

Scottish Justices' Association

Executive Meeting

Monday 2nd October 2017 starting at 10:45 a.m.
Room 2.14 Glasgow Sheriff & JP Court, Glasgow

Minutes

Present:	Tom Finnigan, (NS) - Chairman	Gordon Hunter (SSD&G)– Vice Chairman
	John Whyte, (TC&F) - Treasurer	Grace MacLeod (NS)
	Dennis Barr (G&S) - Secretary	David Ferguson (SSD&G)
	Brian Wood (GH&I)	John Burns (L&B)
	Tom Davis (GH&I)	John Lawless, (G&S)
Apologies:	Marella O'Neill (NS)	Neil McKechnie (G&S)
	David Donaldson (TC&F)	

	<u>Agenda Item</u>	<u>Action</u>
1.	<p>Welcome and Apologies</p> <p>The Chairman, Mr Tom Finnigan welcomed everyone to the meeting. He did indicate that this would be the last Executive Committee meeting before the AGM, which is due to be held on Sunday 19th November 2017.</p> <p>The Chairman also intimated that apologies had been received from Marella O'Neill. In addition, the Secretary advised that he had received apologies from David Donaldson and Neil McKechnie in advance of the meeting.</p>	
2.	<p>Approval of the Previous Meeting held on 7th July 2017</p> <p>The Chairman and Committee reviewed the previous minutes and it was noted that the previous meeting minutes referred to 5th April 2017, rather than 31st January as shown. With this amendment the Committee unanimously approved the minutes of the meeting.</p> <p>Proposed: David Ferguson Seconded: John Whyte</p>	
3.	<p>Matters Arising from the Previous Minutes</p> <p>It was agreed that where there were matters arising in the previous minutes that related to an agenda item on the present meeting, then the action would be noted within the agenda item minute.</p> <p>(a) The Chairman advised the meeting that he had written to David Kemp on behalf of the SJA to thank him for the arrangements he had made to allow the previous meeting to be held in Edinburgh Sheriff and JP Court.</p>	

	<p>(b) The Chairman confirmed that the Lord Advocate had agreed to address the SJA Executive Committee, and that he had also spoken with the Solicitor General, and she had also agreed to speak to the Committee. These presentations would be arranged according to their availability on the future dates of Committee meetings.</p> <p>(c) The Chairman confirmed that the action to seek the assistance of the JI to prepare standard presentation content on the role of a JP was on-going.</p> <p>(d) It was noted that John Whyte and John Lawless had completed the action to have a new format for the SJA Application Form and that this was now available on the SJA website.</p> <p>(e) The Chairman confirmed that he had advised the Judicial Office (JO) and the Judicial Institute (JI) that Gordon Hunter was to be our representative at this year's CMJA Conference in Tanzania.</p> <p>(f) The Secretary advised that he had not had any recent communication from Ofgem and their recent consultation period on the issues surrounding the installation of pre-payment utility meters for the purposes of debt recovery had now closed. The Secretary was asked to pursue the matter with Ofgem as they had proposed a joint meeting between the SJA and the Magistrates Association with Energy UK (the trade association for utility suppliers in the UK), with a view to establish a standard set of guidelines and procedures governing the requests and handling of utility warrants. The Chairman did indicate that this was an excellent example of the SJA acting on behalf of the best interests of our members, and we should ensure that our members were aware of the actions of the SJA.</p> <p>(g) The Chairman confirmed that he had been re-appointed to JI Advisory Council for a further three-year period as one of the two JP Representatives.</p> <p>(h) It was noted that John Lawless was to prepare a motion for the next AGM that would remove the age limitation on membership of the Executive Committee. This motion would recognise the number of extensions being granted to some JP commissions beyond 70 years of age. The Secretary advised that the motion would need to be advised to all members along with the formal notification of the holding of the AGM, and that this was required 28 days prior to the AGM.</p> <p>(i) It was noted that the Secretary had provided an article for the September edition of the '<i>Scottish Justice</i>' which highlighted the role of the SJA in representing its members' interests.</p> <p>(j) It was noted that the 2017 Executive Committee elections were completed, and that a postal ballot was not required in any of the six Sheriffdoms, as the candidates did not outnumber the vacancies. It was note that a number of existing committee members were re-elected and that from the next AGM the Executive Committee numbers would be augmented by one. Phil Cropper from</p>	<p>Chairman</p> <p>Chairman</p> <p>Secretary</p> <p>John Lawless</p>
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	<p>Grampian, Highlands & Islands (GH&I) would join the Committee in November, and that would bring GH&I up to their full complement of three representatives.</p> <p>(k) The Secretary advised that he had written to Susan Kirkwood seeking further information on the European Association of Lay Justices. He had been advised to contact the Irish representative, Delia Devlin, which was done on 17th September. To date no response has been received but the Secretary confirmed he would advise the committee of any contact with this Association.</p> <p>(l) The Chairman advised that he had been appointed as the JP representative on the Working Group reviewing the 'New Model for Summary Criminal Court Procedure'. This appointment was separate from his SJA role, and that he had already attended meetings of the Interim Measures Group. These meetings were investigating methods to simplify and accelerate procedures in court.</p> <p>(m) The Chairman confirmed that Tim Barraclough had taken over the role of Executive Director of the Judicial Office from Steve Humphreys.</p> <p>(n) The Secretary confirmed that the offer to pay the expenses of up to two SJA members to attend the AGM had been included in the September edition of the '<i>Scottish Justice</i>', however no applications to take up this offer had yet been received.</p>	Secretary
4.	<p>Chairman's Report</p> <p>The Chairman reported that he and the Secretary had attended the Judicial Council for Scotland on 7th July. The Lord President, Lord Carloway had decided to resume meeting of the Judicial Council after a gap of a few years. The Council reviewed papers from the sub-Committees of the Council, which are reported later in these minutes, as JPs are represented on these sub-Committees. It was also noted that the Tribunal Service was expanding in Scotland to cope with the transfer of responsibilities under the terms of the Devolution Agreement. The Tribunal Service was hoping to open new premises within Glasgow.</p> <p>The Chairman also advised that he had attended the funeral of Kay Polson, the Sheriffdom Legal Advisor for GH&I on 18th July. The funeral was very well attended, and included Brian Wood and several other JPs from the Sheriffdom. Brian Wood advised the Committee that Alison Stone had been appointed as successor to Kay Polson as Sheriffdom Legal Advisor.</p> <p>The Chairman advised that he, along with the Treasurer, had attended a meeting with the SCTS to review the SJA Grant for the coming year. Further details are included in the Treasurers Report (item 5 in these minutes).</p> <p>The Chairman intimated that he had attended a conference in Glasgow on 27th September on 'Digital Justice'. The Chairman circulated the conference brochure. He did report that there are plans to provide further electronic reporting devices to the Police in Scotland, and that in due course it was hoped that the electronic capture of incidents would be sent directly to the COPFS offices to assist with the raising and pursuit of criminal cases in</p>	

