

Scottish Justices' Association

Executive Meeting

Monday 16th April 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	Neil McKechnie (G&S)
	Dennis Barr (G&S) - Secretary	David Ferguson (SSD&G)
	Brian Wood (GH&I)	Tom Davis (GH&I)
	David Donaldson (TC&F)	John Lawless, (G&S)
	Phil Cropper (GH&I)	Marella O'Neill (NS)
Apologies:	Grace MacLeod (NS)	John Burns (L&B)

	<u>Agenda Item</u>	<u>Action</u>
1.	<p>Welcome and Apologies</p> <p>The Chairman, Mr Tom Finnigan welcomed everyone to the meeting.</p> <p>The Chairman intimated that apologies had been received from Grace MacLeod and Dr John Burns, both had previously indicated that they would be on holiday on this date.</p> <p>The Chairman also advised that there was a late addition to the meeting agenda, and that Mr David Dickson, Principal Legal Officer for the Sentencing Council would be making a presentation to the meeting. This followed a request from the Sentencing Council which had been received on 11th April.</p>	
2.	<p>Approval of the Minutes of the Previous Meeting held on 15th January 2018</p> <p>The Chairman and Committee reviewed in detail the previous minutes and no amendments were noted. The minutes were unanimously approved.</p> <p>Proposed: John Whyte Seconded: David Ferguson</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 confirmed that he had discussed with SCTS staff the possibility of the Lord Advocate addressing the SJA Executive Committee. SCTS had advised that both they and the Crown Office</p>	

	<p>were aware of concerns expressed about the diminishing level of workload in the JP Courts, and that at the present it may not be appropriate to have the Lord Advocate come to a SJA Committee meeting. It was therefore agreed to put this action on hold until a more suitable time.</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 that the action had been delayed whilst a replacement was appointed for Colette Paterson within the JI, however, it was noted that a new appointment had recently been announced.</p> <p>(c) Neil McKechnie and Marella O'Neill agreed that they would follow up with their discussions with Scottish Women's Aid to establish whether they could provide further assistance and guidance on Domestic Abuse cases which may be referred to the JP Courts.</p> <p>(d) Brian Wood advised that he was in on-going discussions within GH&I to determine the Sherifffdom Training Budget for the current year. It was noted that each individual Sherifffdom had its own Training Plan and associated budget, which may or may not include residential courses. Tom Davis expressed his concern that not to fund training would undermine morale and would detract from the objective of having 'skilled and motivated' individuals acting as JPs. Brian also noted that the JP Appraisal Scheme in GH&I was likely to be amended to allow the Appraiser and Appraisee to come from the same court, again due to budget pressures. Whilst this Appraisal issue had different application in the other Sherifffdoms, it was a concern that the action was being driven by budget constraints. Accordingly, the Chairman advised that he would raise this issue with SCTS staff. Brian advised that the GH&I Training Committee would pursue the issue further with the Sherifffdom Budget Manager.</p> <p>(e) The Secretary advised that he had amended the SJA Constitution following the resolution made at the AGM, and that with the assistance of John Lawless this was now available on the SJA website.</p> <p>(f) The Chairman confirmed that Tim Barraclough, Executive Director of the Judicial Office was maintaining his approach of having a more frequent and open dialogue with himself.</p> <p>(g) John Lawless confirmed that he had circulated a list of SJA members within each Sherifffdom for review.</p> <p>(h) Gordon Hunter also confirmed that he had added the issue of minimum 5-year JP appointments to the SCTS/SJA agenda and would be reported on later in the meeting.</p> <p>(i) Gordon Hunter also advised that regular statistical data was being received from SCTS on the volume of business in the JP Courts. John Lawless advised that he had loaded this data onto the SJA website but that members would require the 'Excel' software package to view it. Given the widespread availability of this package it was not considered an issue for members.</p>	<p>Chairman</p> <p>Neil McKechnie/ Marella O'Neill</p> <p>Chairman Brian Wood</p>
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	<p>(j) The Secretary confirmed that he had provided an article on recent changes to Utility Warrants and associated authorisation for inclusion in the '<i>Scottish Justice</i>'</p>	
<p>4.</p>	<p>Chairman's Report</p> <p>The Chairman, Mr Tom Finnigan, advised that he had three primary issues to report on. The first was that he confirmed that he, along with the Secretary, had held a meeting with David Fraser SCTS Chief Executive to discuss changes that are required to the processes for reviewing and handling requests for Utility Warrants. It had been a very positive meeting and new standard guidelines covering all Sheriffdoms would be introduced and advised to all JPs. It was hoped that these would be issued later in the week. In addition a press release had been drafted outlining the changes in the approach for handling Utility Warrants by the Scottish Courts and it was hoped that this also issued in the very near future. He advised that David Fraser had thanked the SJA for taking the lead in the development of these new procedures. The Chairman in turn wished to minute his thanks for the work undertaken by Dennis Barr, SJA Secretary in developing the new processes.</p> <p>The Chairman also advised that he had also attended the SJA Grant meeting with the Treasurer and SCTS Finance staff. Further details would be given in the Treasurer's Report but it had been a successful meeting and a further grant agreed.</p> <p>Finally the Chairman wished to report that following advertisement and interview a new JP member of the SCTS Board had been appointed. The position is now held by Ms. Morna Rae, who has held the position of JP within North Strathclyde for approximately 18 months . This appointment, which does attract remuneration, is normally for a four-year period.</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. The Treasurer advised that at present cash in the bank amounted to £8,268, however the grant from SCTS of £6,000 was expected in the bank within the next few days.</p> <p>The Treasurer advised that he and the Chairman had met with SCTS on Wednesday 14th February 2018 to discuss the grant for coming year. On the basis of current expenditure levels the SCTS had agreed an initial grant of £6,000. However a further meeting had been arranged for October to review expenditure to that point and to establish whether further grant funding is required from SCTS.</p> <p>The Treasurer further advised that the budget for financial year 2018/19 was £13,700, which included £3,500 for expenditure associated with attendance at the CMJA Conference in Brisbane in September. A further grant may be required dependent on the utilisation of the SJA reserves.</p> <p>The Treasurer also advised that the accounts for 2017/18 financial year had been passed to Campbell Dallas for their independent review of our accounts.</p>	

