

Scottish Justices' Association

Executive Meeting

Monday 15th January 2018, 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)
	David Donaldson (TC&F)	John Lawless, (G&S)
	Phil Cropper (GH&I)	
Apologies:	Marella O'Neill (NS)	Neil McKechnie (G&S)
	Tom Davis (GH&I)	

	<u>Agenda Item</u>	<u>Action</u>
1.	<p>Welcome and Apologies</p> <p>The Chairman, Mr Tom Finnigan welcomed everyone to the meeting and wished a Happy New Year to all Executive Committee members.</p> <p>The Chairman also intimated that apologies had been received from Tom Davis. In addition, the Secretary advised that he had received apologies from Neil McKechnie by e-mail in advance of the meeting. Furthermore, apologies were received from Marella O'Neill.</p>	
2.	<p>Approval of the Previous Meeting held on 2nd October 2017</p> <p>As this was the first full Executive Committee following the AGM and the short meeting held after the AGM, the Committee reviewed the minutes of the last meeting prior to the AGM. The minutes were unanimously approved.</p> <p>Proposed: John Whyte Seconded: Gordon Hunter</p>	
3.	<p>Approval of the Previous Meeting held on 19th November 2017</p> <p>The Chairman and Committee also reviewed the minutes of the short Executive Committee meeting held immediately following the AGM. The minutes were unanimously approved.</p> <p>Proposed: John Lawless Seconded: Grace MacLeod</p>	
4.	<p>Matters Arising from both of the Previous Minutes</p> <p>It was agreed that where there were matters arising in the previous minutes</p>	

<p>that related to an agenda item on the present meeting, then the action would be noted within the agenda item minute.</p> <p>Matters arising from the minutes from 2nd October 2017</p> <p>(a) 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>(b) 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. It was also noted in this context that Colette Paterson had moved into the Education Services Department of the JI, therefore it may require that the request be re-directed within the JI.</p> <p>(c) The Secretary advised that he had recent communication from Ofgem regarding their recent consultation period on the issues surrounding the installation of pre-payment utility meters for the purposes of debt recovery and that the details would be provided under the agenda item later in the meeting.</p> <p>(d) It was noted that John Lawless had prepared a motion for the AGM that would remove the age limitation on membership of the Executive Committee, and that this motion had been carried at the AGM.</p> <p>(e) The Secretary advised that he had written to Susan Kirkwood seeking further information on the European Association of Lay Justices and that further details would be provided in the agenda item to be considered later in the meeting</p> <p>(f) 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>. It transpired that at the AGM representatives from other Sheriffdoms had attended but had travelled with members of the Executive, therefore no specific additional costs had been incurred.</p> <p>Matters arising from the minutes from 19th November 2017.</p> <p>(g) It was noted that the Treasurer had revised the Financial Statements, and that they had been re-titled as being a Financial Statement with an independent Auditors Statement.</p> <p>(h) In the absence of both Marella O'Neill and Neil McKechnie the Chairman advised he was not fully appraised of the current position of discussions with Scottish Women's Aid. Consequently this issue would be carried forward to the next meeting.</p> <p>(i) The Chairman advised that the issue of the reduction of business in JP Courts would be considered later in the meeting.</p>	<p>Chairman</p> <p>Chairman</p> <p>Secretary</p>
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	<p>(j) Brian Wood confirmed that he had still to hold detailed discussions within GH&I Sherifffdom regarding reductions to the training budget. It was noted that each Sherifffdom had to allocate funds to meet their own particular training priorities. It was also noted that individual Sherifffdom Training Plans were due to be submitted.</p> <p>(k) The Chairman advised that the issue of the recognition of service by JPs had been raised with SCTS and would be considered later in the meeting.</p>	Brian Wood
5.	<p>Matters Arising from the AGM</p> <p>(a) It was noted that the Secretary had to amend the Constitution of the SJA and to ensure that the revised Constitution was lodged on the SJA Website.</p>	Secretary
6.	<p>Chairman's Report</p> <p>The Chairman, Mr Tom Finnigan, thanked the Committee for his re-appointment as Chairman for his second year and that he felt that it was an honour to serve in this capacity. He reflected on his first year as Chairman which he felt had been very successful in re-establishing the credibility of the SJA and that in his second year he would strive to consolidate on what had been achieved. He noted that the SJA had been very influential in changing the management and handling of utility warrants, and it was important that the SJA maintain the same level of activity in serving the needs of all JPs in Scotland.</p> <p>The Chairman also advised on some of the challenges that the SJA will face in the coming months. The level of business in all JP courts, with the exception of Glasgow, is noticeably reducing, and this is impacting on JPs and their ability to fulfil the necessary number of sittings required in order to maintain their position. In addition, the provision of a secure e-mail facility to JPs is still an on-going issue that the SJA will have to take an active role in working with the SCTS to establish the needs of JPs.</p> <p>The Chairman intimated that he had been advised by Tim Barraclough, Executive Director of the Judicial Office, that he would like to have more open and frequent dialogue with the SJA. In this context the Chairman had been provided with an encrypted SCTS lap-top computer to facilitate this communication channel.</p>	
7.	<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 8th January 2018 had £9,020 of available funds. It was noted that the SJA expenditure for the year to date was £6,732, which was £3,533 lower than the projected expenditure to this date. It was also noted that expenditure for the year was likely to be below budget by around £6,000.</p> <p>It was on the basis of the current expenditure levels that the Treasurer advised that he felt that the grant from the SCTS for the 2018/19 financial</p>	

