



**Delivering a Unified Courts Administration in Grampian, Highland and  
Islands Sheriffdom**

**Summary of Responses to the Written Consultation**

Scottish Court Service  
October 2007

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## **1 Introduction**

On 6 July 2007, The Scottish Court Service (SCS) issued a Consultation Paper outlining plans for the first phase of unification in Grampian, Highland and Islands to over 1400 individuals and organisations/groups (including SCS and local authority staff). The full distribution list can be found in Appendix A. The closing date for responses was 30 September 2007. During that period SCS officials met with various stakeholders including elected representatives and JPs from several District Courts, including Nairn and Kingussie. This report considers and comments on the responses received.

## **2 Background**

**2.1** Unification of the summary criminal courts in Scotland is part of the programme of summary justice reform which started in November 2001 when the then Minister for Justice appointed a committee, chaired of Sheriff Principal John McInnes, to review summary justice in Scotland. The Summary Justice Review Committee, in their report to Ministers in March 2004, recommended the unification of the administration of the summary courts in Scotland under the Scottish Court Service.

**2.2** The Scottish Executive white paper, Smarter Justice, Safer Communities, Summary Justice Reform, Next Steps (March 2005) set out what would be done on court unification.

- Proceed with unification of the summary courts administration. Unification will be at the heart of an efficient summary justice system.
- Unification should be phased-in across Scotland, on a Sheriffdom by Sheriffdom basis. This will allow change to be effectively managed, lessons to be learned as the project rolls out, and appropriate local solutions to be developed as part of the unification package.
- Unification will be based firmly on the principle of strengthening the links between courts and communities – the new unified system will continue to see court business conducted in locations throughout Scotland, taking account of the needs of victims, witnesses and the communities themselves.
- Further work is required on issues such as costs, estates, staffing and IT to ensure that unification progresses smoothly and its benefits realised – we will take that work forward with local authorities, District Courts and other relevant partners to ensure that the needs of court users, staff and the organisations involved in the change process are taken into account and carefully managed.

**2.3** In December 2005, Cathy Jamieson, the then Minister for Justice, announced that subject to legislation the first phase of unification would take place in Lothian and Borders Sheriffdom during the latter part of financial year 2007-08. Subsequently Grampian, Highland and Islands Sheriffdom would unify during the early part of 2008-2009. The current planning assumption is that implementation of court unification in Grampian, Highlands and Islands will take place on 2 June 2008.

**2.3** On 18 January 2007 the enabling legislation in the Criminal Procedure etc (Reform) (Scotland) Act was passed by the Scottish Parliament and received Royal Assent on 22 February 2007.

### **3 General Responses**

**3.1** A total of 44 responses were received. The majority of responses welcomed the opportunity to comment on the report and there were many positive comments. A table of SCS responses to comments made can be found in Appendix C

**3.2** Grampian Police restricted observation to those parts pertaining to the Force area and had no comment to make other than to be supportive of the recommendations made. Furthermore it was noted that 'continued partnership working will smooth this forthcoming transition'.

**3.3** Northern Constabulary observed that the co-location of the court systems as described in the draft document should as indicated provide a better service for all users, will provide a single service and contact point as well as bringing about greater clarity in terms of management and accountability.

**3.4** The PCS (Public and Commercial Services Union) was on the whole content with what is proposed. Further issues raised by the Union will be discussed at ongoing meetings between SCS and the Union.

**3.5** The Crown Agent and Chief Executive of the Crown Office and Procurator Fiscal Service made no response.

### **4 General Comments on Loss of Local Justice**

**4.2** The majority of responses were concerned with the loss of Local Justice at Kingussie, Nairn and Inverurie and the implications of not establishing courts at these locations. While some welcome the proposals, most outline reasons why courts should be established at these locations.

**4.3** The Highland Council, the Highland JP Committee and the Badenoch & Strathspey area JP Committees suggest that '*Centralisation will mean a loss of local knowledge, which enables a bench to grasp quickly the geographical and sociological dimension of a case which comes before it and enables Justices to respond to local concerns in a way that strikes a cord with the community*'.

**4.4** In reference to the proposals from Nairn, the Council states that '***The retention of a local identity is essential to ensure that the justice system does not become remote from the community it serves. Centralisation often decreases a sense of local community and can potentially lead to a loss of public confidence in the administration of justice. Close involvement by Justices in a community means***

These points are also raised in many of the other responses received.

**4.5** Comments made more specifically about not establishing Justice of the Peace Services in Inverurie, Kingussie and Nairn are detailed separately in the appropriate sections below.

**4.6** In contrast to these comments a Defence Agent notes the increasing difficulty in obtaining Legal Aid for Kingussie and Nairn District Court cases, which is 'often *refused on the basis that it is a simple case where no legal representation is needed*'. The agent goes on to suggest the given the policy of the Scottish Legal Aid Board '*It becomes easier to assist clients if all cases were to take place in Inverness.*'

## **5 Specific Responses**

### **5.1 ABERDEEN – Aberdeen**

Aberdeen City Council did not respond to the consultation.

The Aberdeen Justices Committee

- '*...fully supports the process towards unification and an improved delivery of court related services within Grampian, Highland & Islands*'
- Expressed '*disappointment*' in the plan to operate the Aberdeen JP Court from its current premises in the existing District Court, as the District Court building is not compliant with the Disability Discrimination Act with the bench not being accessible to wheelchair users.
- felt that should there be no court established in Inverurie they would '*comfortably cope with the additional caseload*' and '*would welcome Justices from Inverurie*'.
- '*...are adamant that a single bench is the only practicable option for a busy city court*'.

An individual response from an Aberdeen JP -

- Welcomed the opportunity unification would bring to make the process of court hearing more efficient and to integrate the fines system
- Suggested that Aberdeen Sheriff Court and JP Court should be co-located, '*This will be of particular benefit to Defence Agents*'
- Suggested that should Aberdeen and Inverurie JP court business be merged that JP would receive specific information and training '*to ensure that local issues throughout the area are understood*'

## **5.2 ABERDEENSHIRE – Peterhead, Banff and Stonehaven**

There were no responses received regarding Peterhead, Banff or Stonehaven Sheriff and JP Courts.

## **5.3 ABERDEENSHIRE – Inverurie**

There were 24 responses received concerning proposed court services in Inverurie.

Three group responses, Aberdeenshire Council, Aberdeenshire Justices and Moray Justices opposed the proposal of not establishing court services in Inverurie. A further seven JPs, three Councillors, three MSPs and one MP also disagreed with the proposal.

In addition to the many of the comments below one JP wished to note that *‘the Court (not the building) operates to a very high and co-ordinated standard’*.

Aberdeenshire Council –

- *Indicated general and widespread opposition to the diminution of local service delivery which the proposals would cause*
- Were concerned by the effective removal of both the court itself from Wyness Hall, and the counter services currently available at Gordon House,
- Suggested that amalgamating case from Inverurie into Aberdeen may result in problems with business volumes at Aberdeen.
- Urged reconsideration of the proposals

Aberdeenshire Justices Committee –

- Suggest that *‘by retaining a court in Inverurie it would be seen that this is not just an exercise in closing courts but one in which more than lip service is paid to the principle that lay justice is local justice’*
- *‘...do not consider that providing a unified administration which satisfies the present administrative structure at the expense of a justice service to those in the rural area is the solution’*

One JP commented that *‘the main reason for the proposed closure is the fact that there is no Sheriff Court in Inverurie and the administration would be easier if the court business were moved to Aberdeen’*. While a Local Councillor suggested that moving to Aberdeen sends a message that the needs of officers and administrators are being placed above those of the people the court exists to serve.

