JUSTICE SUB-COMMITTEE ON POLICING

AGENDA

1st Meeting, 2016 (Session 5)

Thursday 27 October 2016

The Sub-Committee will meet at 1.00 pm in the Sir Alexander Fleming Room (CR3).

1. **Declaration of interests:** Members of the Sub-Committee will be invited to declare any relevant interests.

2. **Choice of Convener:** The Sub-Committee will choose a Convener.

3. **Decisions on taking business in private:** The Sub-Committee will decide whether to take items 4 and 5 in private.

4. **Working practices:** The Sub-Committee will consider its working practices.

5. **Work programme:** The Sub-Committee will consider its work programme.

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The papers for this meeting are as follows—

**Agenda item 1**

Paper by the clerk - Declaration of interests  
JSP/S5/16/1/1

**Agenda item 2**

Paper by the clerk - Choice of Convener  
JSP/S5/16/1/2

**Agenda item 4**

Private paper - Working practices  
JSP/S5/16/1/3 (P)

**Agenda item 5**

Private paper - Work programme  
JSP/S5/16/1/4 (P)
Justice Sub-Committee on Policing

1st Meeting, 2016 (Session 5), Thursday, 27 October 2016

Declaration of Interests

Note by the Clerk

Introduction

1. At the first Committee meeting, members will be invited to make an initial declaration of any interests which are relevant to the remit of the Committee.

2. If a member has an interest which is relevant to an item being discussed at a Committee meeting, the member must also declare that interest before participating in the meeting.

Declarable interests

3. If a member has a registrable interest in any category of the register (apart from the voluntary category), this is also potentially a declarable interest. Declaring relevant interests before participating in Parliamentary proceedings is a statutory requirement under the Interests of Members of the Scottish Parliament Act 2006 and failure to do so is a breach of the Code of Conduct and also a criminal offence.

4. Section 3 (Volume 2) of the Code of Conduct for MSPs explains in detail the rules on declaration of interests and more guidance is also available in Volume 3, Section 3.

5. It is the responsibility of the individual Member to be aware of the rules on the declaration of interests and to judge whether a registered interest is sufficiently relevant to particular proceedings to require a declaration. The Clerks to the Standards, Procedures and Public Appointments Committee can provide further advice on this.

Declaration of interests at the first Committee meeting

6. At the first Committee meeting, all members will be invited to declare any registrable interests which are relevant to the remit of this Committee. The declaration can be brief but should be sufficiently informative to enable a listener to understand the nature of the Member’s interest. It is not sufficient simply to refer to the register entry but nor is it necessary to rehearse all the details of an interest as it appears in the Register.

7. If Members have any questions about what might constitute a declarable interest, they can contact the Committee clerks prior to the meeting. The Clerks to the Standards, Procedures and Public Appointments Committee are also happy to provide advice.
Declaration of interests at subsequent Committee meetings

8. Members are also required to declare any relevant registrable interests at subsequent committee meetings if they are relevant to the business under discussion. Such a declaration has to be made at each meeting where it is relevant and before participating in those proceedings. This allows the public attending or reading the report of any Committee meeting to understand the nature of the member’s interest.

9. Although this is not a registrable interest, the Code also advises Members, as good practice, to declare any business or personal relationships they might have with any advisers or witnesses to the Committee.
Justice Sub-Committee on Policing
1st Meeting, 2016 (Session 5), Thursday, 27 October 2016

Choice of convener

Note by the Clerk

Purpose

1. This paper invites members to choose the convener of the sub-committee and to decide whether to also select a deputy convener.

Background

2. Under Rule 12.5.5, it is for the members of a sub-committee to choose their convener. The d'Hondt formula does not apply to sub-committee convenerships and so, the convener may come from any political party or grouping that is represented on that sub-committee.

3. A sub-committee may also, if it wishes, appoint a deputy convener, although there is no obligation to do so.\(^1\) A deputy convener is able to carry out the functions of a convener if they are unable to act as convener, for example, chairing a meeting or part thereof. Where the convener is absent and there is no deputy convener, the sub-committee can appoint a temporary convener to carry out the functions of convener.

4. At its meeting on 6 September 2016, a majority of the Justice Committee agreed to write to the Parliamentary Bureau to request that a sub-committee be established and to propose its membership and Convener. Please see Annex A for a copy of the letter.