	<p>year should be retained at £8,000, and that both he and the Chairman were due to meet with SCTS in February regarding the provision of the annual grant for the forthcoming year. The meeting gave agreement to the grant request level and also gave approval for the Treasurer and Chairman to present our proposals to SCTS (the meeting was subsequently arranged for Wednesday 14th February 2018).</p> <p>In response to a question the Treasurer further advised that three SJA members from other Sheriffdoms had attended the AGM but only one had claimed expenses for attending the AGM, as they had travelled together or with other Executive Committee members. It was agreed that the offer to pay travelling expenses was a positive step to encourage more members to attend the AGM and thereby ensure a broad representation at the meeting. He recommended that this policy be continued for future AGMs, and this was fully supported by the Executive Committee members present.</p>	
<p>8.</p>	<p>Membership Secretary's Report</p> <p>John Lawless reported that the current membership numbers by Sheriffdom are as follows:-</p> <p>G&S - 14 SSD&G – 72 TC&F – 50 NS – 47 GH&I – 58 L&B – 30</p> <p>Giving a total membership of 271.</p> <p>John Lawless also advised that he had noted that a number of existing members had reached the age of 70 in 2017 and accordingly he would circulate a current list of SJA members to each Sheriffdom for review.</p> <p>It was noted that there are approximately 330 JPs in Scotland therefore we do need to recruit additional members. It was noted that Glasgow & Strathkelvin had recently selected 15 prospective JPs and that these new JPs would be formally appointed early in 2018. In addition Grampian, Highland & Islands was currently recruiting additional JPs.</p> <p>The issue of the age of JPs on appointment was raised. Concern was expressed that some JPs had been over 65 years of age at first appointment and therefore would be unable to fulfil a standard 5-year appointment. It was felt that the matter should be raised with SCTS and the Vice-Chairman, Mr Gordon Hunter was asked to put this on the agenda for the next SJA/SCTS Liaison Meeting.</p> <p>This issue also raised the matter of extensions to JP appointment beyond 70 years of age. It was noted that this was subject to the specific business requirements of courts and was a matter for the individual Sheriff Principal in each Sheriffdom, and that there is no standard practice covering all Sheriffdoms.</p>	<p>John Lawless</p> <p>Gordon Hunter</p>
<p>9.</p>	<p>SJA/SCTS Liaison Committee Report</p> <p>Gordon Hunter, Vice-Chairman reported on the last meeting with SCTS held on 11th December 2017, at which both he and the Chairman</p>	

