A. Introduction

1. Dumfries and Galloway Council welcomes the opportunity to provide this submission to the Justice Committee having been disappointed that despite its opposition to the changes within Dumfries and Galloway and its response to the official consultation by the Scottish Court Service, the proposals remained unaltered.

2. Dumfries and Galloway covers 2380 square miles and has a population of approximately 148,000. Three of its courts are affected by the proposals - Annan JP Court which will be closed; Kirkcudbright Sheriff Court which will be closed; and a change of the type of business to be heard at Stranraer Sheriff Court which will no longer deal with Sheriff and Jury business.

3. The Court closures were considered by the three area committees affected by the closures and also by one central committee – such was the strength of cross-party opinion against the closure and changes to our Courts.

B. What will be the local impact of the SCS’s recommendations on access to justice

1. The Council is very concerned about the disconnect between justice and the local community that these closures and changes will cause. The Council observes the increased centralisation of courts and therefore the provision of justice in Scotland. These proposals together with those to concentrate all high court sittings in Edinburgh, Glasgow and Aberdeen (over time removing the circuit locations which at present include Kilmarnock) mean there would be no high court presence south of Glasgow. This added to the cessation of sheriff and jury trials at Stranraer, the closure of Kirkcudbright Sheriff Court after 550 years of court history within the town, and the end of justice being dispensed within Annan after 700 years – means there will be a complete disconnect between the people of the south west and the Scottish justice system.

2. The Council wishes to see local provision for the public not more centralisation outwith the region, or in one town within the region this size.

3. The people of the region will now have to travel considerable distances to access justice – this cannot be right. Also, there seems to be no understanding or concern for those who live in rural communities and how difficult travel can be. How can people access justice freely when as a victim of crime or the family of a victim they may have to endure a long bus journey on the same bus as the accused?

4. The Council is concerned that the proposals could lead to the non-reporting of crime due to witnesses being concerned about being involved in Court appearances requiring extensive travel and the commitment that would bring
in time away from home or work and also the initial outlay of expense involved.

5. Not everyone has access to a car and reliance on rural public transport and the long journeys involved will inevitably mean that through no fault of their own either the accused or witnesses are going to be late for court. This is not going to improve court efficiency and it may also mean that the accused face further problems or charges through either late or non-appearance at court.

6. Most crimes are heard before a Sheriff sitting on his or her own. It is only for the more serious crimes that there are still sheriff and jury trials. These trials therefore tend to have a higher profile and be of more concern to the local communities where they have taken place. Juries are generally chosen from the locality of the court and it means that there is an element of the accused being judged by one’s own community and peers. To move sheriff and jury work to another court would therefore mean that the jury will be chosen from people who live in the other area, and the people of Stranraer will not longer be able to take part in the justice system in this most fundamental of ways.

7. In the case of Kirkcudbright Sheriff Court, the proximity of the 282 civil cases per annum heard at Kirkcudbright Sheriff Court to the criteria of 300 that would justify keeping the court open is very close indeed – and when geographical and travel issues are taken into account, this court should remain open to dispense justice in civil and criminal cases in the area.

8. It seems inevitable that give the closure and changes to the other courts within Dumfries and Galloway and the increased business at Dumfries Sheriff Court, citizens will now have to wait longer for court dates and for justice to be dispensed.

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

1. With regard to the change of business at Stranraer Sheriff Court – this would now mean that witnesses, or others having an interest – eg the families of victims or the accused would in some cases have return journey of some 190 miles. For the Annan court closure it would members of the public having a round trip of 80 miles from some of the outlying districts and anything between 60 and 100 for those who would normally be served by Kirkcudbright Sheriff Court. This is clearly unacceptable. The SCS appears to have little understanding of our particular geography and travel within rural areas and if people are reliant on public transport which a large proportion of people will be – there is little or no choice in bus times to get to and from court – therefore this will mean that the accused may well be travelling to court on the same long bus journey as a victim or his and her family. This is a retrograde step and of major concern to the Council.

2. The proposals would also mean that there would need to be changes to the Criminal Social Work service structure. This would cause resource issues, as the Criminal Justice Social Work service would have to provide additional staff time to the Dumfries Courts (where more business will be heard) whilst providing a service in each of the localities to any accused person made subject of a Community Payback Order.
3. Generally there is concern that the savings to the Scottish Court Service will mean additional costs for users and for the local authority – since the public and social services staff will now have to travel to Dumfries for court business.

4. The Council expresses deep concern about the impact on the Solicitors firms in Kirkcudbright, Stranraer and Annan. It is important to these towns that young professionals should be attracted to the area and play their part in the local community.

5. The Council is also concerned about the impact on social services staff who will be required to have long journeys also to give input in cases - this is simply passing on a cost from the Scottish Court Service to the local authority.

6. Police based in Stranraer and Kirkcudbright and Annan will now have to waste valuable police resourcing time travelling back and forward to Dumfries Sheriff Court.

Dumfries and Galloway Council
21 May 2013.