	<p>In addition the letter received from the Royal Bank of Scotland advising of the ring-fencing of everyday banking services was noted.</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 - 18 SSD&G – 66 TC&F – 50 NS – 46 GH&I – 53 L&B – 30</p> <p>Giving a total membership of 263.</p> <p>John Lawless also advised that some of the newly appointed JPs in Glasgow& Strathkelvin Sherifffdom still had to be approached concerning membership.</p> <p>Gordon Hunter advised that he believed that there were 17 JPs in South Strathclyde, Dumfries & Galloway who were not members of the SJA. He advised that he would follow this up and secure as many new members as possible.</p> <p>The Secretary advised that he had prepared a covering letter along with the aims and objectives of the SJA with an application form for new JPs in G&S. It was agreed that this could be used as a template by other Sherifffdoms and John lawless agreed to put it on the SJA website.</p>	<p>John Lawless</p> <p>Gordon Hunter</p> <p>John Lawless</p>
<p>7.</p>	<p>SJA/SCTS Liaison Committee Report</p> <p>The Chairman reported that due to the holiday arrangements of Gordon Hunter, Vice-Chairman, he was the sole representative of the SJA at the last meeting with SCTS held on 12th March 2018. He advised that the SCTS representatives were David Fraser and Tim Barraclough. The Chairman reported that the following topics were discussed:-</p> <p>(a) In terms of the recognition of JPs upon retirement the SCTS advised that there would be a standard agreement that a formal letter of appreciation should be sent to a retiring JP from the local Sheriff Principal. Any further recognition would, however, be at the discretion of the local Sherifffdom</p> <p>(b) The matter of the reduction in JP business in the courts was again raised. This issue would be raised with the Crown Office, and it was hoped that they would review the cases heard in the JP Courts.</p> <p>(c) The matter of the expenses paid to JPs was again discussed and the SCTS advised that with effect from 1st April 2018 they would be taking over responsibility for the payment and administration of JP expenses from the Scottish Government. It had been agreed that this would be a suitable time to review all aspects of JP expenses and that the SCTS would work with the SJA on this. In the meantime JPs should see an improvement in the administration and payment of expenses.</p>	<p>Chairman/ Gordon Hunter</p>