	<p>represented that SJA and that the SCTS representatives were Eric McQueen, David Fraser and Tim Barraclough. Gordon reported that the meeting was relatively short but the following topics were discussed:-</p> <p>(a) In terms of the recognition of JPs upon retirement the SCTS were receptive to the idea of some certificate or formal recognition of service as a JP, however the matter of cost and who should present any such award had to be resolved. It was however a step in the right direction as far as an acknowledgement of service.</p> <p>(b) The matter of the reduction in JP business in the courts was raised. It was recognised that alternative penalty schemes now offered by the Police and Local Authorities would inevitably reduce workload, however, the expansion of certain types of cases to be passed to the JP courts had not offset the reduced workload. It was agreed that this issue would be kept under review. It was noted that the level of business statistics had not been included in the '<i>Scottish Justice</i>', as no summary data was available. It was agreed that the full information should be posted on the SJA website, therefore Gordon Hunter was asked to ensure that the court usage statistics were passed to John Lawless for up-loading.</p> <p>(c) The matter of the expenses paid to JPs was discussed and the SCTS reiterated their view that no JP should be out-of-pocket when fulfilling JP duties or training. No date was given for a comprehensive review of expenses rates to be applied for JPs.</p> <p>(d) SCTS recognised the work the SJA had put into the review of utility warrants and did wish to gain further background information on this and understand the potential impact on the workload for SCTS staff.</p>	<p>Gordon Hunter/ John Lawless</p>
<p>10.</p>	<p>The '<i>Scottish Justice</i>' – Sub-Committee</p> <p>David Ferguson reported that the Sub-Committee had felt that with the publication and circulation of the SJA Annual Report at the end of October then the next edition of the '<i>Scottish Justice</i>' should not be published until the end of January. This would then mean that there would be three editions of the '<i>Scottish Justice</i>' during the year plus the Annual Report, giving a total of four direct communications with members. This approach was agreed by the Committee.</p> <p>David also confirmed that several articles were ready for publication in the next edition of the '<i>Scottish Justice</i>', however it was agreed that the change to the SJA Constitution, and an update on the changes to utility warrants should be included in the next edition. Dennis Barr agreed to provide these two additional articles by the end of January.</p>	<p>Secretary</p>
<p>11.</p>	<p>Judicial Council Committees</p> <p>(a) ITC Committee – The Chairman confirmed that he had direct contact with the Director of IT for SCTS, Claire Taylor regarding the lack of a secure e-mail system for JPs. The Chairman was advised that she had prepared a paper on this subject but that a solution would not be available until the end of 2018 at the earliest, but that</p>	

	<p>further information should be available at the end of January 2018. It was noted that Tribunal Judges could access tribunal papers remotely, using their own computers but that this was under English rules for data security, which were not as robust as the Scottish security requirements.</p> <p>John Lawless did confirm that CJSM was available as a secure e-mail system, but that despite some recent improvements it was still not particularly 'user-friendly'. John also reported that he had no further information on the 'Egress' switch trial, and that he believed that this project had been abandoned.</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 SJA were unable to send a representative to the meeting of this Committee at the end of October 2017. The matter would therefore be carried forward to the next Executive Committee meeting.</p> <p>(c) Conduct Committee – John Burns advised that at the last Committee meeting all complaints against the judiciary were reviewed of which 3 related to complaints against JPs, all of which were dismissed. There was therefore little JP input to the Committee. John did report that the Lord President had wished to consider how best to consider complaints and it had been agreed that this Committee would draw up proposals for revised Regulations for the consideration of complaints made against the judiciary. John did advise that he would circulate these draft Regulations once they become available.</p> <p>(d) Judicial Council – The Chairman advised that both he and the Secretary had attended the Judicial Council for Scotland on 17th November 2017. 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 Friday 25th May 2018.</p>	<p>Marella O'Neill</p> <p>Dr. John Burns</p>
<p>12.</p>	<p>CMJA Conference 2018</p> <p>The Chairman initially asked for views regarding continuing the policy of the SJA sending a delegate to the CMJA Conference. The Chairman noted that the conference in 2018 would be held in Brisbane, Australia, between 9th to 14th September, and that the theme for this year's conference is 'Becoming Stronger Together'.</p> <p>The Chairman did point out that in the message received from Neil McKechnie intimating his apologies for this meeting he had specifically mentioned that he was opposed to the SJA sending a representative. A number of other members felt that attendance was very worthwhile, and felt that we should continue to send a member of the SJA, as we had much to contribute as well as learn during the conference. The Treasurer indicated that he had made a provisional budget allocation for attendance at the conference in the 2018/19 SJA budget.</p> <p>A motion to continue to send a member of the SJA to the CMJA Conference in Brisbane was proposed by John Lawless. The motion was seconded by Dennis Barr. All present at the meeting voted to approve the</p>	