## **Inverurie – Volume of Business**

Aberdeenshire Justices noted that -

- Figures used in the consultation paper were not *'up to date enough to reflect accurately the current level of business in the Inverurie Court'*.
- The court had sat until 7.15 pm and 6.15 pm in the last few weeks.
- *'...the number of Court days are governed by the requirement of the Fiscals Office and their ability to Service a Rural Court'*

### **Inverurie – Transport Issues**

Aberdeenshire Council noted that –

- Inverurie court business arises from a large geographical area
- *'A move to Aberdeen could have disproportionate effects on the populations of outlying areas, including accused persons, police, other witnesses and, indeed the Justices.'*

The Council and other respondents suggest that it would be impossible for some people to reach Aberdeen by public transport before the start of Court business.

Aberdeenshire Justices Committee and other respondents noted that –

- The road mileage and conditions would not give an accurate indication of the possible journey times in and out of Aberdeen specifically on the problems with road network into Aberdeen.
- Justices and other respondents highlighted that court users were not just travelling from Inverurie to Aberdeen but also from remote locations of the regions.
- There are environmental implications of increased journeys into Aberdeen.

In contrast, a response from one JP suggested that transport links were sufficient; however the increased cost may manifest itself in greater non-appearances.

### **Inverurie – Counter Services**

Aberdeenshire Council *'feel that removal of (the counter) facility is of great concern to them and the alternative provision at Queen Street, Aberdeen would be of substantial inconvenience, and that the proposal may displace jobs from Inverurie to Aberdeen.'*

### **Inverurie – Accommodation**

Aberdeenshire Justices also recognised the shortcomings of the Wyness Hall, Inverurie but believe there must be a better local option than moving to Aberdeen. The Justices and other respondents suggested that other options are more thoroughly considered.

Aberdeenshire Council suggested that if the use of Wyness Hall, Inverurie is no longer possible that consideration be given to Stewarts's Hall, Huntly.

### **Inverurie – Population and Local Geography**

The population in Aberdeenshire had increased by 8% in the last 10 years while the population of Aberdeen City shows a decrease.

Eight individual JPs, two Councillors, an MP, Aberdeenshire Council and the Aberdeenshire Justices stressed that Inverurie is the only Court within Grampian away from the coast and serving a landward rural community.

It was further noted that the Scottish Parliament policy of de-centralising should be considered.

#### **Inverurie – Justices**

The Aberdeenshire Justices Committee and other respondents state that –

- Of the 9 Inverurie Bench Justices more than half have indicated they would not wish to transfer to Aberdeen.
- The future recruitment of rural Justices may be difficult to a court which sits in Aberdeen was noted by several respondents.

#### **5.4 MORAY – Elgin**

One response concerned Elgin Sheriff and JP Courts. Moray Council had no formal comments to make on the consultation document.

The Moray Justices Committee stated that the Court is '*far too small and impractical*'

#### **5.5 HIGHLAND – Inverness**

The three responses received with reference to the Inverness JP Court related largely to the proposal not to establish Justice of the Peace courts in Nairn and Kingussie and resultant transfer of business to Inverness.

The Highland Council comments on Inverness focussed on the accommodation. The Council suggested that –

- The accommodation in the North Tower, where the District Court sits, is '*in a poor state of décor out with the immediate Court Offices.*'
- The accommodation is worse than that of Nairn District Court.
- Inverness District Court is very busy and can have a backlog of cases.

The Highland Justices of the Peace Committee echo the comments made by the Council in respect of Accommodation.

The Inverness Area Justices of the Peace Committee also submitted a response in which they '*on the whole accept the recommendations contained in this report.*' The Committee however, '*object to the proposed closure of Nairn and Kingussie District Courts.*'

A further response commenting on the District Courts in Inverness, Kingussie and Nairn was received from a Defence Agent. These comments appear in the appropriate sections below.

## 5.6 HIGHLAND – Kingussie

Several responses were received which opposed the closure of courts and the subsequent loss of local justice at all three locations; these responses are detailed in section. (Where)

Eight responses specifically commented on the plans to cease holding Courts in Kingussie. These responses were from the Highland Council, The Highland Justice of the Peace Committee, the Inverness area Justice of the Peace Committee, The Kingussie area Justice of the Peace Committee, two Community Councils, a Defence Agent and a local Newspaper.

The responses received from Highland Council, Highland Justices of the Peace Committee and the Badenoch & Strathspey Area Justice of the Peace Committee were largely similar and are referred to as the Council and JP Committees responses.

The Council and JP Committees are opposed to the termination of Court services based in Kingussie. The responses state that –

- *'... The Report is biased towards the closure without promoting an alternative or trying to identify a solution which would support the retention of a Court within the area'.*
- *'There is a long tradition of dedicated voluntary public service given by local Justices of the Peace and closure would make the recruitment of Justices on the Peace from within the Badenoch and Strathspey are more difficult. It is desirable that a justice system should engage with and be representative of every area within the Sheriffdom and if this proposal is implemented there is a strong possibility that there will be little or no representation from the Badenoch & Strathspey area. Centralisation is often anonymous and demoralising, decrease a sense of local community and can potentially lead to a loss of public confidence in the administration of justice.'*

Kincraig & Vicinity Community Council suggest that -

- *'to support movement of the Court to Inverness, Badenoch and Strathspey cases would need to be taken together as set time'.*
- Moving cases from Badenoch and Strathspey to Inverness in a block to be taken together would allow the local paper (Badenoch and Strathspey Herald) to know when to attend.

Boat of Garten Community Council -

Consider that Badenoch & Strathspey cases calling in Inverness would lessen the effectiveness of local justice and hence be detrimental to our community. Note a *'heated discussion about persistent and regular youth-related disturbances and vandalism'*

The local Defence agent referred to above notes that-

- *'only one firm now appears as duty agent in Kingussie District Court' as his firm was forced to give this up as being uneconomical.*
- *'it would be much easier if all cases from Kingussie District Court and Nairn District Court were to be transferred to Inverness'.*
- much of the business in Kingussie arises from people living out with the area and often involves offences on the A9.
- There are difficulties in balancing competing demands of Inverness Sheriff Court and the Kingussie and Nairn District Courts.
- Travel from Kingussie *'to Inverness may be as easy as travelling to Kingussie'.*  
(Should this statement above also be a bullet point?)

