

Scottish Justices' Association

Executive Meeting

Wednesday 12th September 2018, starting at 10:45 a.m.
Room 2.14 Glasgow Sheriff & JP Court, Glasgow

Minutes

Present:	Tom Finnigan, (NS) - Chairman	Brian Wood (GH&I)
	Gordon Hunter (SSD&G – Vice Chairman	Neil McKechnie (G&S)
	John Whyte, (TC&F) - Treasurer	David Ferguson (SSD&G)
	Dennis Barr (G&S) - Secretary	Grace MacLeod (NS)
	Marella O'Neill (NS)	John Lawless, (G&S)
	Phil Cropper (GH&I)	Tom Davis (GH&I)
Apologies:	David Donaldson (TC&F)	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. In particular the Chairman welcomed Gordon Hunter who had made a good recovery from his recent surgery.</p> <p>The Chairman intimated that apologies had been received that morning from John Burns, who was unwell. In addition it was noted that David Donaldson was currently attending the CMJA Conference in Brisbane, Australia as the representative of the SJA.</p>	
2.	<p>Approval of the Minutes of the Previous Meeting held on 25th June 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: David Ferguson Seconded: Phil Cropper</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) David Ferguson confirmed that he was still pursuing JPs in SSD&G to increase membership of the SJA and that he would raise the matter at a Sheriffdom Training Day scheduled for October.</p> <p>(b) The Chairman confirmed that he had written to the Lord President to thank him for his article which had appeared in the June edition of</p>	David Ferguson

	<p>the '<i>Scottish Justice</i>'.</p> <p>(c) The Secretary confirmed that the SJA application for membership of the European Network of Associations of Lay Justices (ENALJ) had been accepted. He also advised that there is now a membership fee of 20 Euros to cover their web-hosting costs and an invoice had been requested to allow payment of this fee. Further details of member events would be provided as they arose, and the Committee could take any decisions as to whether to participate or not.</p> <p>(d) The Chairman advised Grace Macleod had re-established contact with Scottish Women's Aid and that they did wish to maintain contact with the SJA. It was noted that it was expected that a greater number of domestic abuse cases would be referred to the JP courts, therefore such contact would be useful for training and information purposes. It was agreed that Grace MacLeod would follow up this contact but would keep Neil McKechnie and Marella O'Neill advised of all contact.</p> <p>(e) The Chairman confirmed that a JP vacancy had been advertised for membership of the Sentencing Council. The Secretary also confirmed that an e-mail had been sent to all SJA members advising them of this vacancy and encouraging them to consider applying for this role. Gordon Hunter felt that it would be particularly beneficial if a member of the SJA Executive Committee was appointed to this position, and the Chairman encouraged members of the committee to apply.</p> <p>(f) John Lawless confirmed that he had produced list of SJA members by Sheriffdom. This would now require to be compared with the lists of JPs held by the individual Sheriffdom Legal Advisors, to identify what additional recruits may be approached.</p> <p>(g) The Secretary confirmed that he had produced an article on the SJA AGM for inclusion in the next edition of the '<i>Scottish Justice</i>', and David Ferguson confirmed receipt.</p> <p>(h) The Chairman confirmed that he had invited Valerie MacGregor, Head of Judicial Communications, to attend a future meeting, but that was now likely in 2019, given the proximity to the AGM. In addition he advised that Valerie MacGregor had initiated the work for Baktosch Gillan to circulate the weekly news update from the Judicial Institute to each JP's home computer e-mail address.</p> <p>(i) The Secretary confirmed the dates for the information requirements for the AGM and Annual Report and advised that we are currently on track to achieve our timetable.</p>	<p>Secretary</p> <p>Grace MacLeod</p>
<p>4.</p>	<p>Chairman's Report</p> <p>The Chairman, Mr Tom Finnigan, advised that most of the issues that he wished to raise in the meeting would be covered under existing agenda items for the meeting, in particular his contact with Valerie MacGregor and Tim Barraclough, Executive Director, Judicial Office.</p>	