	<p>motion, therefore it was carried. The opposition of Neil McKechnie was noted.</p> <p>It was agreed that a member of the Executive Committee to attend the conference should not be nominated at this meeting, but would be decided at the next full meeting of the Executive Committee.</p>	Executive Committee
13.	<p>European Lay Justices Association</p> <p>The Secretary advised that he had been in contact with Susan Kirkwood to try and obtain further background information on this European Lay Justice Association, and to understand the previous history of SJA contact with it. He also advised that he had prepared a note on the organisation of Lay Justice in Scotland that Susan Kirkwood had forwarded to this organisation. This was to ensure that European counter-parts were aware of the provision of lay Justice in Scotland. In providing this note the Secretary had specified that it would not prejudice the SJA' position regarding membership or other closer ties with the European Association.</p> <p>From a historical perspective it was noted that expenses for attending a meeting of the European Association had been refused by the Executive Committee several years ago. It was also noted that the SJA did pay a subscription fee to the organisation in financial year 2013/14.</p> <p>The Secretary also advised that he had yet been able to establish the reasons behind the Magistrates Association for England & Wales decision to leave the European Association.</p> <p>In open discussion it was agreed that the Executive Committee did not have sufficient information to make an appropriate informed decision on whether we should seek to re-join the European Association. The Secretary advised that he would investigate further and submit a report on the advantages and dis-advantages of membership and submit this for consideration at the next Executive Committee meeting.</p> <p>It was noted that the European Association had a conference scheduled for April 2018 but it was agreed that the SJA would not be represented at this</p>	Secretary
14.	<p>Utility Warrants Update</p> <p>The Secretary gave a verbal update on the recent changes that Ofgem had imposed on the utility companies seeking to install pre-payment meters (PPM) for customers who had incurred significant debt. It was noted that these changes had been introduced as a direct result of the formal Consultation undertaken by Ofgem on this matter, to which the SJA had made a written response.</p> <p>The three primary changes which Ofgem had instructed the utility companies to adhere to were:-</p> <ul style="list-style-type: none"> (i) No PPM was to be installed in a customer's premises where the process would be severely traumatic due to a customer's mental capacity and/or psychological state. (ii) The utility companies would not be able to levy charges for warrant related costs where either the customer's vulnerability has significantly impaired their engagement with the debt recovery process or where the charges would exacerbate a customer's 	

	<p>existing financial vulnerability by requiring them to pay additional warrant-related charges.</p> <p>(iii) In all other cases the amount of warrant-related charges that can be applied by a utility company for force-fitting a PPM for debt recovery is capped at £150.</p> <p>These changes became effective on Monday 8th January 2018.</p> <p>The Chairman thanked the Secretary for his work in pursuing this issue with Ofgem. It was noted however that this would have a significant impact on how warrant applications would be handled by SCTS prior to being submitted to JPs for consideration, and for how JPs should review the warrants. The Chairman noted that the SCTS Chief Executive, David Fraser had requested a meeting with the SJA to discuss this topic and he agreed he would organise this meeting to which both he and the Secretary would attend.</p> <p>In addition it was felt that the update on the new Ofgem Regulations that was to be included in the January edition of the <i>'Scottish Justice'</i>, would assist JPs across Scotland in evaluating warrant requests.</p> <p>A further point of note was that with the introduction of 'Smart Meters' within all domestic customers premises by the end of 2020, should make the need for the installation of PPMs redundant, and likewise warrants associated with them.</p>	Chairman/ Secretary
15.	<p>AOCB</p> <p>(a) John Burns advised that he had received information that in future JPs would only be able to apply once for attendance at the annual Queen's Garden Party in Holyrood Palace, rather than every three years as at present. It was presumed that this limitation applied to once for every five year appointment as a JP.</p> <p>(b) The Treasurer requested that all Executive Committee members submit their expenses requests as soon as possible</p> <p>(c) It was noted that the Lord President had circulated an invitation to all JPs to apply for the vacant position of JP Representative on the Board of SCTS, and that the closing date for applications was the end of January 2018. The position has become vacant as Johann Findlay is leaving the Board.</p>	All Members
16.	<p>Date of Next Meeting</p> <p>It was agreed that the next meeting would be held on Monday 16th April 2018 in Room 2.14 of Glasgow Sheriff Court. The meeting would start at the usual time of 10:30, to allow a commencement of business at 10:45 am.</p>	

Dennis Barr JP
Secretary
1st February 2018