

# **JUSTICE COMMITTEE**

Tuesday 13 November 2007

Session 3

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## JUSTICE COMMITTEE

### 9<sup>th</sup> Meeting 2007, Session 3

#### CONVENER

\*Bill Aitken (Glasgow) (Con)

#### DEPUTY CONVENER

\*Bill Butler (Glasgow Anniesland) (Lab)

#### COMMITTEE MEMBERS

\*Cathie Craigie (Cumbernauld and Kilsyth) (Lab)

\*Nigel Don (North East Scotland) (SNP)

\*Paul Martin (Glasgow Springburn) (Lab)

\*Stuart McMillan (West of Scotland) (SNP)

\*Margaret Smith (Edinburgh West) (LD)

\*John Wilson (Central Scotland) (SNP)

#### COMMITTEE SUBSTITUTES

Aileen Campbell (South of Scotland) (SNP)

Marlyn Glen (North East Scotland) (Lab)

John Lamont (Roxburgh and Berwickshire) (Con)

Mike Pringle (Edinburgh South) (LD)

\*attended

#### THE FOLLOWING GAVE EVIDENCE:

Miranda Alcock (Audit Scotland)

John Baillie (Accounts Commission)

Mr Robert Black (Auditor General for Scotland)

Kenny MacAskill (Cabinet Secretary for Justice)

Ronnie Nicol (Audit Scotland)

#### CLERK TO THE COMMITTEE

Douglas Wands

#### SENIOR ASSISTANT CLERK

Anne Peat

#### ASSISTANT CLERK

Euan Donald

#### LOCATION

Committee Room 2



## Scottish Parliament

### Justice Committee

*Tuesday 13 November 2007*

[THE CONVENER *opened the meeting at 10:18*]

### Police Resources Inquiry

**The Convener (Bill Aitken):** Good morning, ladies and gentlemen, and welcome to the meeting. I remind all those present, including members of the public, to ensure that their mobile phones are switched off. We have received no formal apologies, but Bill Butler has indicated that he will be late, due to transport difficulties. He is due to join us shortly.

Item 1 is on the effective use of police resources. I welcome Robert Black, the Auditor General for Scotland; John Baillie, chairman of the Accounts Commission; Miranda Alcock, portfolio manager for Audit Scotland; and Ronnie Nicol, Audit Scotland's assistant director of public reporting for local government. The committee is obliged to you, Mr Black, for your written representations. If you have any brief opening remarks to make, we would welcome them. Members may then ask questions.

**Mr Robert Black (Auditor General for Scotland):** Good morning and thank you for the invitation to share our knowledge with you. The subject matter of your inquiry is extremely important and very timely. John Baillie, who was recently appointed as chair of the Accounts Commission, and I are pleased to assist you in any way that we can.

The committee has received a joint submission from the Accounts Commission and me. As I am sure the committee is aware, we share responsibilities for the audit of police expenditure, with the Accounts Commission having extensive responsibility at the level of police authorities. That includes the application of the best-value regime, financial auditing and the preparation and publication of key performance indicators in policing. My responsibility is for all other public spending in Scotland that is devolved, by and large, and for the application of best-value principles to the rest of the public sector. Of course, that includes justice and everything to do with the new Scottish Police Services Authority.

If I may, I will make a statement of something that I am sure is obvious to the committee. Our submission is based on audit evidence. It is drawn from our recent public performance report "Police call management—An initial review" and from some of the initial pilot work that the Accounts

Commission commissioned into how the best-value audit of policing might be applied.

As the committee will appreciate, it is not appropriate for either me or John Baillie to comment on policy or matters relating to professional standards in policing. Others are better qualified than we are to do that. We will do our best to answer the committee's questions, but there may be points at which we will have to say, "I am sorry, but we do not have the evidence to provide you with an informed answer on that." Within those constraints, John Baillie and I are delighted to help you in any way that we can.

**The Convener:** Thank you very much, Mr Black. That was admirably brief.

Our first line of questioning is to probe the audit approach to police management and governance. It will be led by Margaret Smith.

**Margaret Smith (Edinburgh West) (LD):** Good morning. In your written submission, which was very useful, you state:

"Modern expectations of the effective and efficient management of public services involve a much wider range of issues than those outlined in the 1967 Police Act".

Will you elaborate on that and highlight the developments that have had the greatest impact on policing? Also, others who have given evidence have suggested that a new definition of policing would be useful. What are your views on that?

**Mr Black:** I am pleased to answer that and I am sure that John Baillie will assist me in doing so.

There have been a number of significant recent developments governing policing. As the committee is well aware—I know that you have taken a lot of evidence on the subject—there is a view that the founding legislation is the Police (Scotland) Act 1967. Although that is entirely appropriate, there have been a number of developments since then.

