Justice Committee

Scottish Court Service recommendations for a future court structure in Scotland

Written submission from Councillor Jim McGillivray

1. What will the local impact of SCS’s recommendations have on access to justice?

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

Whilst it is accepted that Government has a duty to economise on the expenditure of public funds and to run its affairs as efficiently as possible, and whilst there may well be considerable scope for rationalisation within the Scottish Courts system at the present time, it is extremely difficult to see how the present programme of court closures as they affect Dornoch, Tain and Dingwall, will meet any of these criteria or objectives.

The present proposals are just another exercise in centralisation. All the Highland courts are busy and there is unlikely to be a decrease in the volume of business in the foreseeable future. The result will be that the business will become concentrated in two basic centres, Wick and Inverness, and once again, as so often in the past, small communities will lose facilities and, as a result, suffer economic damage whilst larger centres, in this case the Highland capital itself and the largest centre of population north of Inverness, namely Wick, will benefit and have their already relatively buoyant economies further bolstered. It is a similar progression to what has happened in local Government.

Central Government, local Government and quasi-Government Agencies often fail to recognise the economic impact of the closure of such facilities. Courts mean people, not just Sheriffs, the Fiscal’s Department and lawyers concerned but also witnesses, jurors, experts, visiting Advocates and, of course, in civil cases the parties and their families and in criminal cases the accused, all of whom come into the town, many stay overnight or beyond and to a greater or lesser extent all spend money and, therefore, provide a boost to the local economy. Hotels, guesthouses, bed and breakfast establishments, cafes, restaurants, even local shops, will also see a reduced trade as a result of these closures. These may not seem significant to the institution concerned but in small communities they can have a disproportionate affect upon the whole community and its prosperity, even extending to tens of thousands of pounds every year.

Moving from economics to practicalities there is some logic to the closure of Dingwall Court. Dingwall is relatively close to Inverness and is a major market and local centre where the Court Service has only a marginal affect on the local economy and where its closure, whilst regrettable, would not be materially damaging. That something must exist between Wick and Inverness has been recognised by the Courts Administration in their retention of Tain but the retention of Tain and closure of Dornoch is illogical in the extreme for the following reasons:-
1. Dornoch has a large modern Police Station which is a sub area headquarters. Tain is only a local station. It is true that the Procurator Fiscal’s Office is located in Tain but there is spare capacity within the Police building in Dornoch which could easily be utilised to give the Procurator Fiscal’s Department a modern office located approximately halfway between Wick and Inverness.

2. The court building in Dornoch is wholly owned by the Scottish Courts Administration and there is room to expand. The Tain building is only partly owned and partly leased. In addition, Dornoch’s building has more than adequate parking facilities immediately available in the Dornoch Square whereas Tain is fronted on the street in the centre of the town. On a major court day the centre of Tain is likely to be paralysed with traffic dropping off people at the court and then trying to find places to park. Nor can travelling distance be a factor as Dornoch is only nine miles north of Tain and, in any event, if Wick is to remain open it would be more logical to staff a Wick/Tain, Wick/Dornoch arrangement as one unit. Dornoch is nine miles closer to Wick than Tain.

3. Tain has no experience of commissary business. It has never been a commissary court in recorded memory. Commissary in Ross and Cromarty has always been handled at Dingwall. Dornoch has always been a Commissary Court for Sutherland and it is, therefore, illogical to move a business from a court centre that has always handled it to one which has never handled it.

4. The present Tain Court District is small and confined basically to Easter Ross. No doubt parts of the west will be added to it with the closure of Dingwall, but much Dingwall business will go to Inverness. Dornoch’s court area encompasses the whole of the vast County of Sutherland running from the north coast to the west and back down to the east. It is absolutely illogical to transfer the business for such a large area from Dornoch Court to augment Tain simply to keep it open. The logic would be just the opposite, transfer the relatively small area covered by Tain to Dornoch’s jurisdiction.

5. In addition, as Tain court building is set on the main street it could be relatively easily re-developed for other purposes such as shops, flats, accommodation, offices etc, but it is highly unlikely that the same could be true in Dornoch. Already, part of the court is used as a Council Service Point which helps offset costs. What the remainder of the building could be utilised for in event that it is closed as a court it is difficult to determine. It is unlikely that it could be used for anything which could be capable of replacing the influence of the court in the local economy.

