



MINUTES

Strategic Board

Thursday, 14 May 2009 within the Sheriff Court House at Falkirk

Members Present

Eleanor Emberson (Chair)
Eric McQueen
Alastair Sim
Gordon Wales
Sheriff R Dickson
Johan Findlay JP
Dugald Mackie
Bridget Campbell
The Rt Hon Lord Reed
Sheriff Principal E F Bowen QC

Chief Executive
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
Non-Executive Director

Also Present

John Anderson
Margaret Peattie

Interim Secretary
Secretariat Business Manager (Minutes)

Apologies for absence:

Nicola Bennett
Susan Whiteford

Director of Finance
Head of Corporate Communications

The Chair welcomed Bridget Campbell who had succeeded Valerie Macniven as Non-Executive Director of the Board.

1.0 Minutes of the meeting of 12 March 2009 (SB/Mar/09/Mins)

1.1 The Minutes were approved.

2.0 Matters not arising elsewhere

Membership of the Judiciary & Courts (Scotland) Act Implementation Steering Group

2.1 The Steering Group met last month and membership had now been established.

Scottish Court Service Business Plan 2009-2010

2.2 A revised draft was circulated and members were invited to comment.

2.3 Suggestions for additions to the plan were the inclusion of more information on:

- what had been done to reduce carbon emissions;
- the review of Sheriff & Jury business; and
- the substantial increase in civil appellate work.

Action: All to advise Alastair Sim of any additions or amendments to the draft by 20 May.

Action: Lord Reed to provide Alastair Sim with a note on the changes being introduced in the Inner House to improve the programming of civil appellate work.

3.0 Declarations of interest

3.1 The register of declarations of interest had been updated.

4.0 Fines Enforcement Update (SB/May09/13)

4.1 The Board noted that there had been considerable media interest and a series of Parliamentary Questions in relation to fines enforcement. Eric McQueen tabled a paper in relation to the issues and key points and an outline improvement plan.

4.2 In discussion it was suggested that there should be a paper outlining the overall principles behind the strategy set out in the plan and bringing together the figures in a more coherent way. In the longer term, it was the intention to publish figures on a quarterly basis but it was agreed that a revised paper would be brought back to the Board along with the format in which information would be published after the end of each quarter.

Action: Eric McQueen to revisit the earlier report on fines enforcement principles and a draft format for publishing information and circulate that to the Board.

4.3 The Board discussed the need for a performance indicator on fines enforcement and what might be the best measure for this.

4.4 There was some discussion on the involvement of justice partners and analytical services, as policy on fines enforcement does not lie solely with the Scottish Court Service. The team working on these issues and analysing the data were in discussion with Scottish Government and consideration was being given to taking implementation back to the Summary Justice Reform Project Board.

5.0 Performance Report (SB/May09/12)

- 5.1 The Board noted that the proportion of cases in which an extension of the 140 day time bar was granted (indicator CP15b) remained high. The High Court Programming Board would meet next month to identify if specific issues were driving this.
- 5.2 In relation to the waiting period for solemn appeals (indicator CPI 1b) Lord Reed reported that a judgement had been issued recently which included comment on the delay in the case being heard.¹ Arrangements were now in place to ensure that requests for delay were heard by a judge at a procedural hearing. A reduction in waiting periods should be achieved through proactive judicial case management.
- 5.3 The waiting periods for civil appeals (indicator CPI 2) also drew comment. Lord Reed reported that a pilot, whereby parties would be required to lodge detailed arguments before cases were heard, and fewer days allocated for hearing cases, would be implemented in the first half of June and repeated in the autumn and in spring next year.
- 5.4 The Lord President was consulting on reforms of the procedural rules for the conduct of civil business in the Inner House. A public meeting was to be held on 1 June at 11am in the 1st Division courtroom.
- 5.5 Lord Mackay of Drumadoon was standing down as administrative judge after some years in the role. The Lord President had decided that henceforth each of the four main categories of business would be overseen by an individual judge. The judge with responsibility for civil appellate business would also co-ordinate the work of all four judges. The judges would consider the use being made of court time, resolving any administration difficulties and prioritising cases. The Board offered the assistance of SCS officers to aid this important work.
- 5.6 The Board noted that the percentage of remote links requests completed successfully (indication CPI 13) was shown at red. Gordon Wales advised that the figure for March represented three cases where there had been faults in IT equipment or telephone lines but steps were being taken to increase resilience.

6.0 Planning and Budgeting 2009/10 (SB/May09/12)

- 6.1 The outturn figures in the Finance Update were still subject to audit. These would be finalised before the next meeting when more detailed information on outturn and the first set of results for 2009/10 would be reported.
- 6.2 The re-valuation of buildings in the court estate had been completed late in the financial year and the lower valuation had led to a last minute and unexpected underspend on capital charges.
- 6.3 The Chair congratulated the team involved in managing the estates capital budget.

7.0 Business Change Programme Update (SB/May09/15)

- 7.1 *The record of the discussion under this agenda item is considered confidential and exempt from publication at this time for reasons relating to the possible prejudice to the effective conduct of business.*

¹ Johnston and Another v HMA; 21 April 2009

8.0 Judiciary and Courts (Sc) Act Implementation

- 8.1 The Board was advised that the Steering Group, chaired by the Lord President, met last month when the Framework Document had been discussed.
- 8.2 The next commencement order will establish a statutory commitment to the new arrangements and setting up of the shadow Board.

9.0 Changing Relationships Programme

- 9.1 Following the recommendations of the Gateway Review of the Judiciary and Courts (Sc) Act Implementation Project, a paper had been drafted setting out the issues on changing relationships between SCS, the Judiciary and the Scottish Government which the new arrangements would bring about. This had been discussed at a meeting between the Chair, the Lord President and the Director General of Justice and Communities. Procurement of assistance in managing the change was in hand and it was hoped that a facilitator would be in place by the end of September.
- 9.2 The Board recognised that management of communications issues would be an important element of this piece of work.

10. Audit Committee

- 10.1 The Committee met recently and the Board was advised that the Scottish Government had prepared guidance for Audit Committees. This would be circulated to the Board shortly. One element of the guidance was to the effect that the Committee would prepare an Annual Report for the Board.

11. Any Other Business

- 11.1 *The Board considered the recent decision by the Justice Committee of the Scottish Parliament not to pass the order establishing the justice of the peace courts in South Strathclyde, Dumfries and Galloway. The record of this discussion item is considered confidential and exempt from publication at this time for reasons relating to the possible prejudice to the effective conduct of business.*
- 11.2 The Chair noted that this would be the last meeting which Alastair Sim would attend before his departure to take up post as Director of Universities Scotland. Members joined the Chair in thanking Alastair for his significant contribution in developing the present Board structure, and wished him well for the future.
- 11.3 The Board recorded their thanks to the Sheriffs, Justices and staff of Falkirk Sheriff Court for their hospitality.

12. Date of the Next Meeting

- 12.1 Thursday, 23 July 2009 (date and venue to be confirmed).

Signed:

Chair

Date: