

JUSTICE 2 COMMITTEE

Tuesday 21 September 2004

Session 2

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2004.

Applications for reproduction should be made in writing to the Licensing Division,
Her Majesty's Stationery Office, St Clements House, 2-16 Colegate, Norwich NR3 1BQ
Fax 01603 723000, which is administering the copyright on behalf of the Scottish Parliamentary Corporate
Body.

Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by Astron.

CONTENTS

Tuesday 21 September 2004

	Col.
FIRE (SCOTLAND) BILL: STAGE 1	997
JUSTICE AND HOME AFFAIRS IN EUROPE	1036
SUBORDINATE LEGISLATION	1037
European Communities (Lawyer's Practice) (Scotland) Amendment Regulations 2004 (SS1 2004/302)	1037
Advice and Assistance (Scotland) Amendment (No 2) Regulations 2004 Amendment Regulations 2004 (SSI 2004/305)	1037
Criminal Legal Aid (Scotland) Fees Amendment (No 2) Regulations 2004 (SSI 2004/316)	1038

JUSTICE 2 COMMITTEE

26th Meeting 2004, Session 2

CONVENER

*Miss Annabel Goldie (West of Scotland) (Con)

DEPUTY CONVENER

*Karen Whitefield (Airdrie and Shotts) (Lab)

COMMITTEE MEMBERS

*Jackie Baillie (Dumbarton) (Lab)

*Colin Fox (Lothians) (SSP)

*Maureen Macmillan (Highlands and Islands) (Lab)

Mike Pringle (Edinburgh South) (LD)

Nicola Sturgeon (Glasgow) (SNP)

COMMITTEE SUBSTITUTES

Ms Rosemary Byrne (South of Scotland) (SSP)

Cathie Craigie (Cumbernauld and Kilsyth) (Lab)

Michael Matheson (Central Scotland) (SNP)

Margaret Mitchell (Central Scotland) (Con)

Margaret Smith (Edinburgh West) (LD)

*attended

THE FOLLOWING ALSO ATTENDED:

Mr Stewart Maxwell (West of Scotland) (SNP)

THE FOLLOWING GAVE EVIDENCE:

Councillor Ken Harrold (Convention of Scottish Local Authorities)

Stephen Hunter (Convention of Scottish Local Authorities)

Barbara Lindsay (Convention of Scottish Local Authorities)

Jeff Ord (Her Majesty's Chief Inspector of Fire Services for Scotland)

Jim Robson (Scottish Fire Services College)

Councillor Julie Sturrock (Convention of Scottish Local Authorities)

CLERK TO THE COMMITTEE

Gillian Baxendine

Lynn Tullis

SENIOR ASSISTANT CLERK

Anne Peat

ASSISTANT CLERK

Richard Hough

LOCATION

Committee Room 1

Scottish Parliament

Justice 2 Committee

Tuesday 21 September 2004

[THE CONVENER *opened the meeting at 14:07*]

Fire (Scotland) Bill: Stage 1

The Convener (Miss Annabel Goldie): Ladies and gentlemen, good afternoon and welcome to the 26th meeting in 2004 of the Justice 2 Committee. By way of introduction, I remind members of their technological obligations in respect of our new equipment, with which I think everybody is now familiar.

I intimate apologies from Nicola Sturgeon and Mike Pringle. I welcome to the meeting Stewart Maxwell. He can ask questions if he so desires but he is not permitted to vote on any issues that arise in the course of our business.

We have a little bit of housekeeping. I want to check that all members saw the letter from Mr Ian Snedden of the bill team, whom I thank for his promptness in clarifying the issues that he mentions in his letter.

By prior arrangement, our witnesses this afternoon suggested that we dispense with opening statements, because we all want to get on with the questions. I thank Mr Jeff Ord, whom I shall welcome formally in a moment, for his co-operation in making available a copy of what he would have said if the rapacious convener had not put her foot down. That has been extremely helpful, and perhaps has pointed us to a useful practical arrangement, because seeing it in advance has helped all committee members in their continuing consideration of the bill.

It is my pleasant duty this afternoon to welcome on behalf of the committee Mr Jeff Ord, who is Her Majesty's chief inspector of fire services for Scotland, and his colleague, Brian McKenzie, who is the assistant chief inspector of fire services. I am grateful to both of you for coming along to this afternoon's meeting.

I know that individual members of the committee are interested in specific areas, but Mr Fox would like to explore some general issues with you.

Colin Fox (Lothians) (SSP): Welcome, Mr Ord. I will start with a very broad question. The pathfinder report on the fire service took many years to draw together and cost us some £3.5 million. In 2002, a document entitled "The Scottish Fire Service of the Future" was produced after

many months of consultation, as I am sure you are aware. The bill and the current proposals, which you support, follow on from the Bain report, which took 10 weeks and was produced without input from the Fire Brigades Union, as was mentioned last week. Do you agree that the Bain report appears to go in a different direction from the pathfinder report and from "The Scottish Fire Service of the Future"? Why is that the case?

Jeff Ord (Her Majesty's Chief Inspector of Fire Services for Scotland): The pathfinder project was a long, arduous process that was equivalent to using a sledgehammer to crack a nut. However, it was never allowed to develop beyond consideration of what operational response might reduce loss of life, injury or damage to property. The project was somewhat corralled at Scottish Central Fire Brigades Advisory Council level. In its evidence, it was not allowed to take into account compensatory factors, such as the fact that premises had sprinklers, good fire behaviour training, automatic fire alarms, fire teams, fire marshals and so on. We were never allowed to do balancing checks.

A good operational response is essential, but you would be forgiven for believing that the larger and faster the response the more lives will be saved and the fewer injuries will be incurred, which is sadly not the case. More than 90 per cent of all fatalities in fires in the home have already occurred before the fire brigade is called. We were never given the opportunity to balance fire safety, fire prevention and fire education and awareness against operational response. In that sense, the work of the pathfinder project was not concluded. It was felt that there was sufficient evidence of the importance of fire prevention for us to go ahead with fire prevention measures, underpinned by a good operational response.

I do not agree that any parts of "The Scottish Fire Service of the Future" have been ditched in the Fire (Scotland) Bill. Following the consultation exercise, a great deal of the report has been included in the bill, in so far as that is possible with a strategic document. Even more of it will reappear in the framework document that everyone is looking forward to seeing, and that will put flesh on the bones of the bill.

Bain's review may have taken only 10 weeks, but he was quite unashamed about saying that good reviews—in particular, the Audit Commission's 1995 review "In the Line of Fire"—had been undertaken previously in the fire service but that almost none of their recommendations had been enacted. Sensibly, in my opinion, Bain examined the Audit Commission report and others going right back to the 1970s, such as the Holroyd and Cunningham reports, and reached a view on the fire service as it was at the time.

The pathfinder work has allowed us to be more confident than we would otherwise have been in moving to fire service emergency cover software and integrated risk management planning. Under IRMP we can include fire prevention, fire education and awareness, fire safety and so on, which provides us with checks and balances.

Colin Fox: If I may encapsulate that, you are saying that the Fire (Scotland) Bill is the continuation of the pathfinder review and “The Scottish Fire Service of the Future”, rather than a complete change of direction from what they proposed.

Jeff Ord: Absolutely. There is more information to come in the framework document and some of the orders, but the bill is certainly not a change of direction.

The Convener: One of the broader issues arising from the bill is a debate about where power lies, whether it has shifted and whether the provisions of the bill will lead to centralisation. I understand that you think that some of those concerns have been overstated. Why do you think that concerns about centralisation have arisen?

14:15

Jeff Ord: Quite rightly, local authority organisations are concerned that fire brigades should remain under local authority control. To be honest, the events of the past two or two and a half years have not helped matters in relation to people’s perception of the direction in which the fire service is heading. In England and Wales during that time, ministers have taken on various powers. However, those ministerial powers are no greater than what many ministers already have in relation to other essential public services. Some of them are obviously last-resort powers that would be used if, heaven forbid, we got into a situation such as the one that we were in during the past two years. The powers have an underpinning public safety rationale. I think that ministers would be remiss if they did not secure public safety in the case of tragic events such as those that have occurred over the past two years and which, I repeat, we do not want to happen again.

The issue of resilience is important. We face a new threat. In Scotland, we do not simply view the new threat in terms of the aftermath of the terrorist attacks but in relation to climatic changes and so on. Sometimes, for reasons relating to resilience, ministers might want to have powers to encourage and, as a last resort, direct fire authorities. What happened in relation to the Stockline Plastics factory is a good example. The commander at that incident, Brian Sweeney, entered willingly into an agreement with us, and all fire brigades in Scotland, and some outwith Scotland, pulled

together. In relation to resilience, however, if the incident had been much larger—if we had been dealing with a terrorist attack or some other significant event—ministers would surely need such powers for public protection.

I repeat, those powers are no different from the ones that ministers currently possess in relation to other services and which they very rarely use. Ultimately, however, in the interests of public safety, they might have to use them. When you consider the issue in the round, you can see that the centre, far from taking control of the local authorities, is carrying out its ultimate duty to the public, through Parliament. If the circumstances merited the use of the powers that I have talked about, the minister would have to be minded to consider using them.

The Convener: If local operating flexibility is important, are you satisfied that the provisions of the bill do not conflict with that?

Jeff Ord: They do not conflict with that at all. In other evidence to the committee, people expressed concern about the possibility of the minister having powers over an emergency incident because the bill could be read in that way. That is a fair point to raise, but I imagine that no minister would ever want such powers. In dealing with major disasters, a ministerial department will be the sponsoring department, but that does not mean that a minister would take control of the inner cordon where firefighting, rescue and recovery are taking place. There are concerns over the finer points of the wording in the bill but I believe that they can be resolved quickly.

The Convener: What would be the consequences of the bill not being drafted as it is?

Jeff Ord: It is important that the bill goes through in a form that is similar to its present form. As I said in my submission, it is the cornerstone of the further modernisation of the service. The service stands at the threshold of being able to deliver an even better service than we have done traditionally. It will do so in way that is different but underpinned by the operational response that the public have always expected.

