



An tSeirbhís Chúirteanna
Courts Service

Courts Service Board Meeting Minutes

Minutes of the meeting of the Courts Service Board 7 November 2022

Present:

- The Hon. Mr. Justice Donal O'Donnell, Chairperson of Courts Service Board
- The Hon. Mr. Justice George Birmingham, Board Member
- The Hon. Mr. Justice David Barniville, Board Member
- The Hon. Mrs. Justice Elizabeth Dunne, Board Member
- The Hon. Mr. Justice Tony O'Connor, Board Member
- The Hon. Mr. Justice Patrick McCarthy, Board member, Chair of Building Committee
- The Hon. Ms. Justice Patricia Ryan, Board Member
- Her Honour Judge Alice Doyle, Board Member
- His Honour Judge Paul Kelly, Board Member
- Judge Alan Mitchell, Board Member
- Ms. Angela Denning, Board Member
- Ms. Deirdre Kiely, Board Member, Chair of Audit & Risk Committee
- Ms. Karen Kiernan, Board Member, Chair of Family Law Development Committee
- Ms. Patricia King, Board Member
- Ms. Sara Phelan, Board Member
- Ms. Michele O'Boyle, Board Member
- Mr. Doncha O'Sullivan, Board Member
- Ms. Hilary McSweeney, Board Member

Also in attendance

- Maura Howe, Secretary to the Board
- Deirdre Doyle, Secretariat
- Mr. John R. Cleere, Head of Corporate Services

The Meeting was held virtually via Zoom platform, A Quorum was reached.



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1. Minutes of meeting of 26th September and 18th July 2022

The Minutes of the 18 July 2022 and 26 September were agreed. The new format proposed of one set of minutes was agreed and adopted. (Action CSB59/22) It was agreed that outstanding actions CSB/48/2022, CSB/49/2022, CSB/50/2022 would be considered at the next meeting of the Board.

2. Meeting actions and decisions:

| Action No. | Report | Action / Decision | Update/ Status | Responsibility | Due date |
|--------------------------|---------|--|---|-------------------------|---------------|
| Meeting actions | | | | | |
| CSB 59/22 | Minutes | Adopt new format for minutes | Adopt new format for new minutes | Secretary | immediately |
| CSB 60/22 | 47/2022 | Report to Board regarding Parliamentary Questions | For agenda | Ms. Denning & Secretary | December 2022 |
| CSB 61/22 | AOB | Report to Board on carparking protocol | For agenda | Ms. Denning & Secretary | Q1, 2023 |
| CSB 62/22 | AOB | Calendar invites to issue for 2023 meetings | For issue by Secretary | Secretary | December 2022 |
| CSB 63/22 | AOB | Report cover page to be rolled out | Secretary to circulate to all those bringing reports to Board | Secretary | December 2022 |
| CSB 64/22 | AOB | Sharefile access to induction papers for Board members | Secretary to set up | Secretary | December 2022 |
| Meeting Decisions | | | | | |
| CSB 65/22 | 44/2022 | The Board noted the approval given by the Finance Committee for the awarding of Cleaning and Caretaking contracts. | | | |
| CSB 66/22 | 45/2022 | The Board approved the proposals regarding provision of services in Cavan | | | |
| CSB 67/22 | 46/2022 | The Board approved the proposals regarding provision of services in Cavan | | | |



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Full action and decision log can be seen at appendix 1.

3. Audit Committee update (Report 40/2022)

The Chair of the Audit Committee, Ms. Deirdre Kiely, presented the report as circulated. There were no decisions required from the Board at this time.

4. Finance Committee update (Report 41/2022)

The Hon. Mr. Justice Donal O Donnell advised that he had chaired the Finance Committee meeting of 17th October in the absence of The Hon. Mr. Justice Birmingham. As the reports considered by the Committee formed part of this meeting agenda it was agreed to deal with the reports as they arose.

5. Financial update (Report 42/2022)

Mr. Cleere presented the report as circulated, which is based on expenditure to end September 2022, and highlighted the main points:

- Gross expenditure to 30th September was €112.103m; Pay of €46.242m, Non-Pay of €26.615m and Capital of €39.246m.
- Appropriations-in-Aid €25.893m; Fee Income of €24.155m, Miscellaneous Income of €0.537m and Pension Levy of €1.201m.
- He advised that a budgetary review had been undertaken based on expenditure to end August 2022. This periodic process is carried out to ensure a balanced budget is achieved.

It was noted that a previously flagged underspend on Pay has reduced due to arrears payout on the 'Building Momentum' pay deal which effectively lessened the impact of the unplanned retirements and mobility moves. A new public sector pay deal was recently ratified, which will further impact the pay spend. It has been agreed with the Department of Justice that the excess in Appropriation-in-Aid can be retained, which will assist with the expenditure on these pay increases.

It was further noted that the flagged underspend on non-pay has also reduced with courthouse maintenance and changes in utility costs contributing to the variance.



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It was highlighted that the anticipated Appropriate-in-Aid income has decreased due to a decision to cut court fees for special exemption orders in half

Mr. Cleere advised that the Estimates for Public Services 2023 were published by the Minister for Public Expenditure & Reform for Government Departments and Agencies on the 27 September 2022. He further advised that now funding for 2023 has been confirmed, work will commence on drafting budgets for consideration by the Finance Committee and the Board at their meetings in November and December.

6. Risk Management update (Report 43/2022)

Mr. Cleere presented the report as circulated and highlighted the following;

- Re-classification of the following risk from Medium to High Risk - “The operational & reputational implications of implementing Assisted Decision Making (Capacity) Act 2015”, due to commence on 21 November 2022. A discussion took place as to whether it would be appropriate to downgrade this risk to Medium.
- Addition of the following medium risk - “The risk of Planned and Unplanned Energy outages”. It was noted that an Energy Planning Group has been established and Business Continuity including updates from the Energy planning group is a standing Agenda item at the Courts Service Senior Management Team.

Mr. Cleere provided an overview of the 24 risks on the register, 8 high and 16 medium. Following discussion. it was agreed that it was appropriate to downgrade the following risk – “Rules may impact on the delivery of change in an agile manner. Existing structures may conflict with agile ways of working.” from High to Medium

It was particularly noted that following the budget day announcement that no funding had been allocated to account for inflation which will make the framing of the 2023 budget a challenge. However initial placeholder funding for 2023 for resources to support additional judges had been allocated.

The Chair thanked Mr. Cleere for his reports. Mr. Cleere left the meeting at this point.



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7. Cleaning and Caretaking Contract (Report 44/2022)

The Chair advised that the Finance Committee had considered and approved a recommendation to award contracts for Cleaning and Caretaking services in the 4 regions and in Dublin. It was noted the Board has delegated contract approvals under €5m to the Finance Committee, however as the cumulative value of the 5 contracts is in excess of €5m it was being brought to the Board for noting. Ms. Denning presented the report as circulated and gave an outline of the services required under the tender and an overview of the procurement process carried out. No conflicts of interest were disclosed and the Board noted the awarding of the contracts. (CSB64/22)

8. Provision of Court Services in Cavan (Report 45/2022)

Ms. Denning presented the report as circulated. She advised that the proposal to abolish the existing District Court Area of Virginia, to amalgamate the electoral Divisions of the District Court Area of Virginia into the District Court Area of Cavan and to vary the sittings in Cavan, would allow for a more efficient access to justice for court users, as it will enable the sitting judge to designate specific days for the hearing of criminal, civil, family and childcare business for the whole of the county. The Hon. Mr. Justice Kelly advised the Board that he was in support of the proposal and that there was general agreement from local practitioners. As the next item on the agenda concerned a similar proposal it was agreed to discuss both items together.

9. Provision of Court Services in Monaghan (Report 46/2022)

Ms. Denning presented the report as circulated. She advised that the proposal to abolish the existing District Court Area of Carrickmacross, to amalgamate the electoral Divisions of the District Court Area of Carrickmacross into the District Court Area of Monaghan Cavan and to vary the sittings in Monaghan, would allow for a more efficient access to justice for court users, as it will enable the sitting judge to designate specific days for the hearing of criminal, civil, family and childcare business for the whole of the county. The Hon. Mr. Justice Kelly advised the Board that he was in support of the proposal that there was general agreement from local practitioners.

