Justice Committee

Scottish Court Service recommendations for a future court structure in Scotland

Written submission from Councillor Peter Bellarby

I am Liberal Democrat councillor for Stonehaven and Lower Deeside Ward of Aberdeenshire Council.

I urge the Justice Committee to consider the evidence it will receive and vote for annulment of the draft closure orders for sheriff courts and justice of the peace courts.

My arguments refer primarily to the situation regarding the courts at Stonehaven but no doubt some of the arguments apply to other courts as well.

There is overwhelming opposition to the closure of courts at Stonehaven expressed by people in Stonehaven and the surrounding district. Indeed, I have heard nobody at all who supports the closure of the courts. A public meeting was held in Stonehaven on Monday last, attended by some 80 people, all opposed to the closure. In the audience were a number of legal professionals who spoke from personal experience and knowledge. It is clear that there would be serious issues if the courts at Stonehaven were closed and all cases transferred to Aberdeen.

I and other Liberal Democrats distributed a leaflet in Stonehaven and nearby places. 69 response slips representing 87 individual people were received back expressing support against closure. It has to be said that those responding this way were to a very large extent not the same people who attended the public meeting.

I know that the consultation exercise carried out by the Scottish Courts Service showed overwhelming opposition to the closure proposals.

It seems to me that it would be entirely wrong for closure to go ahead in the face of overwhelming opposition. It would smack of a dictatorial government imposing its desire regardless and making a mockery of all the consultation.

I am really worried about what closing Stonehaven’s courts would mean for justice in the North East. The courts in Aberdeen are already full to capacity. We already see cases being moved from Aberdeen to Stonehaven because there simply isn’t time for the sheriffs in Aberdeen to fit all the court’s business. Closing Stonehaven would simply mean more delays in cases coming to trial. Delays in cases coming to trial are bad for justice - people’s memories fade with time and that could lead to a miscarriage of justice. It is important for the welfare of those concerned that family cases are dealt with promptly.

There is a proposal to transfer cases currently dealt with at the Court of Session to Sheriff courts. This can only make matters worse.

Legal professionals and social workers tell me that conditions in Aberdeen are congested with inadequate facilities for clients to be seen in private. In cases involving social workers, it is often necessary for a social worker to see somebody immediately after a case has been held. This is easy to do in Stonehaven but almost
impossible in Aberdeen where meetings have to be arranged for a later date. In these situations it is important to “strike whilst the iron is hot” so delays are counter-productive.

There are also extra inconvenience and costs that would be incurred if cases were held in Aberdeen rather than Stonehaven. The parking situation in Aberdeen is not at all good.

The proposals to close courts are based on the need to save money. The amounts to be saved are really quite small. Since there are considerable costs in making the changes needed for courts to be closed and adequate facilities provided in central locations, it will be many years before any net cost saving is achieved. The auditor general’s investigations show that currently very large sums of money are wasted in the way court business is conducted in such matters as time wasted by police officers in attending courts and having to wait or have to return another day. A review of the way court business is conducted is called for. I have no doubt that enough savings can be found to more than cover the costs involved in retaining the existing sheriff and justice of the peace courts.

Finally the effects on local communities should be considered. Local communities need to be sustained and removal of courts would be detrimental to the local community.

Cllr Peter Bellarby
20 May 2013