Justice Committee

Scottish Court Service recommendations for a future court structure in Scotland

Written submission from Wm. Skelton & Co

In connection with your committee’s call for evidence on Scottish Court Service’s proposed court closures attached are letters detailed as undernoted in response to Scottish Court Services’ recommendation which ignored the objections raised in the island campaign to retain Rothesay Sheriff Court. It is in a unique position in that its costs are minimal, SCS’s estimate of savings for its closure being £6000. This saving, however, will be substantially exceeded by additional costs to the Legal Aid budget, police and social work budgets.

To reach Greenock Sheriff Court the Rothesay/Wemyss Bay ferry will be used and there is serious concern about intimidation of witnesses on the journey over and punishment of witnesses on the way back. The result of this is likely to be that the public will be unwilling to co-operate with the police which will be to the detriment of justice and security of all those on the island.

Elaine C. Campbell
Wm. Skelton & Co
16 May 2013

Annexes:

A. Letter by Wm. Skelton & Co dated 31st October 2012 to Scottish Court Service.
C. Standard Letter of Objection submitted by members of the public (260 submitted through our office alone).
D. Email dated 22nd April by James Hannay of Hannay Fraser & Co to Mr Michael Russell.
E. Letter by Dan Edgar retired Police Superintendent with Strathclyde Police to Kenneth MacAskill dated 24th April 2013.
F. Email dated 16th April by Elaine Campbell to Michael Russell.
Annexe A: Letter by Wm. Skelton & Co dated 31st October 2012 to Scottish Court Service

Scottish Court Service Consultation: Proposals for a Court Structure for the Future - Proposal 5

I understand that your proposals are part of the Scottish Government's aim to have access to justice for all at a cost which public expenditure can afford.

Rothesay Sheriff Court is in a special position. Major cost cutting took place several years ago with the closure of Rothesay Sheriff Court building and the transfer of the Court to share accommodation at Argyll & Bute Council's offices at Eaglesham House, Rothesay. The estimated saving by Scottish Court Service for now closing this Court I have been informed is only £6,000 per annum. If the proposal to close Rothesay Sheriff Court and transfer its business to Greenock Sheriff Court goes ahead, other parts of the public budget will soar, e.g. the additional cost to Scottish Legal Aid Board's budget for paying travel and accommodation costs to witnesses and to Strathclyde Police for providing adequate police cover on the island while police witnesses are in Greenock. **If it is essential to save £6,000 on public expenditure for Rothesay Sheriff Court, that instead may be achieved by Rothesay Sheriff Court sitting every second Monday instead of weekly.**

Rothesay Sheriff Court is situated on the island of Bute. All witnesses will require to travel by Caledonian Macbrayne ferry from Rothesay to Wemyss Bay where there is a bus service to Greenock. Ferry passengers are not permitted to remain in their vehicles and therefore defence and prosecution witnesses, normally deliberately kept apart, will travel together creating the opportunity and risk of witness intimidation which is clearly not in the interests of justice.

Trials are frequently postponed with more than one trial often set down for the same day. The accused and witnesses, including Police officers often have to attend Court several times before the trial proceeds. There is the additional risk that if the ferry breaks down or there are gales they and the other witnesses may be unable to return home that day with overnight accommodation being required and having to be paid for, again by the public purse.

There are two serious implications about public safety for the community on Bute. Firstly, because witnesses may be deterred from assisting the police because of a fear of intimidation and the costs and difficulties of travelling to Greenock Sheriff Court and the uncertainty of when they will be able to return. Secondly, the requirement for Police witnesses having to travel to Greenock Sheriff Court and wait there to give their evidence. This means there will be at times insufficient Police Officers remaining on the island. Currently Police Officers can be called to Rothesay Sheriff Court when the trial is ready to begin and only require a few minutes notice to do so. It will cost more than £6,000 per annum to provide this necessary additional police cover. Where will this money come from? Where will Scottish Legal Aid Board, who is required by the Scottish Government to cut its budget, find funds to pay for the witnesses travel costs and, at times, overnight accommodation?
The proposed closure of Rothesay Sheriff Court risks the public safety of all those who live on the island, while increasing the cost to public expenditure. The reduced costs can be achieved instead by reducing the Court sitting from weekly to fortnightly.

I consent to this letter being made public.

Elaine C. Campbell
Wm. Skelton & Co

Annexe B: Letter dated 2 November 2012 by Tim Saul

Scottish Court Service Consultation - Proposals for a Court Structure for the Future

Proposal 5 - Proposed Closure of Rothesay Sheriff Court, Isle of Bute

I am writing to oppose the proposal to close Rothesay Sheriff Court and transfer its business to Greenock.

The island's Sheriff Court is in a special position. It shares accommodation with Argyll & Bute Council in their offices in Rothesay. I understand if this Court closes that the saving to Scottish Court Service is only £6,000 a year but the Police and Scottish Legal Aid Board will have to pay considerably more than £6000 per annum in travel and accommodation costs for witnesses and for additional Police cover on the island while the local Police are attending Greenock Sheriff Court.

Witnesses and defendants would have to travel by ferry from Rothesay to Wemyss Bay. Ferry passengers are not allowed to stay in their vehicles and all passengers must be in the lounge areas. Defence and prosecution witnesses who should be kept apart will be forced to travel together which creates a risk of intimidation. Trials are often postponed with witnesses having to travel to Court on several days. Gales or ferry breakdowns would prevent witnesses travelling home. Where are they to stay and how are they to pay for it while waiting for reimbursement?

Witnesses may decide against assisting the Police because of a fear of intimidation and the difficulty of travelling. If the island's Police officers need to travel to Greenock to give their evidence, where are the extra Police officers to be found and where is the money to pay them?

If Rothesay Sheriff Court closes this will affect the safety of all those who live on or visit the island. If you must save £6,000 a year, the Court should be held less frequently instead.

Tim Saul
2 November 2012
Annexe C: Standard Letter of Objection submitted by members of the public.

Scottish Court Service Consultation - Proposals for a Court Structure for the Future

Proposal 5 – Proposed Closure of Rothesay Sheriff Court, Isle of Bute

I oppose the proposal to close Rothesay Sheriff Court and transfer its business to Greenock. The island’s Sheriff Court is in a special position. It shares accommodation with Argyll & Bute Council in their offices in Rothesay. I understand if this Court closes that the saving to Scottish Court Service is only £6,000 a year but the Police and Scottish Legal Aid Board will have to pay much more travel and accommodation costs for witnesses and for additional Police cover on the island while the local Police are attending Greenock Sheriff Court. Witnesses would have to travel by ferry from Rothesay to Wemyss Bay. Ferry passengers are not allowed to stay in their vehicles and all passengers must be in the lounge areas. Defence and prosecution witnesses who should be kept apart will be forced to travel together which means a risk of intimidation. Trials are often postponed with witnesses having to travel to Court on several days. If there are gales or if a ferry breaks down witnesses may not be able to get home. Where are they to stay and how are they to pay for it while waiting for reimbursement?

Witnesses may decide against assisting the Police because of a fear of intimidation and the difficulty of travelling. If the island’s Police officers need to travel to Greenock to give their evidence, where are the extra Police officers to be found and where is the money to pay them?

If Rothesay Sheriff Court closes this will affect the safety of all those who live on or visit the island. If you must save £6,000 a year, the Court could be held less frequently instead.

I consent/do not consent (*delete as inapplicable) to this letter being made public.

Annexe D: Email dated 22\textsuperscript{nd} April by James Hannay of Hannay Fraser & Co to Mr Michael Russell.

I am writing to you in relation to the closure of Rothesay Sheriff Court. I would urge you to approach the Justice Minister again and try to encourage him to make representation that Rothesay Sheriff Court should remain open for the benefit of the public.

Initially, the situation was that we were told that the Courts were attempting to save public expenditure by closing those Courts which were not economic.

It is clear from my investigations that the cost of running Rothesay Sheriff Court is fairly small on a yearly basis compared to what the cost would be required to transport witnesses and police officers to Greenock Sheriff Court which is a ferry journey and a bus ride away.
Further, there is a sizeable population in Rothesay and many of those who attend Court have social problems such as drink and drugs and it is doubtful if financially they would be able to travel to Greenock which will of course mean Warrants for their arrest and necessary cost in eventually transporting them from Rothesay to Greenock. We understand that after the police arrest someone on a Warrant the GS Group require to travel to Rothesay and thereafter take them to Greenock Sheriff Court.

Often if released the accused then require either a police warrant to get home again on public transport or help from Social Work.

From the document received in relation to the consultation response it now would appear that the Government are accepting the running costs of Rothesay are modest. They have however altered the goalposts in that they have indicated that the accommodation used on Bute does not fully meet the standards and expectations of a modern Court service.

There is no substance to what they say and no meat to the bone given that they do not indicate what the expected accommodation standard is.

As far as I am aware, there has been no complaint regarding Rothesay Sheriff Court. There are witness rooms, there are toilets and a waiting area. The Court itself is set out like any other Court in the land with the Bench raised, a sizeable table for qualified staff and Sheriff Clerk and ample area for those attending Court. There are kitchen facilities for staff and for those members of the GS company who transport prisoners. There are also coffee shops a short distance from the Court.

As far as custodies are concerned, they can be brought when required from the police station. There is nothing I would suggest to indicate that there is a sub-standard service. I wonder if you could enquire the definition of the expectation required by a modern Court service. I also have an office in Glasgow and I attend regularly at Glasgow Sheriff Court. Glasgow Sheriff Court in the morning is a nightmare of persons arriving, accused, their family, witnesses. There are many lawyers arriving and Court staff. Throughout the morning they all hang about corridors with nowhere to sit. They are not allowed in Courts until the Courts open. There is no area where family members can attend whilst waiting and in respect of the amount of persons attending it is sometimes the case especially in the mornings that there is insufficient room in the toilet facility.

I have also attended many other Courts in the West of Scotland and indeed in other parts of Scotland. I do not consider in my experience that the Rothesay Sheriff Court is of any lesser standard than others I have attended. Someone will have to explain the standard expected.

I do not know where this idea has come from and I do not know who has raised same. I can only assume that whoever wants the Court closed cannot now competently argue it should be closed on the basis of cost.

I also note that Rothesay Sheriff Court leases a large room from Argyll and Bute Council. I understand that this has been leased for a period of ten years and will
require to continue to be paid for that period of time. This seems self-defeating if the Court is closed.

There is also clearly an impact on the local population. Access to justice will be seriously affected. Locals will be affected as follows:

1. Those with a mind to raise proceedings by way of Small Claim will require to travel for an hour and a half to Greenock Sheriff Court, thereafter wait and take advice and assistance from the Clerks there in order to eventually raise proceedings. This is both inconvenient and costly and will clearly impede access to justice. When there is a Court in Rothesay there is a Clerk on a Monday who can be consulted. This has happened before and I have indeed advised clients to attend at the Sheriff Clerk’s office with any query that they may have.

2. Should members of the public wish to raise a divorce under the simplified procedure which they are entitled to do on their own. Clearly, the documents require to be filled in properly, the Clerk requires to serve documents in relation to these divorces and again if parties require to travel to Greenock this will add cost, time, be inconvenient and again access to justice will be impeded.

3. In respect of Small Estates, advice is required by members of the public. Rothesay has many retired people and has such a population that many may require full advice in relation to Executries and other areas and not being able to have access to a local Sheriff Clerk would prevent access to justice, again be costly and would impact on the whole population.

4. When Sheriff Herald sat in Rothesay he was keen that the local population was aware of what was happening in relation to justice and he was anxious that those who were dealt with in the Courts were dealt with locally so that the local population could see how justice was dispensed. This will not be possible if the Rothesay Court business is removed to Greenock Sheriff Court.

5. If the Court is transferred to Greenock, as no doubt you have been advised, witnesses may require to travel with accused persons on the ferry from Rothesay to the mainland. Ferries only run at certain times and we have no doubt that witnesses and accused will require to travel together.

It may well be that those witnessing a crime will not come forward because they will require to travel a distance to the Court and not only that but will require to travel with the person whom they intend to pick out in the dock.

This could have a very serious effect for the population of Rothesay and would certainly affect the local population.

6. With the Court removing from Rothesay police officers will now require to travel to Greenock Sheriff Court and will not be able to be put on stand-by.

There are few enough police officers in Rothesay and as well as the cost of having to move them from the island there is also the fact they will not be able to carry out their duties in Rothesay and this will affect the population. Although there are some
statistics regarding various cases in Rothesay Sheriff Court, we have no doubt that you will be able to find out just how many Fixed Penalties have been passed out in relation to other offences which have not been brought to Court. There are many as clients have attended at our office on numerous occasions asking for advice. Again, as we have said, the local population will suffer as a result of the police having to be away from the island for lengthy periods of time.

7. I would also submit in relation to the costs involved that they will again be increased given that when witnesses and accused travel to Greenock Sheriff Court there is no guarantee that they will be able to get home. Albeit the consultation paper indicates that the travel is only one hour fifteen minutes and can be made on the same day by public transport, we are unsure as to whether or not they take into account that the public transport in this case means ferries and then buses.

Ferries are at fixed times and there is no guarantee that the witnesses and accused would be able to return to Wemyss Bay in time to catch the final boat especially during winter.

Indeed, in inclement weather the boats are often cancelled and indeed the service ends early on occasion. This could even happen in summertime. There would be enormous costs, we would suggest, to the authorities requiring to pay for overnight stays for witnesses. Accused persons would be left stranded.

The above comments I think clearly contradict the recommendations for Rothesay that only a small number of the population would be affected.

Why should attendance at Court be a rare experience? Courts are public and should be open to the public to see justice carried out. The comment in terms of this recommendation relating to residents undertaking a journey from Rothesay on a frequent basis may well be correct but same is trite when putting it in the context of persons requiring to travel to Court. Whoever has put forward the recommendations I would submit has no experience of the difficulties the journey concerned can be and indeed that many residents who travel, travel at specific times to them which are convenient, not early in the morning and indeed those returning, return in plenty of time to ensure they catch the ferry that they are seeking to embark. I think it disingenuous for the SCS to comment in these terms about something of which they know nothing. As indicated, I should be grateful if you would approach the Justice Minister and indeed express your opposition and the population’s opposition to the closure of Rothesay Sheriff Court.

James S Hannay
22 April 2013
Annexe E: Letter by Dan Edgar retired Police Superintendent with Strathclyde Police to Kenneth MacAskill

Closure of Sheriff Courts and in Particular Rothesay Sheriff Court.

May I remind you that politicians are no more, no less than public servants and should on occasions listen to the views of the public they are rather well paid to serve, rather than listen to the mandarins in the Civil Service.

In a previous professional life I worked within two of the busiest sheriff courts in Scotland, i.e. Paisley and Glasgow, keeping the lid on potential violence and trouble between hostile witnesses, not to mention accused persons in this controlled environment was and I am sure still is, extremely difficult. I am not suggesting for one minute that Rothesay Sheriff Court is in the same league as the two Courts mentioned above. However, the potential for trouble between witnesses and or accused persons is an ever present possibility even in communities like our island, can you imagine the situation in the confined environment of a Cal-Mac Ferry sailing to or from Rothesay to Wemyss Bay or a Scot Rail train between Wemyss Bay and Greenock. Will Cal-Mac or Scotrail staff be expected to police those potential “flash points”? I should think not!! Scarce police resources will have to be deployed on a regular basis and at considerable cost.

The police will have extreme difficulty persuading people, who are genuine witnesses to fulfil their civic duty when they (the witnesses) realise what the journey to Greenock would entail. Also in serious cases, and they occasionally do happen on Bute, the island could be deprived of its entire police resource for many hours. Replacements are not a short drive away!!

I would seriously urge you to think very carefully before you make a final decision on the closure of Rothesay Sheriff Court and think about the following: There is no alternative means of travel to Greenock from Rothesay. This is not the case in the other proposed court closures, what will you have to spend to save the projected £6000 savings that the closure is expected to produce?

I have copied this letter to the “Buteman” and Elaine Campbell, a local Solicitor of Wm. Skelton & Co, Rothesay, who I understand is campaigning against the Rothesay Sheriff Court closure.

I do look forward to a personal reply from you on this very important civic matter for the people on the isle of Bute. I have no desire to read the standard civil service reply.

Dan Edgar
24 April 2013

Annexe F: Email dated 16th April by Elaine Campbell to Michael Russell

I have considered the SCS response and recommendations about the proposed court closures, which include the recommendation that Rothesay Sheriff Court should close. The general aim is to reduce public expenditure. It may be that SCS
has accepted this will not be reduced in the case of Rothesay Sheriff Court because for the first time SCS has raised the question of unsuitable accommodation. This has not allowed us the opportunity to deal with whatever the issues may be.

There are, as in the original court building, two rooms which are available for separation of the respective witnesses. While prisoners remain in the transport vehicle until they are interviewed by a solicitor or brought to the bar, I am not aware of objections to this. There are police cells available at Rothesay Police Station, which is only a short distance from the court. While this might require some administrative re-organisation, since it would overcome the difficulty of Police Officers being off the island at court to give evidence this is something which with common sense and goodwill should be achievable.

In justification of their recommendation to close Rothesay Sheriff Court, SCS states that this closure “would affect only a small number of the local population”. This is not the case. The whole population will be affected if there are insufficient Police Officers on the island and if witnesses are afraid to provide the Police with information because of fear of intimidation when they have to travel on the same ferry as the accused before and after giving evidence.

I ask your help again now to oppose the SCS recommendation for the closure of Rothesay Sheriff Court and for its retention at Eaglesham House.

I look forward to hearing from you.

Elaine C. Campbell
16 April 2013