	<p>Scotland.</p> <p>The Chairman also advised that he had spoken with Claire Taylor the Director of IT within SCTS regarding secure e-mail facilities with JPs and further details are given in the ITC Committee Report in these minutes - item 9 (a).</p> <p>The Chairman reported that he had represented the Association at a ceremony in St. Mary's Cathedral on 1st October to mark the opening of the new Legal Year.</p>	
<p>5.</p>	<p>Treasurer's Report</p> <p>The Treasurer spoke to his report on the current financial position of the SJA which he had circulated prior to the meeting. It showed that as Monday 25th September 2017 the SJA expenditure for the year was £3,888, which was £7,127 lower than the projected expenditure to this date. It was noted that committee members expenses were lower than expected and that only a small sum had so far been spent on costs for the CMJA Conference.</p> <p>The Treasurer also advised that he and the Chairman had attended a meeting with SCTS on 4th September regarding the provision of the annual grant. At the meeting the SCTS offered a grant of £8,000 for the current year. This is a reduction of £4,000 from last year. The SCTS did note that the reserves of the SJA were £7,751, therefore the revised level of grant was sufficient, when added to the reserves, to meet the annual budget for 2016/17. On this basis the Treasurer and Chairman accepted the grant offered. The Treasurer also advised that SCTS would look sympathetically on any request for additional funding associated with specific projects or activities, provided that they were appropriate to the aims of the Association.</p> <p>The Treasurer further advised that Campbell Dallas, our external auditors, were joining the Baldwin Group of companies, but would be retaining their offices in Scotland.</p>	
<p>6.</p>	<p>Membership Secretary's Report</p> <p>John Lawless reported that the current membership numbers by Sherifffdom are as follows:-</p> <p>G&S - 15 SSD&G – 56 TC&F – 51 NS – 56 GH&I – 58 L&B – 31</p> <p>Giving a total membership of 267.</p> <p>It was noted that there are over 300 JPs in Scotland therefore we do need to recruit additional members. There was a question over the number of JPs in total in North Strathclyde, therefore John Lawless agreed to send his members list to Grace MacLeod for review.</p> <p>It was noted that Glasgow & Strathkelvin had recently appointed 16 prospective JPs and had an additional JP returning to the bench following</p>	<p>John Lawless/ Grace MacLeod</p>