6. No doubt an argument has been advanced that Dornoch is, from Inverness at least, “a bridge too far”, namely it adds an eighteen mile round trip to the journey of Sheriffs, Procurator Fiscals, defence lawyers and court staff. However, these people are only travelling at most the thirty miles or so from Inverness. The accused, witnesses, parties in civil actions, many coming from all over the vast County which is Sutherland, will equally have their journeys extended by an eighteen mile round trip as the consequence of the court moving from Dornoch to Tain. The balance of inconvenience surely lies with these parties rather than the officials involved.
In summary, it is unfortunate that there is a need to have a rationalisation of the well tried and tested Scottish Courts system at all. If there has to be such a rationalisation then it should be carried out in a logical manner and in such a way as to cause the least possible economic and social damage. In relation to the closure of courts north of Inverness logically this can only mean the establishment of a revised system based on Inverness, Dornoch and Wick.

This would give an even spread of coverage and would continue to benefit the community that can least bear the loss, namely Dornoch. When five courts become three, business will be concentrated and the concentration of such business will mean that Dornoch would become a fully manned court with a relatively high volume of business. This would be a major "shot in the arm" for the local economy and would afford Scottish Courts Administration the ability to maintain good and evenly spread coverage whilst showing themselves sensitive to social and local needs. Due to size and location Tain and Dingwall have other advantages which Dornoch lacks.

**Supplementary Points:**

1. As budget cuts seem very necessary, significant savings could be found in the maintenance costs of Dornoch Sheriff Court by employing local tradesmen (as in the recent past) rather than calling in distant support under some centralised procurement contract which needs to be urgently examined. Budgetary improvement is also imminent in the demise of the Justice of the Peace system in which the Highland Council’s share of any income will all remit centrally to the Scottish Government in the near future. As stated already, but worth repeating, the rather inauspicious (but very saleable) Procurator Fiscal’s accommodation in Tain lends little dignity to one of the important offices of National Jurisdiction, and the Fiscal could be housed centrally, comfortably and with more perceived status in the modern Dornoch Police Station, a short walk down the street to the Dornoch Courthouse, thus sharing running costs with the Scottish Police Service.

2. It is worth repeating that parking in Dornoch is plentiful both in front and at the rear of the building itself, and also in public car parks in the immediate vicinity of the Court. The parking situation in Tain is “horrendous” in comparison, and I quote from one who uses both Courts regularly. There are no yellow lines in Dornoch.

3. Neither Court building is DDA compliant, but the costs and complexities of upgrading Tain are significant, whereas a chair-lift can be immediately and cheaply fitted to the Dornoch building, and ultimately a full lift system established in the east stairwell. Also, as the front access of the Tain Court sits directly on yellow lines, there is no convenient and sensible opportunity for disabled parking. There are two disabled bays directly in front of the Dornoch Court.

4. In terms of the interior structure of the Courts, Tain has three levels connected by narrow staircases. This does provide the opportunity for a rich, indeed cosy, social mixing of attendees, the presiding Sheriff or JP, lawyers for the
defence, the Procurator Fiscal, Police Officers, the accused and family(ies),
witnesses for the defence and prosecution, jury members, and the viewing
public. There is an argument that this unavoidable rubbing of shoulders of all
parties in close proximity detracts from the dignity of the occasion, and may
hamper the objectivity in the proceedings. Dornoch has two levels with
adequate provision to separate the various parties until called into active
Court proceedings, and must score more highly in any Health & Safety
assessment of the situation.

5. The Tain Courthouse cannot at the moment handle the current level of
business, is landlocked, and has no opportunity for expansion. The Dornoch
Courthouse stands in its own grounds as owned entirely by the Scottish
Courts Service, and has significant garden ground to the rear should any
expansion be necessary in the future.

6. Finally, on the basis of these arguments, I would repeat my invitation of
Autumn 2012 for the members of the Justice Committee to come and, at the
very least, see for themselves before making any final decision. That would
seem to me to be a very reasonable request.

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NB – the first [section] was provided by an experienced lawyer of national standing
who has used both Courts regularly, and [the Supplementary Points section was]
written after consultation with an experienced serving JP.