

# WEST DUNBARTONSHIRE COUNCIL

## Report by the Executive Director of Corporate Services

Council : 24 June 2009

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**Subject: District Court Transfer**

### **1. Purpose**

- 1.1** The Criminal Proceedings etc (Reform)(Scotland) Act 2007 provides for the replacement of the existing local authority run District Courts with new Justices of the Peace Courts. Scottish Court Services will become responsible for the administration of the North Strathclyde Sheriff and Justice of the Peace Courts from 23 November 2009.
- 1.2** Scottish Courts Service have now published an Operational Plan setting out how the unified court system will look in the Sheriffdom of North Strathclyde. Written comments on this are requested by 20 August 2009.

### **2. Background**

- 2.1** West Dunbartonshire presently has one Sheriff Court based in Dumbarton and two District Courts, based in the Municipal Buildings, Dumbarton and Clydebank Town Hall. Responsibility for the operation of the Sheriff Court lies with the Scottish Court Service, whereas the Council are responsible for operating the District Courts and supporting the Justices of the Peace.
- 2.2** Under the Criminal Proceedings etc (Reform)(Scotland) Act 2007, responsibility for the operation of all District Courts in Scotland is to transfer to the Scottish Courts Service. The transfer of individual Sheriffdoms takes place on a phased basis and the Sheriffdom of North Strathclyde, which includes West Dunbartonshire, is the last Sheriffdom to transfer. The Sheriffdom of North Strathclyde will transfer to the Scottish Court Service on 23 November 2009 and at that date the Council will no longer be responsible for the operation of District Courts.
- 2.3** The North Strathclyde Sheriffdom consultation paper was published on 20 May 2009 and gives details of the Scottish Court Service proposals for future delivery of court related services. Comments are invited by 20 August 2009.

### **3. Main Issues**

- 3.1** There are two main issues raised in the consultation paper, being the location of the new Justices of the Peace Courts and transfer of staff from the Council to the Scottish Court Service.

- 3.2** Location of the new Justices of the Peace Courts – It is proposed to close the existing District Courts at Dumbarton, Clydebank, Milngavie and Helensburgh and take the business from these courts to a new Justice of the Peace Court based in Dumbarton Sheriff Court. Dumbarton Sheriff Court has recently undergone a major programme of building works costing approximately £11.5m. As a result of this there are now five court rooms within the renovated Sheriff Court building. The business from all four District Courts combined at Dumbarton, Clydebank, Helensburgh and Milngavie amounts to business for one full time Justice of the Peace Court. As there are only three Sheriff Courts within Dumbarton Sheriff Court, the business can be accommodated within Dumbarton Sheriff Court building. The proposal is that Dumbarton District Court is no longer used due to its very close proximity to Dumbarton Sheriff Court. As regards Clydebank District Court, the Scottish Court Service considers that the District Court facilities at Clydebank Town Hall are not suitable for Summary Criminal Court business. To retain a court facility in Clydebank would require to find alternative accommodation or to fund the construction of a new building. No alternative accommodation has been identified and the funding of a new build, estimated at £0.8m is not justified due to the volume of business at Clydebank.
- 3.3** The closure of Clydebank District Court runs contrary to the principle of taking justice closer to the people. However the District Court at Clydebank is unsuitable for Summary Court business, while adequate accommodation is available in Dumbarton. The District Court sat in the Municipal Buildings, Dumbarton and Town Hall, Clydebank for a total of seven days per month. On these days the average duration of the court sitting was two and three quarter hours. Thus the District Court accommodation lay unused for the bulk of the time and the closure of the District Courts provides an opportunity to the Council to maximise use of this accommodation. For example, it would provide an opportunity for Clydebank marriage facilities and Registration Office to be located in a single attractive venue. The creation of a full time Justices of the Peace Court will also result in efficiencies, as there will be no longer be a need to convene ad-hoc courts to deal with custodies. Moreover, from a West Dunbartonshire point of view, it should be noted that with the transfer of Helensburgh and Milngavie court business into Dumbarton, the Council area is showing an overall increase in court business. This will have same overall regeneration benefits to the area.
- 3.4** The Council staff who dedicate fifty percent or more of their time to the District Court duties will transfer to the Scottish Court Service on 23 November 2009. A transfer will take place under the transfer of undertakings regulations (TUPE) and staff will have the option to retain their own terms and conditions of service or move to those of the Scottish Court Service.
- 3.5** Four full time equivalent (FTE) Administrative/Clerical staff from Legal, Administrative and Regulatory Services will transfer to the Scottish Courts Service and will be based at Dumbarton Sheriff Court. Staff transferring will be provided with a Personal Development Plan training which will include induction and job skills training. There has been ongoing consultation with the transferring staff and ongoing discussions between the staff and the Scottish Court Service and the Sheriff Clerk at Dumbarton.

- 3.6** The West Dunbartonshire Justices of the Peace will also come under the responsibility of the Scottish Court Service from November 2009. The Justices of the Peace meet tomorrow to consider their formal response to the consultation. However copies of the consultation document have been circulated to all the Justices of the Peace and to date there are no indications of any concerns.

#### **4. Personnel Issues**

- 4.1** Four FTE members of staff in Legal Administrative and Regulatory Services will transfer under TUPE to the Scottish Court Service on 23 November 2009. There has been ongoing consultation and discussion and support will continue to be offered to these members of staff by both the Council and the Scottish Court Service. As of November the staff will move to Dumbarton Sheriff Court building.

#### **5. Financial Implications**

- 5.1** The Council will lose fine income and the proportion of the GAE grant settlement relating to the District Court. It will also lose staff costs and other costs relating to the running of the courts. The exact financial implication will be quantified as part of the budget preparation exercise.

#### **6. Risk Analysis**

- 6.1** While the TUPE consultations have been dealt with properly to date, there is a conceivable risk that a failure to properly consult could create legal issues. The other risk is that closure of Clydebank District Court will result in persons having to travel further to attend the new Justices of the Peace Court in Dumbarton. However it should be pointed out that accused persons presently travel from across West Dunbartonshire to Dumbarton Sheriff Court.

#### **7. Conclusions and Officers Recommendations**

- 7.1** The logic underlying the closure of Clydebank and Dumbarton District Courts appears unchallengeable. Clydebank District Court is no longer suitable for Summary Justice business and Dumbarton Sheriff Court can accommodate the business from all four closing District Courts and still have a court spare. The closure of the District Courts will also allow more efficient use of this under-utilised Council accommodation. Overall West Dunbartonshire will see an increase in the volume of court business undertaken in it as a result of the diversion of Helensburgh and Milngavie District Court business to Dumbarton. This will provide some regeneration benefits. In the light of this it is recommended that Council agree to support the recommendations on location of the new Justice of the Peace Court in Dumbarton.

- 7.2** The transfer of the four members of Legal, Administrative and Regulatory staff to the Scottish Court Service, under TUPE, is being dealt with properly. In light of this it is recommended that Council make no further comments on the transfer of staff.

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**Appendices:** None

**Background Papers:** Scottish Court Service – Summary Justice Reform – Delivering a Unified Courts Administration in the Sheriffdom of North Strathclyde, 20 May 2009

Criminal Proceedings etc (Reform)(Scotland) Act 2007

**Wards Affected:** ALL