In our submission, we highlighted two legislative developments. First, the Local Government in Scotland Act 2003 put a duty on local authorities to undertake best value across a range of areas. The audit process—particularly the Accounts Commission in the case of local government—must respond to that. The 2003 act was a milestone in the development of accountability in the public sector as a whole. Of course, as the committee is aware, councils are police authorities. The 2003 act applied the principles of best value to police authorities, as it did to local authorities in general.

Another significant legislative development was to put the duty of community planning on local authorities. That created the situation under which local authorities have the power and duty to co-

ordinate the planning and delivery of all public services that are relevant to the well-being of communities. Clearly, policing is involved in that.

Those are perhaps the principal legislative changes in recent years, although it is probably also worth mentioning the Police, Public Order and Criminal Justice (Scotland) Act 2006, which, among other things, created the Scottish Police Services Authority. Of course, that has provided a much stronger, central platform for the delivery of key services to policing. The world has moved on a lot since the 1967 act was passed.

The best-value duties and powers offered a new audit challenge to which we had to rise. As I am sure the committee is well aware, our duties in relation to best value extend more widely than simply providing an opinion on the accounts. Through the audit process, we now have an obligation to look at the overall management arrangements of public bodies, including police authorities, and to challenge and report independently on those.

I am sure that John Baillie can help you more fully on the situation in police authorities.

**John Baillie (Accounts Commission):** The general aims of best value, as you are probably aware, are set with partners. Local authorities have to identify the priorities of the community and put in place a structure that is organised to achieve those best-value aims. They must also put in place performance management systems that demonstrate that the needs are being met and which drive continuous improvement. Our submission explains the issues that arise when that model is applied to the police authorities.

**Margaret Smith:** You have said that the duty to achieve best value falls on the police authorities and that the powers to achieve best value lie with them as well, not the chief constable and the police services themselves. In other sessions, we have touched on the issue of managing the public's expectations and getting access to information about the public's priorities. You said that one of the key elements of achieving best value is identifying the priorities of the community. In that regard, we have heard some debate about whether forces are genuinely taking on board the views of local communities about what the priorities should be. We have also heard some criticism of the tripartite arrangement and there has been some discussion of whether police authorities hold police services and chief constables to account. Does the system that is in place at the moment make best value achievable or does it just pay lip-service to the notion of best value?

**John Baillie:** I will address all the issues in your question apart from the tripartite arrangement,

which Robert Black will want to comment on more fully.

This will be the first of a few answers that we will give you in which we will say that we do not have sufficient evidence to be able to give you a definitive answer. The current circumstances and the set-up under the tripartite arrangement mean that the question of who is responsible for what is slightly cloudy.

**Margaret Smith:** I wanted to address that issue in a minute, anyway.

**John Baillie:** The other aspect relates to the extent to which surveys can be conducted by local authorities to find out the needs of the community. A lot of work needs to be done in that area if we are to get a balanced view of the needs of the community, including the policing needs of the community. There are a range of issues in relation to which the police authorities would have to undertake work, given the right impetus and clarity of purpose.

**Margaret Smith:** That brings me back to one of my initial points. Would a new definition of what the police should be doing be useful to the public, so that the public know what they can expect before they are surveyed on what they consider to be their needs in relation to local police services?

**John Baillie:** Again, I will answer as far as I can and Robert Black will follow me.

Certainly, clarity about the definition of "policing"—even if it only confirmed people's current understanding—would be helpful. What that definition would be is, of course, a matter for debate.

**Margaret Smith:** Before Mr Black speaks, I would like to ask my next question, because I think that it is probably the one that Mr Black wants to answer. Asking it myself will help me get the issue clear in my head.

Your written evidence highlights what you think are quite important limitations of and weaknesses in the current governance arrangements. As we have said, other people have talked about that as well. The weaknesses and limitations include a lack of clarity around certain issues, such as the respective roles in the tripartite arrangement, the operational autonomy of chief constables, which we hear a lot about—to borrow one of your expressions, there seems to be some cloudiness around that issue—and the role and accountability of the Association of Chief Police Officers in Scotland. You note that it has gone from being in effect a staff association to being a company limited by guarantee, but there seems to be a lack of clarity about its role. At the heart of the decision making is the tripartite arrangement, which Mr Baillie has described as being cloudy; a lack of

clarity about the operational autonomy of chief constables; and a lack of clarity about the accountability of ACPOS. What can we do to address those issues, and which ones should take priority?

