

**JUSTICE 1 COMMITTEE
AND JUSTICE 2 COMMITTEE
(JOINT MEETING)**

Wednesday 25 April 2001
(*Afternoon*)

Session 1

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JUSTICE 1 COMMITTEE 11th Meeting 2001, Session 1

CONVENER

*Alasdair Morgan (Galloway and Upper Nithsdale) (SNP)

DEPUTY CONVENER

Gordon Jackson (Glasgow Govan) (Lab)

COMMITTEE MEMBERS

Phil Gallie (South of Scotland) (Con)

*Maureen Macmillan (Highlands and Islands) (Lab)

Paul Martin (Glasgow Springburn) (Lab)

*Michael Matheson (Central Scotland) (SNP)

Mr Jamie Stone (Caithness, Sutherland and Easter Ross)
(LD)

*attended

CLERK TO THE COMMITTEE

Lynn Tullis

SENIOR ASSISTANT CLERK

Alison Taylor

ASSISTANT CLERK

Jenny Goldsmith

LOCATION

The Chamber

JUSTICE 2 COMMITTEE 8th Meeting 2001, Session 1

CONVENER

*Pauline McNeill (Glasgow Kelvin) (Lab)

DEPUTY CONVENER

*Mrs Lyndsay McIntosh (Central Scotland) (Con)

COMMITTEE MEMBERS

*Scott Barrie (Dunfermline West) (Lab)

*Christine Grahame (South of Scotland) (SNP)

Ms Margo MacDonald (Lothians) (SNP)

*Mrs Mary Mulligan (Linlithgow) (Lab)

Tavish Scott (Shetland) (LD)

*attended

CLERK TO THE COMMITTEE

Gillian Baxendine

SENIOR ASSISTANT CLERK

Claire Menzies

ASSISTANT CLERK

Fiona Groves

ACTING ASSISTANT CLERK

Graeme Elliott

Scottish Parliament

Justice 1 Committee and Justice 2 Committee (Joint Meeting)

Wednesday 25 April 2001

(Afternoon)

[THE CONVENER *opened the meeting at 12:09*]

Budget Process 2002-03

The Convener (Alasdair Morgan): We are quorate, so we will begin. Committee members have received a note from the clerk. Executive officials will attend next week's meeting, on 1 May. It would be helpful to know in advance the committees' likely areas of questioning, to ensure that the right people from the Executive attend. A further meeting may take place on 8 May for any additional witnesses, before Jim Wallace and the Lord Advocate attend on 16 May. Unfortunately, it has not been possible to appoint an adviser to the committees. The three people who were identified at our previous meeting as possible candidates were approached, but none was free to take up that highly desirable appointment.

A paper has been circulated that contains the general questions that the Finance Committee has raised. Do members have any comments to make on that paper?

Michael Matheson (Central Scotland) (SNP): Let us be clear. You are talking about general comments. What do we intend to do today? I am not sure about the purpose of this meeting.

The Convener: We are trying to find out what areas of questioning we want to pursue during stage 1 scrutiny of the justice budget. As an exercise, it has the potential to grow like Topsy. I think that we should focus on specific areas, but the committees are their own masters on this issue.

Pauline McNeill (Glasgow Kelvin) (Lab): We previously discussed the possibility of focusing on the specific areas of justice in which each committee has an interest. That would be a good idea, as it is not possible to scrutinise in detail every item in the justice budget. The Justice 2 Committee would have an interest in considering the budget for the Crown Office and the Procurator Fiscal Service, as those agencies fall within the remit of its inquiry. It would also be useful to consider police funding figures, which are a live issue. I am in favour of drawing up a shortlist of

three or four specific issues on which to call witnesses and spend a bit of time before we scrutinise the rest of the budget.

The Convener: The paper lists the details of all the budget areas. It might be sensible for us to go through them and decide which ones we want to examine.

Christine Grahame (South of Scotland) (SNP): I have a question about the requests that have been made. When will the responses be available to us? Paragraph 5(e) on the paper says that

"we have asked the Executive to confirm that split of costs with Treasury will continue",

and paragraph 5(g) says that

"further information has been requested".

When will that information be available to us? It may resolve issues that we want to examine or it might prompt us to ask questions about other categories.

The Convener: It would be rash to assume that we will have that information for our next meeting, as I cannot guarantee that.

Christine Grahame: It is useful to know that we may not have it for our next meeting. However, we may have to make a decision about whom to invite to our meeting on 8 May, and we may have difficulty in slotting people in.

The Convener: Let us go through the list in paragraph 5 and decide which budget areas we want to investigate. If there are too many, we may have to go through them again and thin them out. Would that be a useful approach to take?

Members indicated agreement.

The Convener: The first budget area is criminal injuries compensation. I invite members to indicate whether this is an area that they would like to examine.

Pauline McNeill: Can we put that area in reserve? The Justice 2 Committee has taken a preliminary look at some issues surrounding criminal injuries compensation, although we have not gone anywhere with it yet. Can we reserve that as a possible area for examination?

The Convener: That area can be a maybe. The second budget area is criminal justice social work services and offender services.

