

Scottish Justices' Association

Executive Meeting

Monday 28th January 2019, starting at 10:45 a.m.
Room 2.14 Glasgow Sheriff & JP Court, Glasgow

Minutes

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

	<u>Agenda Item</u>	<u>Action</u>
1.	<p>Welcome and Apologies</p> <p>The Chairman, Mr Gordon Hunter welcomed everyone to the meeting and thanked everyone for their support in recognition that this was his first full meeting as Chair of the Association.</p> <p>In particular the Chairman welcomed Mandy Shand who was attending her first Executive Committee meeting having been elected last year, and also Sue Cook for which there was a motion for co-opting onto the Executive Committee. This motion would be the first item on the agenda.</p> <p>The Chairman intimated that apologies had been received that morning from Tom Davis. In addition it was noted that Phil Cropper had submitted his apologies a matter of weeks ago.</p>	
2.	<p>Co-Opting of a New Executive Committee Member</p> <p>On the basis of the motion that was unanimously agreed at the previous Executive Committee meeting (18th November 2018: Item 7) Sue Cook had been proposed as a Co-opted new member of the Executive Committee as a representative of Lothian & Borders Sheriffdom. The Secretary referred to Clause 4(k) of the SJA Constitution and advised the Committee that he held the view that the exceptional conditions that would allow for a new member to be co-opted had been met. In that, the current sole representative of L&B Sheriffdom had already exceeded the normal JP retirement age and therefore his appointment could be terminated at short notice, thereby resulting in no representation from that Sheriffdom.</p> <p>The motion to formally co-opt Sue Cook to the Committee until the next AGM, under the terms of the Constitution, and to allow her full voting rights on the Committee was proposed:</p>	

	<p>Proposed : Dennis Barr Seconded : David Ferguson</p> <p>The motion was carried unanimously</p>	
3.	<p>Approval of the Minutes of the Previous Meeting held on 12th September 2018</p> <p>The Chairman and Committee reviewed in detail the minutes of the meeting held in September. These minutes were not reviewed in detail at the Executive meeting immediately following the AGM as the primary purpose of that meeting was to elect the Office Bearers for the coming year. No amendments were noted. The minutes were unanimously approved.</p> <p>Proposed: John Whyte Seconded: John Lawless</p>	
4.	<p>Approval of the Minutes of the Previous Meeting held on 18th November 2018</p> <p>The Chairman and Committee reviewed in detail the minutes of the meeting held in November, immediately following the AGM. No amendments were noted. The minutes were unanimously approved.</p> <p>Proposed: Grace MacLeod Seconded: David Donaldson</p>	
5.	<p>Matters Arising from the Previous Minutes</p> <p>It was agreed that in accordance with customary practice, 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 in these minutes.</p> <p>(a) David Ferguson confirmed that the action to pursue JPs in SSD&G to increase membership of the SJA was on-going.</p> <p>(b) The Secretary confirmed that he had written to ENALJ seeking an invoice for 20 Euros to help cover their web-hosting costs but no reply had been received. Instead an invitation to attend their conference in May had been received and would be considered later in the meeting. IT was anticipated that the sum involved was so small that the issue would not be pursued by ENALJ.</p> <p>(c) Grace Macleod advised written to Scottish Women's Aid however no reply had been received. It was agreed that Grace MacLeod would keep Neil McKechnie and Marella O'Neill advised of any reply or of any other contact from them.</p> <p>(d) The Treasurer confirmed that his statement in the Annual Report did highlight the economies that the SJA had made in recent years, and thereby the SJA had worked within a reduced level of grant. The Secretary advised that these same comments had been repeated in the article on the JI Hub which reported upon the SJA AGM.</p> <p>(e) Tom Finnigan confirmed that he had raised with SCTS the issue of providing a full list of SJA members by Sheriffdom. This list had</p>	<p>David Ferguson</p> <p>Grace MacLeod</p>

	<p>been provided and it was established that SCTS would provide this list as requested by the SJA.</p> <p>(f) The Secretary advised that he had not pursued the issue of work from the JP Courts being diverted to Summary Sheriffs primarily as the SCTS Contact had been on long-term absence on health grounds. The Secretary agreed to formally raise the issue with SCTS.</p> <p>(g) Brian Wood reported that the policy of having JPs appraised by colleagues from the same court was still continuing in GH&I, and as previously advised this change of policy appears to be driven by budgetary constraints. In discussion on this matter it was noted that differing Sherifffdoms had varying approaches as to who undertook JP appraisals. It was evident however that there was no apparent 'best practice' approach documented, or indeed where any such guiding principles could be deviated from. It was agreed therefore that the Secretary would write to SCTS to establish what are the 'best practice' guidelines for JP appraisals and are there any other issues than budgetary constraints that have led to the change in approach in GH&I Sherifffdom.</p> <p>(h) The Secretary reported that despite several messages being sent to the Magistrates Association (MA) for England & Wales they had not replied or provided any further information on their initiative 'Magistrates in the Community'. The Secretary agreed to continue to pursue the MA and to maintain contact between our respective organisations.</p> <p>(i) The Secretary confirmed that he had circulated the list of JP duties to all members and this had spurred interest in developing a standard presentation on the role of a JP which would be considered later in the meeting.</p> <p>(j) It was confirmed that all actions relating to the AGM had been successfully completed and that the AGM had gone extremely well. It had in fact been the best attended AGM in recent years with all Sherifffdoms represented.</p> <p>(k) The Secretary confirmed that a copy of the SJA Constitution had been circulated to all members. In addition the Secretary passed a copy of the Constitution to Mandy Shand at the meeting.</p> <p>(l) The Secretary confirmed that all actions from the meeting held on 18th November 2018, immediately following the AGM had either been completed or were now included on the current agenda. David Ferguson did advise that whilst Gordon Hunter had been successful in attracting two SJA members from SSD&G Sherifffdom to attend the AGM he had been unable to persuade them to consider being co-opted onto the Executive Committee.</p>	<p>Secretary</p> <p>Secretary</p> <p>Secretary</p>
<p>6.</p>	<p>Chairman's Report</p> <p>The Chairman, Mr Gordon Hunter, advised that all of the issues that he wished to raise in the meeting would be covered under existing agenda items for the meeting. He advised that he had not attended any SJA related meetings since the AGM other than the quality and Human Right</p>	

	Commission Workshop, which is to be considered later in the meeting.	
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. The Treasurer advised that at today's date cash in the bank amounted to £5,752.</p> <p>The Treasurer also advised that a meeting on the SJA grant funding was due to be held on Wednesday 30th January with SCTS finance staff and it was expected that a grant of £6,000 would be awarded, based on last year's grant level. This would give the Association around £10,000 by April this year which should be adequate for most of the planned expenditure. The Treasurer also advised that an SCTS representative had asked to attend the meeting to discuss JP expenses, which would be discussed later in our meeting.</p> <p>The Treasurer did also refer to the potential costs which may be incurred if we decide to send a delegate to the CMJA Conference in September. In addition the class of travel of a possible delegate would impact on these costs. It was agreed that this issue would be considered later in the meeting.</p>	
8.	<p>Membership Secretary's Report</p> <p>John Lawless reported that the current membership numbers by Sherifffdom are as follows:-</p> <p>G&S - 20 SSD&G – 66 TC&F – 45 NS – 46 GH&I – 34 L&B – 30</p> <p>Giving a total membership of 241.</p> <p>It was noted that Phil Cropper had reported that two potential members in GH&I had tried to register membership through the website. John Lawless advised that he had the details of one of these members and they were now included in the above numbers. The Secretary agreed to contact Phil Cropper to ask the other member to send their contact details direct to John Lawless,</p>	Secretary
9.	<p>SJA/SCTS Liaison Committee Report</p> <p>The Chairman reported that he had attended the last meeting held with SCTS on 24th October with the then Chairman Mr Tom Finnigan, in Edinburgh. The Chairman advised that it was a relatively short meeting and that the only topic discussed was the Communications Protocol prepared by the JI Head of Communications. This Protocol was in fact then circulated to all members of the judiciary the following day.</p> <p>Tom Finnigan advised that the next meeting of the Liaison Committee was scheduled for 21st March, and it was confirmed that our Chair and Vice-Chair would be representing the SJA.</p>	
10.	The 'Scottish Justice' – Sub-Committee	