	<p>(d) The SJA did again raise their concern about the appointment of JPs who were already aged in their late sixties. This would preclude these new JPs from completing an initial 5-year appointment. SCTS advised that they would look into this and if required revise the policy governing initial JP appointments.</p> <p>(e) SCTS advised that all arrangements and rules governing applications to attend the Annual Holyrood Garden Party were the sole prerogative of Buckingham Palace staff. The reduction in the frequency of applications to attend from JPs was therefore an issue outwith their ability to influence or comment upon.</p> <p>(f) SCTS staff commented that the Lord President would be prepared to write an article upon the work of JPs in Scotland. It was felt that this would be an appropriate article to include in the SJA 2018 Annual Report.</p> <p>(g) It was confirmed that the next SJA/SCTS Liaison Committee would be held in Edinburgh on 2nd August 2018.</p>	<p>Chairman/ David Ferguson</p>
<p>8.</p>	<p>The ‘<i>Scottish Justice</i>’ – Sub-Committee</p> <p>David Ferguson reported that the last edition of the ‘<i>Scottish Justice</i>’ was published at the end of January. The sub-committee were as usual struggling for copy for inclusion in the e-newsletter, and the situation was exacerbated by the delay in appointing a replacement for Colette Paterson, who had always provided an update on issues from the Judicial Institute(JI). Both David Ferguson and Brian Wood advised that they were preparing articles for the next edition which was scheduled for publication in mid to late May.</p> <p>The Secretary advised that he felt that the full SJA response to the Scottish Government’s consultation request on Fixed-Penalty Notices should be included in the next edition of the ‘<i>Scottish Justice</i>’, particularly in light of the fact that comments had been sought from all members. This was agreed and the Secretary actioned to provide this to the sub-committee.</p>	<p>Secretary</p>
<p>9.</p>	<p>Judicial Council Committees</p> <p>(a) ITC Committee – John Lawless confirmed that at the last meeting of the committee the Director of IT for SCTS, was fully aware of the need for a secure e-mail system for JPs. He advised that whilst a new ‘Microsoft’ application was being considered the matter was not of the highest priority for the IT Department as they were primarily focused on replacing hardware across the SCTS estate. John Lawless did advise that he would monitor progress on this important requirement for JPs and report any progress.</p> <p>(b) Welfare & Support Committee – Marella O’Neill advised that the committee were still considering the draft Judicial Welfare & Support Report. The meeting scheduled for February 2018 had been cancelled and as yet no new date for the next meeting had been arranged.</p> <p>(c) Conduct Committee – In the absence of John Burns it was noted</p>	<p>John Lawless</p>

	<p>that no Report had yet been issued on revisions to Judicial Conduct Policy. In addition no further meetings of the committee had been held.</p> <p>(d) Judicial Council – The Chairman advised that both he and the Secretary would attend the next Judicial Council meeting on 25th May 2018. The meetings are held every six months</p>	
<p>10.</p>	<p>CMJA Conference 2018</p> <p>The Chairman confirmed that at the last meeting it was agreed in principle that the SJA would send a representative to the CMJA Conference in Brisbane, Australia; to be held between 9th to the 14th September 2018. At this meeting it had been agreed we would nominate our representative.</p> <p>Initially four members expressed an interest in attending. Gordon Hunter, David Donaldson, Tom Davis and David Ferguson. It was agreed that as Gordon Hunter has attended the past two conferences that another member should attend. David Ferguson intimated that he was happy to withdraw his nomination, given that others had applied. The decision between the two remaining candidates was determined by the toss of a coin. Accordingly, David Donaldson was chosen to be the SJA representative.</p> <p>David Donaldson was provided with the necessary forms to complete his registration for the conference.</p>	<p>David Donaldson</p>
<p>11.</p>	<p>European Lay Justices Association</p> <p>It was noted that prior to the meeting the Secretary had circulated to all members information concerning the European Network of Associations of Lay Judges (ENALJ), which he had been able to obtain through contact with them following research on the internet. The information included the initial declaration and aims of ENALJ plus a copy of their statutes. It was noted that Susan Kirkwood, a previous member of the SJA Executive Committee had attended early meetings of this organisation, but no reasons why the SJA had declined to join had been established.</p> <p>The Secretary also circulated a list of current member organisations of ENALJ and noted that Northern Ireland JPs were members but that the Magistrates Association for England & Wales, whilst being a founder member had decided to leave ENALJ in May 2015. As a consequence he had contacted them to establish the reasons behind their decision to resign. He had been advised that the costs of membership and uncertainty over Brexit were believed to be the main factors. However, the ENALJ clearly indicate in their statute that there is no membership fee, furthermore, the Brexit referendum was held over 12 months after the Magistrates Association decision.</p> <p>In open discussion it was agreed by all members of the Executive Committee that ENALJ appeared to be a worthwhile organisation and that if there were no direct costs associated with membership then we should join. It was noted that there was a Swiss representative body as a member of ENALJ, but the Secretary was asked to confirm the position regarding EU membership as being an essential criteria for joining.</p> <p>It was noted that the European Association had a conference scheduled for</p>	<p>Secretary</p>