A discussion took place concerning the principle of maintaining local access to justice and the



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importance of this in communities and that the approval of these proposals did not in themselves establish a precedent. It was noted that both Virginia and Carrickmacross courthouses could be available as venues in the future.

Decision: The Board approved both proposals. (CSB 65/2022) (CSB 66/2022)

Mr. Mullan left the meeting at this point.

10. CEO Q3 2022 Report (Report 47/2022)

Ms. Denning presented the report as circulated which was taken as read, highlighting the following.

- A key decision has been taken to change the approach to transitioning case management systems to the one solution on the same technology. Initially Debt and Divorce, followed by Maintenance were to have been the first applications to transition over, however it has now been decided to start with replacing the High Court Case Tracking system. The new case-management system will help stabilise High Court operations, ensuring all staff in the unit can have access to the case management system daily. Other systems across jurisdictions/areas of law will then follow until all civil and family systems across the organisation are moved to a single case-management system. A discussion took place on the timelines which might be expected to replace the Criminal tracking systems and the need to have connectivity both within the Courts Service and for Court users to allow them access our digital systems as they come on stream.
- Positive feedback is being received on the Family law, pre court information which is now live. Ms. Denning encouraged Board members to give any feedback they may have on this information as the reform team are committed to iteratively improving the information as they receive feedback.
- The Digital Desktop Modernisation Project (DDMP) roll out to staff will be completed in December. Project planning and piloting for roll out of these tools to the Judiciary continued in Q3.
- Approval by Government has been given for the establishment of a new Planning and Environment Court in the High Court.
- The work of both the Probate Officer and Legal Costs Adjudicators Officer in Dublin continues to increase.



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- More detailed plans for Hammond Lane complex have been received and engagement with stakeholders and court users is continuing with the view to signing off the plans. A question arose concerning the timelines for completion of the project, Ms. Denning advised that where possible the project board are trying to pull back timelines and that the completion dates given in her report are worst case scenario. It was noted that the plans would be circulated to the AJI once considered by the project board.
- As part of the rejuvenation of Swords town centre, Fingal County Council (FCC) are planning to build a new Civic and Cultural Centre in the heart of Fingal's county town. The Courts Service highlighted some key concerns with the proposed design of the area surrounding the Courthouse and the disruption to the Courthouse during construction works. It has been proposed that the most straightforward solution is for FCC to takeover the Swords Courthouse and provide The Courts Service with a newly refurbished alternative location for permanent operations. A list of building requirements, agreed by EMU and Operations, was submitted to FCC to allow them to begin the initial stages of sourcing an alternative location that could accommodate the Swords Courthouse operations.
- Work is ongoing to find an appropriate site for both permanent and temporary Courthouse accommodation in Galway. Following a competitive procurement process we have engaged the services of a local Estate Agency for both permanent and temporary accommodation.
- A number of international visiting delegations were hosted in Q3, and the publicising of events such as the ECHR conference and the Decade of the Centenaries Commemorations generates a lot of interest from Court users. These public awareness and outreach events help to generate followers on platforms such as LinkedIn which are used to promote employment opportunities within the Courts Service. (The Courts Service have built the following on LinkedIn to 10,000 followers).
- An Energy Planning Group was established in September, reporting to SMT weekly. The purpose of the group is the effective management of and response to planned and unplanned energy outages and associated scenario planning. This will seek to ensure essential services can continue to operate in the event of an energy supply emergency. The group with the support of the Sustainability Unit is also tasked with promoting and communicating energy efficiency measures that can reduce our energy usage. Both permanent and temporary changes are being considered by the group.



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Ms. Denning was asked could a report be brought to the Board on the types of Parliamentary Questions received. Action CSB 60/22

10. AOB.

- The Secretary dealt with a number of administrative items.
 1. Draft dates for the 2023 Board meetings had been circulated. The Board agreed the dates for 2023, following which Ms. Howe advised she would issue calendar invites. Action CSB 62/22
 2. The workplan for 2023 was also agreed by the Board.
 3. Draft cover page template for every report was agreed with some minor amendments. Action CSB 63/22
- As a test for the use of Sharefile to share Board documentation, the Board induction papers have been uploaded. Access to this folder will be provided to all Board members, following feedback a decision will be taken to share meeting papers via this platform rather than email. Action: CSB 64/22
- The Board were advised of a situation which had recently arose whereby a defence solicitor gained access to courthouse parking adjacent to a judge's car and following a fire alarm evacuation waited at their car with the defendants in the case. Ms. Denning undertook to carry out a review of parking arrangements with the Regional Managers following which she would report to the Board. Action 61/2022

It was noted that the next Board meeting was scheduled for 12th December @ 8am and would be held virtually.

