

JUSTICE AND HOME AFFAIRS COMMITTEE

Tuesday 14 November 2000
(Morning)

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CONTENTS

Tuesday 14 November 2000

	Col.
GAMING CLUBS (HOURS) (SCOTLAND) REGULATIONS 2000 (SSI 2000/371).....	1878
SOCIAL PARTNERSHIP FUNDING	1880

JUSTICE AND HOME AFFAIRS COMMITTEE

33rd Meeting 2000, Session 1

CONVENER

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

DEPUTY CONVENER

*Gordon Jackson (Glasgow Govan) (Lab)

COMMITTEE MEMBERS

*Scott Barrie (Dunfermline West) (Lab)

*Phil Gallie (South of Scotland) (Con)

*Christine Grahame (South of Scotland) (SNP)

*Mrs Lyndsay McIntosh (Central Scotland) (Con)

*Kate MacLean (Dundee West) (Lab)

*Maureen Macmillan (Highlands and Islands) (Lab)

Pauline McNeill (Glasgow Kelvin) (Lab)

Michael Matheson (Central Scotland) (SNP)

*Euan Robson (Roxburgh and Berwickshire) (LD)

*attended

THE FOLLOWING ALSO ATTENDED:

Denis Oag (Scottish Parliament Information Centre)

CLERK TO THE COMMITTEE

Andrew Mylne

SENIOR ASSISTANT CLERK

Alison Taylor

ASSISTANT CLERK

Fiona Groves

LOCATION

The Chamber

Scottish Parliament

Justice and Home Affairs Committee

Tuesday 14 November 2000

(Morning)

[THE CONVENER *opened the meeting at 10:00*]

The Convener (Alasdair Morgan): First, I give Michael Matheson's apologies and remind members and myself to turn off mobile phones and anything else that makes a loud noise.

I apologise for the need to revise the agenda. We had expected the Executive to make the bill on compliance with convention rights available this morning. Members should have received copies to allow us to talk to officials about it, but, unfortunately, the bill will be delayed for more than a week. We will be sent a letter setting out the reasons for the delay, which will be circulated to members as soon as it is received. We were also expecting the title conditions bill, but now that is not expected to be introduced until after the summer recess. Later, I will talk about what we might do to fill any gaps that might arise in our timetable in the next few weeks.

We have had early notification that Clive Fairweather, Her Majesty's chief inspector of prisons for Scotland, will inspect Cornton Vale prison from 21 to 25 May next year and is looking for members to accompany him. Although he can take up to four members on one day, he has said that he would prefer to take one or two members over a set of days. It would help if anybody who was interested and available to visit Cornton Vale gave their name to the clerk after the meeting.

We will now start with the formal agenda.

Phil Gallie (South of Scotland) (Con): Before we do that, it is worth noting the disappointment that is felt about the late arrival of the convention rights bill. Given the confusion that incorporation of the European convention on human rights has thrown into the arguments, the delay is not surprising. I imagine that the process will be delayed for a considerable time.

The Convener: You may well be right, Phil. I could not possibly comment.

The first item on the agenda concerns item 4, which is discussion of the draft report on the proposed protection from abuse bill. Do we agree to take that in private, in line with our normal procedure?

Members indicated agreement.

Gaming Clubs (Hours) (Scotland) Regulations 2000 (SSI 2000/371)

The Convener: The above instrument is subject to negative procedure. Committee members have a note from the clerk. Does anyone wish to comment on this instrument, which extends the opening hours for gaming clubs?

Phil Gallie: I notice that the main purpose of the regulations is to extend the close of opening hours from 4 am to 6 am. I do not know whether there are any problems associated with gaming clubs. I have heard of none, and on that basis, I have no objection. It might have been useful to have had some comment about any incidents and implications, although the comment might have been that the extension would have no effect on people who live around clubs and that no problems were expected.

Mrs Lyndsay McIntosh (Central Scotland) (Con): The gaming clubs are usually in city centres anyway.

The Convener: The regulatory impact assessment contains a risk assessment section, which supplies various points of view. It says:

"The City of Glasgow Licensing Board object to the proposal on grounds of public order and increased strain on policing but the Association of Chief Police Officers . . . offers no objection."

The Executive note says:

"It is unlikely that the change would have a large impact on public order."

Christine Grahame (South of Scotland) (SNP): I would like some clarification about annexe A of the regulatory impact assessment, which provides a large list of organisations consulted and a list of those who responded. It is early in the morning for me, but the lists do not seem to match. I take it that the organisations that were consulted did not respond. Is that the case?

The Convener: Sorry?

Christine Grahame: Yes, it is early in the morning. I see that those who responded are a shortlist of those who were consulted. That is fine. I hope that my comments are not recorded.

Mrs McIntosh: They are.

The Convener: I notice that those who responded are not a subset of those who were consulted, because Angus licensing board responded but was not on the list of organisations that were consulted. I presume that the organisations that were consulted include some that are listed and some others that heard about the consultation.

Christine Grahame: That is what I was aiming for. Thank you for clarification and rescue, convener.

The Convener: As there are no further comments, do we agree not to make any representations about the instrument?

Members *indicated agreement.*

Social Partnership Funding

The Convener: The third item on the agenda is our bid for social partnership funding. We have a proposal for research into sentencing and alternatives to custody. It is perhaps particularly appropriate that we discuss that today, as the report of the Scottish Consortium on Crime and Criminal Justice was published this morning.

Members will remember that two choices were presented at the previous meeting. Both started with an opinion survey—the first used focus groups and the second ended with a conference. We felt that both approaches would be useful and asked for a proposal that would merge them, which is what we have now, in the shape of two papers.

Paper JH/00/33/3 is the proposal for research funding, and paper JH/00/33/4 is the proposal for funding from the civic participation budget, to finance the conference. Denis Oag from the Scottish Parliament information centre is available to answer any further questions on the two documents. The committee decided on the project some time ago, and the proposals represent the finalisation of our deliberations so far.

Phil Gallie: I have two minor points to make. I do not like the use of the term “easily” in the draft proposal. I accept that people can be influenced by the tenor of media reporting, but I would like the word “easily” to be removed.

The Convener: Where is that?

Phil Gallie: On the third line of the second paragraph of the draft proposal for externally commissioned research. That is a minor point, but I think that it is wrong to use that word. The media can represent different views.

My main query concerns dates. The draft proposal suggests that the surveys will come out in March and April 2001, and that the conference will be held in May. I am considering the general election and wondering whether the timing is right. I know that that is always a difficulty.

The Convener: Do you have a particular interest in the election, Phil?

Phil Gallie: I could well have.

The Convener: I do not suppose that anyone objects to removing the word “easily”, which may be raising some questions by its inclusion.

Christine Grahame: I am sorry to make you sigh, convener, but I would like to know what the first paragraph of the draft proposal means when it says:

“Judges, on the other hand, are required to take account

not only of the severity of the offence but also to balance the needs of the offender and the interests of the public."

I would not have picked the word "needs".

Denis Oag (Scottish Parliament Information Centre): The word "needs" was used simply to recognise the fact that offenders have needs, like anyone else. When judges consider what is the most appropriate sentence, they take account of the background of an offender.

Scott Barrie (Dunfermline West) (Lab): When social workers prepare social background reports, that is one of the things that they must comment on. No doubt the reason that they are required to comment on it is that sheriffs and judges want to know about it.

Christine Grahame: I know that, but I think that striking a balance for individual offences might make things clearer. People read the papers and see that one person who has committed a burglary gets one kind of disposal, while another person who has committed a burglary is put in jail. The public does not understand the distinction, although different backgrounds, previous convictions, the nature of the offences and the individual facts and circumstances will have affected the disposal chosen for each offence.

The paper should reflect that in some way rather than using the phrase "the needs of". We should use wording that takes account of the quality of a specific offence, the offender's previous record and background reports and which acknowledges the public's interests and need for protection. I think that "the needs of" will be misunderstood.

The Convener: Would a reference to personal circumstances be better?

Christine Grahame: A reference to the circumstances of the offence would be better than a reference to the circumstances of the offence and the offender.

The Convener: We have already included reference to the circumstances of the offence. The paper refers to the requirement

"to take account not only of the severity of the offence but also to balance the needs of the offender and the interests of the public."

Scott Barrie: What is wrong with referring to the personal circumstances of the offender?

The Convener: The point that that paragraph is trying to make is that we need to consider the offender as well.

Christine Grahame: I understand that. That is not my difficulty. However, I feel that, if this paper goes out into the public domain, "needs" might be misinterpreted. I think that we should put in something else to explain what we are trying to say. Gordon Jackson wants to add something.

Gordon Jackson (Glasgow Govan) (Lab): I do not disagree with you, Christine. I was not looking askance.

The Convener: Without going into a long explanation, is "personal circumstances" a better phrase?

Christine Grahame: I think so. That would be better than "needs", which might look as if it is soft on an offender and might be considered inappropriate.

The Convener: Is everybody happy with "personal circumstances"?

Members indicated agreement.

Euan Robson (Roxburgh and Berwickshire) (LD): I have a comment about the paragraph on page 2 about specific expertise. The final sentence reads:

"It would be a considerable cost advantage to engage a research organisation which currently runs a regular omnibus opinion survey."

I think that we ought to be careful about having some of our questions piggybacked on to one of those surveys that ask about a whole range of subjects. Some of the questions that we might want to ask are fairly detailed, particularly when it comes to attitudes. If people are stopped in the street by someone conducting an omnibus survey, they get impatient and cannot give the kind of considered responses that we need. I know that that method would give us a cost saving, but we might want a survey that goes into more depth than an omnibus survey in which a few questions are rattled off.