	<p>May 2018 to be held in Naples, Italy, but it was agreed that the SJA would not be represented at this.</p>	
<p>12.</p>	<p>AGM and Annual Report</p> <p>The Secretary gave all members a reminder of the timetable and the requirements for content for the Annual Report. It was agreed that specific responsibilities for the preparation of reports for inclusion in the Annual Report would be confirmed at the next meeting.</p> <p>The date of the AGM was then considered. There was a wide ranging discussion on venues and dates, but it was noted that in order to ensure a quorum it had been necessary in recent years to combine the AGM with a JP training event; either organised by an individual Sheriffdom or by the JI. After consideration of several alternatives it was agreed that for 2018 it would again be held in the Golden Jubilee Hotel and Conference Centre in Clydebank, and would immediately follow the North Strathclyde residential training weekend. Accordingly the AGM will be held on Sunday 18th November 2018 at 2:00pm. It was also agreed that the SJA would fund the travelling expenses of up to two representatives from each of the other Sheriffdoms to attend the AGM.</p> <p>The meeting then recognised the requirement to establish an Election Sub-Committee to manage and handle elections to the SJA Executive Committee for the coming year. The Chairman asked for volunteers for the Election Sub-Committee. As a result the Election Sub-Committee for 2018 will be comprised of:-</p> <p>Tom Finnigan John Lawless John Whyte</p>	
<p>13.</p>	<p>Consultative Documents</p> <p>(a) The Secretary had circulated to all Executive Committee members details of a Scottish Government Consultation document requesting comments on a proposal to introduce Fixed Penalty Notices for minor traffic offences involving a moving vehicle. This would bring Scotland into alignment with England & Wales. It had been noted that this had the potential to have a noticeable reduction in the number of road traffic offences heard in the JP courts, accordingly the details of the consultation document had been sent to all members of the SJA in order that they may comment. The Secretary advised that he would draft a response on behalf of the SJA and circulate this to members of the Executive Committee. It was noted that the response had to be with the Scottish Government by 8th May. The Secretary asked all members for their views and comments on both the initial document and the draft response.</p> <p>(b) The Secretary also advised that he had received a document requesting any comments on the Scottish Government's decision to amalgamate the regional Police and Fire Services into national organisations. The Secretary had not circulated the consultation document but did wish to establish whether it was appropriate for the SJA to formally respond. After a brief discussion it was agreed that at this stage the SJA should not submit a response as the issue</p>	<p>Secretary/ All Members</p>

	had no collective impact on our role as a JP.	
14.	AOCB After a review around the table it was confirmed that there were no other items of business.	
15.	Scottish Sentencing Council The Executive received a short presentation from Mr David Dickson, Principal Legal Officer at the Scottish Sentencing Council. He gave an update on the work of the Council and advised that they had commenced work on their second Business Plan. This would cover their activities in the period 2018-2021, and would follow on from their work detailed in their first Business Plan which covered the period 2015-2018. He did advise that at this stage the Council are only engaged in preliminary informal consultations with groups such as the SJA to help them formulate their main focus of attention for the forthcoming three years. In response to a question he did confirm that any sentencing guidelines that may be issued by the Sentencing Council are only for consideration once approved by the High Court.	
16.	Date of Next Meeting It was agreed that the next meeting would be held on Monday 25 th June 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.	

Dennis Barr JP
Secretary
25th April 2018