

Scottish Justices' Association

Executive Meeting

12th October 2016 starting at 10:45 a.m.
Room G 32, Glasgow Sheriff Court, Glasgow

Minutes

Present:	John Lawless, (G&S) - Chairman	Tom Finnigan, (NS) – Vice Chairman
	John Whyte, (TC&F) - Treasurer	Fraser Gillies (NS)
	Dennis Barr (G&S) - Secretary	David Ferguson (SSD&G)
	Marella O'Neill (NS)	Bob Mitchell (L&B)
	Gordon Hunter (SSD&G)	
Apologies:	John Hutchison (GH&I)	Stewart Daniels (G&S)

	<u>Agenda Item</u>	<u>Action</u>
1.	<p>Welcome and Apologies</p> <p>The Chairman, Mr John Lawless welcomed everyone to the meeting and intimated that apologies had been received from Stewart Daniels and John Hutchison. He also confirmed that the primary reasons for this meeting were to consider the communication with members with regard to the results of the recent survey, and secondly to ensure that all arrangements were in place of the AGM to be held on Sunday 20th November 2016. Accordingly, the standard reports from committees would not be considered at this meeting, which was held only one month since the previous meeting.</p>	
2.	<p>Minutes of the Previous Meeting held on 5th August 2016</p> <p>The Secretary reported that he had received a message from John Hutchison indicating that at the last meeting it was agreed to approach the JI with a view to gaining their assistance to set up a new SJA website, that they could also assist with maintaining. The Secretary advised that he could not recall this discussion, but Tom Finnigan advised that with his knowledge of the JI from his position on the JI Advisory Council, such a request would not be met with any success.</p> <p>On this basis the Committee unanimously approved the minutes of the meeting held on 12th September 2016.</p> <p>Proposed: John Whyte Seconded: Tom Finnigan</p>	
3.	<p>Matters Arising from the Previous Minutes</p> <p>(a) The Chairman advised that Tom Finnigan had spoken with David Fraser of the SCTS regarding the JP performance statistics and their breakdown as to the volume of business broken down for each</p>	

	<p>Sheriffdom and he had agreed to provide these for future meetings. It is planned to give some of the details for each Sheriffdom in future editions of the <i>'Scottish Justice'</i>.</p> <p>(b) The Secretary advised that the preparation of the constitutional amendments was on-going, but would be circulated to all members as part of the draft agenda for the AGM.</p> <p>(c) The Chairman advised that he would draft a letter of welcome and introduction for new JPs. It was noted that due to some recent appointments in certain Sheriffdoms this letter was required as a matter of urgency. The Chairman agreed to send the draft letter as soon as it was ready to Tom Finnigan in order that he could send it to recent JP appointments in North Strathclyde.</p> <p>(d) The Treasurer advised that he had resolved the signatory issues regarding the SJA Account with the Royal Bank of Scotland, and it was planned to move to digital banking as soon as practical. He hoped to be in a position to process member's expense claim forms very soon.</p> <p>(e) It was noted that all Sheriffdoms had completed their review of JP numbers and this would be detailed in the next Membership Secretary's Report.</p> <p>(f) The Chairman advised that he had undertaken to update the SJA website himself and had included all recent minutes and records on the website including the report from the last CMJA Conference in New Zealand. This report was in the public area of the website whereas the minutes were in the members area which required a sign-in.</p> <p>(g) The Chairman advised that he had been in contact with Emma Cooper regarding the draft Survey Results report and that he had further correspondence with John Hutchison on the matter. The issue would be considered in further detail in the meeting as it was an agenda item.</p> <p>(h) The Secretary advised that the issue of the Scottish Government's Justice Committee review of the efficiency and effectiveness of the COPFS service had been raised in an article in the September edition of the <i>'Scottish Justice'</i>, and that the views of other JP's had been sought. The matter would be considered in further detail in the meeting as it was an agenda item.</p> <p>(i) The Secretary also advised that the issue of Utility Warrant signing had also been raised in the September edition of the <i>'Scottish Justice'</i>, and that the views of other JP's had been sought. The matter would be considered in further detail in the meeting as it was an agenda item.</p>	<p>Secretary</p> <p>Chairman</p>
4.	<p>Chairman's Vote of Thanks to Retiring Members</p> <p>On behalf of the entire Committee the Chairman gave his most sincere thanks and very best wishes for the future for the four members of the Committee for which this was their last SJA Executive Committee meeting.</p>	

	<p>It was unfortunate that two of the four retiring members were absent, Stewart Daniels and John Hutchison, and therefore missed the Chairman's valedictory comments, however, their service, along with that of both Fraser Gilles and Bob Mitchell was recognised by the full Committee.</p>	
<p>5.</p>	<p>SJA Members Survey Report</p> <p>The Chairman reported that he had reviewed the draft report on the survey results from the Consultant, Emma Cooper, and had taken out some of the personalised comments. A response had been received to this revised draft from John Hutchison who felt that all comments should be included otherwise the Committee could be accused of editing the report. Tom Finnigan felt that the report had included too many negative comments and indicated that some of the positive comments he had made in his response to the survey were not included.</p> <p>There was a wide ranging and general discussion on the relative merits of the inclusion of all of the comments but the majority of the Committee felt that the personalised nature of some of the comments would not reflect well on the Association as a whole, and give a rather distorted and prejudicial view of the activities of the Association. It was agreed however that the statistical analysis of the responses gave more of an objective view of the Association and must therefore be included in full. Concern was also expressed about the accuracy of some of the comments in the draft report from Emma Cooper, some of which were simply wrong; such as the fact that member's expenses were already published each year. Such comments had to be edited out for accuracy prior to circulation to all members.</p> <p>The Secretary proposed that no individual comments from any member in the survey responses should be included in the report issued to members, however, any member with any particularly strong feelings on any issue would be able to raise the issue at the AGM. After some discussion a vote was taken on this motion and seven members voted for this course of action, whilst the Chairman abstained.</p> <p>The Chairman agreed to contact Emma Cooper to advise on this discussion and to advise her of the inaccuracies in the draft list of recommendations. The Chairman also agreed that after this discussion he would issue the survey results to all members. It was agreed that the report would be issued prior to the AGM to allow a full debate on the results. The Secretary was requested to draft an introduction to the survey results which reflected the fact that the comments were not included in the survey report.</p> <p>It was agreed that the format for responding to the recommendations from Emma Cooper as proposed by John Hutchison would be used in the survey results report.</p>	<p>Chairman</p> <p>Secretary</p>
<p>6.</p>	<p>Annual Report and AGM Preparations</p> <p>The Secretary reported that the Annual Report was in the final stages of preparation. Gordon Hunter advised that he was happy with the CMJA Report for the 2016 Conference in Guyana and that it should be included in the Annual Report. The Chairman advised that the Annual Report would not require a covering letter as the introduction from himself was included in the Chairman's Report for the year.</p>	

	<p>The Secretary advised that the Annual Report should be made available 28 days prior to the AGM, which was Sunday 23rd October 2016. David Ferguson who was liaising with the printers of the Annual Report advised that he could have the final version available for them within the next day or two now that the final decisions had been taken. It was fully expected therefore that the Annual Report would be issued within the required timescale.</p> <p>The Secretary also advised that a calling notice for the AGM was required for the AGM and would need to be issued electronically to all members by 23rd October 2016, along with a request for agenda items. The Secretary advised he would prepare this. In addition the final agenda and draft minutes of the 2015 AGM would require to be circulated electronically to all members no later than 14 days prior to the AGM i.e. 6th November 2016. Again the Secretary confirmed that he would prepare these documents for issue in the required timescale.</p>	Secretary
7.	<p>Treasurers Report for the AGM</p> <p>Prior to the meeting the Treasurer had circulated the full detailed annual accounts for the Association which would be included in the Annual Report. Other than a minor typographical matter which the Treasurer advised he would correct, the report was agreed and accepted in full.</p>	
8.	<p>COFPS Review and Response</p> <p>The Secretary advised that a request for comments from members into the efficiency and effectiveness of the Crown Office Procurator-Fiscals Service (COFPS) had been included in the September edition of the '<i>Scottish Justice</i>', however only a limited response had been received.</p> <p>A general discussion on the matter took place with the Secretary advising on the comments received. The Secretary took detailed notes of the comments received which he advised the Committee that he would prepare a draft response to be submitted to the Justice Committee of the Scottish Government and circulate this for review and comment. He advised that a response would be submitted within the required timescale which was by 19th October 2016.</p>	Secretary
9.	<p>Utility Warrant Signing and Feedback and Further Action</p> <p>The Secretary advised that a request for comments from members into the issues surrounding utility warrant signing had also been included in the September edition of the '<i>Scottish Justice</i>'. This had generated a greater number of comments from members including a very detailed response and proposal from Susan Kirkwood JP. Whilst this proposal was correct in all aspects for the granting of a utility warrant it was felt to be too complex and onerous on both JPs and utility companies in those Sheriffdoms that had</p>	

