from Edinburgh. East Lothian’s population is now over 100,000. No consideration appears to have been given to the fact that the population of East Lothian is estimated to grow by 33% over next 25 years against the national estimate of 10% nor does the projected increase in the population of the area currently served by the Edinburgh Court appear to have been considered.

No clear cut and transparent evidence has been advanced to identify that the suggested savings are based on anything other than guesswork and perhaps wishful thinking and clearly they must be reliant on the Haddington Court being disposed of timeously. The Chief Executive of East Lothian Council, Angela Leitch, has publicly stated that the Council are not in a position to buy the property and since they own the rest of it, it is difficult to phathom who, particularly in the present economic climate, might be interested in acquiring it. An estimated backlog of maintenance costs of £470,000 means that it would be an expensive acquisition for any purchaser.

Any apparent savings that might be made by SCS in the move to Edinburgh must be offset against other costs incurred by agencies such as Police, Social Work and Citizens’ Advice.

Figures advanced by independent forensic accountants (Alex McLaren for Faculty of Procurators) suggest that far from saving money, any closure going ahead as currently planned could COST anything up to £500,000.

It is regretted that the suggestion put forward by the Chief Executive of East Lothian that any closure be postponed to allow the Council to work constructively with SCS in identifying cost effective ways of keeping Haddington Courts open, appears to have been summarily dismissed.
1. **What will be the local impact of the SCS’s recommendation on access to justice?**

The local impact on Haddington Sheriff and JP Court would be extremely damaging and is therefore totally unacceptable. The so-called ‘West Lothian’ model where all the agencies deemed necessary to facilitate the smooth running of the Court can be found under one roof, is *almost* replicated in East Lothian. The building is shared with the Social Work Department while the Police Station, The Procurator Fiscal, and Citizens’ Advice Bureau are located within 100 metres. Offices of Local Solicitors and East Lothian Courier are also close by as are Bus Stops allowing access to the wider community.

Transport to and from Edinburgh is expensive and time-consuming especially from the remote parts of East Lothian and figures suggesting otherwise are frankly misleading.

It is a realistic fear that with solicitors having to bear the cost of travelling to and from Edinburgh to represent clients on Legal Aid, some may decide to withdraw from providing this service thus creating a serious difficulty for the most vulnerable users in accessing justice.

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

Closing East Lothian’s Courts will leave its population with the understanding/impression that justice is distant, centralised and remote.

The Justice System will become disconnected from smaller communities outwith the city.

The status and prestige of the County will suffer and local businesses many of whom are feeling the effects of the economic downturn will lose valuable business. The local Press will no longer be able to routinely report on court cases and this may adversely effect their sales. The very real deterrent effect of cases being reported in the local press will also be lost to the community.

As indicated above, individuals using the court for any reason (and the majority of court users are not accused individuals who are subsequently found guilty) will find accessing the Court costly, time-consuming and even more stress provoking than at present.

It is simply not credible to say that this will not be reflected in the number of non-appearances on any given day and the subsequent increase in ‘churn’ in the system.

Since we, the respondents are all Justices of the Peace, we are compelled to highlight a crucial loss of amenity that will occur should the Justice of the Peace Court be closed. Justices of the Peace are unpaid individuals who give their time and expertise willingly and whose service to the community spreads far beyond the Courthouse doors. They carry out a number of signing duties for the police, power
companies and individuals on a 24 hour basis frequently when the Sheriff is unavailable (i.e. during unsocial hours).

Should the Courts move entirely to Edinburgh, Justices will have to decide whether they wish to transfer and not all may choose to do so. Those who do not transfer will cease to be Justices of the Peace and the services they currently provide will be lost to the community. When these services can be provided by a professional, they will invariably attract a fee which will put them out of the reach of our most vulnerable citizens thus meaning that a service which has existed for centuries will cease to be available to all.

**Additional Reflections**

We regret that our sister Court in Duns has also been earmarked for closure and trust that they too will be submitting evidence to the Justice Committee. It is clear that should Duns be closed there will be no Court serving the East of Scotland between Edinburgh and the border with England. If this happens individuals from considerable swathes of the East of the county will be faced the extremely difficult journey to Jedburgh to attend Court. It is widely accepted that such a journey by public transport, although arguably just possible in a single day, is hugely impractical.

It has been widely suggested that if some of this business was transferred to the Haddington Court this would provide a much more efficient service to individuals living in that area and would in turn, increase the workload in Haddington. It would be good to think that these proposals had been seriously considered.

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17 May 2013