Although there will be a lot of detail in the framework and the orders that will follow the bill, it pulls together all the changes, such as integrated risk management planning, the integrated personal development system, the alterations to the existing statutory advisory council, and so on. I could go on: the minister does not have direct involvement with the National Joint Council for Local Authorities’ Fire Brigades that considers pay negotiations, but he is responsible for establishing such a committee. I hope that the minister will encourage the total involvement and engagement of all stakeholder groups in that committee.

The bill is not absolutely correct—clearly, the purpose of the current examination of the bill is to consider carefully the various paragraphs and sections—but it is essential that the form in which it is passed is similar to its present form.

Karen Whitefield (Airdrie and Shotts) (Lab):

In your written submission, you express your belief that it might be better to amalgamate some fire brigades across Scotland as that would allow them to deal with certain strategic issues. Understandably, people will have concerns that such a move will lead to less accountability in the fire service and might have consequences for communities' ability to have a greater say in how the fire service responds and does its job. Why do you believe that amalgamating brigades is right for the fire service?

Jeff Ord: As far as community involvement is concerned, I think that the size of the body corporate or the organisation is irrelevant to the ownership, identity and accountability of the local unit. From my own experience, most recently in Strathclyde, it is clear that although the fire board is responsible for delivering the service, the community planning groups established by the Local Government in Scotland Act 2003 are quite rightly having more and more of an influence over the way in which the fire and rescue service attempts to secure greater safety for communities. As a result, although the fire authority is the ultimate authority, it is not as if we cannot have an organisation that allows local delivery of policies, local engagement and local fire service staff to determine how best to deliver fire safety and even, to an extent, operational response in their area.

Amalgamation might be necessary because the fire and rescue service has gone through massive changes. I used the phrase "further modernisation" in my submission because I do not believe that the service has not modernised. It has, to an extent, despite the age of the legislation in question. However, there is no doubt that the fire brigades' strategic management teams face the same challenges as those in any large local authority chief executive's department and that the various brigades do not always have the resources to deal with them. There have not been many early or ill-health retirements in the service's principal management but those that there have been have taken place in the smaller units. I speak on behalf of some of the larger management teams when I say that the larger teams are barely coping as it is. We need a larger corporate body and team to give the service the strategic direction to guarantee to the taxpayer that it is facing up to obligations under the Disability Discrimination Act 1995, freedom of information legislation and so on.

The budgets of larger bodies offer more flexibility to prioritise the areas into which people

wish to put their money. For example, Strathclyde fire board has prioritised money for improving volunteer fire units in very remote areas at the expense of other budget areas. However, at least the budget is large enough to give the authority the flexibility to make such a decision, which in any case is what the local communities said that they needed.

I just believe that the challenges, strains and stresses are so great that the larger teams are struggling to cope. I take my hat off to the smaller teams, but I think that such an approach will have a price at the end of the day.

Karen Whitefield: Do you agree with some of the evidence that we heard last week from representatives of the FBU and from the Chief Fire Officers Association, who did not agree that amalgamation was the right course of action and who felt that the Executive's proposals on the common fire and rescue services agency were right? They did not believe that the proposals that the Executive had originally consulted on were correct and were pleased that the Executive had not included them in the bill. However, that did not mean that they could not sometimes work together and share expertise and resources where necessary to allow them to respond to issues where and when they arose. In fact, some of those issues and joint working can deliver some of the changes that you want without necessarily having to make radical changes, which, after all, would not guarantee better joint working or the introduction of a modern and responsive fire service.

Jeff Ord: I heard some of that evidence and I agree that the consultation on the common fire and rescue services agency appears to have resulted in a pretty resounding response along the lines of, "Well, we don't think we need this and we're not sure it's efficient anyhow." I agree that, if that is the case and if that is the evidence, that is fine. I have no problems with that. Of course, the Executive is not saying that there should be amalgamated brigades—far from it. The Executive has said that that is an issue for fire authorities. However, as a professional and an adviser, and given the work loads, capacity and strains and stresses that I see, I genuinely feel that it will be more and more difficult for the smaller units to operate.

Local accountability, identity and delivery of service lie with the fire stations. I do not know any firemaster who is not delighted when the local officer in charge of the fire station is referred to as the firemaster for that village, that town or that island. That is the way that it should be. I stress that it is not the Executive that is saying that; it is Jeff Ord, chief inspector, who is saying that. That is the reasoning behind my comments. I am not

saying that the common fire and rescue services agency should be thrust upon everyone. In fact, the evidence seems to be that there are better arrangements, although, as I say in my evidence, there needs to be something a little bit more robust than just a voluntary movement.

Karen Whitefield: You have highlighted the stresses and strains that are placed on chief firemasters across the country, particularly in smaller authorities, and your own view is that by amalgamating those authorities we might be able to relieve them of those stresses and strains. Would you be willing to consider that there might be other managerial ways of dealing with those issues that would not lead to amalgamation if it was not in the best interests of the fire service?

Jeff Ord: If amalgamation was not in the best interests of the fire service, I would reverse my view. At the moment, I rest my case on that one, because I definitely see more—not fewer—strategic issues, challenges and demands placed on authorities. However, I would certainly be willing to alter my view if the evidence existed to persuade me to do so. I would not close my mind to any other method of dealing with those issues but, from where I sit at the moment, amalgamation appears to be a model that would work.

Jackie Baillie (Dumbarton) (Lab): I think that it would be safe to describe you as an enthusiast for the abolition of the Scottish Central Fire Brigades Advisory Council, and I would like to probe that in a bit of detail. First of all, why? Secondly, if you were to replace it, what would you replace it with? Thirdly, you seem to be dead set against the minister chairing any successor body. Why is that the case?

Jeff Ord: I am not dead set against it, but one way of dealing with the matter might be to take away the statutory requirement to have such a body, because we have lots of other bodies that give advice on specific things, such as the Central Training and Advisory Committee. However, there are other ways of delivering advice, and that could be done by a slimmed-down SCFBAC or by something that replaces it.

To give a specific answer to your question, the SCFBAC is too large. There are far too many people on the council to make it meaningful, and one wonders why organisations need anywhere between one and eight people to represent them at one council meeting. It is an advisory council, not a negotiating body, and it has undoubtedly lost that focus. It is unreasonable to expect a minister both to chair a meeting and to receive the advice that comes out of that meeting. My view is that, if we were to keep it, that body should have an independent chair or a rotational chair, perhaps from among the stakeholders, but a person should

be in the chair for long enough to become experienced.

As for what could replace the SCFBAC, I have genuine concerns about using the English model, as I said in my evidence. In that model, there are practitioners' forums and the business and community safety advisory forum, and I do not think that we have the resources to support and underpin such a model, which would be a large commitment for many organisations. We should slim it down, with smaller representation from each organisation and preferably with an independent chair. Some external agencies should be brought in, as they will be able to bring something to the table. The one thing that the English business and community safety forum has achieved has been to bring in some specialists, who do not necessarily come from a fire service background.

14:30

Jackie Baillie: A number of points flow from that. Now that you work for the Executive, you will appreciate that the fact that a committee is chaired by a minister sends a particular signal to civil servants about the importance of that committee. We do not necessarily want to lose that. I think that ministers are capable of doing two things simultaneously—particularly female ministers, who are good at multitasking. I am not asking you to respond to that last point, however.

The Convener: It depends entirely on political allegiance, I think.

Jackie Baillie: That is a shame.

I understand that you do not wish to specify the form and function of any committee in the bill, because you wish it to evolve over time, but do you think that there should be a duty to consult, which would underpin any successor body to the advisory council? That would make for a much more powerful duty for the future.

Jeff Ord: You would expect me to respond on the multitasking issue, and I certainly would not say that ministers could not do that. However, my answer relates to what you have been saying about consultation, because that is exactly what the role of the advisory council is: it is advisory and consultative. However, it has lost its focus. It has become a negotiating body—even a secondary negotiating body. It is unreasonable to expect a minister both to chair it and to receive the advice that comes out of it.

We have had a strong minister, who has chaired the past few meetings, although, because of the circumstances of the organisation and the recent dispute, there have not been many meetings. If the body was to refocus as an advisory council, that would send a message, but its role is to take

advice, not to negotiate. Another body does the negotiations: the National Joint Council for Local Authorities' Fire Brigades, which is responsible for pay and conditions of service.

Jackie Baillie: Could I ask you to respond to the question about statutory underpinning and consultation?

Jeff Ord: I am personally absolutely committed to consultation. In my role as chief inspector, if I failed to find an audit trail of consultation in any area of the service that I look at, I would be very concerned. I expect to see consultation at that level.

Colin Fox: Like Jackie Baillie, I found your submission quite contradictory on the subject of the Scottish Central Fire Brigades Advisory Council. You say that you find it "extremely welcome" that it will be dissolved. However, you go on to say that, but for one or two minor reforms, "it could remain". The advisory council has been called cumbersome, and it has a really bad reputation. I wonder if it has produced something worth while that you could show us. Presumably, it must have been in place for some time.

Jeff Ord: Yes.

Colin Fox: Has it always been useless and cumbersome?

Jeff Ord: Perhaps rather than finding examples of what has been worth while, which is difficult, it might be better if I were to give the committee two glaring examples of the difficulties that have been experienced with such a large advisory council. In 1991-92, an improvement notice was served on the London fire brigade regarding the death of two firefighters attending an incident. From that was born the integrated personal development system. However, it is only in the past 18 months that that has really begun to be implemented. It has taken more than 10 years for that system to come to fruition.

The other example is the pathfinder scheme, which was mentioned earlier. By the time the excellent pathfinder research work was undertaken, covering operational response and the balance between loss of life, injury and damage to property, events had overtaken the research team, as risk assessment had been introduced elsewhere in the fire service.

I have been struggling with this issue and I do not mean to be derogatory. However, I have been a member of the Central Fire Brigades Advisory Council for England and Wales and the Scottish Central Fire Brigades Advisory Council over a number of years, so the blame lies in my seat as much as anywhere else. I am struggling to find an example of good practice or dynamic change that

the advisory council has been able to implement in the service.

