



An tSeirbhís Chúirteanna
Courts Service

Courts Service Board Meeting Minutes

Minutes of the meeting of the Courts Service Board 27th February 2023

Present:

- The Hon. Mr. Justice Donal O'Donnell, Chairperson of Courts Service Board
- The Hon. Mr. Justice George Birmingham, Board Member
- The Hon. Ms. 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
- 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
- Ms. Hilary McSweeney, Board Member
- Ms. Rachel Woods

Also, in attendance

- Mr. John R. Cleere, Head of Corporate Services
- Ms. Annika Stephan, Freedom of Information Officer
- Ms. Maura Howe, Secretary to the Board
- Ms. Deirdre Doyle, Secretariat

The Meeting was held in-person with a hybrid dial-in via Microsoft teams. A Quorum was reached.

The Chair welcomed Ms Rachel Woods as a member of the Board, this being the first meeting since she took over from Mr. Doncha O Sullivan as the representative of the Department of Justice.



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1. Minutes of meeting of 23rd January 2023.

The minutes of the meeting of 23rd January 2023 were agreed.

2. Meeting actions and decisions:

Action No.	Report	Action / Decision	Update/ Status	Responsibility	Due date
Meeting actions					
CSB 9/23	FOI update	FOI update/ reminder to be included at Judicial Conferences	FOI officer to progress	OCEO	Conference dates
CSB 10/2023	Membership report update	To clarify maximum number of terms for members of state boards	To clarify	Secretary	As soon as possible
CSB 11/2023	Working group new Board	Establish working group re New Board and report findings	To arrange first meeting	Secretary	As soon as possible
CSB 12/23	CEO report	JPWG recommendations for discussion at next board meeting	For agenda	secretary	27/03/23
CSB 13/2023	Risk register	Safe working environment to be placed on agenda	To agenda	Secretary	Q2 2023
CSB 14/2023	AOB	Recirculate self-evaluation survey and disclosure of interest forms	To action	Secretary	Following meeting
Meeting Decisions					
CSB 2/2023	Corporate Business plan 2023	Approval of 2023 Corporate Business Plan			

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

3. Modernisation Committee update (Report 7/2023)



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The Chairperson of the Modernisation Committee, Mr. Justice O Donnell presented the report as circulated.

4. Freedom of information Update (Report 8/2023)

Ms. Annika Stephan joined the meeting at this point, and presented the report as circulated. She provided an overview of our obligations under the Freedom of Information (FOI) legislation, the numbers of FOI requests received in recent years and the type and subject matter of requests received. It was requested that an update be provided at the Judicial Conferences on FOI.

CSB 9/2023

The Chair thanked Ms. Stephan for her report, she left the meeting at this point.

5. Membership report update (Report 9/2023)

This report was provided to the Board as a follow up action at the last Board meeting (CSB3/2023)

A question was posed as to the maximum number of terms a lay member could be re-elected/renominated for. It was suggested that a maximum of two terms is allowable, on consulting the Courts Service Act 1998, please see extract below, we understand that nominated or elected members shall sit for three years and be eligible for renomination or re-election - therefore the two terms apply. Please see the second extract in relation to members who replace someone mid-term, our understanding is that on completion of the term they are eligible for re-election or re-nomination for a second term. This means that a number of current Board members will have held office for two terms by November 2023, we are in the process of working with the Department of Justice to commence the nomination process through PAS.



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)A person nominated or elected as a member of the Board in accordance with *paragraphs (k) to (q) of [section 11 \(1\)](#)* shall hold office for three years, but shall be eligible for renomination or re-election, as the case may be.

(k) a practising barrister nominated by the Chairman for the time being of the Council of the Bar of Ireland,

(l) a practising solicitor nominated by the President for the time being of the Law Society of Ireland,

(m) a member of the staff of the Service elected by the members of the staff for that purpose,

(n) an officer of the Minister nominated by the Minister,

(o) a person nominated by the Minister to represent consumers of the services provided by the courts,

(p) a person nominated by the Irish Congress of Trade Unions, and

(q) a person who, in the Minister's opinion, has relevant knowledge and experience in commerce, finance or administration and who is nominated by the Minister after consultation with such bodies as the Minister considers are representative of such interests in the State.

