

FINANCE COMMITTEE

Tuesday 12 June 2001
(*Morning*)

Session 1

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FINANCE COMMITTEE

15th Meeting 2001, Session 1

CONVENER

*Mike Watson (Glasgow Cathcart) (Lab)

DEPUTY CONVENER

*Elaine Thomson (Aberdeen North) (Lab)

COMMITTEE MEMBERS

*Mr David Davidson (North-East Scotland) (Con)

*Donald Gorrie (Central Scotland) (LD)

*Mr Adam Ingram (South of Scotland) (SNP)

Dr Richard Simpson (Ochil) (Lab)

*Andrew Wilson (Central Scotland) (SNP)

*attended

WITNESS

David Cullum (Scottish Parliament Directorate of Clerking and Reporting)

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP)

CLERK TO THE COMMITTEE

Callum Thomson

SENIOR ASSISTANT CLERK

Anne Peat

ASSISTANT CLERK

Gerald McNally

LOCATION

Committee Room 4

Scottish Parliament

Finance Committee

Tuesday 12 June 2001

(Morning)

[THE CONVENER *opened the meeting at 10:03*]

The Convener (Mike Watson): Good morning. I call this meeting of the Finance Committee to order and make my usual request for members to switch pagers to buzz and to switch mobile phones off.

We have received apologies from Richard Simpson. It is nice to see that Andrew Wilson is back after his efforts over the past month or so.

Item in Private

The Convener: Under agenda item 1, I invite members to agree to discuss agenda item 5—consideration of the budget process issues paper—in private.

Members *indicated agreement.*

Protection from Abuse (Scotland) Bill

The Convener: We move now to agenda item 2, which is on the Protection from Abuse (Scotland) Bill. We covered the matter at our meeting last Friday, at which we decided to invite Alasdair Morgan, as convener of—I am not sure whether you are convener of the Justice 1 Committee or the Justice 2 Committee, Alasdair.

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): I am convener of the Justice 1 Committee.

The Convener: Thank you. We have invited Alasdair to provide information on the bill.

I appreciate your attendance at such short notice, Alasdair. I understand that you want to make an opening statement to the committee.

Alasdair Morgan: Yes, if the committee thinks that that would be helpful.

I have with me David Cullum, who is from the Parliament's non-Executive bills unit. I have just received the *Official Report* of the Finance Committee's meeting on Friday but, fortunately, the sad people who work in the non-Executive bills unit have nothing better to do at half-past 4 on a Friday afternoon than to watch a live committee link-up from Perth. Therefore, I have had some advance notice of what the committee discussed.

I will briefly outline what I understand the committee's concerns to be and how we can address them. There is little that is new under the bill, which will make existing procedure under the Matrimonial Homes (Family Protection) (Scotland) Act 1981 more widely available. There will be no change to the method of obtaining an interdict, but where an interdict relates to abuse, the bill will allow people to apply for a power of arrest to be attached to that interdict. That power of arrest will allow a police officer who thinks that a person is in breach of an interdict to arrest that person. For example, the officer will be able to arrest a person who is restricted from going close to somebody else's premises—such as their home or place of work—and to remove that person from the scene.

Thereafter, on the basis of a written report from the police, the arrested person will be taken to court where the procurator fiscal will provide the court with the person's details, the facts leading to the arrest and any relevant background information. At that stage, the arrested person will be given an opportunity to reply, but there is no necessity for the police to give evidence to the court, which would not be dealing with a criminal prosecution at that stage. That might address David Davidson's concerns about witness costs on

the police. It also explains why that procedure was not costed in the financial memorandum.

If the sheriff is satisfied that there appears to have been a breach of interdict and that there would be a risk of a further breach of interdict if the arrested person was not detained, that person can be detained for a maximum of two days, as ordered by the sheriff. I stress that two days is the maximum. In the financial memorandum, we estimated the worst case, which would be everybody who was brought to court being detained for two days. Paragraph 76 of the financial memorandum gives our estimate for that as being between 300 and 825 people. That addresses the first point about prison costs that was raised by Richard Simpson.