Comment [b1]: Yes, now added in. BJM

A response from the Strathspey and Badenoch Herald objects to the closure of the District Court in Kingussie suggesting that an *'axiom of the judiciary system is that justice should be seen to be done'* and with centralisation *'the SCS will be failing the people of this area'.*

### **Kingussie – Volume of Business**

The Council and JP Committees report that -

- *'...the volume of road traffic offences taken as a whole masks the nature of the business undertaken by the court and in particular the number of exceptional hardship proofs'.*
- Speed has an effect on the community regardless of where the offender resides and that traffic offences have a major contributing factor to the numerous accident on the A9.
- The changes to the sentencing powers of Justices and therefore the error in basing future planning purely on existing workload.

### **Kingussie – Transport**

The Council and JP Committees are particularly concerned with the proposal that business generated in the Badenoch and Strathspey area be dealt with in Inverness, which is over 60 miles from some parts of the area. It is noted that the Bus and Train services are infrequent and may deter attendance from offenders, victims, witnesses and the public. Specifically bus and train timetables are such that to attend court may involve leaving home before 7 am and returning on buses at 3.30 pm. This may lead to the loss of a full day at work even for a relatively short hearing.

### **Kingussie – Accommodation**

The Council and JP Committees suggest that -

- *'...proposals are driven by the need to cut costs rather than the need to establish an effective justice system, which is locally delivered and locally accountable'.* *'the facilities at Kingussie Courthouse, which have been*

*tolerated by Justices to ensure the provision of local Justice, are not adequate*'.

- The alternatives in Grantown on Spey '*...subject to minor adaptations*' could easily be altered to provide suitable accommodation for a Justice of the Peace Court'.

The Badenoch & Strathspey Justices of the Peace Committee detail the facilities available in the Grantown on Spey premises including separate prosecution and defence witness rooms, staircase and lift access to the courtroom, reception facilities, a limited waiting area, a Justices room and point out there are cell facilities in the police station 200 yards.

Highland Council specifically note that they are carrying out a feasibility study into rationalisation of offices in Kingussie with the intention of retaining the Court Room and providing rooms suitable for reception, waiting areas, witnesses rooms, Justices' rooms and Agents' room.

Kincraig & Vicinity Community Council also comment of the possible use of the Grantown on Spey Town House as an alternative location.

The local paper accepts current accommodation is not adequate but suggests that SCS should investigate alternatives more fully and with an open mind.

### **Kingussie – Population and Geography**

The Council and JP Committees note that Kingussie Court covers Badenoch and Strathspey '*a large rural area with entirely different social and economic problems and concerns to Inverness, which is one of the fastest growing cities in Europe*'.

The Board of Gairn Community Council drew attention to the Boundaries Commission's recent decision to withdraw proposals to place Carrbridge in an Inverness Ward. Thus suggesting the Badenoch and Strathspey cannot be considered local to Inverness.

### **Kingussie – Local Reporting**

The Strathspey and Badenoch Herald –

- Notes that a further 1,700 homes are planned over the next decade in the Badenoch and Strathspey area and that Aviemore attracts over one million visitors each year.
- Expresses concern that they will no longer be able to cover cases if they move to Inverness as they could not dispense a reporter to Inverness for a court covering an area much greater than that of the paper.
- Suggests that a number of able Justices will be lost to the judiciary system.

## **5.7 HIGHLAND – Nairn**

Several responses were received which opposed the closure of courts and the subsequent loss of local justice. These responses are detailed in this section.

Eight responses specifically commented on the plans to cease holding Courts in Nairn. These responses were from the Highland Council, The Highland Justice of the Peace Committee, the Inverness area Justice of the Peace Committee, the Nairn area Justice of the Peace Committee, a local JP, a Defence Agent, a group of councillors and an individual councillor.

The responses received from Highland Council, Highland Justices of the Peace Committee and the Nairn Area Justice of the Peace Committee were largely similar and are referred to as the Council and JP Committees responses.

The Council and JP Committees are opposed to the proposal of not establishing court services based in Nairn. The responses state –

- *‘...that the Report’s proposals are driven by the need to cut costs rather than the need to establish an effective justice system, which is locally delivered and locally accountable’.*
- *‘The Nairn Bench Justices of the Peace have developed practical experience and expertise delivering justice to a community in which they live and have close community links’.*

The Nairn area Justice of the Peace Committee specifically point out that Nairn District Court *‘has since 1975 helped create confidence in the criminal justice system and dealt with a wide variety of offences in a location which is easily accessible to local people’.*

The four Councillors for the Ward encompassing Nairn note a formal objection to the proposal to end court services in Nairn.

The Group and Individual Councillor responses note a series of points including loss of local identity, loss of local dimension in justice, public confidence, cases are heard locally, cases are reported locally in the Nairnshire Telegraph, JPs with long standing expertise, loss of another locally based service, recent refurbishment of the Court House.

Responses from individual local Councillors -

Note there has been a Court in Nairn dating back to the 18<sup>th</sup> Century and that with *‘increased crime it would be not be appropriate to close the District Court’.* Conclude the whole experience as *‘stressful’* and along with the loss of a day work now resents attending.

A further response, from an individual Justice, also *‘vehemently’* requests that a court in Nairn remains in operation. The Justice again notes there has been a Court in Nairn for hundreds of years and that the Courthouse has recently undergone refurbishment and is now *‘an excellent facility’.*

The Defence Agent who responded notes several comments, referred to above in relation to Kingussie District Court.

### **Nairn – Volume of Business**

The Council and JP Committees-

- Suggest there is an inaccuracy in the figures reported in the consultation document, and that *'The figure of 61% of cases is likely to refer to non road traffic offences since in our estimation there are more cases of breach of the peace, assault and vandalism handled in Nairn District Court than road traffic offences.'* The Council goes on to state that *'These are community crimes which affect a community'*.
- Note that Indications are that more serious crime will filter to JP Courts and therefore it would be erroneous to base the future workload of a court purely on the existing caseload. Indeed, in 2006-2007 there was an increase in business with 141 complaints initiated, 55 trials fixed and 5 trials proceeding.

### **Nairn – Transport Issues**

The Council and JP Committees suggest that *'any additional travelling will impede the arrival on time of offenders and witnesses and effectively increase the risk of non attendance'* and that the report makes no comment on the need for offenders to often attend on several occasions during a court proceeding.

### **Nairn – Accommodation**

The Council and JP committees -

Consider *'the facilities at Nairn Courthouse are adequate'*.

Go on to point out *'The availability of an upgraded centrally located Courthouse with good parking facilities and easy access by train and bus'* and challenge the *'information contained in the Report'* on the basis that it contains a number of inaccuracies in relation to the accommodation *and the Council would address the issues raised in the Report as follows:*

- *Witness Separation - There are two witness rooms which allows for the separation of defence and prosecution witnesses.*
- *Circulation Routes - Although there is only one automatic door entrance onto the High Street and one access stair to the first floor courtroom there is also a lift for disabled access or for potential use by prosecution or defence witnesses. The use of a single staircase to a first floor court room is not dissimilar to the situation in several Sheriff Courts in Highland Area and Inverness District Court. There is no suggestion that these Courts are not acceptable.*
- *Overcrowding – The first floor landing is not used as a waiting area. There is a separate room outside the courtroom with adequate seating for between 15-*

20 people. There are sheriff courts within Highland Area and Inverness district court where this facility is not available.

- *Custody Separation - It is accepted that there are no holding cells on the premises but Nairn police station is only a short distance from the Courthouse and holding cells are available there. Although, as the Consultation Paper indicates, it may be the intention in the future for JP courts to handle some cases which are currently dealt with in the Sheriff Court it is considered that with the emphasis now on disposals other than imprisonment that the number of cases where there is a disposal of imprisonment will diminish. The Scottish Government's policy is to encourage sentences which look at an alternative to imprisonment.'*

The upgrading of this facility cost approximately £500,000 and took 5 months to complete.

### **Nairn – Reporting**

The Council and JP Committees note that local reporting of cases in the Nairnshire Telegraph *'acts as a very real constraint on misconduct'* however, a small local paper may not have the resources to send a reporter to Inverness.

### **5.8 HIGHLAND – Dingwall, Dornoch, Fort William, Portree, Tain & Wick**

There were no responses received concerning proposals in relation to the District Courts at Dingwall, Dornoch, Fort William, Portree, Tain or Wick Sheriff and JP Courts.

Highland Council's response concentrated on the proposed termination of Court services in Kingussie and Nairn.

### **5.9 EILEAN SIAR – Stornoway**

There were no responses received where the main comments concerned Stornoway Sheriff and JP Courts.

No response was received from Comhairle nan Eilean Siar.

## **6 FINES PAYMENTS and ENFORCEMENT**

*'The appointment of Fines Enforcement Officers and supporting administration services in relation to fine recovery is supported'* by Northern Constabulary. The Constabulary response goes on to suggest continued joint working to *'provide important continuity in fine and warrant management'*.

An individual JP response welcomes an *'integrated fines system'*.

Aberdeenshire Council suggested that if it were not possible to retain counter services at Gordon House, Inverurie that consideration should be given to make payments at Post Offices.

The response from Moray Justices Committee suggests that Fines Enforcement Staff should be spread though out the Sheriffdom rather than just in Aberdeen. However, it is conceded that the success of the fines team will remove the burden placed on current means courts.

## **7 LEGAL ADVISERS**

An individual JP expresses reservation on the proposed staff appointments. It is suggested that Council employees servicing the District Court may have been '*press ganged*' into other local government matters which left staff level inappropriate to cover the workload.

The JP notes several points of concern including little continuity of legal advisors, different faces at every sitting, cover for holiday and sick leave.

## **8 JP WORKLOAD**

A JP would be interested in seeing how SCS foresees the impact on JP workload caused by the amalgamation of the two courts of Inverurie and Aberdeen District courts.

## **9 STAFFING**

The PCS Union raised detailed questions in regard to grading and numbers of staff. These will be discussed at a meeting between the PCS, SCS Personnel and Development Unit and the Sheriffdom Business Manager.

## **10 SCOPE FOR EFFICIENCIES**

Northern Constabulary notes that '*The co-location of court systems as described in the draft document should as indicated provide a better service for all users, will provide a single point of contact as well as bringing about greater clarity in terms of management and accountability*'.

## **11 JP COMMITTEES**

The Moray Justices Committee enquires about each Court having '*its own sub-committee*' to deal with matters pertaining to the individual court.

## 12 SCS Responses and Recommendations

12.1 SCS has carefully considered the responses to the consultation on the report for delivery of a Unified Courts Administration in Grampian, Highland and Islands Sheriffdom. Following this review SCS remain of the view that the proposals as originally set out and reiterated below are implemented.

12.2 SCS therefore recommends to the Cabinet Secretary for Justice that:

- JP courts be established, all to be co-located with Sheriff Courts (with the exception of Aberdeen, where the courts will be co-located as soon as is practicable):

Aberdeen Sheriff Court	Aberdeen JP Court
Banff Sheriff Court	Banff JP Court
Dingwall Sheriff Court	Dingwall JP Court
Dornoch Sheriff Court	Dornoch JP Court
Elgin Sheriff Court	Elgin Sheriff Court
Fort William Sheriff Court	Fort William JP Court
Inverness Sheriff Court	Inverness JP Court
Kirkwall Sheriff Court	No DC or JP Court
Lerwick Sheriff Court	No DC or JP Court
Lochmaddy Sheriff Court	No DC or JP Court
Portree Sheriff Court	Portree JP Court
Peterhead Sheriff Court	Peterhead JP Court
Stonehaven Sheriff Court	Stonehaven JP Court
Stornoway Sheriff Court	Stornoway JP Court
Tain Sheriff Court	Tain JP Court
Wick Sheriff Court	Wick JP Court

- That a Justice of the Peace court at Inverurie is not re-established and the business is transferred to Aberdeen in the short to medium term.
- That Justice of the Peace courts are not re-established to replace the current District Courts in Kingussie and Nairn, with the business transferring to Inverness JP Court.
- With the approval of the Sheriff Principal, and in consultation with criminal justice partners and stakeholders, court programmes for all summary criminal courts will be reviewed to identify scope for efficiencies in the light of changes in business volumes and the implementation of summary justice reforms, to make optimum use of available judicial time.

- A team of 7 Legal Advisers (LAs), led by a Sherifffdom Legal Advisor (SLA) will provide Legal support to the JP Courts.
- The Sherifffdom Legal Advisor will have overall responsibility for supporting justices in the execution of their judicial role, have lead responsibility for establishing the new JP Committees in Grampian, Highland & Islands, and be responsible for the leadership, management and training of LAs.

**12.3** In making this recommendation SCS offers the following comment on clarification on a number of the key issues raised during consultation. SCS will engage further with stakeholders and respondents to discuss the issues raised and further explain the rationale behind the proposals.

#### **12.4 Type and Volume of JP Business**

The new JP Courts will deal with a different business profile. The introduction of Police fixed penalties and direct measures from 10 March 2008, will result in many cases currently dealt with through the District / JP courts being dealt with by alternative disposals. Summary Justice Reform will relocate around 20% of Sheriff Court cases to the Lay Justice court stream. These new cases are those most likely to require witnesses to attend Court in Inverness under SCS proposals. As current Sheriff Court business, those cases are at present heard in Inverness.

In discussion with COPFS our projections of future business levels for JP courts are that we anticipate broadly utilising the capacity that already exists, rather than anticipating any significant increase or decrease.

#### **12.5 Quality of Accommodation**

The new JP courts will require enhanced security and witness separation facilities which would not be available at Nairn and Kingussie. In our view the cost of upgrading suitable facilities in Nairn and Kingussie to this standard (£1.6m) in the current funding environment cannot be justified, given the availability of suitable alternative premises with capacity in Inverness. Alternatives to Kingussie (The Old Courthouse, Grantown-on-Spey and Boat of Garten Community Hall) are not considered suitable by SCS.

We are content that accommodation in the North Tower in Inverness can be suitably refurbished as part of our estates strategy when it is within our ownership. The North Tower offers some 2 -3 times the floor space of Nairn and has ready access to the refurbished Sheriff Court custody facilities

Refurbishment of Nairn has taken place and local authorities and JP's have taken the view that these facilities are perfectly acceptable. However we have to recognise that

the pressures on court facilities are changing and will continue to change in the future. SCS does not have the funding capacity to make investment in these properties, even if adaptations were possible.