(7) A casual vacancy in the membership of the Board caused by the death or resignation, or any other event affecting the membership, of a person nominated or elected to hold office as a member for—

(a) a period of three years referred to in *subsection (2), (3) or (4)*, or

(b) the remainder of such a period in respect of which he or she was nominated or elected in pursuance of this subsection, shall be filled, in accordance with the relevant provision of [section 11 \(1\)](#), for the remainder of the term of office remaining to be served by the person, and the new member shall be eligible for renomination or re-election at the conclusion of that term.

(8) The Minister may, after consultation with the nominating person or body concerned, remove for stated reasons a person who is a member of the Board referred to in *paragraph (k), (l) or (p) of [section 11 \(1\)](#)*.

(9) The Minister may at any time remove for stated reasons a person who is a member of the Board referred to in *paragraph (o) or (q) of [section 11 \(1\)](#)*.

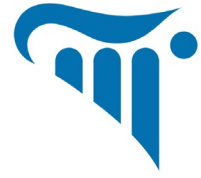
6. Working group to look at the establishment of new Board (CSB15/2023)

Ms. Howe the Secretary presented the report as circulated, outlining the purpose of the proposed working group; to understand the process, procedures, and approach to establishing a new Board and to provide feedback into the process based on the experiences of the current Board. Following discussion, it was agreed that the group will comprise.

- President of the District Court, His Honour Judge Paul Kelly
- The Hon. Mr. Justice Patrick McCarthy
- Ms. Sara Phelan
- Ms. Karen Kiernan

It was agreed that initially the group would meet monthly, and perhaps more frequently if needed. It was agreed the working group would present any recommendations and findings to the Board. CSB11/2023 Establish working group and report back findings

7. Notification C&AG of Audit of Appropriation Account 2022 (Report CSB14/2023)



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The Secretary brought this notification to the attention of the Board, This was noted by the Board

8. Q4 Corporate Bus plan update (10/2023)

Ms. Denning presented the report as circulated, providing an overview of actions and in particular those which had been delayed or were as yet incomplete. It was noted that any outstanding actions would be carried into 2023.

9. 2023 Corporate Business plan

Ms. Denning presented the report as circulated, which she advised had been developed with input from offices, and through discussions with Heads of Directorates. The draft plan was then agreed by the Senior Management team. She highlighted that the plan maps to the high-level goals in the three-year strategic plan, and as such does not include court operations, which would be included in directorate business plans. The Board did not request any amendments or additions and approved the plan.

10. Q4 2022 CEO report (11/2023)

Ms. Denning presented the report as circulated. She particularly highlighted.

- progress being made in to support the introduction of the Assisted Decision Making regime. It was requested that the Bar Council and Law Society would have access to the Court Rules as soon as available. Ms. Denning undertook to arrange this once the Rules have been signed off. In follow-up draft Rules should be available for sharing prior to the next meeting at which an update will be provided. (Action CSB 12/23)
- The work of the Energy planning group, with policies and plans in place to deal with planned energy outages should any occur.

A discussion then took place on the Judicial Planning Working Group report (JPWG) and OECD recommendations which were recently published. Ms. Denning advised that the Senior



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Management Team were due to meet for a full day that week to consider the report and the actions required to implement the recommendations. It was agreed that implementation would require a significant amount of work and an increase in funding. A discussion arose on the impact this work may have on the Modernisation programme of work and the need for alignment. The Board agreed that time would be required on the agenda at the next Board meeting to discuss the recommendations more fully. (Action CSB 12/23)

11. Roles and Responsibilities Board-CEO-SMT (CSB17/2023)

Ms. Howe presented the report on the roles and responsibility of the Board, the CEO, and the Senior Management team, this having been requested at the last meeting. She advised that this is aligned with the Courts Service Governance Framework which is a living document and updated to reflect changes in legislation and personnel. A query arose regarding the statutory underpinning for the distribution of court areas. The Secretary and CEO mentioned this was a reference to two sections of the Act:

Section 6 Courts Service Act, 1998

1.1 Functions of the Service which the Board determines are to be performed by the Board
Make proposals to the Minister in relation to the distribution of jurisdiction and business among the Courts and matters of procedure.