	<p>David Ferguson reported that good progress was being made for the preparation of the next edition of the '<i>Scottish Justice</i>', and it was hoped that this would be ready by mid-February.</p> <p>It was noted that articles were being prepared on the Equality and Human Rights Commission Workshop, and that Brian Wood's article on the Digital Justice Conference could be included. David also hoped to give an update on the position with JP expenses dependent on developments.</p>	
<p>11.</p>	<p>Judicial Council Committees</p> <ul style="list-style-type: none"> (a) ITC Committee – John Lawless advised that the Committee had last met on 16th October 2018. The focus of the SCTS IT team was on the roll-out of Microsoft Windows 10, which is scheduled to be completed by the end of February 2019. In addition John advised that new telephony systems were due to be rolled-out across the Courts. The date of the next meeting had yet to be confirmed. (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 would advise when the next meeting was confirmed. (c) Conduct Committee – John Burns reported that this Committee had similarly not met since for some time and that whilst they had provided comments on a new draft of the Judicial Conduct Policy no further information was available. Again no date has been set for a further meeting of this committee. (d) Judicial Council – The Secretary advised that the last scheduled Judicial Council meeting on 23rd November 2018 had been cancelled. There is no further information as to when a further meeting would be held. 	
<p>12.</p>	<p>CMJA Annual Conference – Port Moresby – September 2019</p> <p>It was agreed at the last meeting that this meeting would consider in detail whether or not to send a delegate to the 2019 CMJA Conference to be held in Port Moresby, capital of Papua New Guinea. The committee noted that there were safety and security concerns regarding the location. After a review of the discussions it was agreed that before a final decision could be made some reassurance should be sought from CMJA regarding safety arrangements for delegates. A vote was taken on the proposal that we should send a delegate provided that safety and security concerns were appropriately considered and addressed by CMJA. The vote was:</p> <p>For – 9 Against -4 Abstentions – 1</p> <p>Accordingly, it was agreed that the Secretary would write to the CMJA to establish what steps they are planning to take to ensure the safety of delegates. On the basis of the response received it was agreed that a delegate would be nominated at the next meeting.</p>	<p>Secretary</p>

	<p>The class of travel was also considered, should we send a delegate. It was noted that all other Scottish delegates attending previous CMJA conference had travelled in Business Class, whereas the SJA delegate was only afforded Economy Class air travel. It was confirmed that this was in fact a self-imposed restriction rather than advised from SCTS or the Scottish Government. It was noted that Port Moresby is a particularly difficult location to fly to. After a brief discussion it was unanimously agreed that should the SJA send a delegate then they should be allowed to travel in Business Class.</p> <p>It was also agreed that should we send a delegate that they should be much more actively involved in advising other SJA members of the benefits of attending the conference and explaining what they had learnt of benefit to JPs in Scotland. It was agreed that in addition to providing a written report of the CMJA Conference for the Annual Report, the delegate should be invited to address Sheriffdom training events to make a presentation on their experience and of the benefits received.</p>	
13.	<p>ENALJ Conference – Bonn, Germany – May 2019</p> <p>The Secretary advised that he had been in regular contact with the European Network of Associations of Lay Justice (ENALJ) following agreement from the Executive Committee, and that the SJA were now considered members of the organisation. As a result the SJA had received an invitation to attend their conference ‘European Day of Lay Judges’, to be held in Bonn, Germany between 10th to the 12th May.</p> <p>The committee agreed that this would provide an excellent opportunity to obtain a better appreciation of ENALJ and fully determine the potential benefits of membership. The Chairman proposed that we send two delegates to the conference and this was unanimously agreed.</p> <p>The Chairman asked for nominations to attend and Tom Finnigan and John Burns advised that they were willing to attend. The Secretary agreed to advise ENALJ of our delegates and to provide both of our delegates with the background paperwork to both ENALJ and the conference.</p>	Secretary
14.	<p>Technological Innovations for use at the AGM</p> <p>Again following on from the meeting held after the last AGM it was agreed that the Executive Committee would investigate what technology may be available to assist with greater SJA membership participation in the AGM without the need to be physically present at the meeting. It was agreed that the best way to proceed with this would be to establish a small sub-committee to investigate options and then to report back to future Executive Committee meetings.</p> <p>It was felt that as John Lawless was the SJA representative on the Judicial Council’s ITC Committee that he should lead the sub-committee. The Chairman asked for volunteers to join the committee. Grace MacLeod and Sue Cook agreed to join and the Secretary felt that, despite his absence Phil Cropper would make a good addition to the sub-committee based on his input to the discussion at the last meeting. The Secretary agreed to confirm with Phil Cropper whether he was prepared to accept this nomination.</p>	John Lawless Secretary
15.	Judicial Code of Conduct	