One-off costs were also mentioned. That relates to interdicts that are already—or will be—in place by the time the bill, if passed, comes into force. The bill will allow people retrospectively to seek to attach powers of arrest to existing interdicts. We believe that that cost is a one-off because, after the date of commencement, anybody who is in an abusive situation will be able to obtain a power of arrest when they apply for the initial interdict. We have set out the basis on which we costed that one-off figure in paragraph 69 of the financial memorandum. We consulted relevant Executive officials on all our figures and those officials are happy with the estimates that the committee came up with.

David Cullum and I are happy to answer questions members might have.

The Convener: Thank you.

As Alasdair Morgan said, David Davidson raised the major points at our previous meeting and I invite him to follow up those points in the light of Alasdair Morgan's comments.

Mr David Davidson (North-East Scotland) (Con): It is good of Mr Morgan to come along to our meeting to clarify matters.

I am grateful for his comment that the police will not have to give evidence. A constant source of complaint from police forces has been, and remains, that officers must sit about waiting to give evidence and the amount of down time that that generates. Will the amount of police time that will be required be different from the previous position, or are you able to confirm that there will be no need for additional police time?

Alasdair Morgan: We address that issue in the financial memorandum. Police time might be involved if officers are called to an incident to arrest the person who is allegedly breaching an interdict. We point out that the bill might reduce the amount of police time that is involved because, in a sense, it is simpler to arrest somebody and

take them back to the station than it is to try to resolve a situation in which an officer has no power of arrest over a person who is patently breaching an interdict. In either event, the bill will not create a demand for additional police resources. The police will be expected to deal with such situations in the same way as they deal with other operational priorities or potential offences during a routine day.

Mr Davidson: Forgive my lack of specialist knowledge but, given that there is a risk that there will be an increased number of complaints, I wonder how that will affect the police. Will people make complaints through their lawyer or will they go to a police station?

Alasdair Morgan: There will not necessarily be an increased number of complaints. We are talking about attaching powers of arrest to interdicts that can already be applied for. The complaint can already be made, but the problem is that the police do not have any power to make an arrest unless the person who is subject to the interdict commits a criminal offence, such as an assault. The point of attaching the power of arrest is to allow the police to prevent an assault from happening at a stage when only the interdict, rather than criminal law, has been breached.

Mr Davidson: Thank you for that clear explanation. I feel much more contented now.

Donald Gorrie (Central Scotland) (LD): That explanation seems quite satisfactory.

The Convener: Thank you for coming and clarifying that point, Alasdair.

Do members agree formally that a financial resolution is required for the Protection from Abuse (Scotland) Bill?

Members indicated agreement.

Police and Fire Services (Finance) (Scotland) Bill

The Convener: The Parliamentary Bureau has designated this committee as the secondary committee for the Police and Fire Services (Finance) (Scotland) Bill. We are not obliged to report formally on the bill. The lead committee is the Local Government Committee, which will have a number of evidence-taking sessions in which it will hear from the Convention of Scottish Local Authorities, the Scottish Executive and from the police and the fire services.

The purpose of the bill is fairly clear. Basically, it is concerned with end-year flexibility. In the past, we have taken the view that it would be inappropriate for us to inquire into local authority spending issues. Unless members feel strongly that we should do otherwise in this case, I suggest that we maintain that position.

Mr Davidson: If the Local Government Committee flags up some issues as a result of its inquiries, can we have them sent to us so that we can decide whether we should take another look at the bill? Of course, we might be happy simply to leave the bill with that committee.

The Convener: I am sure that our clerks will liaise with the clerks of the Local Government Committee. I am not clear about the time scale for consideration of the bill. I assume that we will have time to do what Mr Davidson suggests after the summer.

Callum Thomson (Clerk): I believe that the Local Government Committee will start taking evidence before the summer recess, but will have at least one evidence-taking session after the summer recess. I imagine that the deadline for the end of stage 1 will be mid to late September.

The Convener: It would be helpful if we could have an update on that at our first meeting after the recess.