	<p>In addition the Chairman confirmed that he was unable to attend the Digital Justice Conference to be held in the University of Strathclyde on Wednesday 26th September but had secured four free places for the SJA Executive Committee. As a consequence, Dennis Barr, Gordon Hunter, John Whyte and Brian Wood shall attend and a report on the conference would be prepared by Brian Wood.</p>	<p>Brian Wood</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 today's date cash in the bank amounted to £10,132, and this included the grant from SCTS and a refund from Virgin Rail from train delays relating to the Chairman and Secretary's visit to the Magistrates Association in London.</p> <p>The Treasurer advised that the Association was currently well within the projected budget but that full CMJA accommodation costs and AGM and Annual Report costs had yet to be incurred. It was also noted that committee members travelling expenses were lower than anticipated at this point. The Treasurer confirmed that members travelling expenses had shown a notable reduction following the decision to relocate SJA Executive Committee meetings to Glasgow from Edinburgh.</p> <p>The Treasurer further advised that costs amounting to £1,522 had been incurred for conference fees and flights associated with attendance at the CMJA Conference in Brisbane in September. Further accommodation and subsistence costs were still expected.</p> <p>Prior to the meeting the Treasurer had also circulated to all members the Annual Financial Statements for the SJA for the period up to 31st March 2018 for inclusion in the Annual Report and Accounts. It was noted that the grant from the Scottish Government had substantially reduced and that as recently as 2009 the grant was £24,000, compared with the current grant of £6,000. The Secretary felt that the Treasurer should in his report make explicit the economies that the SJA has made in recent years. In addition the fact that we have made very active efforts to reduce our expenditure wherever practical and possible, and to operate within the financial constraints of the grant. The Treasurer agreed to revise his statement.</p>	<p>Treasurer</p>
<p>6.</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 - 18 SSD&G – 66 TC&F – 48 NS – 46 GH&I – 34 L&B – 42</p> <p>Giving a total membership of 254.</p> <p>It was agreed that we do need to compare the list of members against the full list of JPs in Scotland. It was agreed that John Lawless would produce a list of SJA members by Sheriffdom, and that these would be compared</p>	

	<p>with the lists held by Sheriffdom Legal Advisors of the total number of JPs.</p> <p>It was reported however that some Sheriffdoms, notably SSD&G and GH&I had been reluctant to advise the SJA of the full list of JPs. The Chairman agreed that he would raise this matter directly with the Judicial Office and ensure that full details were released by all Sheriffdoms.</p>	Chairman
7.	<p>SJA/SCTS Liaison Committee Report</p> <p>The Chairman reported on the meeting held with SCTS on Thursday 2nd August in Edinburgh. At this meeting he was accompanied by the Secretary who was deputising for Gordon Hunter, the Vice-Chairman, who was recuperating from surgery. The Chairman reported that the following topics had been discussed at the meeting:-</p> <p>(a) SCTS reported that full responsibility for JP expenses had yet to be fully transferred from the Scottish Government. SCTS do intend to review the expense claim rates in the near future, when they have assumed full responsibility.</p> <p>(b) The significant drop in workload handled by the JP Courts, with the exception of G&S Sheriffdom, was raised. It was noted as an example that all JP Courts in North Strathclyde had cut back the number of JP Courts held each month. Statistics provided by SCTS indicated that the average number of monthly cases heard in the JP Courts had reduced to 2,890, compared with 5,500 two years ago. The issue of the potential impact of Summary Sheriffs was raised and it was agreed we should investigate further whether the Summary Sheriff Courts were taking cases that would have otherwise be held in the JP Courts. It was agreed therefore that the SJA should hold a formal meeting with COPFS to determine their marking policy and establish what impact Summary Sheriff Courts were having. The Secretary was actioned to arrange this meeting with John Dunne of COPFS. This reduction in workload in JP Courts did generate discussion on the relative impact on most of the Sheriffdoms, and it was noted that in some areas JPs were finding it difficult to complete their mandatory 12 sittings per annum. It was agreed therefore that this action should be pursued with some urgency.</p> <p>(c) The normal retirement age for JPs was again raised with SCTS. The official policy of SCTS is that they cannot place any age restrictions on applications to become a JP. It was also confirmed that each Sheriff Principal has the discretion to extend a JP appointment beyond 70, but only up to a maximum of 75 years of age. It was noted that some Sheriffdoms had used this discretionary power, most particularly in L&B Sheriffdom. It practice however the extensions had normally only been for a single 12-month period.</p> <p>(d) The persistent issue of the lack of secure e-mail facilities for JPs connecting into the SCTS system was again raised. SCTS advised that they had raised the matter with their Head of IT (Claire Taylor), and confirmed that there was no imminent plan or solution. In the interim the personal accounts of JPs would be used to send the weekly news update from the Judicial Office. The Chairman also advised that Valerie MacGregor, Head of Judicial Communications</p>	Secretary

	<p>would be joining the Judicial ICT Committee.</p> <p>(e) The Chairman advised that he had raised the matter of JP Appraisals in GH&I and the recent change to allow JPs from the same court to appraise their colleagues, whereas previously the policy had been to have JPs appraised by colleagues from another court. This change had been driven by cost reduction targets in the Sherifffdom. Tim Barraclough agreed that he would raise this with the Sherifffdom and report back through the Chairman.</p>	Chairman
8.	<p>Joint SJA/Magistrates Association Meeting</p> <p>The Chairman reported that he and the Secretary had attended a joint meeting with the Magistrates Association for England & Wales (MA) at their Head Office in London on 16th July. It was felt that it had been a very positive first meeting by both parties and there had been a very useful exchange of background information and ideas for further action and activities. A report had been prepared on the detailed discussions and that this had been passed to the Head of Judicial Communications (the report was subsequently given headline status in the Judicial Office weekly news update published on 14th September). In addition, the report would be included in the next edition of the '<i>Scottish Justice</i>', thereby ensuring as wide a circulation as possible.</p> <p>The Chairman advised that we were in further communication with the MA on several issues, notably how to raise awareness of the role of JPs/Magistrates in the community, and the issue of driving without insurance and the suitability of fixed penalty notices for this offence. The Chairman and Secretary advised that they would advise the committee of the on-going discussions with the MA.</p>	Chairman/ Secretary
9.	<p>The '<i>Scottish Justice</i>' – Sub-Committee</p> <p>David Ferguson reported that good progress was being made for the preparation of the next edition of the '<i>Scottish Justice</i>'. It was hoped that this would be ready by the end of September.</p> <p>It was noted that articles had been received on the AGM, the SJA Election Results, the Meeting with MA, and an introductory article from the Head of Judicial Communications had been provided. The Chairman advised that he was still awaiting an article on the Sentencing Council, but this was expected before the end of the month.</p>	
10.	<p>2018 Elections – Sub-Committee Report</p> <p>Prior to the meeting the Chairman had circulated a report detailing the results of the SJA Executive Committee election results. The results for each of the Sherifffdoms are as follows:-</p> <p><u>GH&I</u> – Tom Davis was re-elected for three years.</p> <p><u>TC&F</u> – Mandy Jane Shand was elected to the vacant position and will therefore join the committee after the AGM for three years.</p> <p><u>G&S</u> – Neil McKechnie was re-elected for three years.</p> <p><u>NS</u> – Grace Macleod was re-elected for three years.</p>	

	<p><u>L&B</u> – There were no nominations for the two vacant positions on the committee, so there will continue to be only one representative on the SJA Executive Committee</p> <p><u>SSD&G</u> - There was no nominations for the one vacant position on the committee, therefore there will continue to be only two representatives on the SJA Executive Committee.</p> <p>The Chairman congratulated all re-elected members of the committee on their appointments.</p>	
<p>11.</p>	<p>Judicial Council Committees</p> <p>(a) ITC Committee – John Lawless advised that the Committee had met on 4th July 2018. The focus of the SCTS IT team was on planning to move to Microsoft Windows 10 by February 2019, and the replacement of aging hardware. The lack of a secure e-mail system for JPs was raised and this had been recognised by the IT team as they had to provide similar facilities for Tribunal members; whose numbers were increasing due to the transfer of Tribunals to Scotland as part of the Devolution Agreement. It was noted that there had been some improvement to the CJSM application, but it was not widely used or trusted by the majority of JPs. In the interim the personal accounts of JPs would be used to send information from SCTS staff, but there remains no facility to respond directly with the SCTS systems.</p> <p>(b) Welfare & Support Committee – Marella O’Neill reported that this Committee had not met for many months and there was no further meeting currently scheduled. Marella did advise that the draft Judicial Welfare Policy had yet to be fully approved and adopted.</p> <p>(c) Conduct Committee – In the absence of John Burns the Chairman reported that this Committee had similarly not met since February and there was no further information to provide.</p> <p>(d) Judicial Council – The Chairman advised as the last scheduled Judicial Council meeting on 25th May 2018 had been cancelled, he did hope that the meeting scheduled for 23rd November would proceed.</p>	
<p>12.</p>	<p>Meeting with the Head of Judicial Communications</p> <p>The Chairman reported that he and the Secretary had held a further meeting with Valerie MacGregor, the Head of Judicial Communications. The meeting which was held in Glasgow Sheriff Court and had been requested by the SJA to seek assistance with the development of a standard presentation that could be used by JPs in addressing community groups or schools on the role of a JP in the wider community in Scotland. The development of this project was as a direct result of the meeting with the Magistrates Association who had advised that they had initiated a similar ‘Magistrates in the Community’ presentation.</p> <p>Valerie had agreed to prepare a first draft for review by the SJA. Initially this first draft would cover the broader aspects of a JP’s role, but would be able to introduce more local content as to make it more specific and</p>	

	<p>relevant to the group being addressed. The MA had advised that they would be prepared to share their initial work and the Secretary agreed that he would follow this up with the MA.</p> <p>The Secretary did advise that he had been requested to list the duties undertaken by a JP and the Secretary agreed to circulate this to all committee members for review and comment.</p>	<p>Secretary</p> <p>Secretary/All Members</p>
<p>13.</p>	<p>AGM and Annual Report 2018</p> <p>The Secretary confirmed that he had now received most of the content for the Annual Report. We were therefore well on track to have the document in the hands of the printers in adequate time for them to print and distribute the Annual Report and Accounts by Friday 19th October, to meet the AGM timetable as established in the SJA Constitution.</p> <p>The date of the AGM was confirmed as Sunday 18th November 2018 at 2:00pm, in the Golden Jubilee Hotel and Conference Centre at Clydebank. It was also reiterated that the SJA would fund the travelling expenses of up to two representatives from each of the other Sheriffdoms to attend the AGM, and accordingly the Chairman asked all members to encourage JPs in their Sheriffdoms to attend.</p> <p>John Lawless confirmed that he would produce address labels for use by Solway Printers to post individual copies to members.</p>	<p>Secretary</p> <p>All Members</p> <p>John Lawless</p>
<p>14.</p>	<p>AOCB</p> <p>In light of the continued vacancies on the Committee and the lack of candidates putting themselves forward for election, several committee members enquired about the possibility of co-opting other JPs onto the Committee. The Secretary advised that the Constitution did permit the co-opting of members onto the Committee and then read paragraphs 4j. and 4k. of the Constitution to the meeting. The interpretation of the Secretary was that paragraph 4k. is designed to allow for the co-opting of a JP onto the committee where the individual had specific knowledge or expertise on a subject that the Committee wished to benefit from as part of the Committee's work. On the other hand 4k. did not normally allow the co-opting of JPs where there was simply a lack of candidates from a Sheriffdom. It was the view of the Secretary that the current Constitutional arrangements were suitable and would prevent a distortion in the membership to agree to particular viewpoints. It was agreed that all members should review and consider the Constitution on this and on other aspects. To facilitate this, the Secretary was asked to circulate a copy of the latest version of the Constitution to all Committee members.</p> <p>The Secretary reported that he had been contacted by Mr Eric McQueen, Chief Executive SCTS, regarding the views of the SJA and its members to the proposed closure of the Coatbridge JP courts and moving the business to Airdrie Sheriff & JP Court. The Secretary had contacted all JPs and had received four relevant comments by JPs directly affected by the planned change. All four responses were very positive about the proposed change and welcomed the move. The Secretary had therefore directly responded to Mr McQueen, and the planned closure of Coatbridge JP Court is going ahead.</p> <p>The Secretary also advised that in responding to all four JPs who had</p>	<p>Secretary</p>

	<p>commented on the proposal he had not only thanked them but had specifically encouraged them to stand for election to the SJA Executive Committee. Unfortunately none of the four had decided to stand for election earlier this year.</p>	
<p>15.</p>	<p>Date of Next Meeting</p> <p>It was agreed that the next meeting would be held on Sunday 18th November 2018 immediately following the SJA AGM, and held in the Golden Jubilee Hotel and Conference Centre in Clydebank. The primary purpose of this meeting would be to elect the SJA office bearers for the forthcoming year. Accordingly, consideration of these minutes would be made at the following SJA Executive Committee meeting, the date of which would be agreed on 18th November.</p>	

Dennis Barr JP
Secretary
9th October 2018