Colin Fox: In your submission, you suggest that changing just three things could turn the advisory council around. Your submission suggests that

"Stakeholder Groups are limited to one person at the meeting; meeting should not be chaired by Ministers whose role it is to receive advice not do both; allow for specialist attendees according to the agenda items".

Is that not inconsistent with what you just said?

Jeff Ord: No, I do not think so. I say that I welcome the removal of the statutory advisory council. I accept what you say about the submission possibly seeming contradictory, which I cannot deny. However, all I was trying to do there was give you options.

I genuinely believe that the system in England and Wales is too large for us to support. We just do not have the numbers of people or the time to support two forums and the various task groups. If we had to keep the SCFBAC, a way to do so might be to make it non-statutory and to oblige it to consult at every juncture—I have no problem with that—but to limit the number of people at the table. I really do not see why an organisation has to bring along more than one or two people to every meeting. If a specialist from an organisation is required, they should be allowed to come as a substitute or to come in for the part of the meeting. It is extremely difficult to get consensus or find a way forward if meetings are as large as those of the SCFBAC.

Colin Fox: Forgive me, convener—

The Convener: I am conscious of time. Do you have a question?

Colin Fox: Yes. To a layman it looks as if the body itself could address that relatively straightforward issue, instead of its being scrapped.

Jeff Ord: It could discuss being slimmed down. The issue is whether the advisory council needs to be statutory. My view is that it does not. What we need is a trail of consultation, because the council is an advisory council, not a negotiating body.

Maureen Macmillan (Highlands and Islands) (Lab): I have questions about your attitude to the amalgamation of the fire control rooms. No one who has given evidence has supported the idea. It was not supported by the Chief Fire Officers Association or the Fire Brigades Union and it is certainly not supported by the joint fire board in the Highlands and Islands—the area that I represent—which has sent me a lengthy submission. The joint fire board also said that the Mott MacDonald report was based on a superficial investigation, that the complexities of the procedures in the control room were not properly

understood and that there was a need for the people in control rooms to have local knowledge and for back-up from the police if the system went down.

The Convener: Can we have some questions?

Maureen Macmillan: Now I have lost my train of thought and I will take even longer to deal with this.

The Convener: I apologise, but there was a lot of material there.

Maureen Macmillan: Yes, but it is material that Mr Ord will recognise as needing to be addressed.

Your submission states:

"The fears over Joint Fire Service Control Rooms are bordering on mythical".

Why do you take that view?

Jeff Ord: My experience with joint control rooms is in Strathclyde, where in 1975 five fire brigades merged into one and then in 1985 five control rooms merged into one, so the fire control room has now been functioning for almost 20 years.

The issue that many local people talk about is local knowledge, but the local knowledge lies in the database, which is created from many sources, including geographical systems and firefighters and fire service staff, all of whom play a part in creating and maintaining the database. In the 20 or so years that Strathclyde fire brigade has been running, I am not aware that any problems have arisen with local addresses, dialects or accents, even though not all the staff there have personal local knowledge.

I doubt whether all the staff in the eight fire control rooms at the moment have personal local knowledge. Under equal opportunities legislation, we employ people from all areas and do not necessarily employ people to work in their home area. There is no evidence that in larger control rooms—whether Strathclyde, London or Northern Ireland, which now has one control room—local knowledge is lost or diluted. I cannot deny that such knowledge is a benefit—of course it is—but, equally, operators are trained to use the database to interrogate the caller to get the correct address.

I have heard people say that the Mott MacDonald report is fundamentally flawed, but Mott MacDonald is probably one of the most renowned consultants on emergency service command and control centres. The first report that came out was for England and Wales and our advisory council rightly said that it was not applicable to Scotland. Much of the content was applicable, I suppose, but it was not used by the Scottish Executive for Scotland. A further report was then done for Scotland; and, indeed, a second report has been done for England for the

regional fire control rooms. I see nothing in the report for Scotland that is fundamentally flawed. Some of the challenges to the figures for savings and efficiencies might be justified, but so might some of the challenges to the figures for costs. Some believe that the costs could be less than the report indicates.

The report took a snapshot about 12 months ago. It looked into the history of control rooms and their capacity, work loads and so on, and I think that it is one of the best reports that we will get. It will allow strategic decisions to be made on how to move forward. If that means that we have eight control rooms, that is fine. That will be a political decision. However, when people talk about a requirement for local knowledge, or say that one control room cannot do the job, that is a slur on Strathclyde and I challenge it strongly. It is also a slur on London and Northern Ireland. I am not aware of any complaint from anyone—from a member of the public, or from someone in the business or commercial sector—about the performance of Strathclyde's command and control centre. That centre is a living example of how we can cope.

As I have said in further evidence, the Strathclyde centre serves an area that is not just a mainland area; it also serves about 32 inhabited islands. In that sense, it is not dissimilar to Maureen Macmillan's area. Dialects, accents and cultures are all taken into account.

I understand the emotions that have been expressed. It is very nice if we all have our own command and control centre, and I am sure that everybody would be more comfortable with that. However, you cannot turn away from the fact that the amalgamated centres work. There is no evidence to say otherwise. Correction—there is no evidence that I know of to say otherwise; I would not say that you are wrong in your opinion. However, that the amalgamated centres work is underpinned by evidence.

Maureen Macmillan: There are serious concerns. Perhaps Strathclyde, with its 20 years' experience, now has a database built up, but I am told that the level of stress among staff in the control room in Strathclyde is significant. Perhaps that is to do with the large area that it covers.

What back-up do you envisage there would be if the control centre went down? If we have a single control centre for the whole of Scotland and the system fails, what do we do then? I know the Highlands and Islands example best, and the Northern Constabulary would be used to back it up. There are several police forces in the country, but how would a single control room be supported?

In the document "The Scottish Fire Service of The Future", from 2002, it was decided that eight control rooms—the status quo—was the best option. Nobody disagreed with that but, all of a sudden, we have a change of mind.

Jeff Ord: It is well documented that stress and strain among command and control centre staff are common throughout the United Kingdom. The job is stressful. I am not aware that average sickness levels in Strathclyde are higher than in other areas. However, sickness and absence levels among command and control centre staff are higher than among operational firefighters. That does not surprise me, given the stress of the job.

You asked about back-up. If there were to be one control room for Scotland, I imagine that it would be totally entwined, or golden-threaded—call it what you like—in the resilience issues of the nine command and control centres in England and Wales. They will be totally interoperable. If there were a terrorist attack in London, the command and control centre handling calls for things other than the terrorist attack would be best placed as far away from London as possible; that is, in Scotland.

The plan is for the control rooms in England, Wales and Scotland to be able to fall back on one another. The Mott MacDonald document gives us options: we could have one, two or three control rooms. One appears to save more money, but two and three have attractions and efficiencies built in. With two or three control rooms, we would have the fallback option. The control rooms would still have to be interoperable with England and Wales, because of resilience issues and the increased threat. If we went for more than one for Scotland, resilience would be built in.

14:45

"The Scottish Fire Service of The Future" signalled that the option of eight control rooms was satisfactory. I recall being in a meeting about two years ago—around the time that the document came out, or perhaps a little later—when it was felt that eight would provide great resilience, and we would be able to fall back on one another. However, we have seen examples of the service's extended duties, such as the incident at Stockline Plastics in Glasgow. That was a tragedy, but it was a compact incident on a compact site and did not have the number of casualties that you might expect in the aftermath of a terrorist attack, for which greater back-up and resilience would be required.

The thinking moved on from, "Eight would be okay, wouldn't it?" to "Would a larger command and control centre be a better way forward for

resilience and managing incidents? If that is the case, what back-up would be required?" Options in the Mott MacDonald report could achieve back-up for Scotland in Scotland, while ensuring the control rooms are interoperable with the rest of the United Kingdom, because we need to be aware of intelligence and information.

Maureen Macmillan: So the model that you would go for would not be the single control room for the whole of Scotland, but possibly two or maybe even three.

Jeff Ord: I know that one control room for Scotland would work. However, if at the end of the day, based on all the evidence, the political decision is that we should move from eight control rooms, given the geography of Scotland it might be that we should go for chunks that we can handle, so moving to three or two control rooms might be a better way forward for the service, particularly at this time.

Colin Fox: The public want to see evidence that amalgamation would provide a better service. That is the key issue for them and that is what we are looking for. We want to protect what we have or provide a better service. Where is the evidence that we would provide a better service by amalgamating? Would it not be the case that a greater volume of calls would be going to fewer centres and fewer staff if the control rooms amalgamated?

Jeff Ord: The evidence has to be that we can at least sustain the same level of service, or improve it. I repeat that Strathclyde, Northern Ireland and London are living evidence. Strathclyde is the best of all, because it is on our doorstep and has the cultures that we have in Scotland. Evidence exists that the service can be sustained or improved, and that can be done more efficiently.

As for fewer operators taking more calls, at the moment Strathclyde takes about 48 per cent of all 999 calls in Scotland and the other seven control rooms take the rest. With the three control rooms model, they would not be taking large numbers of calls. The Mott MacDonald report—as challenged as it has been by many people—clearly identifies what is a reasonable call-handling rate and rate for other work, because we know that the operators do more than just answer 999 calls and deploy fire trucks. The report identifies the number of staff that would be required. That model was used by the Home Office, the Office of the Deputy Prime Minister and the Scottish Office for many years. Each operator is able to handle a particular number of calls. I do not accept that it would be unreasonable for the suggested number of staff to handle the suggested number of calls.

Colin Fox: Do you accept that there would be a reduction in the number of staff following

amalgamation, compared with the number we have currently with decentralisation?

Jeff Ord: Yes, the report clearly states that. More staff would be available in the control room at a particular time, but overall there would be fewer staff. That is inevitable.

Colin Fox: So under your proposals fewer staff would accept the same volume of calls, and by your estimation that represents an improvement in the service?