Ends.



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Appendix 1 Full action log

| No. | REPORT | MEETING DATE | SUBJECT | DECISION / ACTION | RESPONSIBILITY | DUE DATE |
|-----------|---------|--------------|--|--|----------------------------|---------------|
| CSB 38/22 | N/A | 13/06/2022 | Role of the Board and boundary lines between the Courts Service, the judiciary, and the Board. | Roles and responsibilities scheduled for December meeting | Chair/ CEO/ Secretary | December 2022 |
| CSB39/22 | N/A | 13/06/2022 | Resources and Judicial numbers. | Resources and Judicial numbers to be kept under review on the Agenda.* | Chair/Secretary | Agendas |
| CSB 40/22 | 10/2021 | 13/06/2022 | Board effectiveness review | Three Board members – the Chair, the President of the High Court and Deirdre Kiely have agreed to conduct the formal performance review process for the Chief Executive. Remove from Agenda check-in December on workplan. | Chair/Secretary | n/a |
| CSB 43/22 | 39/2021 | 13/06/2022 | Operational Committee | Working group is being considered. | Chief Executive/ Secretary | End of year |



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| CSB 44/22 | N/A | 13/06/2022 | Sustainability | An update on Sustainability to be brought to the Board to the next meeting and then to be removed. Update: Due to sick leave the sustainability report was rescheduled until the January 2023 meeting. | Chief Executive | January 2023 |
| CSB 48/22 | 36/2022 | 26/09/2022 | Estates Strategy Venue Review criteria to be reviewed and agreed by the Building Committee and then sent to the Board | For update by Chair of Building Committee | Head of Corporate Services and Chair of Building Committee | |
| CSB 49/22 | SMT presentations | 26/09/2022 | Head of Corporate Services agreed to follow-up with OPW regarding reinstating access to the Four Courts through the main doors. | In progress | Head of Corporate Services | December 2022 |
| CSB 50/22 | SMT presentations | 26/09/2022 | Head of Corporate Services agreed to follow-up on on the availability of detailed data on outstanding fines. | In progress | Mr. John Cleere | December 2022 |
| CSB 53/22 | Board self-assessment review | 26/09/2022 | Set-up working group in early 2023 to look at establishing a new Board and to discuss Board composition. | For agenda early 2023 | Secretary | Start of 2023 |



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| CSB 55/22 | Board self-assessment review | 26/09/2022 | Develop a revised/ tailored self-assessment for the Board to be circulated by the end of year. | In progress, for circulation by year end | Secretary | End of year |
| CSB 59/22 | Minutes | 07/11/2022 | Adopt new format for minutes | Adopt new format for new minutes | Secretary | Immediately |
| CSB 60/22 | 47/2022 | 07/11/2022 | Report to Board regarding Parliamentary Questions | For agenda | Ms. Denning & Secretary | December 2022 |
| CSB 61/22 | 47/2022 | 07/11/2022 | Report to Board on carparking protocol | For agenda | Ms. Denning & Secretary | Q1, 2023 |
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| CSB 64/22 | AOB | 07/11/2022 | Sharefile access to induction papers for Board members | Secretary to set up | Secretary | December 2022 |
| CSB 65/22 | 44/2022 | 07/11/2022 | Cleaning and caretaking contract | Decision to approve award of contracts noted by Board | Secretary | November 2022 |
| CSB 66/22 | 45/2022 | 07/11/2022 | Provision of services in Cavan | The Board approved the proposals regarding provision of services in Cavan | Secretary | November 2022 |
| CSB 67/22 | 46/2022 | 07/11/2022 | Provision of services in Monaghan | The Board approved the proposals regarding provision of services in Monaghan | Secretary | November 2022 |

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