	<p>failure to obtain re-election as a local authority councillor. However, it appears that two of the prospective JPs are unlikely to complete their training. These new JPs would not be formally appointed until early in 2018.</p> <p>Lothian & Borders Sheriffdom had yet to prepare an advertisement to recruit new JPs.</p> <p>Grampian Highlands & Islands advised that they were currently recruiting new JPs. In addition they did have a training weekend coming up and they would try to recruit as many new members as possible at this event.</p> <p>It was also noted that there should not be an age limit on membership of the Association, and that membership was available to all sitting JPs.</p>	
7.	<p>SJA/SCTS Liaison Committee Report</p> <p>Gordon Hunter, Vice-Chairman reported on these regular liaison meeting with SCTS, at which both he and the Chairman represent that SJA and the SCTS representatives are Eric McQueen, David Fraser and Tim Barraclough.</p> <p>It was noted that Tim Barraclough had now taken over from Steve Humphreys as Executive Director of the Judicial office. Gordon reported that the meetings are open and positive and do help resolve any issue that may arise in JPs fulfilling their role.</p> <p>A number of issues were discussed including the re-appointment of JPs beyond their 70th birthday, up to their 75th birthday. It was noted that the SCTS were reviewing this policy but at present it is within the discretion of the Sheriff Principal, of individual Sheriffdoms to grant extensions if local business pressure requires it.</p> <p>Technology issues also play a prominent part in joint discussions at the Liaison Meetings. It had been recognised that increasing use of alternative disposals (COPFS and Police imposed fines), but also the impact of new technology could reduce JP cases even further. In these discussions however it was agreed that data security was paramount, and that it was the policy of SCTS not to allow any court related data to be held on a computer in anyone's home.</p> <p>It was confirmed that the level of business in JP courts continues to fall. The SCTS indicated that business levels in JP courts had reduced by between 10% - 12% in the past year. It was noted that David Fraser, Chief Operations Officer provided details of the level of business in JP courts at the liaison meetings. It had been planned to provide these details to all members through publication in the <i>'Scottish Justice'</i>, however the details were voluminous and it was felt that a summary of the details would be better for publication. The meeting did discuss the options for making the information available to all members and it was agreed that the Chairman would pass an electronic copy to John Lawless in order that they could be loaded onto the Association's website.</p> <p>The SJA had noted that, to date, very few Domestic Abuse cases had appeared in JP courts, but that they were unlikely to make a significant impact on the level of work in the JP courts.</p>	<p>Chairman/ John Lawless</p>

	<p>It was noted that with regard to JP expenses the SCTS had agreed that for overnight expenses the full cost of accommodation and meals for JPs would now be paid (with appropriate receipts), rather than pay up to an allowance figure, which had frequently left JPs out of pocket.</p> <p>It was noted that the next SJA/SCTS Liaison Meeting is scheduled for 11th December 2017.</p>	
<p>8.</p>	<p>The ‘<i>Scottish Justice</i>’ – Sub-Committee</p> <p>David Ferguson reported that the September edition of the ‘<i>Scottish Justice</i>’ had been successfully published. It was confirmed that business data relating to the work of the JP courts had been received, but that due to other articles it had been decided not to include them in order to keep the September edition to a manageable length.</p> <p>David also confirmed that a new e-mail address had been taken out for direct contact with the Sub-Committee, namely editor@scottishjustices.org.</p>	
<p>9.</p>	<p>Judicial Council Committees</p> <p>(a) ITC Committee – John Lawless advised that there was no changes since his last report at the last Committee meeting and that the next meeting of the ITC Committee was scheduled for 10th October 2017.</p> <p>The Chairman confirmed that he had raised the matter of the failure to provide an effective and secure JP mail system with Lord Woolman, who is Chair of the ITC Committee. Following this the Chairman had direct contact with the Director of IT for SCTS, Claire Taylor. The Chairman was advised that Tribunal Judges could access tribunal papers remotely, but that this was under English rules for data security, which were not as robust as the Scottish security requirements. SCTS did advise that they were exploring a ‘cloud’ based system for data communications, but that due to lack of resources it would be 2018 before these investigations could begin. The Chairman advised that SCTS would be preparing a paper on data communications for consideration at the Judicial Council meeting on 17 November, and that it may be possible to consider the contents of this paper at the AGM or the meeting following the AGM. The Chairman also reported that the SCTS IT Department had met with the Sheriffdom Legal Advisors to develop system requirements, but that no additional needs had been identified. The Chairman advised that he would ensure that the concerns of all JPs in not being able to electronically communicate securely with SCTS staff would be kept on the agenda of the Judicial Council.</p> <p>(b) Welfare & Support Committee – In the absence of Marella O’Neill there was no new information to report. It was noted that the next meeting of this Committee was scheduled for the end of October 2017.</p> <p>(c) Conduct Committee – John Burns advised that he had attended a meeting of the Conduct Committee on 12th September 2017. The meeting highlighted that the total number of complaints received</p>	<p>Chairman</p>