And Section 29 - Courts Service Act 1998

1.Functions of the Service which the Board determines are to be performed by the Board
Approve proposals from the Chief Executive relating to the following.

Appointment of the places in the DMD for the transaction of the business of the District Court and alteration of such places - s.40

Alteration or variation of number of High Court circuits and redistribution of or variation in the distribution of counties - Courts of Justice Act, 1936 s.33 (2).

Variation of the Dublin Metropolitan District - Courts of Justice Act, 1936 s.64 (3). Variation, creation and abolition of District Court areas or districts - Courts of Justice Act, 1953 s.26(1)(a)(b)(c)(d)

Revoke or amend an order made under s.26(1)(a)(b)(c)(d) of the Courts of Justice Act, 1953 - s.26(1)(i)

Section 26(2), Courts of Justice Act, 1953

Determination of the number of sitting days in each week for judges assigned to the DMD - Courts (Supplemental Provisions) Act, 1961 s.41.

For ease of reference pages 61 and 64.

It was noted by the Board that this presentation was a useful reminder of roles and responsibilities.



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12. Financial outturn December 2022 (Report CSB13/2023)

Mr. Cleere presented the report as circulated and highlighted that the financial position for the year ending 2022 showed the successful management of the budget and year-end process. The Net Position showed total expenditure net of receipts of €127.747m, compared with the Budget of €132.981m, resulting in a net underspend of €5.234m (3.9%). When account is taken of the capital carryover of €1.850m the surrender balance for 2022 is recorded at €3.384m, which is 2.5% of total net funding.

Mr. Cleere outlined

- variances under each of the expenditure headings, particularly noting the small shortfall in Appropriation in Aid and the underspend in Courthouse maintenance.
- a breakdown of Covid expenditure and
- An overview of the modernisation programme expenditure

He highlighted the rise in staffing numbers, and the need to have a pipeline of staff in place.

However, he noted that an increase in funding for 2023 would be required for further staffing to support implementation of the JPWG recommendations. A question was posed on the 'compensation' heading, which Mr. Cleere clarified related to accidents of the 'slips/trips and falls' nature.

Mr. Cleere advised that the Comptroller and Auditor General and currently engaging with his area on the 2022 Appropriation Account, which would be considered by a joint meeting of the Finance and Audit and Risk Committee in March.

13. Corporate Risk Register (CSB18/2023)

Mr. Cleere presented the Corporate Risk Register as circulated. He advised that the Risk Register had been updated for 2023 in consultation with the Heads of Directorates. An external facilitator from the IPA had facilitated a session on the risk register with the Senior Management Team which had been beneficial. It was noted that the organisation's risk appetite remains medium.



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Mr. Cleere provided an overview of the 19 risks on the register, 5 high and 14 medium. This represents a reduction of 5 risks, as the 2022 register recorded 24 risks. The risks which have been removed remain on the individual Directorate Risks Registers and Mr. Cleere then provided an analysis of the 2022 risks versus the 2023 risks. It was noted that regular updates on the register and progress made on the mitigating action will be provided to the Senior Management Team, Audit and Risk Committee and the Board.

A discussion took place on the duty of care that the Board has to ensure a safe working environment for Staff, Judges and Practitioners, in the context of there being free and open access to courtrooms by the public. It was agreed this area would be discussed at a future Board meeting. Action CSB13/2023

14. AOB

- Ms. Howe requested that Board members complete the Board self-evaluation survey. She also advised that a report on Disclosure of Interests would be brought to the Board at its next meeting. Ms. Howe undertook to reissue both the survey and disclosure of interest forms to Board members following the meeting. Action CSB 14/2023

It was noted that the next Board meeting was scheduled for 4.15pm on 27th March in the Law Society.

Ends.



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