	<p>many such applications on a daily basis. It was agreed that the general consensus of members was that a 'Code of Conduct' should be developed and agreed between the utility companies and the SCTS. This should remove the growing number of anomalies created by the increase in the number of utility companies and the expanding use of third-party debt recovery agents.</p> <p>Tom Finnigan advised that a senior member of OFGEM was due to address the North Strathclyde JPs at their Annual Training Conference on 19th/20th November, and Tom agreed to raise this issue with OFGEM at this meeting.</p>	Tom Finnigan
10.	<p>Review of Draft Judicial Health and Welfare Policy</p> <p>Marella O'Neill advised that as the JP representative on the Judicial Health and Welfare Committee she had received the new draft policy on Judicial Health and Welfare. Marella had circulated the draft policy to all Committee members prior to the meeting.</p> <p>Due to the nature of the document it was agreed that the most suitable method to progress this would be for members to review the document in detail and submit any comments direct to Marella. Marella would in turn compile a response from the Committee and submit it in November to meet the timescale of the Health and Welfare Committee.</p>	All/ Marella O'Neill
11.	<p>FATE Meeting Feedback</p> <p>The Treasurer reported that he had attended a meeting at the Scottish Parliament organised by 'Friends At The End' (FATE) as a representative of the SJA. The meeting was called to discuss the matter of assisted suicide and its implications. As a result of the previous draft bill before the Scottish Parliament that was defeated, and of being directly invited it was felt appropriate that the SJA should be represented at this meeting.</p> <p>John advised that Committee that the issue of any JP involvement was not raised in any way and that there were no firm proposals that were planned to place before Parliament in the foreseeable future. It was agreed that this update on this issue would be mentioned in the December issue of the '<i>Scottish Justice</i>'.</p>	
12.	<p>AOCB</p> <p>(a) The Treasurer advised that he had spoken with Steven D'Arcy of SCTS about the level of grant for next year and that a meeting would require to be organised to discuss the grant level for next year.</p> <p>(b) Tom Finnigan raised an issue that had been raised with him regarding whether JPs are covered by their own car insurance when travelling to and from the JP Court when sitting. It was agreed that the matter of personal car insurance and the provision of commuting to a place of work and the definition of such was something that each individual JP would need to clarify with their own insurance company.</p> <p>(c) Tom Finnigan advised that he had put forward his own name to be part of the trial of the new 'Egress' system for e-mail communication</p>	Treasurer Tom Finnigan

	that has been proposed for SCTS. The trial however has not started and it was noted that the matter had been raised at the Judicial Institute Advisory Council meeting. Tom Finnigan advised that he would comment on this issue to Stephen D'Arcy of SCTS	
13.	Date of Next Meeting It was agreed that following common practice the next meeting of the SJA Executive Committee would be held immediately following the AGM. The primary purpose of this meeting would be to appoint the Office Bearers for the following year, and to set the date of the first full business meeting of the Committee. A short meeting of the Committee will therefore be held immediately following the AGM in the Golden Jubilee Hotel and Conference Centre on Sunday 20 th November 2016.	

Dennis Barr JP
Secretary
2nd November 2016