Jeff Ord: Look at the model in Strathclyde. Pro rata, the operators are handling more calls than are operators in any other area of Scotland, and they are doing so efficiently, with no complaints from the public. On the point about absences, I stand to be corrected, but I do not believe that the absence rate there is any greater than that across command and control centres.

Any amalgamation would have to be reviewed, but it should not be considered in isolation. If integrated risk management planning is the success that we all believe it will be, the volume of calls should reduce, not increase. However, I do not have a crystal ball; I am not saying that eventually there will not be other work and duties that the Parliament and fire authorities might wish the fire brigades to undertake. However, the intention is to drive down not only the number of hoax calls and false alarms, but the amount of wilful fire raising.

The Convener: Has that been done in England and Wales?

Jeff Ord: Yes, but what they refer to as arson we refer to as wilful fire raising. Under the integrated risk management plans that have been in place there since March, the number of arson incidents in large urban and city areas has been reduced significantly. Therefore, there is evidence that, even in these early months, the integrated risk management plans are beginning to have success.

Karen Whitefield: Can we move on to the sections of the bill that relate to fire safety? In your written submission, you welcomed the additional powers of fire investigation that the bill will give. Can you say a bit more about the improvements that those new powers will deliver and what protocols you believe will be needed between, for example, fire authorities, procurators fiscal and the police?

Jeff Ord: They will lead to something that we just about touched on in relation to integrated risk management planning, which is that they will help us better to identify and work out trends. Whether the trend is in wilful fire raising, for example abandoned stolen vehicles being set fire to, or in house fires, for example if there is a problem with

a cluster on a scheme or estate, fire investigation will help us to identify the trends. Obviously, it will also help us to bring about prosecutions and to identify appliances or situations that, unknown to us, are potentially dangerous. That information will be transferred to the front end of the service—the local fire station—which, with a bit of direction from strategic management, will decide how to address the trends.

On the protocols, we are already there. Even though it was not a duty, one brigade and its authority made great provision for fire investigation, because they could see its benefits. They already have protocols that have been agreed among the Association of Chief Police Officers in Scotland, the Crown Office and Procurator Fiscal Service, the fire authority and a couple of other agencies that are involved. The Chief Fire Officers Association is considering that model and can either adopt or improve it.

The model is probably about 14 months old now, and there are lessons to be learned in the light of experience, in particular of tragedies such as the Rosepark residential care home tragedy, in which there was fantastic joint working among the agencies involved in the investigation, which has yet to come to fruition. I know that CFOA, ACPOS and the COPFS are willing to write the model into a protocol.

Karen Whitefield: My second question relates to the consistency with which fire safety legislation is implemented. I know that you, in your world, would probably say that we could get consistency across Scotland if we amalgamated most of the fire authorities. However, there appears to be no political will to do that, either from the Executive or from members of the Justice 2 Committee. Therefore, how can we ensure that fire safety standards are implemented consistently across Scotland?

Jeff Ord: I highlighted that issue in my written evidence. I welcome fire authorities being the enforcing authority. That will be great because, unlike the current confused position, people will be in no doubt about which is the enforcing authority. However, a fear about inconsistency must remain, because even at the moment we get criticism that standards are not applied in the same way across the eight fire authorities. The situation here is not unique; it is the same in England and Wales, where there are the same allegations—which sometimes have substance—that fire safety standards are not identical. There will always be a difference of opinion. The position is rather like that of trading standards officers' interpretation of legislation and guidance; there will always be small differences.

My evidence hints at two ways to overcome that. First, I believe that we will need improved and

increased training on the enforcement role. That can hammer home the message that businesses and the public not unreasonably will expect the same standards to apply in Aberdeen, Glasgow and Edinburgh. We will be able to achieve that only through training. Equally, the problem will be overcome through the bill's provision for resolving disputes, which will come to me as chief inspector. It will fall to me to hear disputes between a fire authority and the person who receives the service. However, training is the way to overcome the problem.

Another possibility, which is tried and tested in the area of trading standards, which I mentioned earlier, is to make one brigade the lead authority. There are already examples of that practice among some Scottish fire brigades. For example, if a business that looks after elderly persons wants to meet the standard that is required by the enforcing authority, the fire authorities could agree that one authority should be the lead authority and that the other authorities should accept its standard. That should not appear peculiar to the committee because I know that it happens already among Scottish fire brigades in some small areas. Operating the principle of having a lead authority would save time and would be efficient. It would also allow businesses to understand what the rules and standards are.

Jackie Baillie: I want to develop that point. I can understand what seems, on the face of it, to be the reasonable desire to consolidate enforcement powers for fire safety with the fire brigade. However, concerns have been expressed that there is a danger of duplication. That can be illustrated by the example of houses in multiple occupation, for which local authorities already have dedicated teams. Fire officers are seconded to those teams and, jointly, they inspect properties and conduct risk assessments. Are not we in danger of over-egging the pudding and of duplicating arrangements if two lots of people are sent in for the same thing? Would that be efficient and effective?

Jeff Ord: That would not be efficient and effective and it would totally defeat the purpose of what we are trying to do, which is to pull together 100-odd pieces of legislation into one bill and to make one authority the single enforcing authority.

Having been present during the evidence in which the example of HMOs was given, I made some inquiries about the matter. As I suspected, under section 34—I do not pretend to be knowledgeable or to be a lawyer, so I look to Brian McKenzie, with his experience of fire safety, to correct me if I am wrong—a fire authority may discharge some or all of the functions that are mentioned in the relevant sections. One such function is fire safety. Why on earth would a fire

authority look to go over the top of a competent multi-agency team that is working effectively? In that situation, why would the fire authority want to duplicate the service that is being delivered or deliver it differently if the service is effective?

I can provide examples of effective teams that I would support as being the body that should discharge a duty, but there are other examples of a fire authority having made recommendations that might have been listened to, but have not always been taken on board. I am concerned about that. If, for a competent reason, such as public safety, a fire authority has made a recommendation on means of escape, firefighting or fire extinguishing, that recommendation should be listened to and acted upon. However, let me repeat that, where agencies are seen to be working effectively and in harmony for the safety of the public and the occupants of an HMO, I see no reason why the duty could not be discharged by a multi-agency group.

Jackie Baillie: To turn that round the other way, if I may, surely in that case the issue is not to provide a function that will then be removed under section 34 but to raise standards across the board, so that the standards of those who are not performing reach those of the best.

Jeff Ord: Yes, but a fire authority currently has no statutory ability to enforce its recommendations in such cases because it is not the enforcing authority. In the months to come, it will become clear that there have been examples of a fire authority having made recommendations that were not acted upon. As the fire authority is currently only a statutory consultee, its recommendations need not be acted upon.

As long as it is not abused, and provided that standardisation is achieved, it is important that the fire authority carries that ultimate responsibility. It has the most experience of what occurs during a fire. However, I would not duplicate; I would be prepared to delegate a function if other people are discharging it competently.

15:00

The Convener: We are already slightly over the time allowed for this session, but I am aware that Stewart Maxwell is present and would like to ask a couple of questions. If they are very brief, I am prepared to allow them, but the committee has other evidence that it must get on to.

Mr Stewart Maxwell (West of Scotland) (SNP): I will be as brief as I can. On your first point, when you talked to Colin Fox about speed, you said that 90 per cent of those who are in fatal fires are already dead before the fire brigade is called. Surely speed and the numbers who attend are still an issue, because the remaining 10 per cent have

a right to expect the service to attend as quickly as possible. We might be talking about saving one in 10, but surely that one in 10 is worth saving. Also, surely there is an issue about damage to property.

On your point about the power to take control of property and equipment, I want to ask about the training of users of such equipment, given that it takes 16 weeks at Gullane and then at least two years to train a firefighter to use much of it. In situations such as the recent strike, would that power have been valuable and how would it have operated?

The Convener: We will stop there and let Mr Ord deal with those questions.

Jeff Ord: I would not want to give the impression that what we call the speed and weight of attack—the number of fire trucks and how quickly they can get there—are irrelevant; they are not irrelevant. Equally, we could throw more fire trucks and more people at a fire and get there faster, but we would still not have a major impact on the number of fire fatalities or the loss of life. We will have a major impact by spending more time on fire safety and prevention education and awareness, and by using more fire alarms, smoke detectors and, especially, sprinklers.

It is about getting the balance right. The pendulum does not just swing from one extreme to the other. If the committee has concerns about the situation and about whether integrated risk management planning will give us flexibility in deploying our people in the right place, at the right time and with the right attack, I refer it to the English and Welsh model. England and Wales are several months ahead of us and, thankfully, there is no evidence that more people are dying or are injured, or that more property is lost in fire. The evidence shows quite the opposite; as I said, it shows a considerable reduction in arson.

It is unfortunate to home in on the dispute that we have had during the past couple of years. There are approximately 26 or 27 powers, some of which lie with other ministers, which, as I said, is not unusual. The one to which you refer is one that we hope we will never have to use if it is approved. The reason why the training of users can be considerably reduced—as it was during the strike and during the run-up to the ballot on a strike that thankfully never occurred, because the negotiations concluded successfully—is purely to attempt to save life. The defence fire services that were engaged by the Office of the Deputy Prime Minister and the Scottish Executive never said that their mission was to go beyond that. Their mission was purely to try to save life from fire and road traffic accidents. That is all that they had the resources to do. It was never intended that they would turn out to vehicle fires, fires on open ground, rubbish fires or whatever, although, during

the first strike, a combination of publicity, public awareness and their performance allowed them to extend their original mission. Nevertheless, their mission was still very limited, and it was only by gaining experience that they were allowed to extend it. If we ever returned to that situation, there would be a similar training period and a similar limited mission, not the broad mission that local authority fire and rescue services currently have.

Mr Maxwell: I did not mean to suggest that it was an either/or situation, and I hope that you did not mean to suggest that I asked an either/or question about fire safety initiatives versus speed and size of response.