10:30

**Mr Black:** I shall attempt to answer that. Margaret Smith's diagnosis is accurate, and we would endorse everything that she said. I would add a further issue to the list that she mentioned, which is the arrival on the stage of the Scottish Police Services Authority. The SPSA is assuming responsibility for a significant range of central and support services and—because the Scottish Crime and Drug Enforcement Agency is embedded within it—some activities that impact directly on crime detection and prevention.

That is changing the context within which local police authorities are working. Without straying too far into the policy agenda, I note that, over a number of years, ACPOS has stepped in to meet a need in Scottish policing for the provision of professional strategic direction. ACPOS has worked closely with Her Majesty's inspectorate of constabulary for Scotland to support ministers. Most recently, it was clearly felt that there was a strong case for a new central agency to provide the critical mass to deliver effective support services and specialised policing, such as that undertaken by the SCDEA.

Observing the Scottish scene, I think that the recognition has grown over the past few years that a more strategic focus needs to be brought to some of these issues. That is entirely appropriate, but it leads us to a position in which, as John Baillie has eloquently outlined, so many things are happening elsewhere that the accountability at the level of the police authority is cloudy. A good example of that can be found in "Police call management", which we produced in September. The committee will be aware from our submission of what is in that report in general terms, but I shall remind you briefly.

We looked at the way in which police forces managed the receipt of calls. A total of £45 million was spent on that in 2006-07, but we concluded that value-for-money measures were rather underdeveloped. The report highlighted some of the problems with the lack of clarity. ACPOS was very involved in the high-level specification of the command-and-control system, which involved a commitment of budget. However, that spend was the responsibility of the police authorities with the chief constables and, in effect, they had no control over it—that decision was made for them. If we were to ask, "Who was accountable for that strategic decision?" it would be quite difficult to answer, or, to use John Baillie's wonderful word, it

is a bit cloudy. The police authorities were not accountable, although the chief constables and ACPOS had some accountability. We have no simple answers, but the committee could fulfil an extremely valuable role by addressing some of those issues and pointing the way forward for future accountability arrangements.

**Margaret Smith:** I want to pick up on the operational autonomy of chief constables. I am sure that later on we will get into the issue of central Government providing resources—whether they are enough is another question—and then saying that they are to be used in the community, for example. Is that acceptable? Is it a growing trend? We hear people say that they believe that the operational autonomy of chief constables is under threat as a result of central Government—whichever Government that might be—having a greater say in such decisions. Is that a fair take on the present situation?

**Mr Black:** I suspect that both John Baillie and I would be of a similar mind in believing that the answer to that question is predicated on the answer to another question: what is meant by operational autonomy? The phrase "operational autonomy" does not appear in the 1967 act. It is a term of art, the use of which has grown over the years. From observing the scene from an audit perspective, it strikes us that custom and practice have emerged whereby the members of police authorities, with the chief constables, take quite a narrowly defined view of what their role is in relation to the significant responsibilities of the chief constables for directing operational matters.

I am sure that the committee will have taken evidence on the issue from people who are much better qualified than we are, not least HMIC, whose submission I read with great interest, as you can imagine. However, we are struck by the contrast between the situation in Scotland and the situation south of the border, where there is now a requirement on police authorities and chief constables to prepare the police plan jointly, which means that there is a sense of joint ownership. There is also a requirement on police authorities in England to review the performance of policing against that plan. In other words, the performance review activity must be done against the template of a police plan. Given that we are not experts on the subject, I would not want members to read too much into our view, but it seems that such a structure offers a good prospect of providing clarity on which areas of spend and police activity are properly driven by national concerns and priorities and which areas are responsive to local authority and neighbourhood concerns, with the result that, when we come to the performance review of police, the different elements can be clearly identified, which I am not sure is happening adequately at the moment.

**John Baillie:** The pilot study of best value in police authorities ran into the difficulty of priorities being set predominantly on a national rather than a local basis, which must be a particular concern for police authorities that have a local agenda to which they must attend.

**The Convener:** We have heard some interesting stuff on that issue; we now move on to police priorities.

**Paul Martin (Glasgow Springburn) (Lab):** Can you give me some specific examples of local strategies that might be missed at the expense of national strategies?

**John Baillie:** One of the best sources of information on that is probably Audit Scotland's recent study on police call management. Miranda Alcock will provide the detailed examples that flush out the point that you raise.

**Miranda Alcock (Audit Scotland):** As well as the call management study, we did a study on community planning, which strongly highlights the balance between national and local priorities. Community safety is an example of an issue that is a priority across Scotland, but how we deliver safer communities depends very much on the problems that exist in particular communities that make people feel unsafe, which vary enormously.

As we said in our submission, the 25 community safety theme groups had 31 different priorities, but there were variations even on how to achieve the same priority. That was the case with antisocial behaviour, for example, which was an extremely common priority, given the Scottish Executive's drive to reduce it over the past few years. Even with that, if we dug down, we found different ways of dealing with the issue. That is right and good because that is how the policing needs that the community has made known are reflected, but there can be tensions when nationally driven priorities are not priorities for a particular community. We found in our other work that national priorities dominate some of the local priorities. However, community planning is definitely driving priorities. Our study showed how big the variation is throughout Scotland because local communities have different requirements and needs. That is what community planning was meant to achieve.

**Mr Black:** Context is important, because the picture is fast moving. What Miranda Alcock says is absolutely correct and I hope that it is helpful to the committee to have such an outline. However, within the past few months, the Scottish Government has produced the new Scottish policing performance framework. The fact that it has been possible for the agencies to work together—Audit Scotland had some input—to articulate the high-level objectives clearly and roll

them down into what they might mean at operational level is a significant step forward.

The picture is moving; we would not want to give the committee the impression that everything is static and in a state of serious disrepair. A lot of hard work is going on and the new performance framework is a good step forward. It will help to clarify the distinction between the national priorities and the local ones but, of course, it is early days.

**Paul Martin:** You have put forward a technical argument. We have talked about frameworks, operational plans and national strategies, but can we get down to the local advantage? We have heard from police officers that it is all very well to have national strategic plans with bar charts and statistics that look good on paper but, when it comes down to it, those police officers not only have to look after local needs but have to police football matches, respond to terrorism alerts and look after city centres. How does that fit in with saying that we have to provide local plans as well? Do we not have to give police officers the autonomy that enables them to deal with such incidents?

**Mr Black:** I support and acknowledge what Paul Martin says. Perhaps I did not express myself clearly, but the point that I was trying to make was that there is a prospect that, in the next 18 months or so, the new policing performance framework will result in better information coming through on the different areas of activity, from national policing concerns to concerns in local communities and neighbourhoods. If that information is well used, there will be a new opportunity for the police authorities to hold chief constables to account for their use of resources and performance. One of the fundamental problems is that the quality of the available information is not up to scratch to allow that to happen. I agree with Mr Martin that that is a technical issue. However, the performance framework opens the door for the police authorities to think through anew, with the Parliament's and Government's guidance, their role in holding the police forces to account for what they deliver.

**Paul Martin:** How good are police forces at gathering local views? Does the evidence that you have gathered show that they are good at doing that or is the information patchy?

10:45

**John Baillie:** We do not have an enormous amount of information that would enable us to comment on that. We have some information from the call management report and some from the pilot study, but it is relatively patchy. How we get relatively in community needs is a difficult issue.



We all have our pet projects. Simply putting them into some great melting pot is easy; the problem is giving them weighting in accordance with other priorities and other demands on scarce resources. The whole area of surveys of what the public needs has to become more sophisticated and more broadly based.

**Mr Black:** Our community planning work highlighted that more good work is going on in this area but, as John Baillie implied, it tends to be a bit fragmented between different police authorities. From our vantage point, we find it difficult to build a coherent picture about what is happening in different parts of Scotland and of relative performance. I find reasonably persuasive the view that the approach to community surveys has to be standardised. I am not saying that everything should be done centrally, but an attempt has to be made to understand what really matters to communities. I guess that what matters in Shettleston is not dissimilar to what matters in Sighthill.

**The Convener:** Is that Sighthill in Edinburgh or Sighthill in Glasgow?

**Mr Black:** Indeed. If we had a shared understanding of what we are trying to survey and used a robust methodology, the situation would be significantly enhanced and we would have better information for holding the forces to account.

**Paul Martin:** Have you recommended that every police force should have a specific, robust mechanism in place?

**Mr Black:** I cannot recall offhand what was in our study, but Miranda Alcock is flicking through it.

**Miranda Alcock:** In the review of community planning, which we published the summer before last, we made a couple of recommendations about making community engagement more systematic. There is certainly potential for the different partners in community planning partnerships to work together to gather the views of communities. That is difficult for the six joint boards, which encompass more than one community planning partnership. The police are not alone in that, as the situation is the same with fire and rescue boards and national health service boards. It is a real challenge for the boards to balance what they require to do with local community planning needs.

In the police call management study, we recommended that forces be more systematic about how they understand the needs of their officers and the needs of the communities that they serve. When the new call management systems were bedding down, there was quite a shift. We said that forces had to understand what the communities need in relation to the police answering calls.

**The Convener:** What is the title of the report to which you are referring?

**Miranda Alcock:** "Police call management—An initial review". We have circulated it to you.

**The Convener:** I was just checking that it had been circulated, which it has.

I invite Cathie Craigie to ask questions about civilianisation.

