



MINUTES

Strategic Board

Thursday, 12 March 2009 within the Sheriff Court House at Dumbarton

Members Present

Eleanor Emberson (Chair)
Nicola Bennett
Eric McQueen
Alastair Sim
Gordon Wales
Sheriff R Dickson
Johan Findlay JP
Dugald Mackie
Valerie Macniven
The Rt Hon Lord Reed

Chief Executive
Director of Finance
Director of Field Services
Director of Policy and Strategy
Director of Operational Support
Non-Executive Director
Non-Executive Director
Non-Executive Director
Non-Executive Director
Non-Executive Director

Also Present (morning session)

Jenny Murray
David Timbrell-Hill

KPMG
KPMG

Apologies for absence:

Sheriff Principal Bowen
John Anderson
Susan Whiteford

Non-Executive Director
Interim Secretary
Head of Corporate Communications

1.0 Strategy Workshop

1.1 The record of this meeting is in a confidential annex to these minutes, which is non-releasable for reasons relating to the possible prejudice to the effective conduct of public affairs.

2.0 Minutes of last meeting (Thursday 22 January) SB/Jan09/Mins

2.1 These were approved without amendment.

3.0 Matters not arising elsewhere

3.1 There were no matters arising elsewhere.

4.0 Declarations of interest

4.1 No new declarations of interest were recorded.

5.0 Performance Report SB/Mar09/6, SB/Mar09/7, SB/Mar09/9

5.1 The Board noted with concern the high proportion of cases where an extension of the 140 day time bar was granted (indicator CP 15(b)). It was recognised that the data on this was not strong, and that SCS would be making recommendations to the High Court Programming Board about improved monitoring of the number and timing of preliminary hearings/adjournments. It was also noted that the Crown's lateness in indicting cases contributed to the performance indicator.

5.2 There was also some concern at the waiting period for civil appeals to the Court of Session (indicator CP 12). This was also showing a deteriorating trend. Lord Reed reported that in June a pilot would be introduced of a new way of dealing with civil appeals based on loading the program in the expectation that a high proportion of cases would settle before the hearing, and on offering an estimated date for a hearing within a time period of a fortnight rather than offering a specific date. He estimated that this might double the court's rate of dealing with immigration cases.

5.3 The Board noted the new Scottish Government 10 day target for making payments (indicator OST 2), and that the SCS's performance on this indicator would be a substantial contributor to the Scottish Government's success or failure in meeting its overall targets.

Finance Report

5.4 The Strategic Board was particularly interested in issues relating to fines collection and retention. There was some concern about the relatively high rates of arrears/non-recovery of fines and improved fines collection performance was seen as important to the success of the Government's Summary Justice Reform policy. It was noted that some fines enforcement data had been excluded from the current report for quality assurance checking, and the executive team offered to circulate revised fines data after the 1 April Executive Board.

Action: Alastair Sim to circulate revised fines report after 1 April Executive Board.

- 5.5 The Strategic Board was briefed on the extent of agreement which had been reached with HM Treasury about fines retention. There was some concern by Treasury at the possibility of SCS retaining more revenue than was needed to cover the actual cost of fines enforcement, which would be an issue since fines retention had also been projected to cover costs of operating the Justice of the Peace courts. While Treasury had made an order providing for the necessary degree of fines retention from money received in 2008/09, the policy was still under negotiation for subsequent years.

6.0 Planning and Budgeting for 2009-2010 SB/Mar09/8, SB/Mar09/11

- 6.1 The Strategic Board noted the draft business plan for 2009/10, which would have to be amended in the light of budgetary decisions. There were two comments specifically on the way in which the draft linked the SCS's activities, ie:

- it would be useful to map on, where possible, the SCS's contribution to relevant examples of the 45 national indicators; and
- a short narrative of SCS's overall contribution to each national outcome should be included.

Action: Alastair Sim to ensure that revised business plan is brought back to the next meeting of the Strategic Board informed by budgetary decisions and by revisions in the light of these comments.

- 6.2 There was discussion of the various proposals for investment which had been identified to the Strategic Board. The Strategic Board recognised that truly inescapable bids would have to be funded, but did not take the view that the £50k bid for development of a uniform corporate identity was truly inescapable. While there was a confusion of different identities around the SCS/the court, getting this sorted could not be categorised as immediately inescapable.
- 6.3 Among the highly desirable projects, Board members particularly supported the Small Claims On-line and Commissary projects since these were steps towards a new business model for a modern and efficient SCS.
- 6.4 It was agreed that the Executive Board would have to make budgeting decisions informed by the Strategic Board's views.

7.0 Judiciary and Courts Act Implementation SB/Mar09/5

- 7.1 The Strategic Board noted that the Lord President would in future chair a Steering Group for SCS implementation of this project. While in general the existing members of the implementation Project Board (i.e. the Strategic Board members) would transfer to membership of this Steering Group, there was a question about whether Parliament House would be over-represented since Lords Mackay and Reed would be on the Group as currently proposed as well as the Lord President and Lord Justice Clerk. Initially, Lord Reed and Lord MacKay had been on the Project Board as the Lord President's delegates but this was less obviously appropriate now that

the Lord President himself would be participating. Lord Reed undertook to discuss this point with the Lord President.

Action: Lord Reed to discuss Steering Group membership with the Lord President.

8.0 Any Other Business

- 8.1 The Strategic Board agreed that, in the current financial climate, it would not be willing to contribute increased SCS resources to the development and operation of a community justice centre in Glasgow. This would not prejudice other work which might be done to ensure more effective "community justice" through the existing courts.
- 8.2 The SCS had received an independent report on the loss of election papers at Kirkcaldy Sheriff Court. SCS had accepted the conclusions of that report and an action plan was being developed.
- 8.3 Scottish Government was to host a reception in June marking 400 years of Justices of the Peace in Scotland. The Strategic Board agreed that it would be appropriate to offer Justices of the Peace a small commemorative object to mark the occasion.
- 8.4 Valerie MacNiven was about to move jobs within the Scottish Government, and as yet it was unclear whether she would continue in individual membership of the Strategic Board. Members thanked her for her contribution up to now.
- 8.5 The Board agreed to record their congratulations for the technical training team's success in reaching the finals of a UK-wide Nation Training Award; this was a very high achievement indeed and the Strategic Board was also very grateful to Sheriff Dickson for supporting the team at the awards event in London.
- 8.6 The Strategic Board recorded their thanks for the hospitality of the Sheriffs and staff at Dumbarton Sheriff Court.

9.0 Date and Place of Next Meeting

- 9.1 Thursday, 14 May 2009 at Falkirk Sheriff Court.

Signed:

Chair

Date: