

EAST AYRSHIRE COUNCIL

COUNCIL MEETING - 11TH DECEMBER 2003

CONSULTATION ON THE REVIEW OF SUMMARY JUSTICE

Report by Head of Administrative and Legal Services

1. PURPOSE OF REPORT

- 1.1** To advise Council of a request from COSLA for a view on certain matters arising from the current Review of Summary Justice in Scotland and to seek approval for a proposed response.

2. BACKGROUND

- 2.1** The Scottish Ministers initiated a comprehensive review of summary justice in Scotland in late 2001, to be carried out by a Review Committee lead by Sheriff Principal McInnes.
- 2.2** The Review Committee is believed to have now more or less completed that review and to have reached the stage of being ready to formally report their findings and recommendations to the Scottish Ministers.
- 2.3** However, before doing so the Review Committee wishes to be sure that its proposals have the understanding, and the support, of local authorities before submitting its recommendations to the Scottish Ministers, which is likely to be before the end of December 2003.
- 2.4** Consequently, the Review Committee has asked COSLA to co-ordinate political views from Councils on three specific issues arising from the review, and COSLA is seeking such responses by 15th December (see letter of 17th November 2003 from COSLA, annexed as Appendix 1).

3. ISSUES TO BE CONSIDERED

3.1 Unification of District and Sheriff Courts

Councils have been asked to respond to the proposal that the District Court function be transferred from local authorities to the Scottish Courts System, who would thereafter be responsible for the operation of both District and Sheriff Courts. When commenting on this proposal, Councils have been advised to assume that local authorities will not suffer any financial loss and that current District Court staff will not suffer any diminution of employment rights upon any transfer of responsibility taking place.

3.2 A National Fines Enforcement Agency

Councils have been asked to comment on the possibility of a new national agency dedicated to the enforcement of fines in default, which would obviously be of less significance to local authorities if the unification of the District and Sheriff Courts is taken forward.

3.3 Special Prosecution of Offences Reported by Local Authorities

Finally, Councils have been asked to comment on the possible introduction of new arrangements for the prosecution by local authorities themselves of certain offences arising from the regulatory and enforcement work of various local authority services, such as Environmental Health, Trading Standards, Planning and Building Control.

4. CONSIDERATION

- 4.1 A proposed draft response to COSLA is set out in Appendix 2 for consideration by Members.

5. FINANCIAL/POLICY/LEGAL IMPLICATIONS

- 5.1 None arising directly from this report.

6. RECOMMENDATIONS

- 6.1 It is recommended that Council
- (i) consider the terms of the proposed response set out in Appendix 2 and
 - (ii) remit to the Head of Administrative and Legal Services to advise COSLA of this Council's view as appropriate.

David Mitchell
Head of Administrative and Legal Services
5th December 2003

LIST OF BACKGROUND PAPERS

1. Nil

Implementation Officer: David Mitchell