**Cathie Craigie (Cumbernauld and Kilsyth) (Lab):** Good morning, everyone. I want to ask about your inquiry into call management. In your study you say that the number of call management posts held by civilian support staff in proportion to the number held by police officers varies significantly throughout Scotland. Why is there such variation and what are its implications?

**Miranda Alcock:** There is such variation because there are eight police forces, all of which have their own ways of setting up systems and their own traditions of how many police officers they employ. Over the years, the forces have all taken different approaches, so they have different starting points for their approach to civilianisation.

We looked at civilianisation when we did the study on call management, because there are advantages and disadvantages to employing police staff and police officers within contact centres. Police staff provide cost savings; they are cheaper to employ because their pensions, training and so on are cheaper. There is obviously potential for some posts to move to police staff, and some have done, but we found that some people appreciated the operational knowledge that police officers have. We felt that more national work should be done to decide on the best balance. Nothing seemed to have been done to establish which posts were most suited to police staff and which required the training and skills of police officers. The arrangements have developed differently throughout the country. There is a need for further work and for forces to work together to decide on the most efficient and effective balance. Such a systematic approach seems to be lacking; the arrangements have developed ad hoc. A more systematic analysis of the skills that are required in the different jobs could be conducted to establish what skills are required, the best type of training and the type of people required to fill the posts.

**Stuart McMillan (West of Scotland) (SNP):** Is there an argument for having a national police force, rather than eight forces that work together from their own individual starting points?

**Mr Black:** That is a policy and a professional matter, on which it would not be appropriate for us to comment. I am sorry, but I cannot help on that one.

**Cathie Craigie:** From Miranda Alcock's response, I conclude that the arrangements have developed separately, with everybody doing their own thing and that there needs to be more focus on individuals. Did you identify any positive or negative aspects? Did your work investigate how the public felt about having their calls answered by a police support staff member rather than a police officer?

**Miranda Alcock:** During the study we did some work with focus groups on people's experiences of calling the police—that issue did not come up.

**John Baillie:** One of the points that Miranda Alcock is articulating is the difficulty of evaluating the benefit of having a role filled by a police officer that might otherwise lend itself to civilian staff. One benefit is the reassurance that the public get from talking to police officers rather than civilians; another is the no-strike issue. It is difficult to put a value on those benefits. A much more comprehensive study would have to be conducted to come to a definitive view.

**Cathie Craigie:** Who should carry out such a comprehensive study?

**John Baillie:** Whoever the politicians decide should do it, I suppose. I suspect that, whoever does it, it will be a collaborative effort that involves parts of the jigsaw. The police would be closely involved, as perhaps would be some of the scrutiny agencies. Politicians would also have to be involved.

**Cathie Craigie:** Has your recent work focused on call management, or have you also examined the wider issue of civilian support workers within the police service?

**John Baillie:** No, the main work that we have produced came out of the police call management study. We tried to examine the issue of civilian support workers when we carried out our pilot study of best value, but we ran into difficulty because of the problems that we discussed earlier about who does what.

**Cathie Craigie:** Is there perhaps scope for a further evaluation of that issue across the eight forces? Given the wide and varying differences in call management that are highlighted in the report, might similar differences exist in relation to other posts such as, for example, dispatchers?

**John Baillie:** One of my officers has just whispered to me that there are many things that we would like to do if we had the resources. That is certainly part of the answer.

Any such study would ultimately come down to judgments—possibly political judgments among other things—about the value of using civilians. Civilianisation provides the benefit of resource containment because it releases officers for other

duties, but an evaluation must also be made of the softer benefits of having police officers involved in the possibly civilian activities that we have been discussing.

**Mr Black:** If I may say so, I think that it would be perfectly appropriate—and, in my view, desirable—for the police authorities to take an interest in this significant issue of the use of resources and performance. Our police call management study gives some interesting basic information that individual authorities could use to ask, "Why are we doing this in police area X, whereas in police area Y we are doing something else?" They could ask entirely reasonable questions of the managers within the forces about why they have gone for a particular form and what performance information is available. I think that the police authorities need to do more on that. As I remarked earlier during my conversation with Paul Martin, the information that will become available through the new performance framework will provide that database, but the police authorities need to take significant ownership of the issue. The challenge for them is to take best value seriously, which means that they need to examine performance in their local forces perhaps more intensively than they have done.

**Cathie Craigie:** Can you comment on whether police forces have scope for further civilianisation in other areas?

**Mr Black:** I think that that is a matter on which the professionals would need to advise you. We cannot really comment on that, unfortunately, as there is no evidence on that in our study.

**The Convener:** We will now consider the question of resources.

**Nigel Don (North East Scotland) (SNP):** Good morning. I am grateful for the answers that you have already given on the performance framework, as they deal with much of what I proposed to discuss. Let me just go back to the basics. The review suggests that the police services lack robust, outcome-based performance indication. In view of what you have said, do you believe that the new performance framework rectifies that completely? Where are the holes, please?

**Mr Black:** We believe that the new performance framework offers the prospect of rectifying that. We think that it marks a significant step towards having a system in which we are gathering the right information on the delivery of key priorities and on the performance monitoring of that delivery.

Perhaps Ronnie Nicol could comment on that. He was involved in the working party if I recall correctly.

**Ronnie Nicol (Audit Scotland):** We would advise that any strictly measures-based approach will not in itself satisfy the need for the information that you require in order to make quality and management decisions. It has to go with a range of other things. The development of the performance framework is an important step forward, but it must also be tied in to the reporting of the information that comes through, and how that is used, if we want to be able to make judgments and decisions on how the service should be managed in the future and in the next cycle of the business plan.

The framework is a good step forward in the sense that it brings some consistency to what is being measured and provides some connection between what is being measured and the national key priorities for policing. However, we need to realise that, as the information begins to be reported after the first cycle, a range of issues will emerge about why certain results and figures exist in some areas and not in others. There will then need to be quite a lot of debate and discussion, for which we will need additional information, for example on the context and background and that type of thing.

11:00

**John Baillie:** The two parts of the new framework that I find particularly encouraging are, first, the consistency of preparation to which Ronnie Nicol referred, because it enables much easier comparison, and secondly, the clearer emphasis on outcomes rather than activities alone. Examples of outcomes that are focused on in the criminal justice and tackling crime area are the

“Detection rate for recorded crimes and offences”

and the

“number and proportion of racially aggravated crimes detected”.

**Nigel Don:** I have done a bit of auditing in my time and I understand how one always likes numbers—there is nothing quite as hard as a number. What is your view on national versus local priorities and, in particular, the subset of local community priorities? I put that question in the context of my home city, Dundee, where there are six community planning areas—forgive me if I am wrong, but there are about six of them—whereas there is one joint police board for the whole of Tayside. If we are asking the joint board to scrutinise what the chief constable of Tayside is doing, but we have many community planning partnerships and groups in that area, do we not have a problem with those areas getting accountability for local community plans?

**John Baillie:** That is what I touched on earlier—the need to try to weight the relative demands of pieces of the community within a larger group. It is a difficult job, but it is worth taking the time to try to do it properly. If it is done properly, it forms the basis of a robust plan and list of priorities. However, that takes us back to the need for more sophistication in how you weight one demand or need as against another.

**Nigel Don:** How can police boards, which cover wide areas—in the case of Strathclyde, a very wide area—reflect accurately, or even reasonably, community plans at the local level that I talked about?

**John Baillie:** There is a limit to what a particular police board can do to list in its priorities the needs of area A versus those of area 47, for example. Inevitably, there will be some need for compromise. I am not sure whether I am answering your question.

**Nigel Don:** You are highlighting what I think is a genuine problem. I wonder whether we should find it acceptable that the eight forces are currently scrutinised by the police board at chief constable level, or whether there should be some subset of scrutiny at superintendent level or whatever, so that we can have genuine local accountability against the local plan and local needs.

**Mr Black:** The word “plan” is critical. One of the key findings from the pilot work that we did on best value is that the current planning framework is not quite fit for purpose. I will attempt to articulate what an improved approach might look like. The chief constable would indicate to the police authority what his strategic priorities were—including the national priorities for policing and tackling crime, and reflecting the priorities of the Scottish Government and input from ACPOS and so on—and that the police authority should take a more active role in identifying local priorities that really matter in the various parts of the community of Tayside, which would then be taken into account. Those strategic and local priorities would be set alongside the available resources and there would be well-informed dialogue between the chief constable and the police authority about how those priorities would be made to fit within the budget. It is not unfair to say that we have a way to go before we reach that situation in Scottish policing.

I do not wish to push this too far but, within such a framework, it would be perfectly possible to devolve responsibility for determining in local communities certain local priorities that were recognised as appropriate by the chief constable and the police force and that would sit below, for example, the Tayside Police plan. Moving in that direction would represent a significant step forward. Of course, this environment is

complicated by the fact that, as we mentioned earlier, local authorities are also developing community planning. Fitting that into the overall framework will present further opportunities and challenges.

