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18 December 2012

Dear Mr Simpson

SCOTTISH PARLIAMENTARY QUESTIONS: S4W-11295, S4W-11296, S4W-11297, S4W-11298, S4W-11299, S4W-11300, S4W-11301, S4W-11302, S4W-11303, S4W-11304, S4W-11305, S4W-11306, S4W-11307, S4W-11308, S4W-11309.

The Cabinet Secretary in his response to the above PQs indicated that it relates to operational matters within the responsibility of the Scottish Court Service corporate body. I am now writing to you in response to the matter you have raised.

S4W-11295 asks: how many criminal trials have been adjourned at Alloa Sheriff Court because of (a) a crown motion, (b) a defence motion, (c) failure to appear by an accused, (d) failure to appear by a witness, (e) lack of court time and (f) any other reason in the last three years. The information is set out in the table below.

Reasons for Criminal Trial Adjournments at Alloa Sheriff Court

	2009-10	2010-11	2011-12
a) Crown Motion	102	49	52
b) Defence Motion	50	25	30
c) Accused FTA	81	30	44
d) Witness FTA	116	52	55
e) LOCT	42	20	42
f) Other Reasons	90	31	52

Note: The figures relate to summary and solemn trials. Adjournments counted in a) and b) will also be counted in c) to f).

S4W-11296 asks: what transport costs might be incurred by (a) the Scottish Court Service, (b) the Crown Office and Procurator Fiscal Service, (c) the Scottish Legal Aid Board or (d) an individual travelling to the Stirling or Falkirk Court if Alloa Sheriff Court is closed?

The direct costs incurred by Scottish Court Service (SCS) will be limited to excess fares costs for a maximum of nine staff who would transfer to Stirling Sheriff Court. This is minimal and would be limited to two to three years. While SCS also pays travel costs for jurors, additional costs, in that regard, are not expected to be substantial – no more than £4000 per year.

Crown Office and Procurator Fiscal Service (COPFS) and the Scottish Legal Aid Board (SLAB) have provided an indication of the impact of costs on court restructuring. Their views are incorporated in the consultation document, and are in summary:

- COPFS believe efficiencies from increased specialisation will result in a reduction of witness expenses through early pleas of guilty and reduction in adjournments, and will offset any short term increase in witness expenses. COPFS are conducting detailed analysis of the postcodes of civilian witnesses compared with the location of the courts to identify any local issues which will be discussed with SCS.
- Overall, the Scottish Legal Aid Board estimates a relatively small positive impact on legal aid costs in terms of solicitors' and counsels' travelling expenses.

The travel costs for individuals who may incur additional travel costs travelling to the Stirling if Alloa Sheriff Court is closed are set out below.

From	To	Mode	Return Fare/Mileage
Alloa	Stirling	Bus	£5.80 (single x 2)
Alloa	Stirling	Rail	£4.10 (Anytime Return)
Alloa	Stirling	Car	£2.88 (based on a route of 8.02 miles at a mileage rate of 18 pence per mile: RAC).
Alloa	Falkirk	Bus	£8.30 (Day ticket)
Alloa	Falkirk	Rail	£9.10 (Anytime Return)
Alloa	Falkirk	Car	£5.60 (based on a route of 15.58 miles at a mileage rate of 18 pence per mile: RAC).

S4W-11297 asks: what analysis there has been of people who might be affected by the closure of Alloa Sheriff Court and what information it has on the percentage of people attending the court in the last three years who were (a) receiving benefits and (b) in employment?

The SCS assessment as to the impact on people has been informed by the levels and types of court business. For the year 2011/12 the number of people prosecuted before the court in Alloa was 1465. We estimate that around a total of 850 people will have attended as civilian witnesses for the prosecution in the summary trials that took place in Alloa that year. For civil cases, total number of proofs that took place gives an indication of people attending court. In 2011/12 there were seven ordinary civil proofs and five summary cause/small claims proofs. We acknowledge that there will

be a degree of impact but consider that this will be contained and contained to a small number of people.

The number of people attending court and on benefits or in employment is not kept centrally by Scottish Court Service.

S4W-11298 asks: what estimate it has made of (a) the cost to the Police of travelling to Stirling and Falkirk and (b) impact on Police time if Alloa Sheriff Court is closed?

The proposals in the consultation were developed through a joint working group including the Association of Chief Police Officers in Scotland (ACPOS). The ACPOS position, as reported in the consultation, is that taking account of the various proposals it considers that the need to provide officers to police fewer court sites, even when balanced with increased travelling costs, would generate some financial saving for police forces overall.

It may also help to explain that Police liable to attend the Alloa court are on standby arrangements, whereby they attend a local Police station on call and on other duties until they are required in court. We expect that arrangement to continue for other locations so as to continue the practice of reducing impact on Police time.

S4W-11299 asks: what costs the Scottish Court Service will be liable for in relation to the Alloa Sheriff Court building if the Court is closed?

SCS will be liable for maintenance costs estimated to be in the order of £14K pa.

S4W-11300 asks: what the alternative uses are for the Alloa Sheriff Court building; what the likelihood is of selling the building, and what its sale value is?

Office and/or residential uses may be possible alternative uses. Alloa Sheriff Court is a listed building within a Conservation Area. Development proposals in this area would have to satisfy the town's heritage interest and have the appropriate planning consents. If a sale were to be achieved the SCS anticipates a sale price of around £400K.