The Convener: Denis, would you like to comment on that?

Denis Oag: We decided to go for an omnibus survey because it is a much cheaper option than launching our own survey. The average omnibus survey covers a representative sample of the population—about 1,000 people. To do that off our own bat would be quite expensive. I recognise the problems of an omnibus survey that covers a whole range of issues and involves asking people questions in the street, although such surveys are usually conducted by telephone nowadays or by personal interviewing in the home. We would seek to ensure that it was not a street survey but a personal interview.

Euan Robson: I have reservations about that type of survey, particularly if it is conducted by telephone. Some people do not have telephones and their views are quite important. Social and political studies show that certain types of people happen to have telephones and are therefore more accessible than others who do not have telephones. I have reservations about a telephone

survey and about an omnibus survey. If we are going to do a survey—particularly a survey of attitudes—it must be a bespoke one rather than a piggyback one. If such a survey costs a little bit more, we will have to spend a little bit more.

10:15

The Convener: Those objections could have been raised at the previous meeting, but it is fair that members should be able to raise objections at any time. If members feel that they would like to revisit that option, we will have no alternative but to ask the Scottish Parliament information centre to prepare a revised proposal that will include the costs of a wider survey.

However, we must bear in mind that, given the costs of the survey and the costs of the civic participation conference, it may be decided that the budget is not available. Regardless of how much we might like or dislike the cheaper form of survey, having a survey plus focus groups plus a conference might break the bank, although I have no way of knowing that, because I do not know what is in the bank.

Christine Grahame: I have some reservations. Now that Euan Robson has raised those points, I feel that the proposed survey may be too superficial. It might be useful to see a sample questionnaire, if that is appropriate. That might give us some guidance on the kind of questions that have been asked on this or other issues. We might take comfort from that and some of our fears might be allayed. If the survey is going to be a quickie, I would have some concerns.

The Convener: Before I ask Denis Oag to comment, I should say that the survey, although it may be superficial, is only one part of a package. We must not lose sight of the fact that the package also includes focus groups and the civic participation conference.

Christine Grahame: I appreciate that, but I still have concerns. The paper says that the committee “recognises that much current information regarding public opinion on these issues is anecdotal”.

I do not want an anecdotal survey. It goes on to say that

“public opinion may be easily influenced by the tenor of media reporting.”

If the survey is conducted too quickly, we might get anecdotal or media-influenced answers rather than more considered answers. I do not know for sure, but, like Euan Robson, I have concerns.

Scott Barrie: When we discussed this matter two weeks ago, the reasons that Christine Grahame has been citing were the very reasons why I liked the idea of a three-part process. Such

a process can tease out some of the key issues in a complex and difficult subject. The way in which the first set of information is gathered is not particularly material; it will be more interesting to see how people have formed their opinions when it comes to the other parts of the process. People’s reservations about the initial survey are immaterial, because the focus groups and public participation will tease out the details. That is why I wanted a three-point package in the first place, because that is how I saw our investigation developing.

Mrs McIntosh: Scott Barrie has highlighted exactly what I wanted to say. It is the focus group interviews that will give us the most useful information. The initial survey will be to confirm what we suspect we already know. The focus groups will give us the details that will really inform our opinion.

Denis Oag: I agree that it is difficult to word questions, whether in an omnibus survey or a bespoke survey, to get the sort of answers that you are looking for. A recent example is the Scottish crime survey 2000, which included 10 questions on attitudes towards sentencing. That would give us an idea of the sort of questions that we might want to ask and would allow us to draw on a much larger sample—2,500 people—for our work. That survey did not ask exactly the same questions that we might want to ask, but it asks very similar ones.

The Convener: I gather that the whole point of the initial survey is just to get a sample of public opinion, formed as the result of anecdotal evidence. We are not asking for a considered opinion after people have sat down to think about the question for a couple of hours. We will be asking what people think when they are asked straight out and they give a snappy answer.

Christine Grahame: A vox pop?

The Convener: Yes.

Christine Grahame: If we know that that is what it is, so be it, but I would still be interested in seeing the questions that will be asked.

The Convener: That will come at a later stage, once we have approval for the basic outline of the survey. Then we can go into detail about precisely what we are going to ask at each stage.

Christine Grahame: No, I meant that for my own interest I would like to see the draft questionnaire, if that would be appropriate.

The Convener: I am sure that that could be circulated.

Gordon Jackson: Vox pop is important as a starting point to find out what people think. Whether what they think is right or wrong, or is

objectively nonsense or objectively sound, does not matter. In a sense, it is of no importance whether there is any basis for what they think; it is what they think that is important.

The Convener: With those comments, are members happy for this document to go to the conveners group?

Members *indicated agreement.*

The Convener: We will move into private session for the next item, so I ask the vast hordes of the public to leave the chamber.

10:20

Meeting continued in private until 11:08.

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