



glasgow bar association
established 1959

Room 1.29
Glasgow Sheriff Court
1 Carlton Place,
Glasgow
G5 9DA

11th September, 2020

Dear Member,

Update in relation to Criminal Case processes and Miscellaneous matters at Glasgow Sheriff Court

We recently had two meetings with Neil Christie, sheriff clerk and Karen McCall, head of solemn on the 17th and 21st August 2020. Moira Orr, Procurator Fiscal for Glasgow was also present at the second meeting. Present for the GBA were Billy Lavelle, President and Craig Dewar, Treasurer.

A variety of issues were discussed at the meeting in view of the pandemic and how we can effectively work through the recommencement of the court programme.

We discussed the issue of Written Records and whether we could receive earlier notice of whether these cases would call. We were advised that around 68% of intermediate diets were still calling and the only way we could get earlier notice is if we were to submit them earlier.

The sheriff clerk advised that the preference is for letter pleas to be submitted in the diet court particularly in view of the loadings in these courts at present. We advised Moira Orr of the concerns agents have about letters being lost. We were advised that the Crown have recently put more resources in to improve this but Moira will go back and review it again.

We also raised the issue about accused persons having to wait outside the court until their slot and we were advised by the sheriff clerk that although they are aware of the issue there are no solutions at present. They are aware this will become more of a problem as the weather deteriorates and will continue to monitor this.

We advised that we are keen that summary trials should be proceeding again but the major problem is that only 36 witnesses are allowed in the building at any one time. Essentially the Crown have been identifying what trials are more of a priority and the

witnesses in the other cases are being placed on standby. This is obviously a significant administrative burden on the Crown when dealing with civilian witnesses rather than police but the only other option was to countermand witnesses and adjourn trials which the court did not wish to do. Moira accepted this should be communicated to the defence solicitors. The court is also looking at other options in terms of increasing the number of witnesses who can attend court. One option is to turn the public canteen into a witness muster area which would increase the numbers. This also means that there are no plans to open the canteen at any point in the near future. Consideration is being given to how to introduce some form of refreshments. There is also an agreement with Public Health Scotland whereby as there is no canteen facility this allowed a greater part of the building to be opened up and again is why there are no plans to re-open the canteen.

We stressed to Moira the importance of being able to communicate with deutes re pleas etc. and she will look at it again although she said there is not enough use of the Pleas Hotline by defence solicitors.

The sheriff clerk also confirmed that the JP courts are running again and that intermediate diet written records are required for them as well.

We also discussed the various issues with the domestic custodies experiment and agreed we will need to see how it works. It was hoped it will be a success as this will assist with the issues with the cells and the fact that only a certain number of people can be in the cells at any one time. We were also advised that if a client is appearing via a domestic video link and has outstanding warrants including warrants in other jurisdictions, they will also be dealt with at the video link appearance. In addition, the deutes conducting the domestic court will be available from 11 am to discuss these cases.

The sheriff clerk advised that as from next week face masks in the building will be advisory, and the expectation is that court staff will wear them. This is the same as the position in England right now. We also discussed how this may develop and it was stated that it is not compulsory yet.

In addition, the sheriff clerk advised that from the start of the Covid 19 lockdown to mid June, letters intimating new dates had been sent in error. The letters should have advised of new dates set for adjourned trials but in fact referred to these cases calling as intermediate diets. Basically all adjourned trials were adjourned to fresh trial diets and no intermediate diet was set. This was a mistake and clients have not been turning up to trials thinking they didn't have to, believing them to be an intermediate diet!

Furthermore, we discussed the problems with the telephones in the civil office. We were advised that apparently their staff are social distanced all over the open plan office and the building and so the majority are not at their phones. The sheriff clerk accepted that telephone calls are a hit and miss because of this but doesn't see what can be done at present given the situation. They asked that where possible email is used because all clerks have immediate access to this rather than the landline.

In terms of our earlier submissions in relation to the heritable court the Sheriff Principal is issuing a new guidance note to re- start everything, which will probably be available this week. This will allow registration of new business. Cases marked as urgent will be treated as such but sisted cases will require to be re-enrolled.

The sheriff clerk also raised the issue that they are getting a very high number of complaints from their staff about solicitors, mainly from bar officers and security. Apparently, there have been incidents with staff being sworn at and one particularly bad incident, although this incident did not appear to involve a GBA member. We pointed out that these incidents may involve non members for which we can do nothing. In any event, there is apparently a lot of concern over the observation (or lack thereof) of social distancing. We told them we have had our own complaints and that we don't want a breakdown in relationships, whoever is at fault. Billy offered to meet the bar officers reps for a discussion, this meeting took place and was productive, with an agreement reached to continue communicating about our respective concerns.

The sheriff clerk advised he will also look into the issue surrounding the broken water dispenser in the Common Room.

It was agreed that the meetings were helpful and that further meetings can take place in the future if felt to be worthwhile.

If you wish to raise any issues with us, to discuss at future forums like this, please do not hesitate to contact us.

Kind regards,

The Executive Committee of the Glasgow Bar Association