	<p>Tom Finnigan advised that he had been asked by the Lord President to join a small working group to revise the Statement Of Principles of Judicial Ethics. He sought the views of the Executive Committee on some initial thoughts and discussion points from the working group, specifically on whether Justices wished to be able to remain to be politically active. It was agreed that the SJA Executive Committee could be a sounding board for JP views on issues that may arise and indeed the majority view of the Executive was that Justices should fall in line with other Judicial Office Holders and not be politically active. However it was felt that the views of all SJA members should be canvassed on this important matter. This could be achieved through a circular to all SJA members using the 'Mail Chimp' facility which John Lawless could provide.</p>	<p>Tom Finnigan/John Lawless</p>
<p>16.</p>	<p>Digital Justice Conference Report</p> <p>As requested Brian Wood had prepared a report on the Digital Justice Conference held in Glasgow in November. In addition to Brian, Gordon Hunter, Dennis Barr and John Whyte had attended; there were no attendance fees required from public service representatives.</p> <p>Brian gave a verbal update on the conference which was chaired by the ex-First Minister Henry McLeish. There were well in excess of a hundred delegates from both public and private sectors. A key theme of the conference was the use of mutually supportive technologies to improve the speed of law enforcement and the provision of accurate information. To this end a number of initiatives from around the world had been explained and detailed.</p> <p>It was agreed that Brian should circulate a copy of his documented report to all members and it should be considered for inclusion in the next edition of the '<i>Scottish Justice</i>'.</p>	<p>Brian Wood</p>
<p>17.</p>	<p>Equality and Human Rights Commission Workshop</p> <p>The Chairman advised that he had represented the SJA at a workshop organised by the Equality and Human Rights Commission held in Glasgow on 11th January 2019. The workshop reviewed the legal and other process in Scotland and how it impacted on the activities of the Commission. Gordon Hunter explained that in many instances the work of the Commission was not in favour of the digitisation of processes as this tended to exclude many of the disadvantaged members of our society. It had been noted however that further more detailed work in this area was required to enable the demands of all parties to be met.</p> <p>The Chairman agreed to circulate to all committee members a written report on his findings from the workshop.</p>	<p>Chairman</p>
<p>18.</p>	<p>JP Expenses and Allowances</p> <p>This item on the agenda had been raised by a number of committee members. It relates to a recent decision by SCTS to require JPs to provide receipts for all meals or food consumed whilst undertaking JP duties. This differed from the policy adopted in most, but not all, Sheriffdoms whereby the subsistence allowance was considered to be exactly that: an allowance and receipts were not required. The imposition of this policy had angered a large number of SJA members most of whom felt it difficult to manage, and</p>	

	<p>more costly for everyone to administer.</p> <p>It was also confirmed that this policy change had been introduced with no consultation with the SJA, which had further irritated members.</p> <p>It was noted that a member of SCTS staff had asked to join the grant discussion meeting due to be held on Wednesday 30th January, specifically to discuss this issue. Our representatives at this meeting, the Chairman and the Treasurer were asked to make the strength and depth of feelings and anger of SJA members known to the SCTS.</p> <p>In addition the Secretary was asked to establish the position of expenses and allowance with the Magistrates Association</p>	<p>Chairman/ Treasurer</p> <p>Secretary</p>
19.	<p>Standard Presentation on the Role of a JP</p> <p>The Secretary advised that he had circulated a note to all committee members with a draft outline of the contents of a standard presentation on the role and activities of a JP that could be used by any JP called upon to make such a presentation. He advised that he had received some very useful feedback from some committee members, in particular Mandy Shand and Brian Wood. In addition the Secretary confirmed that Valerie MacGregor, the Head of JI Communications had offered to help and support the development of such a presentation.</p> <p>It was agreed that the best way forward would be to appoint a small sub-committee to progress this project. The Secretary agreed to lead this sub-committee and in response to a request for volunteers Mandy Shand, Brian Wood and Neil McKechnie all agreed to join the sub-committee.</p>	<p>Secretary</p>
20.	<p>Out-of-Hours Warrants</p> <p>Prior to the meeting the Secretary had circulated a letter he had written to the Chief Constable of Police Scotland, proposing that an electronic database of JPs in each Sheriffdom be developed in order that Police have access to current JP records when requesting an out-of-hours search warrant. This was in response to the current reliance by the Police on paper lists which are frequently out of date and can lead to distressing calls being made to the families of recently deceased ex-JPs.</p> <p>The Secretary advised that he had received feedback from some other committee members which detailed local arrangements, however the arrangements appeared to be more problematical where a number of Police stations were involved.</p> <p>It was noted that G&S Sheriffdom had been identified for a pilot project for such a database and that a response had been received from the Chief Constable. The Secretary agreed to keep the committee advised of progress. It was also noted that if successful such a database could assist in the development of a rota system for the signing of warrants.</p>	<p>Secretary</p>
21.	<p>AOCB</p> <p>(a) John Lawless requested that all members provide him with a photograph and short biographical details for inclusion on the SJA Website.</p>	<p>All Members</p>

	(b) John Lawless also requested that the Secretary provide him with an electronic version of the 2017-18 SJA Annual Report, also for inclusion on the SJA website	Secretary
22.	Date of Next Meeting It was agreed that the next meeting would be held on Monday 1 st April in Room 2.14 at Glasgow Sheriff and JP Court. All members should arrive by 10:30am to enable the meeting to commence at 10:45am	

Dennis Barr JP
Secretary
30th January 2019