S4W-11301 asks: how much money has been spent on upgrading and maintenance of the Alloa Sheriff Court building since 1990?

SCS holds information on upgrading for the period from 06/07 and on maintenance for the years 11/12 and 12/13. This is shown in the table below.

Capital Upgrades		
06/07	Additional court	142,373
06/07	Additional court	455,916
07/08	Safety screen at public counters	3,255
07/08	Boiler replacement	23,251
06/07	Additional court, This project involved the purchase of additional adjacent space to relocate the office accommodation and provide space for a second court room and avoid the requirement for duplicate court facilities in Alloa	1,708,089
06/07	Crown Office contribution This covers the cost of upgrading the crown office facilities as part of the project	- 190,000
		1,518,089
08/09	CCTV system for custody unit	10,610
08/09	Door Access control system to improve security and segregation	31,050
09/10	Roof repairs	8,096
10/11	Fire door upgrade	6,357
10/11	Repair to Clock in tower	2,200
10/11	Renew light fittings	6,906
11/12	Heating improvements	24,499
11/12	Masonry repairs	4,184
11/12	Window repairs	9,608
11/12	Ventilation upgrade to court 1	29,139
11/12	Asbestos survey	4,326
11/12	Roof repairs	7,073
	2011/12 - Reactive and planned maintenance	14,720
	2012/13 - Reactive and planned maintenance	15,014

S4W-11302 asks: what costs have been incurred through property acquisitions to expand or increase facilities at Alloa Sheriff Court since 1990?

In 2006/07 the SCS purchased an annexe building from the Local Authority at a cost of £324k

S4W-11303 asks: what assessment SCS has made of the risk to legal businesses in Clackmannanshire if Alloa Sheriff Court is closed?

SCS made an assessment of the economic impact of proposals as contained in Part 7 of the consultation. We acknowledged that there could be some limited potential impacts for local solicitors. In the case of Alloa, business would be transferred mainly to Stirling, well within reasonable travelling distance, thus limiting any wider economic impact on local solicitors' offices.

S4W-11304 asks: how many jobs will be lost of Alloa Sheriff Court is closed?

The position on staffing is that there will be no loss of jobs, and there will be no overall loss of staff resource.

S4W-11305 asks: what the economic impact on Clackmannanshire will be if Alloa Sheriff Court is closed?

In part 7 of the consultation document SCS has emphasised that the intention of the proposals is not to reduce the overall levels of activity within Scotland's courts. We acknowledged that there will be some limited potential economic impact for local communities, although we believe that that will be minimal and short-term.

S4W-11306 asks: whether Clackmannanshire will be the only mainland local authority that no longer has a court if Alloa Sheriff Court is closed?

Of the thirty two Scottish local authority areas, three currently have no court, viz: East Dunbartonshire, East Renfrewshire and Midlothian.

S4W-11307 asks: how many (a) children's referrals, (b) appeals under section 51 of the Children (Scotland) Act 1995, (c) permanence applications, (d) adoptions, (e) cases under the Adults with Incapacity (Scotland) Act 1995 and (f) guardian applications involving children were heard in Alloa Sheriff Court in the last three years and how many sitting days this involved.

The information requested is not held centrally. The following table gives the number of initiated actions for the types of cases referred to:

Actions initiated at Alloa Sheriff Court

	2009-10	2010-11	2011-12
a) Children (Scotland) Act 1995 - s65 Referral	75	68	27
b) Children (Scotland) Act 1995 - s51 Appeal	19	25	28
c) Permanence Orders with Authority to Adopt	1	7	8
d) Adoption Petitions	4	4	6
e) Adults with Incapacity	17	12	11

'Guardian applications' is not a term SCS records as a case type.

S4W-11308 asks: how many sitting days at Alloa Sheriff Court have been taken up by (a) family and (b) non-family civil cases in the last three years.

The information requested is not held centrally in the categories requested. The following table provides the available information on sitting days at Alloa Sheriff Court:

Sheriff Sitting Days at Alloa Sheriff Court

	2009-10	2010-11	2011-12
Criminal Sitting Days	291	198	213
Civil Sitting Days:	89	118	99
Ordinary Proof	26	36	24
Ordinary Debate	1	-	-
Ordinary Other	46	54	62
Summary Cause	4	1	1
Proof/Small Claim Hearing	1	-	-
Summary Cause/Small Claim Other	1	-	-
Other	11	27	12

S4W-11309 asks: what the (a) average, (b) medium and (c) longest delay has been in Alloa Sheriff Court in relation to hearings involving children in the last three years.

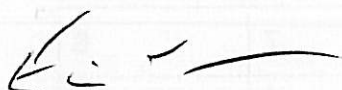
The information requested is not held centrally in the categories requested. The following table provides the available information on waiting periods for civil cases at Alloa Sheriff Court:

Average Waiting Periods (weeks) at Alloa Sheriff Court

	2009-10	2010-11	2011-12
Ordinary Proofs	8	9	12
Ordinary Debates	8	9	12
Summary Cause Proofs	8	9	11
Small Claim Full Hearings	8	9	11

A copy of this letter will be placed in the Scottish Parliament Information Centre and published on the Scottish Court Service website.

Yours sincerely



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