	<p>against the judiciary this year was 95, of which 3 related to complaints against JPs. Of these three cases the Judicial Office had discarded two and the reviewing Judge had dismissed the third. John did highlight that given the nature of the discussions held by this Committee that JP representation was both relevant and essential.</p> <p>(d) Judicial Council – The Chairman advised that both he and the Secretary had attended the Judicial Council for Scotland on 7th July. The meeting reviewed papers submitted by the other Committees which are reported on above. The Chairman advised that the next meeting of the Judicial Council was 17 November 2017.</p>	<p>Chairman/ Secretary</p>
<p>10.</p>	<p>AGM 2017</p> <p>The Chairman thanked the Secretary for his efforts in pulling together the arrangements for the AGM and in particular the draft Annual Report which had been circulated prior to the meeting.</p> <p>The Secretary thanked all the members of the Committee who had contributed reports for the Annual Report. It was confirmed that the Annual Report had to be with all SJA members twenty-eight days prior to the AGM, which is scheduled for Sunday 19th November 2017, and that we are well on schedule to achieve this target. The Secretary agreed to prepare a formal calling notice for the AGM and have it circulated at least 28 days prior to the AGM. Likewise he advised that he would prepare and circulate the proposed Constitutional Amendment [see item 3(i) above], again 28 days prior to the AGM.</p> <p>The Secretary advised that he would send an electronic copy of the draft minutes from the 2016 AGM to John Lawless for them to be uploaded on the SJA website and thereby allow all members to have access to the draft minutes well in advance of the AGM.</p>	<p>Secretary</p> <p>Secretary/ John Lawless</p>
<p>11.</p>	<p>Executive Committee Elections 2017</p> <p>John Lawless reported that outcome of the 2017 elections for the SJA Executive were included in the draft Annual Report that had just been considered. It was noted that Tom Finnigan, John Whyte, David Ferguson and Dennis Barr had all been re-elected as representatives from their respective Sheriffdoms. John Burns would remain as the sole representative of LF&B Sheriffdom, and that his continued representation was dependent on the passing of the proposed Constitutional Amendment. It was noted however that we shall be joined by a new member of the Committee following the AGM, Mr Phil Cropper who is representing GH&I Sheriffdom. This will bring the complement of the Committee up to 14 members, but still leaves 4 remaining vacancies.</p>	
<p>12.</p>	<p>CMJA Conference 2017 – Dar-Es-Salam, Tanzania</p> <p>Gordon Hunter gave a verbal report to the Committee on the CMJA Conference from which he had recently returned. He advised that the conference had covered a wide range of relevant topics, several of which reinforced the issue of the independence of the Judiciary. This was no doubt influenced by recent events in the adjoining country of Kenya, where the judiciary had annulled recent election results.</p>	

	<p>He also reported on some recent diversification schemes adopted in England and Wales to try and encourage a broader range of individuals from across the community to become judicial office holders. In addition, he mentioned that judicial office holders are now open to a much wider range of influences than ever before, largely due to the impact of new communications technology.</p> <p>The issue of technology and data security had been a significant theme in the Conference. The impact of the new technology would be felt across all roles, but that it could lead to a more administrative style of justice being adopted, particularly in the lower courts. It could even question the need for JPs in the next twenty years. The main concerns however, remained data protection and data security and these issues had to be resolved.</p> <p>The Conference did also highlight the diversification of the application of the law across the disparate nations of the Commonwealth, and the varying attitudes to sentencing and the rehabilitation of offenders and restorative justice. Gordon felt that putting a Scottish perspective on these matters was always a useful and balancing contribution.</p> <p>Gordon advised that he would provide a written report on the CMJA Conference for inclusion in the SJA Annual Report, and to meet the publication deadline the report would be provided to the Secretary by Wednesday 4th October.</p>	Gordon Hunter
13.	<p>AOCB</p> <p>There were no other items of business raised.</p>	
18.	<p>Date of Next Meeting</p> <p>It was agreed that the next meeting would be immediately following the AGM on Sunday 19th November 2017 in the Golden Jubilee Hotel. The approximate starting time for the meeting would be 3:30pm. The meeting would elect the Office Bearers for 2017-2018, and only consider items of urgent attention, prior to the next full meeting of the new Executive Committee.</p>	

Dennis Barr JP
Secretary
16th October 2017