**The Convener:** I believe that you might have anticipated John Wilson's question. Nevertheless, we will proceed.

**John Wilson (Central Scotland) (SNP):** As the convener has indicated, you have very much answered my first question. However, I have another question. Given that there are different layers, including local police forces, community planning projects, the national framework and the Scottish Police Services Authority to take into account, and that the various players are taking in resources, is there a need for a more robust cost-benefit analysis of policing activity? Can we learn any lessons in that respect from how local government has operated over the past few years?

**Mr Black:** The short answer to your question whether we feel there is an opportunity to do more cost-benefit analysis is yes. Indeed, there is no doubt that Scottish policing could get quite a lot of value from a robust, well-evidenced analysis of what works best and of how we can get the most impact out of the current spend. I am sure that the recently appointed chief inspector of constabulary and the senior management of the Scottish Police Services Authority share that view. We have had some really quite constructive conversations with them about how we can continue to work together on this matter.

John Baillie will want to comment on your second question about the lessons that can be learned. However, the main point is that a robust and effective approach to best value has been taken across local government, particularly in the better managed local authorities. As we have attempted to set out this morning, we believe that those principles could be more fully embedded in the police authorities.

**John Baillie:** Obviously I endorse Bob Black's comments, but as far as police authorities and police forces are concerned, there is a slightly different dimension to take into account. In local authorities, councillors and officials work cheek by jowl and see each other constantly. However, the same close relationships do not exist in police authorities. That is not an issue; I am simply observing that, because of that lack of familiarity, the monitoring mechanism is a bit different.

I hope that the policing performance framework, which was mentioned a moment ago, will provoke a number of questions that will then prompt research on some of the difficult issues that police forces—and, indeed, police authorities—are

facing. More cost-benefit analysis of areas of concern should form part of that research.

**John Wilson:** On the national policing priorities and the framework that you have just mentioned, I am interested in your comment about the relationship between the police boards and chief constables. Given the different layers in the decision-making process—the national framework, the police boards and the chief constables—how can we get a robust analysis of how each pound is being spent? Are you saying that you want a greater role for police boards and a closer relationship between police boards, chief constables and police forces? If so, how would that play with the national strategy in relation to policy directives that come from Government or elsewhere?

**John Baillie:** I would like to see a clearer relationship between police authorities and chief constables. The question takes us back to the point about the tripartite arrangements, which we mentioned at the beginning.

The extent to which the national priorities feed into the local plan is a matter for the chief constable and the police authority to discuss and agree as part of the plan for the chief constable's area. Given that resources are scarce, I presume that that will inevitably involve a degree of compromise between national and local priorities.

**The Convener:** As members have no further questions, I thank the panel for their attendance. What we heard this morning usefully augmented the written report. We appreciate your taking the time and trouble to attend.

11:11

*Meeting suspended.*

11:13

*On resuming—*

**The Convener:** I welcome Kenny MacAskill MSP, the Cabinet Secretary for Justice, who is appearing before the committee almost weekly. He is accompanied by Alastair Merrill, who is deputy director of police powers, performance and resources at the Scottish Government. I invite Mr MacAskill to make some brief opening remarks.

**The Cabinet Secretary for Justice (Kenny MacAskill):** Thank you for the opportunity to be here yet again.

Our approach aims to help more individual police officers to become part of the fabric of the communities that they serve, building local knowledge and forging strong relationships with families and businesses in their local areas. I announced yesterday the Scottish Government's

plans to deliver on its policing commitment through the recruitment of additional new officers, improved retention of skilled and experienced officers, and the reinvestment of efficiency gains in order to redeploy officers to strengthen operational policing in our communities. We believe that people feel safer from crime if they see and experience effective front-line policing, and that communities are stronger if they have an accessible police presence to deal with all sorts of everyday emergencies.

We have a clear commitment to deliver a more visible policing presence on Scotland's streets and to make an additional 1,000 officers available in our communities. We shall do that through increased recruitment of new officers, improved retention of skilled and experienced officers, and reinvestment of efficiency gains to support the redeployment of officers to strengthen operational policing in our communities.

11:15

The Scottish Government will invest £54 million during the spending review period to support additional recruitment and building capacity at national level as well as providing support for key retention and redeployment initiatives. As a first step, that means direct funding for the recruitment of an additional 500 officers. Recruitment will start immediately, to ensure that at least 150 more officers are recruited in the current financial year. Very significant investment in policing capacity is being delivered at the time of the tightest financial settlement since devolution. I have asked ACPOS urgently to review the feasibility and cost effectiveness of centralising the recruitment process across Scotland's eight forces.