Maureen Macmillan (Highlands and Islands) (Lab): We might find out how victim support services have developed.

The Convener: Okay. What about fire services?

Michael Matheson: I do not think that, in my time on the Justice and Home Affairs Committee

and then on the Justice 1 Committee, we have ever considered the fire service. Perhaps we are neglecting an area of our responsibility. Although I am not aware of any major issues, we should probably give the fire service some consideration.

The Convener: At the time of the previous budget, my local fire service approached me with some concerns. It might be worth pursuing the matter.

Maureen Macmillan: People in rural areas are concerned about new health and safety legislation which means that, in such areas, the fire person—who is not actually salaried—cannot do anything about a fire except report it, because they are not allowed to go into buildings. There are also concerns about coverage in small, remote communities.

12:15

The Convener: Okay. We will include fire services. What about legal aid?

Christine Grahame: Yes, especially given the fact that legal aid funding is planned to fall in real terms at a time when demand is rising.

The Convener: What about the Lockerbie trial?

Christine Grahame: Are we not expecting a response on that issue?

The Convener: Yes.

Christine Grahame: It is difficult to discuss that issue without further information.

The Convener: We will put a maybe against that heading.

What about "Miscellaneous", which—according to pages 28 and 29 of the budget document—includes the Parole Board for Scotland, the Scottish Prisons Complaints Commission, the Scottish Criminal Cases Review Commission, the Scottish Conveyancing and Executry Services Board, the criminal justice joint working fund, the risk management agency and the Scottish information commissioner?

Christine Grahame: Well, we have only three days.

The Convener: So that is a no.

What about the police?

Christine Grahame: As further information has been requested about this matter, it is difficult to know what might be of help.

Maureen Macmillan: I am quite interested in the provision of police surgeons. I do not know where that would fit in.

Christine Grahame: I do not think that we will have the time for that.

The Convener: I will make a note of Maureen Macmillan's point anyway.

What about the Scottish Prison Service?

Christine Grahame: Oh, yes.

The Convener: I thought so.

What about the Scottish Courts Service?

Christine Grahame: Yes.

The Convener: We are going to have to use a clapometer to decide which issues to cover.

What about the courts group? I am not actually sure about the difference between the Scottish Courts Service and the courts group.

Christine Grahame: We are still waiting for information about excessive delays.

The Convener: According to the budget document, the courts group's aim is

"to meet the salary costs of full-time and part-time Scottish Judiciary and provide the costs of Judicial training and development."

Given that it does not actually run the courts, shall we send a note to the group instead?

Members indicated agreement.

The Convener: What about the heading "Justice Support to Local Authorities"? The aim is

"To make sure that the police service has sufficient funds to discharge of its duties and to promote local authorities' preparedness for emergencies of any kind."

Perhaps we might pass on that this time.

Christine Grahame: If there turn out to be any deficiencies, could we take evidence on that matter?

The Convener: By definition, anything contained in the budget documents is important, unless we assume that Government is doing unimportant things. We have to work out which aspects are most important this year.

What about "Police Loan Charges"?

Members: No.

The Convener: How about the Crown Office and Procurator Fiscal Service?

Members: Yes.

The Convener: Okay. So far, the issues that we will definitely examine are criminal justice social work, insofar as it relates to victim support; fire services; legal aid; the Scottish Prison Service, the Scottish Courts Service and the Crown Office and the Procurator Fiscal Service. That sounds like too many to me. It is difficult to know until we start asking questions. Could we cut out the Scottish Courts Service?

Pauline McNeill: If a subject has to go, there might be other ways of getting answers to those questions.

Christine Grahame: That is what I was about to suggest. Could we write to the minister for an answer to the queries that are raised in item 5(i) of the paper if we are not going to ask what the various things are? There is no mention of the court review. What has happened to that? We just have a written response. We could throw in the question about the court review when we are dealing with something else.

The Convener: We certainly could do that. Although we will agree on our areas of interest, there would be nothing to stop members asking the officials any other question. If no official who can answer were present, the answer would just have to come later. That would leave us with the Crown Office and Procurator Fiscal Service, the Scottish Prison Service, legal aid, the fire service and Victim Support Scotland. Would that be manageable?

Christine Grahame: That is sensible. Those are really the biggies, are they not?

The Convener: Are members happy with that?

Members: Yes.

The Convener: Towards the end of the paper, in paragraph 6, there is a list of organisations due to give evidence on 1 May. The Crown Office will not be coming then; it will come on 8 May.

Are there any other bodies that are not on that list that members feel should give evidence? Bear in mind that we will take evidence from officials from the justice department, who should be able to sweep up general queries.

Michael Matheson: The paper says that we will hear evidence from the

"Scottish Court Service, Scottish Prison Service and Crown Office as well as the Justice Department."

Are we getting officials from those departments along?

The Convener: Yes.

Michael Matheson: I am conscious that we may get the management line and may not hear those who actually work in the service. We may not get as full a picture of the issues as we need.

