Justice Committee

Scottish Court Service recommendations for a future court structure in Scotland

Written submission from Angus Council

I am responding to your request for written evidence on the SCS’s recommendations on a future court structure in Scotland. I have attached as Angus Council’s evidence an excerpt of the minute of meeting of Angus Council of 13 December 2012 (Annexe A) with a link to Report No 723/12 which was considered at that meeting. If for any reason the link to Report No 723/12 does not work, I have attached a PDF version also (Annexe B).

Annexe A

Excerpt of minute of meeting of Angus Council held in the Town and County Hall, Forfar on Thursday 13 December 2012 at 4.00pm.


Provost Helen Oswald, in the Chair.

11. Scottish Court Service Consultation – Shaping Scotland’s Court Services Proposed Closure of Arbroath Sheriff Court

There was submitted Report No 723/12 by the Director of Corporate Services advising the Council of the consultation exercise embarked upon by the Scottish Court Service entitled “Shaping Scotland’s Court Service”, and that one of the proposals being consulted upon was the closure of Arbroath Sheriff and Justice of the Peace Court.

The Report indicated that there were two Sheriff Court’s in Angus, namely Arbroath and Forfar and in addition Justice of the Peace Courts operated from both of these premises. Angus Council was heavily involved in the work of the Courts, with the Department of Social Work and Health providing criminal justice and children and families services to the Courts with solicitors from Law and Administration Service regularly attending Court on behalf of the Council and Angus Council Officers regularly required to attend Court as witnesses. The proposed response, as appended to the Report was to oppose the closure of either Arbroath or Forfar Sheriff and Justice of the Peace Courts.

Having heard from a number of members, the Council resolved:-
(i) to note that the Scottish Court Service had embarked upon a consultation exercise entitled “Shaping Scotland’s Court Service” which was a public consultation on proposals for a court structure for the future,

(ii) to note that one of the proposals being consulted upon involved the closure of Arbroath Sheriff Court; and

(iii) to authorise the Director of Corporate Services to respond to the consultation exercise and oppose the closing of either Arbroath or Forfar Sheriff and Justice of the Peace Court.

Annexe B

Angus Council Report No 723/12

Angus Council – 13 December 2012

Scottish Court Service consultation – Shaping Scotland’s Court Services
Proposed closure of Arbroath sheriff court
Report by the Director of Corporate Services

ABSTRACT

This report advises the Council of the consultation exercise embarked upon by the Scottish Court Service entitled “Shaping Scotland’s Court Service”, that one of the proposals being consulted upon is the closure of Arbroath Sheriff and Justice of the Peace Court and seeks approval as to the terms of the Council’s response to the consultation.

1. Recommendations

The Council is asked to:-
(i) note that the Scottish Court Service has embarked upon a consultation exercise entitled “Shaping Scotland’s Court Service” which is a public consultation on proposals for a court structure for the future,

(ii) note that one of the proposals being consulted upon involves the closure of Arbroath Sheriff Court; and

(iii) agree that the Director of Corporate Services respond to the consultation exercise and oppose the closing of either Arbroath or Forfar Sheriff and Justice of the Peace Court.

2. Background

2.1 There are two Sheriff Courts in Angus. These are Arbroath and Forfar Sheriff Courts. In addition, Justice of the Peace Courts operate from both of these premises. Previously, Angus Council was responsible for the operation of what were then known as District Courts. Responsibility of the operation of District Courts transferred
to the Scottish Court Service in February 2009 when they became Justice of the Peace Courts.

2.2 Angus Council is heavily involved in the work of the Courts. The Department of Social Work and Health provides Criminal Justice and Children and Families Services to the Court (in the form of reports to the Court). Solicitors from the Law and Administration Service regularly attend Court on behalf of the Council. Angus Council officers are regularly required to attend court as witnesses.

3. REPORT

3.1 In 2011, the Scottish Court Service commenced a review process to permit them to meet the challenges it faced in the future. The identified challenge was to provide a court structure that:

(a) provides Scotland’s citizens with services and facilities consistent with the standards of a modern system;
(b) is ready to support the anticipated reforms effectively, and
(c) is affordable within the reduced budget available to it.

3.2 There were a number of factors driving the review. The first is the anticipated reform of the justice system in Scotland following on from Lord Gill’s Review of the Scottish Civil Courts in 2009 and Sheriff Principal Bowen’s Independent Review of Sheriff and Jury Procedure in 2010. The second is an assessment of business trends within the court which, broadly speaking, identifies that criminal business will fall and civil business will remain at present levels. Finally, the third is that, following the Scottish Government’s 2011 spending review, the revenue budget set for the Scottish Court Service is set to fall, from it’s 2010/11 position, by 11.1% in 2014/15 (in cash terms and excluding the effect of inflation). Taking inflation into account, the reduction in the revenue budget from 2010/11 to 2014/15 is, in real terms, 20%. The Scottish Court Service is of the view that they have no choice but to find ways to deliver their services at lower annual cost.

3.3 To assist the Scottish Court Service to fully consider the challenges facing it, and to identify the practical considerations in delivering court services, dialogue events were organised around Scotland, and a wide variety of organisations involved with the operation of the Courts invited to attend. A representative of the Law and Administration Service attended one dialogue event in Perth on 31 May 2012. Documentation was circulated to those attending these dialogue events to illustrate how the thinking of the Scottish Court Service translated into a court structure. These documents referred to the possible closure of Forfar Sheriff and Justice of the Peace Court.

3.4 Following these dialogue events, and consideration of the comments arising therefrom, the Scottish Court Service have commenced their formal consultation exercise entitled Shaping Scotland’s Court Service. A copy of the document can be found here:

3.5 It is acknowledged that this document is both detailed and complex. Among the proposals contained in the document is the closure of Arbroath Sheriff and Justice of the Peace Court. It is proposed that, initially, the business of Arbroath Sheriff Court would transfer to Forfar but that, over time, more important civil and criminal cases would transfer to Dundee Sheriff Court.

4. Risks

This report does not require any specific risk issues to be addressed.

5. Financial Implications

There are no financial implications arising from this report

6. Human Rights Implications

In dealing with the matters set out in this report the Council will have regard to any human rights issues.

7. Equalities Implications

The issues dealt with in this report have been the subject of consideration from an equalities perspective. An equalities impact assessment has been undertaken

8. Consultation

The Chief Executive, Head of Law and Administration and Head of Finance have been consulted in the preparation of this report.

9. Conclusion

9.1 It is submitted that Angus is adequately and efficiently served by having two Sheriff and Justice of the Peace Courts within it’s area and should continue to be so served. At the very least, the geographical size of Angus is such that to close one Sheriff and Justice of the Peace Court would create an unacceptable burden in terms of travelling time (be it as a witness, an accused, a solicitor, a social worker or anyone else otherwise engaged in court business). Perhaps more concerning is that, eventually, a significant volume of important court business will not be dealt with in Angus at all but will be transferred to Dundee Sheriff Court. This proposal could affect the viability of the then one remaining Court in Angus which could lead to it’s closure. This will have a significant impact on travelling times (particularly in respect of those resident or working in the north and west of Angus). Finally, it is submitted that whilst the proposals contained in the document would appear to lead to savings for the Scottish Court Service, the impact of the proposals are such that the savings are not being reduced but are being transferred and borne by other public bodies or the public in general.

9.2 In light of the above, it is recommended that the Council should oppose the closure of either Arbroath or Forfar Sheriff and Justice of the Peace Courts, and that
the Director of Corporate Services should respond to the consultation exercise to that effect.

9.3 Once the consultation has closed, the Scottish Court Service will analyse all responses and publish a summary of the consultation on their website. Should the Scottish Court Service decide to recommend the closure of a court then it would be for the Scottish Ministers to submit the necessary statutory orders to the Scottish Parliament. The Scottish Parliament may debate the orders. The final decision on whether a court should close rests with the Scottish Parliament.

Colin McMahon
DIRECTION OF CORPORATE SERVICES

NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above Report.
L&A/SCH/DT