I spent in excess of two years working in the fire control room in Strathclyde, so I have some background knowledge. I have to say that I find your faith in the database touching. Yes, it is good, but it is not fantastic and it has its problems. When I was working there, it seemed to me that the loss of local knowledge due to being in such a large control room was partly offset by the shared knowledge of people who lived in various parts of Strathclyde—people did not come from outwith the area. However, the loss of local knowledge was not wholly offset, and the area is probably as big as it should get.

We talked about the fallback position if, for example, something terrible happened and there was a terrorist attack on a control room. In the 9/11 scenario, we saw four or even five attempted attacks, although only three of them were successful. You said that if two or three control rooms in Scotland were taken out, we would fall back on England and Wales. Why not retain eight control rooms in Scotland and fall back on the rest of them? Would that not be a better scenario, so that you would not—

The Convener: Could we deal with that question?

Jeff Ord: If you want to retain eight control rooms, that is for you and others to decide, but it is not necessarily the best way in which to secure resilience, because of the difference in the control rooms' size. I will not name names, but it is obvious that a certain control room could not handle another control room's calls, because it simply does not have the operator positions, the technology or the staff to do so.

As I keep saying, the matter must be examined in the round. I think that the right way forward is to have one, two or three control rooms—you will have gleaned what I think the right number is—with the ultimate back-up falling to England and Wales. In Scotland, we have eight differently sized control rooms, and it would be difficult to accommodate all the calls in one or two of them.

Mr Maxwell: I have a small question on control rooms. Is not the logic of what you said about large control rooms working perfectly well in London that we should have just one control room for the UK?

Jeff Ord: I dare say that we could—I do not think that there are any technical reasons why we should not do that. The number of control rooms in England and Wales has been determined for the purposes of resilience—I keep repeating that, but it is true. The London model exists and it has been determined that there should be eight or nine control rooms. Scotland has a choice between eight or fewer.

Mr Maxwell: So you think that it is a feasible and viable option to have one control room for the UK.

Jeff Ord: Technically. I am not aware of any technological reason why there could not be one control room for the UK, although I would not prefer that.

Mr Maxwell: Do you think that that would work on a practical, day-to-day basis?

Jeff Ord: It would be very difficult, given that we have devolved powers in Scotland, which—

Mr Maxwell: I was not talking about the political situation. I was talking—

The Convener: It is important to base the discussion on actualities and the practical situation as it exists. What is your question to Mr Ord?

Mr Maxwell: I am trying to determine how many control rooms Mr Ord thinks there should be.

The Convener: I think he has already indicated that. He has given clear evidence.

Mr Maxwell: His logic seems to be that large control rooms are perfectly acceptable. I think he has answered the question by saying that, technically, one would be okay. It is—

The Convener: I am trying to be indulgent by giving you a little latitude because of your background and experience.

Mr Maxwell: That was the last question.

Jeff Ord: In case anyone is in any doubt, I reaffirm that I want Scotland's resilience to lie in Scotland, with the ultimate fallback that we will go beyond Scotland should that ever be required, as it was at the Stockline Plastics factory. I pay tribute to the command and control centre staff throughout Scotland, not just in the large control rooms but elsewhere, but we must consider the evidence and there is living proof.

The Convener: Would you or Mr McKenzie like to make any concluding remarks?

Jeff Ord: As I would have said in the introductory statement that, quite rightly, I did not get to make, there are some good opportunities in the bill. It is 50 or 60 years since we had major legislative change in the fire service, so it is only natural that there are concerns. However, if we look elsewhere, we see that the provisions appear to work. We need to home in on some areas that we require in Scotland, but the challenge is there and there are some good opportunities.

The Convener: On behalf of the committee, I thank you and Mr McKenzie for joining us this afternoon.

I welcome to the committee meeting Mr Jim Robson, who is the principal of the Scottish Fire Services College and whom I thank for coming along this afternoon. We are glad to have the opportunity to speak to you. As you are aware, we will proceed on the basis of an interrogation. We will ask questions and ask you to respond in so far as you can, but we are dispensing with preliminary statements. I hope that that does not in any way distress you.

Jim Robson (Scottish Fire Services College): Not at all.

The Convener: I will start the questions by looking at the parts of the bill that deal with the functions of fire authorities. Section 79 defines the principal functions of fire authorities and section 10 allows some additional functions to be added on. What are the training implications of conferring additional functions on fire authorities? How do you assess those implications?

Jim Robson: Each role within the fire and rescue service has a national occupational standard. The additional requirement to attend different types of incidents is embedded within those national occupational standards, so any training or development issues come out of those standards. The development of programmes to meet those needs is usually done centrally. A lot of the training can be delivered as part of the normal day-to-day development that goes on within the fire and rescue services.

The Convener: Is there any risk of the additional functions diluting expertise?

Jim Robson: Mr Ord alluded to the fact that what has happened over the past few years is the development of the integrated personal development system, which does away with the—I hope you will pardon the expression—day-to-day sheep-dip approach to training. The approach is now more about developing people so that they deal with the risks that they face in their work.

The Convener: That is a new one for the committee. Perhaps we could have a little more explanation of the sheep-dip approach.

Jim Robson: The term has been used quite a lot about the old system of developing people. Irrespective of someone's experience and how long they had been in the service, a training course was a course of three, six, nine or 14 weeks' duration. Courses were sequential events and once someone had done one course, they went and did the next one, irrespective of their experience.

The Convener: The bill allows for the provision of local training to be contemplated; can smaller brigades adequately deliver training across a widening range of functions?

Jim Robson: Until very recently, there were occasions when training was delivered to a different standard and to a different programme in one place than it was somewhere else. What is happening within the integrated personal development system, especially in Scotland, is that the development programmes for the roles are being applied consistently wherever they are delivered.

In Scotland a working group that is made up of representatives of all the brigades and the Scottish Fire Services College is about to deliver a firefighter development programme covering all areas of the role. The development packages, which will be available on the internet and in hard copy at all levels, will ensure that, wherever they are done, the delivery of the programmes that are needed for the roles will be consistent. However, there is a role for a central establishment, such as the Scottish Fire Services College, to quality assure the delivery of that material. Each authority that has a training centre of its own is an opportunity for fire service or brigade-specific development to be done for that area.

Karen Whitefield: I will continue on the theme of training. What is the Scottish Fire Services College doing with regard to training for the new dimension of firefighting, which is preparing to deal with incidents of terrorism and the like, which I hope will never occur?

15:15

Jim Robson: Some instructional staff at the Scottish Fire Services College have been developed to deliver training in mass decontamination, urban search and rescue techniques and tool skills. That development has been done in partnership with the Fire Service College in England and a training provider in Texas that has a great deal of experience and knowledge in the area. In other words, the trainers have been trained.

We have a programme of courses in Gullane in which we deliver urban search and rescue training, tool skills training and mass

decontamination training. As I said, that training is being developed consistently across the brigades but, obviously, areas that have the response vehicles are prioritised for development. We are also going to introduce it into the basic training course at a much lower level so that when people go out into the stations, they will have some knowledge and experience of using the equipment.

Karen Whitefield: Last week, the committee heard evidence from the Fire Brigades Union Scotland, which raised concerns about the conferral of new powers to agencies and the difficulties that they face. Limited training might be given, but in an emergency, people might not be fully trained to deal with situations that arise. Is enough priority given in the bill, and in the fire service as a whole, to ensuring that firefighters are properly trained to deal with emergencies when they arise?

Jim Robson: Earlier, I referred to national occupational standards, which are very detailed and are being used, and there are the vocational qualifications that are awarded in Scotland. A person cannot get a vocational qualification unless they can demonstrate in the workplace that they can apply the skills, knowledge and understanding that they have derived from the programme of learning.

In addition, there are four key areas in which people work towards being competent in the integrated personal development system: understanding the task, task management, contingency planning and environmental skills. Contingency planning is particularly important. If a person has achieved a competence within their role and applies those four areas, theoretically—I stress the word “theoretically”—they should be able to deal with any incident that they come across, given the knowledge, skills and equipment that they possess. Therefore, the short answer is that I do not have any particular concerns about the term “properly trained” being an issue.

Jackie Baillie: You have sort of answered my question but, for the sake of clarity, I will pose it in a slightly different way. My question is about the balance between local and national training centres. Section 14 will allow individual fire authorities to designate local training centres and section 44 will allow ministers to establish both central and local training centres. Do you see any inconsistency in the sections, or do you think that a balance must be struck and that the proposals can work effectively?

Jim Robson: There is a balance to be struck and I think that it is being struck effectively because training delivery will be at national, local and regional level, as it is now. What should be delivered nationally, regionally and locally should

be focused on. We are achieving that aim with our IPDS and development programmes.

Jackie Baillie: That moves me neatly on to my next question, which is about the IPDS. I understand that the successful introduction of the IPDS might have implications, some of which are cost related. We have heard that people are not sure what the costs will be and whether you expect or will receive additional resources to implement the proposals. Training the trainers at a local level is resource intensive—I have done that in a different context. Do you have any concerns in that regard?

Jim Robson: I think that costs were talked through at the Scottish Central Fire Brigades Advisory Committee stages some years ago and it was agreed by chief officers and firemasters that the costs of the IPDS would be borne within the current budget.

That brings me to the next point. Training and development programmes are very expensive. If there is a transition from one to the other, as there should be, there would not necessarily be an increase in costs at the local level.

Jackie Baillie: I do not know whether this is true, but I have heard that Strathclyde, for example, is saying that it will need an additional 250 officers to implement the proposals successfully.

Jim Robson: Can you give me a breakdown of that figure?

Jackie Baillie: I have no idea how it was arrived at. It is simply a figure that was quoted to me. Training is resource intensive.

Jim Robson: In Scotland, it has been agreed that the award of vocational qualifications will be the outcome, rather than the driver, of the new development system, so there is certainly a need for qualified workplace assessors. Providing those will be cost neutral to local authorities, because we do it centrally from the Scottish Fire Services College. We have peripatetic trainers who go out to develop people in the role of workplace assessors.

The cost of registration of candidates on the system is borne centrally. Again, it is an issue of realigning budgets, roles and responsibilities to meet the requirements of the IPDS, once we have moved from the training phase to the development phase.