Donald Gorrie: The provisions in the bill seem to be sensible and long overdue.

The Convener: The bill is in line with what is happening in the spending departments of the Scottish Executive.

Do we agree to revisit the matter at our first meeting after the recess?

Members indicated agreement.

Protection of Wild Mammals (Scotland) Bill

The Convener: At this point, I must hand over the chair to the deputy convener, because I have a personal connection with the next item to be discussed.

The Deputy Convener (Elaine Thomson): I thank Mike Watson. This is the committee's first consideration of the Protection of Wild Mammals (Scotland) Bill. It is an opportunity for us to raise issues that relate to the financial memorandum. As Mike Watson is the author of the bill, I am sure that he will be able to address some of the issues that members might want to raise. Depending on how the discussion goes this morning, we will have an opportunity on 19 June to deal with further outstanding issues.

10:15

Mr Davidson: On a technical point of order, I appreciate Mike Watson's position in respect of the bill, but is he permitted to sit in on the discussion as a member of the committee?

The Deputy Convener: The answer to that will be yes, because the committee clerk will have checked the position.

Mr Davidson: I am simply making sure that that is the case, as otherwise our handling of the matter could be challenged.

The Deputy Convener: I will ask the clerk for clarification.

Callum Thomson: As the member in charge of the bill, Mr Watson is the appropriate person to sit in on the consideration of the bill. However, consideration of any report that the committee might produce for the Parliament would be undertaken by all the committee's members except Mr Watson.

Mr Davidson: Thank you. I simply wanted to clarify the situation.

Donald Gorrie: Although the subject is highly contentious, unless I have missed something, the finance aspect is not contentious and does not seem to be an issue. I am content to approve the financial aspects of the bill and to leave the politics of the issue for another day.

Andrew Wilson (Central Scotland) (SNP): The financial memorandum seems to be comprehensive.

Mr Davidson: I would like advice on the effect that the bill would have on the economy, because that does not seem to be covered. A number of factual—not political—comments have been made

about the effect of the bill on the Borders' economy. Figures of about £4 million per annum have been put into the press and have been talked about by many people.

Andrew Wilson: That is not the subject of a financial memorandum, is it?

Mr Davidson: Does not the financial memorandum have an effect on all aspects of life? There is nothing in the paperwork that we have in front of us this morning to show the knock-on effect of the bill. We are not talking about market forces, because those do not apply. There is also nothing in the financial memorandum about compensation. That issue could possibly be raised through the European convention on human rights. Can we have advice as to whether the ECHR would apply in this case?

The Deputy Convener: I understand that the Rural Affairs Committee undertook a comprehensive inquiry on the bill. We could ask for further written clarification on the points that David Davidson has raised. We are to consider the financial memorandum that sets out the cost implications of the bill, and we should stay within that remit. I will ask the clerk to advise us from whom we should seek further clarification of those matters, if that was required.

Callum Thomson: It would be up to the member in charge of the bill to try to illustrate those matters.

Andrew Wilson: To be fair to David Davidson's point, the extent of the impact of those costs should be detailed under the section that is headed "COSTS ON OTHER BODIES, INDIVIDUALS AND BUSINESSES". The only way that the bill can impact on our overall budget is through a loss of business rate or non-domestic rate income or, indirectly, through taxation contributions to Westminster. However, all those are probably of the second or third order. It is not usual to put that sort of information into a financial memorandum.

The Deputy Convener: I am inclined to agree with Andrew Wilson. Does Mike Watson want to make any comments at this point?

Mike Watson (Glasgow Cathcart) (Lab): I am happy to comment briefly. As the deputy convener said, if the committee so wishes, there will be a further opportunity next week to consider the bill. At that point, more information may be available.

When my bill was being drafted, the issue of compensation was examined by the legal people who were supporting me and, as I understand it, by lawyers from the Scottish Executive. Their conclusion was that compensation would not be appropriate. I am aware that any legal opinion is, by its very definition, open to challenge. However,

that was the position as it was presented to me at the time that the bill was introduced.

It is probably fair to say that there is conflicting evidence on the economic effects of the bill. As the deputy convener said, the Macaulay Land Use Research Institute conducted a survey that satisfied neither side of the debate. One side thought that the survey overestimated the effects of the bill, while the other side thought that it underestimated them.

That suggests that the results were not far short of the mark. However, there have been other reports and no definitive figures are available on the matter. As the memorandum suggests, it all depends on how people who are currently involved in hunting react to a ban. It is impossible to be precise about the point that David Davidson raises.

The licensing scheme that is set out in section 2 of the bill is highlighted as being the primary cost that will be associated with the bill, should it be enacted. However, as long ago as April last year I indicated to the then Rural Affairs Committee that it was my intention at stage 2 to introduce an amendment seeking to delete that section. I am aware that the Finance Committee, like all other committees, must deal with the bill as it stands, but I have made it clear that should the bill reach stage 2, I intend to lodge an amendment that would remove the licensing scheme from the bill.

The Deputy Convener: Thank you, Mike. Your comments have been of assistance.

Mr Adam Ingram (South of Scotland) (SNP): Paragraph 59 on page 10 of the explanatory notes states that when hunts decide to stop hunting,

"there will be balancing savings (and possibly a net saving overall) from cessation of the operating costs of the hunt."

I would like further clarification of that.

Mike Watson: Currently, drag hunting takes place in some parts of England, but not in Scotland. It could serve as an alternative to hunting, but some hunts would find it more attractive than others would. I am not absolutely clear about how a net saving would be achieved if a hunt ceased operating. There might be a saving in police costs or other costs that arise from the organisation of hunts.

Redundancy arrangements for employees will depend on the extent to which hunts are willing to adapt and on the extent to which people who breed horses that are used in hunts are prepared to use those horses for other purposes.

I was not involved in producing the financial memorandum. The statement that Adam Ingram quoted is the opinion of those who put together that memorandum. It is not clear to me how a net

saving could result from hunts stopping hunting.

Mr Ingram: Same here.

Mr Davidson: Paragraph 61 on page 11 states:

"It is envisaged that the voluntary sector will take responsibility for the welfare and disposal of dogs".

That could mean the putting down of 60,000 dogs, which has substantial cost implications. The memorandum does not make that clear. Many voluntary-sector bodies that would be involved do not have the resources that are required for the task.

Mike Watson: I have never heard the figure of 60,000 dogs mentioned. Paragraph 61 relates to individuals who are disqualified as a result of contravening the act, rather than to the general issue of disposal of dogs. I would be surprised if the number of dogs that had to be put down—were the bill to be enacted—approached even one tenth of the figure that David Davidson cites.

Mr Davidson: That figure came from evidence that was presented to the then Rural Affairs Committee. I cite it on the basis that those who produced it had examined the issue carefully. Can you quantify under paragraph 61 how many dogs would have to be put down and how much that would cost?

Mike Watson: That is a different issue. Paragraph 61 relates to individuals who are disqualified for contravening the act, rather than to the consequences of the bill's being enacted and restricting the use of dogs in hunting. That is a separate matter. I do not have a figure for the number of dogs that would have to be put down were the bill to be enacted. I have never seen that quantified and I do not accept that a mass slaughter of dogs would be required. That has been suggested in some quarters, but I question the need for it.

Mr Davidson: I accept that paragraph 61 refers to individuals who are subject to disqualification orders. However, I am concerned about the wider issue. I did not come up with the figure of 60,000—it was cited in evidence to the then Rural Affairs Committee. If the bill is enacted, we may have to deal with a problem on that scale.

The Deputy Convener: Paragraph 61 refers solely to the welfare and disposal of dogs that belong to people who are disqualified under the act, rather than to all hunting dogs.

Mr Davidson: I accept that. However, the bill could have a much a broader impact, were it to be enacted. There would be a financial hit.

The Deputy Convener: Is the committee minded to approve the financial memorandum?

Members *indicated agreement.*

The Deputy Convener: I now close the public part of the meeting. We will consider the next item on our agenda in private.

10:26

Meeting continued in private until 11:52.

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