

Scottish Justices' Association

Executive Meeting

Monday 1st April 2019, starting at 10:35 a.m.
Room 2.14 Glasgow Sheriff & JP Court, Glasgow

Minutes

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

	<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 punctuality. The meeting commenced at 10:35am</p> <p>The Chairman intimated that apologies had been received from Grace MacLeod, Vice – Chair, who was currently on holiday.</p>	
2.	<p>Approval of the Minutes of the Previous Meeting held on 28th January 2019</p> <p>The Chairman and Committee reviewed in detail the minutes of the last meeting held in January. No amendments were noted. The minutes were unanimously approved.</p> <p>Proposed: David Ferguson Seconded: John Whyte</p>	
3.	<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 there is an on-going action to pursue JPs in SSD&G to increase membership of the SJA. This on-going action did however equally apply to all Executive Committee members who were charged with encouraging all JPs to become members of the Association.</p>	All Members

	<p>(b) Marella O'Neill advised that Grace MacLeod had written to Scottish Women's Aid however she was unaware whether any reply had been received. It was agreed that in the absence of Grace MacLeod this action would be carried forward to the next meeting.</p> <p>(c) The Secretary confirmed that he had written to SCTS to raise the SJA concerns about the reduction in the workload of the JP courts and to determine whether or not if there was an overall guideline to the principles governing the JP appraisal process. Prior to the meeting the Secretary had circulated the response from the SCTS. The SCTS had provided the links to the overall court statistics which were published for each quarter. The Chairman did provide details that the total number of court cases held in Scotland had fallen from 66,819 in 2014/15 to 35,538 in 2017/18. It was evident that the reduction in the number of cases heard in JP courts simply reflected this downturn. It was agreed that the Secretary should write to COPFS to clearly establish their policy for the allocation of cases, and to request that JP cases were not being inappropriately diverted to Summary Sheriffs.</p> <p>Tom Finnigan also advised that there was scheduled to be a reduction in the number of cases heard in the JP Fines Enforcement Courts. A trial scheme had been piloted in North Strathclyde whereby only court imposed unpaid fines would be heard. Other unpaid fines would not be considered unless they were in combination with court imposed fines on the same offender. Fines Enforcement Officers would now deal directly with non-court imposed unpaid fines. The pilot scheme had proved successful and would be introduced into all Sheriffdoms.</p> <p>(d) The Secretary advised that in the response he had received from SCTS there was no 'best practice' approach, or any guiding principles covering JP appraisals. It was the responsibility of the individual Sheriffdoms to determine their own guidelines. Brian Wood reported that in GH&I Sheriffdom the situation had improved and that experienced JPs were now being appraised by JPs from outwith the same court.</p> <p>(e) The Secretary reported that the Magistrates Association in England & Wales (MA) had provided some very useful and interesting information on their 'Magistrates in the Community' initiative. This had been circulated to all members of the SJA sub-group looking into the preparation of a standard presentation on the role of a JP in Scotland. This sub-group was due to meet in the afternoon, immediately following the Executive Committee meeting.</p> <p>(f) The Secretary also advised that the MA were in broad agreement with the proposal made by the SJA in response to the Department of Transport consultation on the introduction of Traffic fixed-penalty notices in Scotland; to the effect that all no insurance offences should be heard in court, rather than be dealt with through a fixed penalty. The Secretary enquired whether this proposal should be pursued further and it was agreed that he should write to the British Motor Insurance Society.</p>	<p>Grace MacLeod</p> <p>Secretary</p> <p>Secretary</p>
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<p>(g) The Secretary confirmed that he had written to Phil Cropper and the details of two new members from GH&I had been passed to the Membership Secretary.</p> <p>(h) The Secretary confirmed that he had written to the Chief Executive of the CMJA expressing concerns about the safety and security of delegates to the next CMJA Annual Conference due to be held in Port Moresby, Papua New Guinea. A reply had been received along with a letter from the Governor of the National Capital District of Papua New Guinea. The letter had been circulated to all members prior to the meeting and addressed the concerns which had been expressed. On this basis it was agreed to send a delegate to the conference in September.</p> <p>(i) It was confirmed that Tom Finnigan and John Burns had successfully registered to attend the ENALJ Conference to be held in Bonn, Germany in May.</p> <p>(j) The Secretary confirmed that he had written to Phil Cropper and that Phil had agreed to join the sub-committee looking into technological communication options for the AGM. This sub-committee is led by John Lawless.</p> <p>(k) Tom Finnigan reported that the sub-committee reviewing the Statement of Principles of Judicial Ethics, on which he represents JP interests, had held a further meeting and agreed that all JPs should be contacted to establish the collective views of JPs on the whether or not it was appropriate for JPs to be politically active. Tom agreed to draft a question that would be distributed to all SJA members through the 'Mail Chimp' facility. John Lawless agreed to provide the technical support to distribute the question with replies to be sent directly to Tom Finnigan. It was agreed that a definition of 'political activity' should be incorporated into the question for the purpose of clarity.</p> <p>(l) It was noted that Brian Wood's report on the Digital Justice Conference had been included in the last edition of the '<i>Scottish Justice</i>'.</p> <p>(m) It was noted that the Chairman had circulated a report on his findings from the Equality and Human Rights Commission Workshop that he had attended in January.</p> <p>(n) It was confirmed that all actions associated with obtaining further information on JP expenses had been completed and that further discussions on the subject would be considered later in the meeting under the agenda item.</p> <p>(o) The Secretary confirmed that a meeting of the sub-committee with the responsibility to consider the development of a standard presentation on the role of a JP would be held immediately after the meeting and the Head of Judicial Communications, Valerie MacGregor would be attending this meeting.</p> <p>(p) The Secretary confirmed that he had received a reply from the Chief Constable who had delegated an Assistant Chief Constable to assist with a review of improvements to the procedures for</p>	<p>Tom Finnigan/ John Lawless</p>
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	<p>contacting JPs for out-of-hours warrants. However, other than a holding letter no further communication had been received. The Secretary agreed to pursue this and report back to the next meeting.</p> <p>(q) John Lawless advised that photographs and biographical details were still outstanding from a number of Executive Committee members. These details are to be published on the SJA website.</p> <p>(r) It was confirmed that the Secretary had provided an electronic copy of the 2017-18 SJA Annual Report for inclusion on the SJA website.</p>	<p>Secretary</p> <p>All Members</p>
4.	<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 attended the SCTS/SJA Liaison Meeting and a further meeting called to discuss JP Expenses and the topics raised will be considered later in the meeting.</p>	
5.	<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 as at 24th March the date of his report the cash in the bank amounted to £10,360. This sum included the second tranche of the Government grant, and £6,000 had been paid into the SJA account on 21st February.</p> <p>The Treasurer also advised that according to current expenditure expectations it was anticipated that at the end of the financial year we Association would have a surplus over budget of around £2.843.</p> <p>The Treasurer also advised that the Chairman, Mr Gordon Hunter had been added as a signatory to the SJA bank account. In this context and recognising the inherent delay in recognising new bank signatories the Treasurer reminded members that he would have to resign as Treasurer at the next AGM as he would have completed five years in the position. The Chairman therefore asked all members to consider whether they would be willing to stand for this role, and thereby facilitate the transfer of Treasurers responsibilities and duties in a seamless manner.</p>	<p>All Members</p>
6.	<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 – 71 TC&F – 44 NS – 46 GH&I – 34 L&B – 30</p> <p>Giving a total membership of 245.</p> <p>It was agreed that each Sherifffdom would benefit from receiving a list of all SJA members and that this should detail the ages of members so that the</p>	

	retirement of existing members could be anticipated. John Lawless advised that he did have these details and he would circulate the information to each Sheriffdom.	John Lawless
7.	<p>SJA/SCTS Liaison Committee Report</p> <p>The Chairman reported that he had attended the last meeting held with SCTS on 21st March with the Vice-Chairman Mrs Grace MacLeod, in Edinburgh. The Chairman advised that SCTS were represented by Mr Eric McQueen, Chief Executive of SCTS and Mr Tim Barraclough.</p> <p>The reduction in business passing through the JP courts was discussed again, and further statistics were considered. No change in the downturn in the number of cases being heard in JP courts was expected by SCTS as there was a general reduction in crime at all levels in Scotland.</p> <p>The Chairman also advised that no further details were forthcoming from SCTS on proposed changes to JP expenses rates. The Secretary did advise that a meeting had been held with Tim Barraclough and Stephen D'Arcy of SCTS on Monday 4th March involving the Chairman, Vice-Chairman, Treasurer and Secretary. The sole topic of discussion had been draft proposals on changes to JP expenses and allowances that the SCTS had passed across to the Chairman and Treasurer at a meeting to discuss the SJA grant. The Secretary advised that SCTS had proposed to publish these proposed changes to JP expenses on the Judicial Hub for consultation purposes. The SJA Office Bearers felt that it would be appropriate to have a prior consultation meeting due to the nature of the SCTS proposals. The SCTS proposals included plans to significantly reduce certain allowances. The SJA Office Bearers had regarded these proposals to be potentially inflammatory to the majority of JPs, and as the work of JPs is significantly influenced by goodwill on all parties, they felt it important that SCTS reconsider their approach before any publication was made.</p> <p>At the SCTS/SJA Liaison Meeting SCTS did advise that they were still considering their position. The SJA are also aware that many JPs are still concerned about the imposition of the need to provide receipts when claiming a lunch allowance. It was confirmed that no such requirement applies to Magistrates in England & Wales and that there is no taxation implication for meal allowances covering voluntary workers. It was agreed that the SJA would await the revised SCTS proposals on JP expenses before making any official representations to SCTS.</p> <p>The Secretary was asked to ensure that the review of loss of earnings allowances was considered in detail in any proposals from SCTS as these rates had not increased for some years.</p> <p>It was also noted that a new Expenses Policy had recently appeared on the Judicial Hub however it explicitly states that the Policy does not apply to JPs.</p> <p>The Chairman also advised that the SJA had advised SCTS that they were sending representatives to the CMJA and ENALJ conferences.</p> <p>In addition the Chairman raised concerns about digital working and mental health and in particular the information from the Equality and Human Rights</p>	Secretary

	Workshop that 22% of the population at large have learning difficulties.	
8.	<p>The ‘<i>Scottish Justice</i>’ – Sub-Committee</p> <p>David Ferguson reported that the last edition of the ‘<i>Scottish Justice</i>’ had been issues at the beginning of March. It included Brian Wood’s article on the Digital Justice Conference and a holding statement on JP expenses.</p> <p>David also advised that he hoped to issue the next edition during the summer. It was anticipated that the next edition would give an update on the position with JP expenses, dependent on developments. In addition it was hoped to provide an article on the development of a standard presentation on the role of a JP.</p> <p>In response to a question David advised that he was not aware of many failures to deliver the electronic ‘<i>Scottish Justice</i>’, however John Lawless reiterated that it was the responsibility of members to advise of any change to their e-mail address.</p>	
9.	<p>Judicial Council Committees</p> <p>(a) ITC Committee – John Lawless advised that the Committee was due to meet the following day (2nd April) and this stage he had nothing to report but would update the Committee at the next meeting.</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 would advise when the next meeting was confirmed.</p> <p>(c) Conduct Committee – John Burns reported that this Committee had similarly not met since for some time and again no date has been set for a further meeting of this committee.</p>	
10.	<p>JP Expenses and Allowances</p> <p>It was agreed that this item had been fully discussed and covered in the report on the SCTS/SJA Liaison Meeting, see item 7 above. All members were however reminded to monitor articles appearing on the Judicial Hub as this is where the latest SCTS proposals are likely to be published.</p>	
11.	<p>CMJA Annual Conference – Port Moresby – September 2019</p> <p>It was agreed that on the basis of the letter received from the Governor of the National Capital District of Papua New Guinea that we would send a delegate to the 2019 CMJA Conference to be held in Port Moresby, Papua New Guinea. The committee asked for nominations to attend. Tom Davis and John Burns indicated their willingness to attend. On the basis that John Burns was booked to attend the ENALJ Conference in May it was agreed that Tom Davis should represent the SJA at the Conference.</p> <p>Tom Davis was reminded of the decision taken at the last meeting that he would be required to be much more actively involved in advising other SJA</p>	

	members of the benefits of attending the conference and explaining what they had learnt of benefit to JPs in Scotland. He is required to provide a written report of the CMJA Conference for the Annual Report, and should be prepared to address Sheriffdom training events on their experience and of the benefits received.	Tom Davis
12.	<p>ENALJ Conference – Bonn, Germany – May 2019</p> <p>As noted earlier both Tom Finnigan and John Burns had successfully registered to attend the European Network of Associations of Lay Justice (ENALJ) annual conference ‘European Day of Lay Judges’, to be held in Bonn, Germany between 10th to the 12th May.</p> <p>The committee do anticipate receiving a report on the ENALJ Conference which will be included in the SJA Annual Report.</p>	Tom Finnigan/ John Burns
13.	<p>Technological Innovations for use at the AGM</p> <p>John Lawless confirmed that the sub-committee had been formed under his leadership and had Grace MacLeod, Sue Cook and Phil Cropper as fellow members. John advised that this sub-committee had not yet held a meeting but would report on progress at the next meeting.</p>	John Lawless
14.	<p>Standard Presentation on the Role of a JP</p> <p>As reported earlier in item 3.(e) above this sub-committee were due to hold their first meeting immediately following this SJA Executive Committee meeting. This meeting would be held in Room 2.75 of Glasgow Sheriff Court. Valerie MacGregor the Head of Judicial Communications for the Judicial Institute had been invited and was due to attend this meeting. The Secretary agreed to keep the committee advised of progress.</p>	Secretary
15.	<p>Advice on Appeal Cases</p> <p>Prior to the meeting Mandy Shand had circulated all committee members enquiring whether they had any advice they could offer with respect to cases coming to the JP Court where the validity of Notices of Intended Prosecution (NIP) which had been signed by the former Chief Constable, Mr Philip Gormley, had been an issue. The Secretary had replied and advised that he had heard such a case and had been given clear and unequivocal advice that the NIP was not valid. However in a subsequent conversation was advised that that Mr Gormley was the titular head of Police Scotland until 1st May 2018, despite having resigned with immediate effect on 7th February 2018, with no requirement to work a contractual three month notice period.</p> <p>The Secretary advised that he had pursued this matter with his Sheriffdom Legal Advisor (SLA) and was advised that a similar case was due to be heard in the Aberdeen Sheriff Appeal Court later in April. The outcome of the decision of the Appeal Court would determine whether similar cases would be brought forward. It was noted that COPFS were holding back a number of these cases. The Secretary also advised that it was the responsibility of each SLA to be aware of relevant Appeal cases as appropriate advise the sitting JP accordingly. There is no current formal central advisory body to advise on Appeal cases, and that JPs are required to rely on their SLA for advice and guidance.</p>	