Maureen Macmillan: How do retained and volunteer firefighters fit into this system? I know that in rural areas concerns have been expressed about the training of retained and volunteer firefighters, not least by the men themselves. In particular, there are concerns about the need to be trained to use certain kinds of equipment. If

firefighters are unable to get that training, they may, in effect, be stood down. Is training for retained and volunteer firefighters delivered locally or nationally? Will there be changes in how it is delivered?

Jim Robson: There is no consistent approach across Scotland. Some brigades send their volunteer and part-time firefighters to the Scottish Fire Services College for training, whereas some provide it in-house. However, all brigades train people to the same standard.

We are reviewing what is known as the phase 1 course—the trainee course—which we deliver at the Scottish Fire Services College, to modularise it further. There is a view that we can deliver the right tool skills and safety skills and the minimum level of safety requirements within that programme. For example, in weeks 4 or 5 of the trainee course we could invite candidates from the part-time and volunteer service to come to Gullane to get exactly the same training that full-time fire service candidates receive, so that they have the same skills, knowledge and understanding. With a bit of vertical planning, we can do both things at the same time.

When I first took up my role, I was taken to Cromarty fire station, where I was shown a 6ft-by-8ft shed containing some equipment and challenged to apply the IPDS to it. That can be done, because the IPDS is about role maps. It is about what people must know and understand in order to carry out their role effectively and safely. We need to consider what people must do and know to discharge their function safely under the integrated risk management plan. If we apply that principle, we can provide the right training to the right people with the right equipment for their role.

Maureen Macmillan: I am pleased to hear you say that.

Colin Fox: I draw your attention to part 3 of the bill, on fire safety. What new skills will be required to deliver the enforcement duties in that part of the bill?

Jim Robson: Fire safety is not my area of expertise, so I will talk about development of fire safety people in general.

Historically, fire safety training in Scotland has been delivered in Gullane on an outreach basis by the English Fire Service College. This year we have not done that. Instead, we have asked the CFOA fire safety committee to allow us to reinvest the money that would have been spent on training fire safety officers—the sheep-dip approach that I described earlier—in producing a Scottish fire safety development programme. On Thursday, I will interview an individual who will be invited to design, develop and, probably, deliver fire safety training for fire safety officers in Scotland.

It is a case not of providing new training, but of providing on-going training. As I said earlier, there are national occupational standards for all roles, including fire safety officers. Those standards include a requirement on officers to understand, know and practice what they need to do to fulfil their role. Officers will receive not extra new training, but more of the training that they already receive.

Colin Fox: Do you share the concerns of the chief inspectors about the uniformity of training in the new skills and whether it will be of the same high standard throughout Scotland?

Jim Robson: There is a national occupational standard, which means that people have to apply what they know and understand consistently in the workplace and be assessed against it. The standard includes a quality assurance element that is applied by the Scottish Qualifications Authority, so that if there are inconsistencies, those can be recognised and dealt with at local level.

Colin Fox: What role do you envisage the fire service playing in training employers? The bill contains provisions that relate to employers' responsibilities in their premises.

Jim Robson: By employers, do you mean fire service uniformed personnel or the likes of the Convention of Scottish Local Authorities?

Colin Fox: No. I was thinking about the new responsibilities that employers will have for maintaining safety in their premises.

Jim Robson: That is not my area of expertise, so I cannot comment on it.

The Convener: Would you like to make any concluding observations?

Jim Robson: No, thank you.

The Convener: On behalf of the committee, I thank you for joining us. The session has provided us with a helpful illustration of another dimension of the bill's implications. We are grateful to you for your evidence.

I declare a comfort break and suspend the meeting for five minutes.

15:25

Meeting suspended.

15:34

On resuming—

The Convener: I welcome representatives from the Convention of Scottish Local Authorities. They are: Councillor Julie Sturrock from Dundee City Council, who is chair of the COSLA task group;

Stephen Hunter, who is the firemaster at Tayside fire brigade; Councillor Ken Harrold, the convener of Lothian and Borders fire board; David Millar, who is head of corporate services for Lothian and Borders fire brigade; and Barbara Lindsay, who is corporate manager of COSLA. We have a positive array of talent this afternoon to divert us.

In accordance with the format that we have adopted, I assume that the witnesses are relaxed about not making introductory statements.

Councillor Julie Sturrock (Convention of Scottish Local Authorities): We were aware that that such statements have been dispensed with for the previous witnesses, but Councillor Ken Harrold has a very small opening statement, which covers the spirit of our approach. It lasts only about six minutes; it is very short. It might be helpful if he could give that opening statement, although the decision is obviously in the convener's hands.

The Convener: I am conscious that COSLA was advised before the meeting of our desire to press on with questioning. I would not be content to have an opening statement of six minutes, but I will be happy for Councillor Harrold to encapsulate the principal points in two minutes.

Councillor Ken Harrold (Convention of Scottish Local Authorities): I will attempt to do that in two minutes, although I cannot promise that I will.

COSLA wants local democracy to be maintained; we want control of the fire service to be in local government hands. The bill needs to establish the roles of national Government and local government so that the strategic direction of the service is set out jointly and so that local elected members have maximum flexibility to determine the needs of, and solutions for, their areas. There is a need to recognise that the fire service cannot make a difference to community safety on its own and that as with the police, the health service and social inclusion work, it needs to be integrated with community planning partnerships. We are also opposed to overly prescriptive and centralising ministerial powers of intervention and direction and we have grave reservations regarding the establishment of any new quango in the form of a common fire and rescue services agency.

We also point out that audit of the Scottish fire service is continuous. So far in this financial year there have been seven audits—although some of them were part of the pay claim—and Mr Ord and his team will go out to do an eighth inspection during this financial year. If the reports on other local government services meeting targets were as good as those for the fire service, many of my fellow councillors would be very pleased.

I am sorry for the abbreviated version of the statement, but that encapsulates our position.

The Convener: I will hold you up to all future witnesses as a model of what can be achieved, Councillor Harrold. I thank you, because you have encapsulated your approach to the points that are of interest to the committee and have referred to areas on which committee members will undoubtedly want to ask questions. Thank you for your brevity.

I will go straight in and follow on from your important point on the balance between local democratic accountability and ministerial power. I noticed that, in your introductory comments, you used the word "prescriptive". What powers in the bill are of particular concern to COSLA?

Councillor Sturrock: That has been an issue of great debate. We note that the bill will allocate the minister 27 separate powers over the fire service. We were considering that before we came in, and we have concerns about section 2 and about how section 34 is wrapped up with section 35. In fact, all the debate about the structure of the fire service could be purely academic because, if the bill were passed, the minister could completely restructure the fire service at will. That is an illustration of how wide and sweeping the ministerial powers will be. The minister could, in fact, outsource the entire service if she wanted to.

The Convener: Earlier this afternoon, Mr Ord gave his opinion on the issue, which was that it is highly unlikely that the powers will be exercised because the consequences about which you are apprehensive are unlikely ever to come about. Do you share Mr Ord's opinion?

Councillor Sturrock: No, because I feel that legislation must be based on all contingencies and not on the good will of present or foreseen incumbents. Legislation must be based on what is possible and on what it can be used for. The bill is such a wide and enabling one that the outcomes could be different, given a completely different political complexion. Who am I to foresee what may happen in 10 years? We are updating legislation from 1947; if it was to take another 60 years to update the present bill, anything could happen. At present, the bill is simply an outline and contains little detail. We are considering issues such as control rooms and the structure of the service, but with few concrete plans to go on in the bill, which simply contains wide enabling powers.

The Convener: To follow on from that, does the bill support local accountability?

Councillor Sturrock: Local accountability is threatened because of ambiguity or lack of detail in the bill. The fire service must be locally accountable but, under the bill, a local firemaster

will not be accountable to the fire board. However, the accountability interface comes when the chief officers of a fire brigade meet elected members to discuss the shape of the service. If that system is to change, the idea that the service is locally accountable would lose credibility completely. COSLA wants to enable the fire service to be part and parcel of community planning in a real sense. As soon as we take away local power, we will take away the ability for local self-determination and the ability to shape the service for local needs.

Colin Fox: Consultation has been carried out, but the national framework document has not yet been produced. What operational objectives and targets and other details would COSLA like to be in the framework document?

Councillor Sturrock: We welcome many elements, such as integrated risk management. Stephen Hunter might be able to give a clearer outline of all the elements.

Stephen Hunter (Convention of Scottish Local Authorities): We have not seen the national framework document for Scotland; we have seen only the national framework document for England. Some of the wide-ranging powers in the bill may, when flesh is put on the bones—as the chief inspector of fire services put it—be of concern to COSLA. Although COSLA supports integrated risk management planning and the move from intervention to prevention, and it hopes that more lives will be saved and that there will be fewer injuries and fires, we are concerned that COSLA may not be able to play as effective a part in the production of the framework as it would like.

Colin Fox: Is it your feeling that the wide-ranging powers for the minister will upset the balance between local operational control and central control?

Stephen Hunter: COSLA is concerned that if it cannot sit in with ministers and the Executive team during production of the national framework, certain elements of it may be imposed through the ministerial powers.

15:45

Councillor Sturrock: Basically, we are going back to the normal COSLA standpoint on many such issues, which is that we see a need for a national strategic approach but hope that COSLA and the Scottish Executive can work out the approach together and hand it to local authorities to allow them to work out what is most appropriate at their level.

Jackie Baillie: The proposal in the bill is to abolish the Scottish Central Fire Brigades Advisory Council. Does COSLA agree with that proposal? If so, would you replace the council with

an alternative structure and what would that structure look like?

Councillor Sturrock: There is a need for such a structure. Either we could have a reformed version, if that were felt necessary, or we could attempt to create an interface between COSLA and ministers, which would examine the strategic approach and future planning, and would set up an advisory body made up of professionals and fire brigade members who would provide technical back-up. We would not be averse to fine tuning the body so that we could examine its tasks and perhaps deal them out differently to various bodies before bringing them together under a different heading.