We are content that the proposals set out in the consultation document provide the correct court capacity and flexibility to deal with the future structure and level of business.

## **12.6 Access to Local Justice**

We place proper value on the expertise and contribution made by local Justices of the Peace. It remains our intention that wherever possible JPs from the local area will serve in the JP Courts. In recognising this as a significant issue during the consultation we intend to look at the possibility of streaming court business in Inverness to allow a focus on the local caseload from Kingussie or Nairn. This would enable JPs from those areas to bring their local expertise to bear. This, if practical, could also assist with local court reporting.

## **12.7 Travel/Inconvenience if JP Court is in Inverness.**

New business for JP courts will come from the existing Sheriff Court business presently located in Inverness and does not increase the impact on rural travel. Accommodation can be made in court programming to suit public transport arrangements for court users required to attend. There will be some inconvenience to individuals but this must be set against the costs of providing suitable local facilities.

## **12.8 JP Impact**

We anticipate that the majority of JP's will continue to sit in the newly established JP Courts. If any shortfall becomes evident Sheriffs Principal have the mechanism through their recruitment committee to secure new JP's for appointment.

## **12.9 Proposals Driven by Cost**

Cost is clearly a significant driver and in the current financial climate SCS cannot invest the necessary £1.6m. However the other key drivers in determining best value are levels of business and quality of facilities.

While there are suggestions that some of the baseline data could be updated, this is very much at the margins and the bottom line is that the courts in Nairn and Kingussie sit once per month. Our future projections are that future levels of business will be very similar without significant increase or decrease.

The change in business has a significant impact on the security and witness needs in JP courts. The SCS overarching view is that best value can be achieved by forming one JP court in Inverness where a safe and secure environment can be provided for all court users.

## **Appendix A - Consultee List**

### **ACPOS**

Mr Kevin Smith

### **Citizens Advice Scotland**

Citizens Advise HQ

### **COPFS**

Ms Kate Frame

Ms Morag McLaughlin

Mr A B Hutchison

Ms Susan Ralph

Mr E Barbour

Mr Andrew Laing

Mr Gary Aitken

Ms Stella Swan

Ms A Wylie

Ms S Foard

Mr D Teale

Mr A N MacDonald

Val Bremner

N McFadyen

### **COSLA**

Rory Mair

### **JAB**

Sir Neil McIntosh

### **JPs**

Mrs Patricia Hossack

Mrs Lorna McKenna

Mr John MacLeod

Mr Donald MacLeod

Mrs Catherine MacKenzie

Mrs Mary Mackay

Mr Alastair MacIntyre

Mr Finlay MacIntosh

Mr Colin MacAulay

Mr Ian Latta

Mrs Sally Keniston

Mr Alasdair McKerlich

Mr John Hutchison

Mr Robert Nield

Mr George Harvey

Mr Alistair Grant

Mrs Sheila Goodall

Mr Alistair Gibson

Mrs Simon Fraser  
Mr Donald Ferguson  
Mrs Katherine Dunnett  
Mr Henry Dedecker  
Mr John Clasper  
Mr Duncan Chisholm  
Mr John Brown  
Mrs Jane Jamieson  
Mr William Cowie  
Mr Iain MacLeod  
Mr Roderick Mackay  
Miss Linley Park  
Mr Colin Murray  
Mr Alexander MacWhirter  
Mrs Margaret Mackay  
Mrs Margaret Lloyd  
Mr Peter Laing  
Mr Jeffrey Jones  
Mr Edward Jagger  
Mrs Janice Hepburn  
Mr William Miller  
Mr Leslie Findlay  
Mrs Donna Brown  
Mr Herbert Wallace  
Mr Iain Thornber DL  
Mr Richard Sidgwick  
Mrs Joan Ross  
Ms Sheena Robb  
Mr John Rippin  
Mr Ian Rhind  
Mrs Helen Powell  
Commndr. William Peppe OBE RN (Rtd.)  
Mrs Agnes O'Brien  
Mr Angus Christie  
Mr Alexander Morrison  
Miss Caroline Hastie

Mrs Ann Durkin  
Mrs Isabella Blumfield  
Mr Dennis Nicol  
Mr Clement Cuthbert  
Mrs Mary Leslie  
Mrs Margaret Kindness  
Mrs Audrey Jeffries  
Mr Douglas Imrie  
Mr William Imray  
Mr Graeme Hutchison  
Mr Edward Humphrey  
Mr Roger Grant  
Mrs Lynn Gilbert  
Mr Thomas Mason  
Mr Duncan Edmonston  
Mr John McKinnon  
Mr James Downie  
Mr John Don  
Mr David Cruikshank  
Mrs Eveline Crossan  
Mr Lewis Cowie  
Mr George Copland  
Mr Andrew Brown  
Mr Brian Arnold  
Mrs Gillian Anderson  
Mr William Young  
Mr Alan Thomson  
Mr Michael Simpson  
Miss Shauna Reith  
Mr Richard Fyffe  
Mr Alan Richards  
Mr Murdo Beaton  
Mrs Anne Barclay  
Mr William Anderson  
Mrs Maureen Anderson  
Mr Brian Wood  
Mr George Wilson  
Rev. Anthony Watts  
Major Michael Taitt DL  
Mrs Patricia O'Donnell  
Mrs Hazel Ross  
Mr John Logan  
Mrs Pamela Pack  
Mr David Nelson  
Mrs Raye Marcus  
Mrs Sheila Henderson  
Mr Michael Hastie  
Miss Mary Singleton  
Miss Susan Kirkwood

Mrs Norma Makin  
Mr John Bell  
Mr David Matson  
Mr Graham McCrombie  
Mr Andrew McIlraith  
Mrs Patricia McKay  
Mr Martin Morley  
Mrs Margaret Morton  
Rev. Rodger Neilson

**JPs**

Phyllis Hands

**JSC**

Sheriff F R Crowe

**Law Society**

Scottish Law Agents Society  
The Law Society of Scotland

**Legal Assessors**

Mr James McPherson  
Ms Kay Polson  
Mrs Shelia Shepherd  
Mr Colin Campbell  
Mr Alasdair MacKenzie  
Mrs Fiona Sinclair  
Mrs Catriona MacDonald  
Mr Donald Somerville  
Mr Sandy Lorimer  
Mrs Rhona Gunn  
Mr Keith Falconer  
Mr Gavin Lawson  
Mrs Fiona Hamilton

**Local Authorities**

Mr Douglas Paterson  
Mr Alan Campbell  
Mr Arthur McCourt  
Mr Malcolm Burr  
Morgan Goodlad  
Alistair Buchan  
Mr Alastair Keddie

**Local Bar / Faculty**

Stewart & Watson  
John MacRitchie & Co  
Flowerdew Allan  
Foggo MacInnes  
Ewan, Harris & Co  
Arhtur & Carmichael  
The Cruickshank Law Practice  
Mackie & Dewar  
Murchison Law  
Highland Law Practice  
Raeburn Christie Clark & Wallace  
Herd Law Limited  
Raeburn Christie Clark & Wallace  
Anderson, MacArthur & Co  
Anderson Banks  
Kinnear & Falconer  
Anderson & Goodlad

