Justice Committee

Scottish Court Service recommendations for a future court structure in Scotland

Written submission from David Harley

As both a resident of Cupar, and a solicitor practising in the town over the last twenty-nine years and a former dean of the local faculty, I wish to record my fundamental opposition to the proposed closure of Cupar Sheriff Court. I would urge the Justice Committee to reject this negative proposal by the Scottish Court Service (SCS) which, in my view, is ill-considered, lacking in financial credibility and, most importantly, ignores the needs of a wide spread rural community to have access to justice within its own constituency.

The arguments advanced by those seeking to save the court are already well known and have been commented on by our elected representatives as compelling reasons for retaining the court. Those arguments can be summarised as follows:

- The court “sat” the equivalent of 257 days last year which rebuts any suggestion that it is under-utilised and merits it remaining open.
- Projected savings from the closure (net of dilapidations which is only a paper accounting entry) account for only £38,000 per year out of SCS’s hoped for savings of £1.43m per year. Such a tiny saving does not justify dismantling the local justice system in North East Fife.
- The backlog maintenance claim of £470,000 for Cupar from SCS is not credible when compared with an average of £12,000 per year spent over the last five years (£51,000 of which was spent on the one-off refurbishment of the Sheriff Clerk’s office).
- The "one-off" transfer costs of £91,000 in moving to Dundee and the alleged "savings" on closure rings even more hollow.
- Cupar Sheriff Court generates fees of around £200,000 per year which must offset its running costs.
- Cupar is/will be a fully integrated service (like Livingston) comprising court, police and social services all under one roof.
- Cupar has been invested with catering facilities paid for by Fife Council, a vulnerable witness suite and up-to-date technology.
- All those attending Court will face longer and more costly journeys, whether to Dundee or Kirkcaldy.
- Police, expert witnesses and social workers will have to take more time away from work to attend court if Cupar is closed.
- There will be a devastating economic impact on Cupar as many wages and salaries dependent on the court will be spent elsewhere.
- One sheriff sitting in a county sheriff court such as Cupar provides continuity of approach and benefits from local knowledge and deals with cases at every stage as espoused by retired Sheriff George Evans.
- As a single “summary” sheriff court (possibly subsuming the JP court and extending the court boundary to include parts of Glenrothes) Cupar could absorb work from the already overstretched Kirkcaldy Sheriff Court.
Each of these arguments were offered during SCS's so called "consultation" however, as one who attended the public meeting held in County Buildings, Cupar, it was significant to note that not only were these arguments not entertained by the SCS management present, they were not even argued. Instead the need for tighter fiscal control of SCS's budget was rolled out time and again as a non-negotiable justification for a decision which patently had already been taken in all but name.

No doubt that allegation will be hotly disputed, and those in the political environment will rightly point to SCS as being an autonomous body that makes its own decisions, but it cannot be right, or politically acceptable, that a body such as SCS can act without political restraint when its decisions will have such far reaching and fundamental consequences for the people served by Cupar Sheriff Court?

It is not just the population of Cupar that is affected but that of the whole of North East Fife. An area that in itself distinguishes Cupar from other single seat sheriff courts that work within the confines of urban boundaries. Cupar may be relatively small but it covers a very large area of diverse rural and urban communities that have been served successfully by Cupar Sheriff Court for hundreds of years. It short, it works and has a role to play. The argument advanced for its closure is threadbare. Furthermore, it is not good enough to suggest that Dundee will take up the slack. People in this area have no empathy or resonance with a court in Dundee and every right to have access to justice and to see justice being done within their own community.

I would ask the Committee to bear in mind that whilst it is often the administration of criminal justice that is caught in the glare of publicity and on which courts may be judged that is not a realistic gauge of the breadth of work undertaken through Cupar Sheriff Court. The bulk of cases relate to a myriad of family law disputes, civil litigation, reparation and commissary work. These are all the mainstay of any court business and relate directly to the legal needs of the community around it. The proximity and familiarity of the court within the community is a key factor in delivering these services and meeting consumers' expectations.

Even in difficult economic times there is no need to change for change's sake. SCS may well be driven by fiscal imperatives, but I would respectfully submit that our political leaders, and your Committee in particular, have a duty and responsibility to look at the bigger picture and understand not only the massive groundswell of local popular opinion that is firmly against this proposed closure but the irreparable damage it will do to the fabric of our society.

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