There appears to be a certain impatience with the present set-up, but that does not mean that it can be disposed of or replaced by some completely different groupings. It should be possible for existing groupings to work in a different way.

Jackie Baillie: I want to be clear: you think that, as well as COSLA, stakeholders such as the trade unions, the firemasters and so on should continue to be involved. You would not change that, but would simply change the form.

Councillor Sturrock: That is correct. As I said, it might be possible to have parallel working groups whose work was presented differently.

Jackie Baillie: It is a matter of debate whether the form and function of any subsequent advisory body should be set out in statute. Do you think that it should be or would it be more useful to name the various stakeholders and place on ministers a duty to consult?

Councillor Sturrock: I am not sure. Barbara Lindsay might know whether we have had any guidance on that matter.

Barbara Lindsay (Convention of Scottish Local Authorities): The model that Councillor Sturrock refers to—a political forum with national and local focus and an officer implementation advisory group below it—is one that we have developed with the Executive in a number of important policy areas. Obviously, those groups are voluntary rather than statutory. They seem to work well in their areas.

Colin Fox: Councillor Sturrock mentioned the impatience that exists with the current set-up. Do you share that impatience? If so, does COSLA intend to suggest a model that it would like to replace the Scottish Central Fire Brigades Advisory Council?

Barbara Lindsay: The model that we suggested in the consultation response that we submitted previously was broadly similar to that which I have just outlined. That is our suggestion; if people

were open to that, we could examine how it has been applied in other areas and we could flesh it out with a bit more detail.

Karen Whitefield: Councillor Harrold said that one of the key priorities for COSLA in assessing the bill's proposals is the need to maintain democratic local control. Do you believe that the retention of the eight fire authorities across Scotland will allow that democratic and local control to be maintained?

Councillor Harrold: The figure of eight fire authorities in Scotland is not set in tablets of stone. COSLA is not currently advocating that there should be eight, three, one or whatever number of authorities. The important matter is who is in control. Control must be concentrated locally if we want to continue to get the message across about community safety. Brigades can work together—there are a number of recent examples of that in relation to matters such as purchasing—but governance must remain with local government. It would be ironic if we witnessed the demise of the municipal fire service, given that the first such service in the world was set up in Edinburgh in 1825. That was many years ago and the fire service has moved on, but the only way of providing a good service to our constituents—and members' constituents, obviously—is by retaining local government control over the fire service.

Councillor Sturrock: In essence, any change must be proven to lead to an improvement. There is no point in change for the sake of change. Unless improvement is the demonstrable outcome, change is not advisable. We welcome the focus on prevention, integrated risk management planning and other such matters, but we are extremely proud of our response times in the current system. We should be careful about dismantling a system that is working well.

Karen Whitefield: COSLA had understandable reservations about proposals for a common fire and rescue services agency and the Executive chose not to press ahead with those proposals. Is COSLA content with the proposals in sections 2 to 5 for the establishment of joint fire and rescue boards?

Stephen Hunter: COSLA is content with the fact that the eight fire brigades—six joint boards and two unitary fire authorities—can be maintained. COSLA would be concerned if there were to be changes to that structure. The bill would provide the power to change the structure of fire brigades, but the national framework document might contain more information about the proposed changes. COSLA would certainly want a seat at the table if discussions about proposed changes were to take place. We mentioned powers of intervention; section 2 would give ministers the power to intervene to create the

structure that they want. COSLA has concerns about that.

Jackie Baillie: Sections 7 to 9 set out the principal functions of fire authorities. Is COSLA content in general with the provisions, or is anything missing?

Stephen Hunter: COSLA has considered the provisions, which set out specific statutory duties. The bill would extend the duties that are set out in the Fire Services Act 1947—which was predominantly about firefighting—to include statutory duties in relation to road traffic accidents. The bill would also provide for conferral of functions in other emergencies. We hope that COSLA would be able to sit at the table to discuss the powers to deal with other emergencies that would likely be conferred on the service.

Jackie Baillie: Are you happy that such matters would be dealt with through secondary legislation, rather than in the bill? We have heard representations that suggest that urban search and rescue should feature in the bill, as should flooding, which is of particular interest to some local authorities. The UK sea of change project, which is due to report in April 2005, and which has implications for coastal communities, should also feature in the bill.

Stephen Hunter: The difficulty that arises in putting the bill together is in having an exhaustive list of emergencies to which the fire brigade would be capable of responding. Should we try to be exhaustive or should we try to be more general in respect of the emergency role of the service?

Councillor Sturrock: I add the rider that—as COSLA always says—if something is to be a core function, it should carry with it appropriate funding.

Jackie Baillie: Absolutely.

The Convener: I think that we would take that in tacit parentheses, Councillor Sturrock.

Councillor Sturrock: I would not like to let that past.

Jackie Baillie: Are there any concerns about the interaction of authority functions as specified under the bill and those that are specified under the Local Government in Scotland Act 2003?

Councillor Sturrock: Earlier, my colleagues and I were discussing the ability to charge, particularly in relation to some aspects of training. Under the 2003 act, we would be allowed to charge, but there are certain problems with that. I will hand over to Stephen Hunter, who will give you the details on the subject, which has been a bit bothersome.

Stephen Hunter: One of the issues under the 2003 act was community planning, in which the fire brigade wishes to remain actively involved.

The statutory duty to be a key player in community planning at local level is supported and we also support the power in respect of best value. As Councillor Harrold mentioned, there are concerns about the possibility of a common fire and rescue services agency. If there were only one agency, which all the fire services in Scotland would address for the purposes of procurement, for example, that might not offer best value; we might not be able to demonstrate best value if we have to buy through one particular route.

With regard to what Councillor Sturrock was talking about, the 2003 act gives local authorities the ability to set up trading accounts and to trade for profit in competition in the open market. We feel that, in some respects, the bill will restrict fire authorities' ability to charge at market rate. It stipulates that charging will be just at cost to the brigade and not necessarily at the market rate.

Colin Fox: Councillor Harrold made it clear that you have grave reservations about the proposed common fire and rescue services agency on the ground that you do not see the need for such a quango, which would centralise things more than necessary. The Executive has indicated that there exists the option for the agency not to be in the bill and for the proposal to be explored further. The pace of exploratory talks would be much slower than has previously been the case. Would that satisfy COSLA's concerns?

Councillor Harrold: I would always have major reservations about such a body. In order to set up a common agency, a large bureaucracy must also be set up. We have, working in partnership with seven of the eight brigades, purchased protective clothing for firefighters and saved something like £51.50 per unit by doing it that way. If a bureaucracy had to be set up, where would that £51 of savings come from? That would slow things up.

Over the 25 years of my involvement with the fire board, there have been a number of examples of insular or inward-looking fire authorities, but despite all the problems of the dispute, brigades working together is the way forward and the setting up of an agency—I was going to say in Edinburgh, but it could be in the Orkneys or anywhere—is not. Working together is the way forward. It would be of no benefit to the fire service to have a central agency.

16:00

Colin Fox: So—further discussion is not really necessary because you believe that, as things stand, there are sufficient grounds for collaboration without establishing an agency to ensure that collaboration happens.

Councillor Harrold: Yes.

Councillor Sturrock: We would prefer that that option be discounted now rather than the question be prolonged. If such a body is not regarded as a favourable option, we would greatly prefer that it be discontinued as an option rather than held over.

Stephen Hunter: It is important to add to what Councillors Harrold and Sturrock have said; many collaborative initiatives in the fire service are not just between fire brigades. Many fire brigades collaborate with their local authorities, national health service boards, the police and the academic institutions in their areas to get economies of scale in purchasing, for example.

Maureen Macmillan: What is COSLA's position on the Mott MacDonald report on the possible amalgamation of control rooms?

Councillor Sturrock: We have yet to make a formal decision. There is a feeling that the eight control rooms that exist at the moment have served us very well, but we have to consider the options that are proposed in order to work out whether they will bring benefits.

The question creates a difficulty for me in that I would have preferred to have come to the committee with a strong opinion, but the question has to go through the normal decision-making process. Although I can represent the feeling of the task group, it is difficult to provide the committee with COSLA's position.

However, it is my understanding that there is no support for there being only one control room because of the grave difficulty that would ensue should that control room ever be out of order. A great many representations have been made to COSLA on behalf of the eight control rooms on the link between the control room and command. At the moment, the control rooms serve many different functions and they are geographically dispersed. The figures that sit behind the estimation of the number of employees to be redeployed, should the number of control rooms be reduced, are not accurate, according to the firemasters. Because the control rooms are so widely dispersed, if one was to be closed, it is unlikely that people would want to travel to be part of the new one.

There would also be problems related to the kind of thing that Mr Fox mentioned in that there might be a range of shared expertise within a geographical area. If people do not move from an area, the knowledge from that area would essentially be lost.

There are many concerns about reduction of the number of control rooms, but we do not as yet have an official stance on the question. Those are the concerns that have been voiced. There is also a problem in that we are not at all sure that the

estimated savings can be made, at least not in the way that is proposed, and there are difficulties with determining how any reduction in the number of control rooms should be made. There are also capital costs involved; they do not appear to have been addressed. We cannot create an amalgamated control room just by putting extra people in the same room. I do not know whether Stephen Hunter has more to say on that.

Stephen Hunter: COSLA is concerned about the future governance arrangements, as any proposals to reduce the number of control rooms would reduce democratic control and result in a loss of local accountability. Although COSLA has not reached an official position, it is currently considering the issues. COSLA would be opposed to any continuation of the centralisation agenda, but it would not be opposed to evaluating any proposals that evidence showed would provide a more effective service.

Maureen Macmillan: When will COSLA come to a conclusion on that?

Councillor Sturrock: The issue is due to be discussed at the leaders' meeting on Thursday.

Maureen Macmillan: It would be helpful if we could be sent a note of COSLA's decision.