Selection process

5. The first meeting of the sub-committee will be chaired by the oldest member\(^2\) until a convener is chosen. The oldest member will, following declaration of interests, invite nominations for the convenership. There is no requirement for nominations to be submitted in advance of the meeting or to be seconded.

6. If there is only one nomination, members will be asked to agree to the appointment. In the event of more than one nomination, the oldest member will call a division, and then put the question on each nomination in turn. The nominee receiving a majority of votes will be declared as the convener. Once selected, the new convener will take the chair to convene the remainder of the meeting and subsequent meetings.

7. If the sub-committee wishes to appoint a deputy convener, the same process applies, but it is conducted by the newly-chosen convener.

\(^1\) The session 4 Justice sub-committee on policing did not appoint a deputy convener.

\(^2\) The oldest member is defined as the oldest member of the committee/sub-committee present at the meeting, who has indicated to the Clerk that he or she agrees to chair the meeting.
Request to establish a sub-committee to examine police matters

At its meeting of 6 September 2016, the Justice Committee agreed to write to the Parliamentary Bureau asking it to consider proposing under Rule 12.5.1 the establishment of a sub-committee to examine certain matters relating to policing.

Section 124 of the Police and Fire Reform (Scotland) Act 2012 provides that the Parliament must make arrangements for keeping under review the operation of the Act and must publish reports in pursuance of this requirement.

A sub-committee was established in session 4 at the request of the Justice Committee. The Committee submitted this request in view of the obligation imposed under section 124, and because it believed that the Parliament should take a more prominent role in scrutiny of the unparalleled reforms set out in the 2012 Act. Due to its workload, the then Justice Committee agreed a sub-committee was the most effective way of carrying out this scrutiny. Following discussion at our 6 September meeting, a majority of the Committee, mindful of the Sub-Committee on Policing’s effective work in the last session, are of the view that there is a continuing and strong justification for maintaining this model of scrutiny into this session.

As was the case in session 4, it is not our intention that the existence of a sub-committee will preclude the Justice Committee from examining policing matters. Indeed, it is expected that matters will often arise at sub-committee meetings that the Justice Committee will wish to consider. In addition, we do not intend the sub-committee to pre-empt the responsibilities of the Public Audit Committee in examining any reports of the Auditor General under Sections 22 and 23 of the Public Finance and Accountability Act to the Scottish Parliament.
Whilst it is for the sub-committee to consider how often it wishes to meet, the Justice Committee expects that it will wish to meet on a regular basis. Due to existing commitments of those MSPs who might be members of the sub-committee, and based on the experience of last session, we consider that it is highly likely that the sub-committee will be required to meet on Thursday lunch-times. On occasion this may be at the same time as Members’ Business and the Committee would therefore like to seek the Bureau’s permission for the sub-committee to meet at the same time as Members’ Business is taken in the Chamber, should this be necessary.

Full details of our proposals are outlined below.

Remit

The Parliamentary Bureau is asked to propose the following remit for the sub-committee:

“To consider and report on the operation of the Police and Fire Reform (Scotland) Act 2012 as it relates to policing.”

Membership

The Committee is aware that it is for the parent committee to propose the membership of a sub-committee to the Parliamentary Bureau (under Rule 12.5.3). The Justice Committee invites the Parliamentary Bureau to consider the following proposal regarding membership of the sub-committee:

- that it has a membership of six members from the Justice Committee;
- that its membership should be cross-party with representation from each of the political parties and the groups represented on the Parliamentary Bureau;
- that the Convener of the Justice Committee should convene the sub-committee (although it is recognised that this is a decision of the sub-committee itself); and
- that the six Justice Committee members be: Margaret Mitchell (Conservative), Mary Fee (Labour), John Finnie (Greens), Liam MacArthur (Liberal Democrats), Rona Mackay (SNP) and Ben Macpherson (SNP).

Duration

The Parliamentary Bureau is asked to propose that the sub-committee lasts until the end of the Parliamentary session.

This letter is copied to business managers to allow discussions, particularly regarding membership, to take place as early as possible. We believe it is essential that the sub-committee is up and running as soon as possible and would appreciate the Parliamentary Bureau’s early consideration of this proposal.

Please do not hesitate to contact me if you need further information regarding the proposed sub-committee.

Margaret Mitchell MSP
Convener, Justice Committee