Pauline McNeill: It is worth giving some thought to what we want from each subject to determine what witnesses we want. For both committees, the Scottish Prison Service has to be at the top. We have to understand where the management and the Executive are thinking about going in the next year. It is important to have that discussion. I am happy to have the chief executive of the SPS along to speak about that, but it might also be

useful to have the minister speak about that. I realise that that means two witnesses for one subject, but we have to give some weight to the subject. I feel strongly that it is important to understand what the SPS is going to do with the budget.

The Convener: The minister will be here on 16 May, along with the Lord Advocate.

Christine Grahame: We have the slot on 8 May. If we hear the official position on 1 May, it would be quite useful to slot in the other side of the coin on 8 May: the Scottish Prison Officers Association or any other groups that we want to hear. Then we have the slot on 16 May when we have the Minister for Justice and the Lord Advocate—and, if necessary, the chief executive of the SPS—and can put back to them what we have heard about the budget.

Our problem has always been knowing what order to have so that we can put issues back to witnesses. That was why we put that 8 May slot in. The evidence will be in the *Official Report* by then, which gives everybody a chance to digest it. It is sometimes quite hard to come back when we are asking the questions and get lengthy answers, but once we have had the chance to read the *Official Report*, we can put the issues to the next witnesses. That is quite a bit more thorough.

Michael Matheson: I agree with Christine Grahame. I also agree with Pauline McNeill that the SPS must be at the top of the agenda. The chief executive of the SPS should be invited to give evidence. We also have to get the flip side of that, so we may have to hear the views of the Scottish Prison Officers Association. I would be concerned about being in a position where I have heard evidence from the chief executive, then taken further evidence and questioned the Minister for Justice. The two of them are intrinsically linked. There is a major party that falls in the middle, which may not have had the opportunity to put its view on the issue.

The Convener: The only thing that we have to be cautious of is to ensure that we are looking at budgets. We are not resolving a dispute in the Scottish Prison Service. If we talk to Scottish prison officers, it will only be in relation to the budget for the Prison Service.

Michael Matheson: That is right.

Christine Grahame: That is what we would do.

The Convener: Do members wish to do that?

Christine Grahame: At the heart of this dispute is the budget and the money that is available.

Pauline McNeill: As long as it is explicitly clear, convener, that the focus is the budget.

The Convener: Obviously, we would need to

determine whether we needed something specific from the fire service. Most of the other areas are covered by the names that are in the paper.

Christine Grahame: Are we moving on to the second diet of evidence on 8 May and putting forward ideas? If we are hearing from officials from the Scottish Legal Aid Board, I would like to hear from the Law Society of Scotland with regard to the difficulty with resources for legal aid and whether they are sufficient. After all, the resources are falling. We could then go back to the Minister for Justice on the budget.

The Convener: I am conscious that the Justice 1 Committee is in the middle of an inquiry on legal aid. In fact, this morning we heard evidence from the Law Society of Scotland on legal aid, so we are covering part of the issue that you raise.

Michael Matheson: I suggest that if the Law Society of Scotland decides it has to submit further evidence, it would be sufficient for it do so in writing, as opposed to orally.

The Convener: Do we wish to hear from any other external witnesses?

Christine Grahame: We should determine what the Scottish Sheriff Court Users Group is finding out with regard to funding. I am conscious that we are just examining resources, but you could ask whether it has input to give. It could do so in writing. If there are issues that it wishes to raise with regard to the budget, so be it. Our role is to balance.

The Convener: I am conscious that we are talking about the Crown Office and Procurator Fiscal Service. Are there any users groups or views that we might obtain?

Christine Grahame: There is the criminal lawyers association. What is its name again?

Pauline McNeill: The bar association.

The Convener: Do you mean the Glasgow Bar Association?

Christine Grahame: I hope that we would have somebody representing the bar association.

Michael Matheson: Is there a fiscals society? I am sure that there is a fiscals society.

The Convener: We can write to the organisation and see if it has anything to say. If it does, we can see about getting the organisation along on 8 May.

Mrs Lyndsay McIntosh (Central Scotland) (Con): Convener.

The Convener: I am sorry, I did not see you there, Lyndsay.

Mrs McIntosh: Not at all. You might like to think about the District Courts Association, because the

district courts have been under review. It might be worth considering whether the Executive will be prepared to tell us how much further on the review is.

The Convener: Is that in relation to the budget?

Mrs McIntosh: Only from the point of view of what the Executive might have in mind for the DCA, because the district courts are in limbo.

The Convener: We can talk to the Executive about that. Is there a District Courts Association?

Mrs McIntosh: There is a District Courts Association. The secretary is Mrs Phyllis Hands.

Christine Grahame: Finally, if we are going to hear about the budget for Victim Support Scotland, we should write to the organisation asking whether it wishes to give evidence, or whether it wishes to reserve its position until it hears what the Executive says with regard to funding. We have heard lots of evidence from Victim Support Scotland, but it may have something that it wishes to raise, in the first instance in a letter. Once again, it is about maintaining a balance.

The Convener: Is there anything else to be added? If not, I close the formal part of the meeting.

Meeting closed at 12:29.

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