The Convener: Further to that, I want to cast back to Councillor Sturrock's earlier observation that a demonstrable case should be made before any change is proposed. In my area, Strathclyde, for 30 years we have had one brigade instead of the five brigades that we used to have and, for the past 20 years, we have had one control centre instead of five control centres. I am anxious to tease out from you—in the sense of gently extract, rather than torment—whether that has been a bad arrangement.

Councillor Sturrock: The fact that the Strathclyde area came to its own conclusion on that arrangement may have had something to do with its success. Many other functions in Strathclyde, such as transport, are arranged along that regional boundary. My understanding was that, given that there was a layer of regional government at the time, the arrangements in Strathclyde reflected the political reality. That would not be the case if the control rooms were restructured as suggested under the bill. From the performance of Strathclyde's control room—whether that be good, bad or indifferent—it would be difficult to extrapolate the future performance of arrangements across Scotland.

The Convener: That is interesting. If I understand you correctly, you do not necessarily object in principle to the possibility of having a smaller number of control rooms. Your concern is that any conclusion that is reached should be

arrived at on the basis of a local discussion. Is that correct?

Councillor Sturrock: Yes. The fire service is a local government function that should be for local determination. Otherwise, it ceases to be a local government function in quite the same way. There is a difference between proposals that are technically feasible and proposals that are democratically valid or locally accountable.

The Convener: But you are not saying that, in principle, reducing the number of control rooms is a bad thing.

Councillor Sturrock: It would be difficult to say whether it is a bad thing or a good thing on the basis of the sketchy information that we currently have. Most people fear that, if it were a bad thing, it would be too late to do anything about it afterwards, whereas we know that the current control rooms work. They are part and parcel of an integrated management system within each brigade. That is a very different system from one in which the control rooms are extracted from the brigades while the brigades are left as they are. Such a system almost presupposes that the whole brigades system would also be streamlined—a very emotive word. Streamlining implies improvement, but that has not yet been proved either. The proposals might better be described as the reduction of the local accountability process. The geography and sparsity levels of different parts of the country can create very different problems for each brigade. For those who believe in local government, the solution has to be one that fits each situation.

The Convener: Maureen Macmillan has a further question on fire safety and co-ordination.

Maureen Macmillan: How well do the fire safety enforcement duties fit with other local authority functions, such as the regulation of houses in multiple occupation and licensed premises? Is there likely to be a duplication of effort under the new fire safety regime?

Councillor Sturrock: With HMOs in particular, there is a determination in local government to ensure that what tenants and their neighbours are offered is safe and appropriate to the area. Local authority involvement in that covers a lot of different functions, such as environmental health, planning, licensing and the fire board. The idea is that we are all working together to ensure that the public are protected properly and that everybody is kept safe.

A reorganisation of that system would be much bigger than is hinted at in the bill. It is not something that can be covered in a sentence, because the other bodies would become the statutory consultees and the fire brigade would become the judge and jury. With the licensing

system as it sits, we at least have a legal system that can address appeals. I will let Stephen Hunter come in, but that is my take on the matter. If there are faults, the whole system should be reviewed and checked. It has not been running for that long and we have to give it time to bed in so that we can check whether it is working. If it is not working, let us try to improve it, rather than start a completely different system.

Stephen Hunter: The fire service is only one agency that inspects and decides whether it is appropriate that HMOs or licensed premises should be granted a licence. Building control, environmental health and the police are involved in considering the licence and whether the licence holder is a fit and proper person. We would like recommendations to be given more force under the bill. As the chief inspector said earlier this afternoon, there are concerns that recommendations will be disregarded where the fire service carries out only an agency inspection.

There are many areas where more parties need to be considered, as equal partners, before a licence is granted. However, we need more than just recommendations; a fire brigade should be allowed to set out requirements before a licence is granted. The issue is all about working in effective partnerships, because the groups that are issuing the licences are the local authorities—the police come under the local authority functions. Where the system is not functioning effectively, action needs to be taken. More emphasis should be placed on fire brigade comments; rather than being treated as recommendations that can be disregarded, they should have to be considered extremely seriously.

Maureen Macmillan: Do you have evidence that those comments are not being considered seriously? Are the fire brigades' recommendations not being followed or is that just a supposition based on anecdotal evidence?

Stephen Hunter: The original question was whether the fire brigade wanted to have the powers. Where, under the Fire Precautions Act 1971 or the Fire Precautions (Workplace) Regulations 1997, we are the enforcing authority, we carry out our duties. I do not have any local examples of where there is not an effective partnership arrangement where we are an agency inspector.

Jackie Baillie: Are you saying that you would stop short of being the enforcement body if—given that currently local authorities are the enforcement body for HMOs—your status were enhanced beyond a statutory consultee?

Stephen Hunter: Yes.

The Convener: Do you want to make any concluding clarifications?

Councillor Sturrock: We have covered many of the things that have been covered before, but our overwhelming feeling is that the bill is vague. It is concerning that the bill is so vague and that the minister would stand to have such sweeping powers. As I said, if the powers were to be used, much of the committee's detailed discussion would become academic, because it would be within the minister's power to make the decisions that the committee has discussed. That is worrying for local government. We believe in local democracy and feel that, as the fire service is a local service, its future should be determined at local government level, obviously in consultation and collaboration with the Scottish Executive. That is one of the most worrying aspects of the bill. Everything else can be discussed, but the vagueness is a major difficulty.

The Convener: On behalf of the committee, I thank David Millar, Stephen Hunter, Councillor Harrold, Councillor Sturrock and Barbara Lindsay for attending the committee. Their evidence has been extremely helpful.

Justice and Home Affairs in Europe

16:16

The Convener: Item 2 on the agenda concerns justice and home affairs in Europe. Committee members should have a paper that the clerks have prepared on the matter. The paper has been updated and paragraph 13 invites the committee to agree three action points.

If there are no questions about the paper, I draw the committee's attention to page 2, where it is suggested that we might invite Executive officials to a meeting in October after the recess to provide an update on the issues raised by stakeholders on the framework decision on certain procedural rights in criminal proceedings. Does the committee agree to that?

Members indicated agreement.

The Convener: With reference to the green paper on sentencing, the suggestion is that we invite an update from Executive officials at the same time as they give us an update on the framework decision. That seems logical. Depending on what unfolds, the committee might wish to consider what, if any, further action it wishes to take.

Members indicated agreement.

The Convener: Finally, we have the green paper on bail, which is certainly interesting and might have far-reaching consequences for member states. The clerks have given some options in paragraph 12 of their paper and I need a steer from the committee about what it would like to do. We could invite officials again at the same time as we are dealing with the other two matters or the committee might want to seek evidence on the green paper.

Jackie Baillie: I suggest that we await the Executive's response. I am conscious that the timescale is tight, but it would be more effective to take evidence on the basis of the Executive's response if we can.

The Convener: There seems to be some uncertainty as to when the Executive's response will come out. I suggest that, if the response predates our proposed questioning of officials on the other two issues at a meeting in October, we circulate the response to the committee and, if committee members want more urgent action to be taken, that can be intimated. If the Executive does not issue a response, we will simply hear from Executive officials at the same time as we hear from them on the other two issues. Is that acceptable?

Members indicated agreement.

Subordinate Legislation

16:19

The Convener: Item 3 concerns subordinate legislation. I declare an interest as an enrolled solicitor in Scotland.

Three statutory instruments have been circulated to members. They are all subject to the negative procedure and I will take them in the order in which they appear on the agenda.

European Communities (Lawyer's Practice) (Scotland) Amendment Regulations 2004 (SSI 2004/302)

The Convener: Are members content with the regulations?

Members *indicated agreement.*

Advice and Assistance (Scotland) Amendment (No 2) Regulations 2004 Amendment Regulations 2004 (SSI 2004/305)

The Convener: Are members content with the regulations?

Members *indicated agreement.*

Criminal Legal Aid (Scotland) Fees Amendment (No 2) Regulations 2004 (SSI 2004/316)

The Convener: The regulations have been necessitated by a drafting difficulty in an earlier instrument. My only observation is that the practical consequences of such a drafting error can be fairly serious; I am sure that the committee is anxious that that point should not be lost sight of. Are members content with the regulations?

Members *indicated agreement.*

The Convener: That concludes our formal business. I thank committee members for attending.

Meeting closed at 16:21.

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice at the Document Supply Centre.

No proofs of the *Official Report* can be supplied. Members who want to suggest corrections for the archive edition should mark them clearly in the daily edition, and send it to the Official Report, Scottish Parliament, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

The deadline for corrections to this edition is:

Wednesday 29 September 2004

Members who want reprints of their speeches (within one month of the date of publication) may obtain request forms and further details from the Astron Print Room, the Document Supply Centre or the Official Report.

PRICES AND SUBSCRIPTION RATES

OFFICIAL REPORT daily editions

Single copies: £5.00

Meetings of the Parliament and annual subscriptions: £350.00

The archive edition of the *Official Report* of meetings of the Parliament, written answers and public meetings of committees will be published on CD-ROM.

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

Single copies: £3.75

Annual subscriptions: £150.00

Standing orders will be accepted at the Astron Print Room.

Published in Edinburgh by Astron and available from:

Blackwell's Bookshop
53 South Bridge
Edinburgh EH1 1YS
0131 622 8222

Blackwell's Bookshops:
243-244 High Holborn
London WC1 7DZ
Tel 020 7831 9501

All trade orders for Scottish Parliament documents should be placed through Blackwell's Edinburgh

Blackwell's Scottish Parliament Documentation
Helpline may be able to assist with additional information on publications of or about the Scottish Parliament, their availability and cost:

Telephone orders and inquiries
0131 622 8283 or
0131 622 8258

Fax orders
0131 557 8149

E-mail orders
business.edinburgh@blackwell.co.uk

Subscriptions & Standing Orders
business.edinburgh@blackwell.co.uk

RNID TYPETALK calls welcome on
18001 0131 348 5412
Textphone 0845 270 0152

sp.info@scottish.parliament.uk

All documents are available on the Scottish Parliament website at:

www.scottish.parliament.uk

Accredited Agents
(see Yellow Pages)

and through good booksellers