**Local CJB**

c/o Sheriff Principal Young

**Local Social Work**

Denise Morgan  
Jon Humphreys  
Fiona Westland  
M MacLeod  
Jeremy Paulin  
Bill Rainie  
Mary MacKinnon  
Bob Barr  
Lesley Simpson  
Dawn Lesley

**Media**

John McCroskie

**MSPs**

Marlyn Glen MSP  
Rhoda Grant MSP  
Alasdair Allan MSP  
Mr Jamie McGriggor MSP  
Mary Scanlon MSP  
David Stewart MSP  
Peter Peacock MSP  
Dave Thompson MSP  
Rob Gibson MSP  
Alison McInnes MSP  
Ms Maureen Watt MSP

Richard Baker MSP  
Nigel Don MSP  
Liam McArthur MSP  
Alex Johnstone MSP  
John Farquhar Munro MSP  
Richard Lochhead MSP  
Fergus Ewing MSP  
Alex Slamond MSP  
Mr Jamie Stone MSP  
Stewart Stevenson MSP  
Nicol Stephen MSP  
Brian Adam MSP  
Lewis MacDonald MSP  
Tavish Scott MSP  
Mike Rumbles MSP

**National CJB**

Mr Craig Flunkert  
Mr Stephen McGowan

**Police**

Chief Constable Ian Latimer  
Chief Constable Colin McKerracher

**Reliance**

Mr Willie Murray

**Sheriffs**

Sheriff K MacLernan  
Sheriff D Sutherland  
Sheriff WD Small  
Sheriff A Pollock  
Sheriff G Napier  
Sheriff M Garden  
Sheriff AL MacFadyen  
Sheriff IA Cameron  
Sheriff D Pyle  
Sheriff A Berry  
Sheriff A C Normand  
Sheriff PP Davies  
Sheriff S Jessop  
Sheriff C Harris  
Sheriff DJ Cusine  
Sheriff A Cowan  
Sheriff G Buchanan  
Sheriff JK Tierney  
Sheriff K Stewart

**Sheriff Clerks**

Mrs Frances MacPherson  
Mrs Fiona Hendry  
Mr Richard Cantwell  
Mr Andrew Hempseed  
Mr Mike McBey  
Mrs Audrey Bayliss

**Sheriffs Principal**

Sheriff Principal Dunlop  
Sheriff Principal Bowen  
Sheriff Principal Kerr  
Sheriff Principal Lockhart  
Sheriff Principal Taylor  
Sheriff Principal Young

**SJA**

Philip Murray  
Johan Findlay

**SLAB**

Lindsay Montgomery

**SPS**

Tony Cameron

**Union**

Matt Smith  
Alex McLuckie  
Mr Brian Carroll  
Ann Russell

**Victims and Witnesses**

Victim Support HQ



## **Appendix B - List of Respondents happy for their name, address and response or their name and response to be publicised**

In total, 44 responses were received.

- 13 Individual JPs
- 7 Justice Committees
- 4 Members of Scottish and/or UK Parliament
- 4 Individual Councillors
- 4 Local Authorities
- 2 Police Forces
- 2 Community Councils
- 2 Area Procurator Fiscal
- 1 Group of Councillors
- 1 Newspaper Editor
- 1 Law Society of Scotland
- 1 PCS Branch (TUS)
- 1 Defence Agent
- 1 Member of the Public

Respondents were offered a number of options regarding their wishes for making their name, address and response public. Individual respondents could opt to have:

- Response, name and address made available
- Response only made available
- Response and name available but not their address

Organisations or groups were advised that their name and address would be made available but were given the options to have:

- Their response made available
- Their response to be treated in confidence

All respondents were asked permission for the Scottish Court Service to contact them again in the future in relation to their consultation responses.

### **Group Respondents**

Aberdeenshire Council  
Highland Council  
Moray Council  
Orkney Islands Council  
Assistant Chief Constable, Grampian Police  
Chief Constable, Northern Constabulary  
Area Business Manager, Highland and Islands Procurator Fiscals  
Area Fiscal, Grampian Procurator Fiscals  
Aberdeen Justices Committee  
Aberdeenshire Justices of the Peace Committee  
Highland Justices of the Peace Committee  
Badenoch & Strathspey Area Justices Committee  
Inverness Area Justices Committee

Moray Justices Committee  
Nairn Area Justices Committee  
Boat of Garten & Vicinity Community Council  
Kincraig & Vicinity Community Council  
Nairn Councillors  
Law Society of Scotland  
PCS BEC and TUS  
Editor, Strathspey & Badenoch Herald

**Individual Respondents**

Malcolm Bruce	MP
Alison McInnes	MSP
Alex Salmond	MSP MP
Rob Merson	Councillor, Ellon and District
Alastair Ross	Councillor, Huntly, Strathbogie & Howe of Alford
Allan Hendry	Councillor, Mid Formartine
Laurie Fraser	Councillor, Nairn
Duncan Henderson	Defence Agent
Mike Simpson	JP, Aberdeen
Susan Kirkwood	JP, Aberdeen
Ian Rhind	JP, Dingwall and Tain
Leslie Findlay	JP (retiring), Elgin
Lewis Cowie	JP, Inverurie
Michael Taitt	JP, Inverurie
Audrey Jeffries	JP, Inverurie
Lynn Gilbert	JP, Inverurie
Mary Leslie	JP, Inverurie
Finlay Mackintosh	JP, Nairn
Norma Makin	JP, Stonehaven
Brian Arnold	JP, Stonehaven
J. Allan Clasper	JP, Wick
David Emslie	Member of the Public

## Appendix C – SCS Response to comments

	<b>Comment</b>	<b>SCS Response</b>
	<b>General Comments on Loss of Local Justice</b>	
	<p>Future workloads of a court purely on existing cases.</p> <p>Workload will change with more serious crime filtering down to newly formed JP courts.</p>	<p>The workload and court programming will require to adapt to accommodate numerous summary Justice reforms. SCS continually monitors workloads and takes action to ensure the speedy and effective disposal of business.</p>
	<p>Justice's are fully committed and training and experience must not be lost.</p> <p>Inability to recruit and retain local and rural Justices.</p>	<p>It is hoped that the forthcoming recruitment exercise will secure the retention of experienced Justice of the Peaces, full training will be given to existing and newly appointed Justices who do not have relevant court experience.</p>
	<p>Additional costs of witnesses travelling will impact on public purse and an overall economy.</p>	<p>Impact will be minimal compared to cost of providing adequate court facilities at Kingussie, Nairn or Inverurie.</p>
	<p>SCS should increase workloads of District Courts in the regions to ensure they maintain Kingussie, Nairn.</p>	<p>The allocation of business is not a matter for the SCS. COPFS marking policy dictates the level of business at any court.</p>
	<p>Local JPs can respond to local concerns and strike a chord with the community.</p> <p>Close involvement is essential and penalties can be geared towards local crime priorities.</p> <p>Anti social behaviour within communities and dealing with this is better dealt with at JP courts on a local basis.</p> <p>Loss of local identity, loss of local dimension to justice system.</p> <p>A Centralised justice system will be less effective.</p>	<p>Community involvement will be maintained through retention of lay justices, albeit at different locations within the general locality, through engaging with criminal justice partners and local communities, and raising awareness of, and increasing public confidence in, the lay justice system.</p> <p>Close links exist and will be maintained with criminal justice partners to ensure all those involved in the process are fully aware of local crime priorities.</p>
	<p>Loss of personal knowledge of accused and types of crime in the area by JPs</p>	<p>Any concerns re lack of knowledge of types of accused persons/types of crime/offending patterns in the area can be addressed by training and the sharing of knowledge and experience between JPs from affected courts.</p>

	<p>There may be 'by laws' in each District Court jurisdiction which JPs would need to be familiar with.</p>	<p>This will be fully addressed through a rigorous training programme for JPs.</p>
	<p>Amalgamation of courts will reduce the number of sitting opportunities for JPs.</p>	<p>Sitting opportunities are dependent on the number of sitting days for the court, the number of Justices available for bench duty for that court and whether the justice sit singly or in a triple bench. Amalgamation could ease the pressures on Justices in busier city courts and allow greater opportunities for sittings for Justices in the 3 courts affected. Careful consideration will be given to court programming and Justices rotas will be prepared bearing in mind the need, in so far as business allows, for Justices to carry out the required number of sittings per year. With the changes in Jurisdiction for Justices, there may also be opportunities for Justices to sit in more than one court within the Sheriffdom if they are willing to do so.</p>
	<p>Proposal contradicts the ministerial commitment in safer communities, summary justice reform next steps 2005 paper which states local people in rural areas should still have access to local courts.</p> <p>The centralisation is contrary to the Scottish Parliament policy of decentralisation</p>	<p>The increase in the severity of offences processed in the lay justice courts increases the risk to everyone using those courts, and the courts at Nairn and Kingussie do not provide the required levels of safety and security. The cost of upgrading Nairn and Kingussie courts to deliver the requisite security levels cannot be justified, given the volumes of business at those courts and the availability of suitable alternative premises in Inverness.</p>
	<p>Additional vehicle movements are not sustainable in the context of climate change.</p>	<p>Some of these impacts will be offset by a reduction in travel journeys by other parties e.g. Reliance Vans, Fiscals and Lawyers travelling out from Aberdeen or Inverness, and individuals avoiding travelling into Aberdeen or Inverness on multiple occasions to see their advisors pre court etc. Sustainability is about trying to achieve an optimal balance of all environmental factors and SCS does actively work to reduce the overall environmental footprint.</p>
	<p>Loss of local papers coverage naming and shaming local offenders.</p> <p>Loss of local court reporting will affect justice being seen to be done at a local level.</p>	<p>Court proceedings are often covered by various newspapers and reported according to the public interest. Which cases are covered and reported from individual courts is a matter for the editor.</p>

	Centralisation is demoralising and decreases the sense of local community.	SCS has a responsibility to provide secure and safe accommodation for court users and will mount court only in buildings which ensure adequate safety for all users. It is hoped that JPs from the various local communities will serve on the new JP courts once established.
	<b>5 Specific Responses</b>	
	5.1 ABERDEEN – Aberdeen	
	Aberdeen District Court building not compliant with DDA the bench is inaccessible to wheelchair users.	We have an obligation under the DDA regulations to make reasonable adjustments to our buildings and have included appropriate budgets to effect necessary changes once we take possession of District Court buildings on unification.
	Car parking is problematic in Aberdeen.	There is a public car park within easy walking distance of the court, Justice of the Peace will provided with parking facilities or reimbursed for parking charges.
	Sheriff and JP courts should be co-located in the same building in Aberdeen (this will be of benefit to defence agents).	The daily operations and allocation of courts is a matter for the Sheriff Clerk, who will ensure that court allocation is made on the basis of court user requirements and effective disposal of business.
	<b>5.3 ABERDEENSHIRE – Inverurie</b>	
	Significant increase in number of cases dealt with in recent months. The figures in consultation paper are not up to date enough.	More recent figures are now available and although some figures have changes the overall position remains unchanged.
	Analysis of counter business work undertaken by SCS was at a low period.	It would be expected that any increase in complaints initiated (as seen in Inverurie) and any new types of financial penalties introduced would increase the number of counter queries. With the further reforms to Summary Justice, SCS will continue to monitor business volumes and act accordingly.
	Ellon, Kintore, Inverurie and Westhill have major house building programmes and the towns are expanding.	The creation of additional housing does not necessarily equate to increased criminal business
	Difference between single and triple benches between Aberdeen and Inverurie	Differences in bench sizes will be resolved where necessary in consultation with JPs and the Sheriff Principal. Training will be provided to ensure all Justices are confident to sit alone or in a triple bench.
	A Sheriff Court should be introduced at Inverurie to release pressure from Aberdeen Sheriff	SCS regularly monitors the demographic changes in each Sheriff Court District, and where those changes are significant we do take action as

	Court.	evidenced by our recent decision to shift the Sheriff Court in West Lothian from Linlithgow to Livingston. We are aware of the population shifts within the Aberdeen District. However they are not significant enough to warrant the creation of a second Sheriff Court complex within that district.
	Business is increasing and is more than the current days allow for. Recently the Court sat until 7.15pm and 6.15pm.	Court sitting times are regularly reviewed by the SCS and court programmes adapted to ensure effective disposal of business in court days of acceptable durations. There are however exceptional occasions when courts will sit late. Consultation with the Procurator Fiscals to ensure the correct allocation of court time to meet business needs.
	Increased travel required for people from Garioch, Strathdon and Strathbogie and Huntly (also Formartine and Marr) if Inverurie closes.	The distances which individuals require to travel are not excessive and are undertaken on a routine basis in other jurisdictions for example Kyle of Lochalsh to Dingwall is some miles 68 miles.
	Problematic for individuals to attend Aberdeen for 10 am due to transport network timetabling.	Individuals appearing from remote areas travelling by public transport will (on application to the court) be heard at a time which accommodates the public transport links.
	Time taken to travel the distance not the actual distance is an issue e.g. Bridge of Don, Haudagan Roundabout is problematic.	Problems with congestion are not unique to Aberdeen and the overall distances are not excessive in comparison to those made in other locations. If necessary, cases involving individuals travelling on public transport will (on application to the court) be heard at a more suitable time.
	Travelling the extra distance beyond Inverurie to Aberdeen on extremely congested roads is an issue e.g. Strathdon to Aberdeen journey time approximately 2 hours.	Distance is 45 miles this equates to an average speed of 22.5 miles per hour.
	The closure of Inverurie will displace jobs to Aberdeen	The increase in summary criminal sentencing powers contained in the Criminal Proceedings, etc. (Reform) (Scotland) Act 2007 will result in cases of a more serious nature than is currently the case being dealt with in the District / JP courts. As a result, SJR programme changes will result in approximately 20% of Sheriff Court cases migrating to the Lay Justice court stream.
	Other venues to be considered such as Stewarts Hall at Huntly.	A number of alternate venues have been suggested by consultees and where appropriate they have been visited by our estates team. None of the venues suggested offer a significantly

		enhanced facility, nor would an improved facility override the underlying concerns regarding the low levels of business in these locations.
	Inverurie is the only court away from the coast, serves an increasing large rural population.	SCS practices a pro-active Estates management policy, which is applied to District Courts. SCS are content that, in GH&I, our proposals set out the correct court locations to deal with present business, and for the foreseeable future.
	Inability to cope with increased workload by amalgamation of courts.	The workload and court programming will require to adapt to accommodate numerous summary Justice reforms. SCS continually monitors workloads and takes action to ensure the speedy and effective disposal of business.
	Removal of counter services from Gordon House (Inverurie) for queries, payment of financial penalties etc	It is our intention to have in place enhanced payment methods prior to unification in GH&I which will include <ul style="list-style-type: none"> <li>• The ability to receive payments online</li> <li>• Payments via Allpay card which take payments at post offices, garages, Cooperatives and Woolworths.</li> <li>• The facility to set up standing orders</li> </ul>
	Aberdeenshire population has increased steadily predicted increase a further 8% between 2004 and 2024 population of Aberdeen is decreasing (figures from General Register's Office of Scotland)	SCS practices a pro-active Estates management policy, which is applied to District Courts. SCS are content that, in GH&I, our proposals set out the correct court locations to deal with present business, and for the foreseeable future.
	<b>5.4 MORAY – Elgin</b>	
	Elgin district court building is too small and impracticable.	
	<b>5.5 HIGHLAND – Inverness</b>	
	The North Tower does not meet standards identified in SCS report for closing Nairn and Kingussie and is worse than Nairn.	SCS is aware of the shortcomings of the North Tower however it does offer 2-3 times the floor space of Nairn which helps mitigate any potential overcrowding and intimidation issues, and does offer access to the adjacent Sheriff Court which offers custody facilities and provides other operational solutions to help reduce security issues which wouldn't be available in Nairn.
	Inverness is already a busy court.	The workload and court programming will require to adapt to accommodate numerous summary Justice reforms. SCS continually monitors workloads and takes action to ensure the speedy and effective disposal of business.
	<b>5.6 HIGHLAND – Kingussie</b>	
	Court lists should take into	Individuals appearing from Kingussie area

	account the distance people require to travel and allowing the case to be heard at the most suitable time.	travelling by public transport will (on application to the court) be heard at a time which accommodates the public transport links.
	2006-2007 saw an increase in business at Kingussie.	The increase of business is not sufficient to justify the investment of establishing a court presence in the locality.
	Inverness 60 miles away from Badenoch and Strathspey increased inconvenience for accused and witnesses.	The distances which accused require to travel are not excessive and are undertaken on a routine basis in other jurisdictions for example Ballater to Stonehaven is some 40 miles, Kyle of Lochalsh to Dingwall is some 68 miles
	Infrequent bus and train service from this area to Inverness	Individuals appearing from Kingussie area travelling by public transport will (on application to the court) be heard at a time which accommodates the public transport links
	Highland Council is carrying out a feasibility study into upgrading Kingussie Courthouse.	The Council's vision for the building on the main street is to upgrade the historic frontage, and add office accommodation to the rear of the site to create a headquarters building for the area. Whether that vision is sufficient to attract funding support from the Highland Council is still unknown.
	Alternative accommodation has been identified at Grantown of Spey and Boat of Garten.	The alternative accommodation has been assessed by SCS property department and does not meet the required standards.
	Badenoch and Strathspey has entirely different social and economic problems and concerns to Inverness.	Community involvement will be maintained through retention of lay justices, albeit at different locations within the general locality, through engaging with criminal justice partners and local communities, and raising awareness of, and increasing public confidence in, the lay justice system.
	1,700 new homes are scheduled to be built over the next decade in Badenoch and Strathspey.	The creations of additional homes does not necessarily equate to an increase in criminal activity.
	Aviemore attracts well over a million visitors per year.	The volume of tourists does not necessarily equate to an increase in criminal activity
	There appears to be a bias towards closure if a District Court isn't located in the same town as a Sheriff Court.  There is a bias to closure without considering alternatives.	Where courts are located in the same town then it is in the taxpayers best interest to absorb them into the same building if there is the capacity to do so and 20 of the 65 District Courts already share the same building for that reason. Of the 65 district court locations 22 are in towns where there is no Sheriff Court and the policy approach is to retain those courts, unless there is insufficient business to warrant continuation of the service.
	Closure of Kingussie would make	It is hoped that Justices from this area will

	the recruitment of JPs from Badenoch and Strathspey more difficult.	continue to serve under the new JP structure.
	The feasibility to have Kingussie (& Nairn) case at Inverness to maintain local dimension albeit the cases are heard at Inverness	The feasibility study of holding courts at Inverness Which deal exclusively with cases which originate form the Kingussie (& Nairn) jurisdictions will be investigated
	<b>5.7 HIGHLAND – Nairn</b>	
	Nairn has a rapidly growing population.	The increase in population does not necessarily equate to an increase in criminal activity or court business.
	Nairn Court House undergone recent refurbishment at half a million pounds.	Whilst the building is known as the "Nairn Courthouse" it is effectively an office building used for a range of council purposes. The council has a legal obligation to make the building DDA compliant and this was the key driver for this investment. The fact it is used once a month for court purposes would have been a very secondary consideration in making that decision
	Inaccuracies with figures for Nairn, i.e. sample of 244 cases 143 for non-road traffic offences non-road traffic violation amounted to 92 cases (39%). Highland Council estimate more cases of breach of the peace, assault, vandalism rather than road traffic offences.	To clarify the report, of the 244 cases sampled, 69% related to Non Road Traffic offences while 31% related to Road Traffic.
	Increased cost of travelling may impact in more non-appearances for lower income individuals	The distances which accused require to travel are not excessive and are undertaken on a routine basis in other jurisdictions for example Ballater to Stonehaven is some 40 miles, Kyle of Lochalsh to Dingwall is some 68 miles
	<b>6 FINES PAYMENTS and ENFORCEMENT</b>	
	Consider payment alternative locations such as post offices.  1 in 12 households have no bank account and therefore need the local payment of fine option (law Society response)	It is our intention to have in place enhanced payment methods prior to unification in GH&I which will include <ul style="list-style-type: none"> <li>• The ability to receive payments online</li> <li>• Payments via Allpay card which take payments at post offices, garages, Cooperatives and Woolworths.</li> </ul> The facility to set up standing orders
	<b>7 LEGAL ADVISERS</b>	
	Inadequate staff from 6.59 to 5 full time legal advisors.	The total number of Legal advisors employed in GH&I will be 7. This is in addition to the Sherifffdom Legal advisor. This resource is sufficient to cover the remote courts and to allow

		for anticipated absences due to leave etc.
	Loss of continuity of legal advisors	The allocation of Legal advisor will be determine by the Sherifffdom Legal advisor, however it is anticipated that JP's will enjoy the services of the same legal advisor unless there are exceptional circumstances.
	<b>11 JP COMMITTEES</b>	
	Each court should have its own sub-committee answerable to the Sheriff and relief advisers.	The full support structure of the JP committees will be decided, in accordance with the legislation, by the Sherifffdom Committees, preliminary meetings for which begin in October 2007.