Additional numbers are only part of the story. Dr Ken Scott, director of the Scottish centre for police studies at the University of Paisley, said in evidence to the committee:

"Simply looking at the gross increase in police officer numbers underestimates the complexity of the situation."—*[Official Report, Justice Committee, 23 October 2007; c 156.]*

Almost 2,300 officers will be eligible to retire during this parliamentary session. They possess a huge pool of knowledge, experience and expertise that cannot be immediately replicated even in the best training college. I am working with police staff associations, ACPOS and police boards to develop ways of ensuring that we retain the services of the most skilled and able officers, particularly in community policing. I have announced a review of the 30-plus scheme, to ensure that it meets the needs of the Scottish police service. We are also encouraging forces to use their civilianisation programmes to ensure

that, where appropriate, specialist knowledge can be retained.

In addition to the £54 million of national investment, we expect capacity to be increased further through efficiencies. On Wednesday, we shall announce the efficiency targets that will apply across the public sector in Scotland, including the Scottish police service. The spending review settlement will provide sufficient funding to allow police authorities to maintain core police numbers at least at current levels before taking account of additional targeted recruitment—and we expect police authorities to do that. In return for the substantial additional investment, forces should redouble their efforts to tackle bureaucracy, drive out inefficiency and free up officer time. The police service in Scotland has delivered a substantial efficiency programme in recent years, but there is more to be gained.

The delivery of such a substantial improvement in policing capacity will require a partnership approach between Government, police boards and chief constables, all of whom have a key role to play in ensuring that communities throughout Scotland clearly understand the levels of visible, identifiable and accessible policing that they have a right to expect, and understand how they will know whether those levels are being achieved and how their views will be taken into account.

I have set out an innovative, stretching but achievable programme of work. I look forward to continuing to work positively with all key stakeholders to deliver our shared aims.

**The Convener:** Thank you for your statement, the succinctness of which will enable the committee to ask more questions.

**Paul Martin:** In evidence, a number of committee witnesses have suggested that we should consider reviewing the role of the police as set out in the Police (Scotland) Act 1967. What are your views on that?

**Kenny MacAskill:** The suggestion is sensible and welcome. Societies change and evolve, and the nature of how they are policed must reflect that. We are happy to take advice on such matters from the committee—when you reach your conclusions—or from elsewhere. You will have seen that we recently wrote to the Secretary of State for Transport south of the border following discussions with ACPOS about freeing up police time in relation to chaperoning Vehicle and Operator Services Agency officers. It is for the people at the front line to advise us on such matters. We will be happy to consider your conclusions and representations from anywhere else.

**Paul Martin:** The 1967 act makes it clear that operational responsibilities lie with chief

constables. Do you have views on whether that should remain the case, or should you also have responsibility?

**Kenny MacAskill:** We have a clear tripartite relationship between police boards, chief constables and the Scottish Government. It is ultimately the responsibility of the chief constable—and must always remain so—properly to deploy officers and to react to circumstances as they change, with urgency or over time. We have no intention of seeking to change that position. The relationship between police boards and chief constables is important, as, indeed, is the relationship that boards and chief constables have with us. Such matters might evolve and change, but currently we are happy that chief constables should ultimately call the shots.

**Paul Martin:** You have made it clear that chief constables call the shots.

**Kenny MacAskill:** Yes.

**Paul Martin:** Your Government has made a commitment to place police officers on our streets, but chief constables might say that they will not place officers on our streets. Last week, Colin McKerracher said that he could not always guarantee that officers who were recruited would be placed on our streets. Do you accept that chief constables, rather than you, should make commitments to place police officers on the streets?

**Kenny MacAskill:** That takes us back to the tripartite relationship. We are making additional recruits available. From our discussions with chief police officers, I have yet to meet one who salivates at the thought of putting a bright and shiny uniform on a new recruit who will be staying at police force headquarters; rather, they seek to put new recruits to work to protect our communities. Some officers will have front-line duties, but others will not necessarily work at the front line or in the community to protect and serve the community. The committee has discussed the fact that police officers have various roles. I do not think that an officer would ever simply be put on public display as opposed to being put to public use, but if that happened I am sure that the police board would raise the matter with the chief constable.

Decisions on whether to put officers on our streets remain the call of the chief constables, and I have no reason to doubt that they will ensure that their additional recruits serve their communities, either as community bobbies or by doing other work that protects and serves those communities. Office duties have to be carried out. Dealing with sex offending, for example, requires skilled policing, as you know. That said, we are certain

that the additional officers whom we will provide will be beneficial to our communities.

**Paul Martin:** You have said that you will seek to place police officers on our streets, but you do not have responsibility for that. A clear contradiction is involved. You have said that 1,000 police officers will be placed on our streets, but you made it clear in the latter part of your opening speech that other operational responsibilities sometimes have to be discharged. Therefore, it is not correct to say that people will see those police officers patrolling in their communities, because they could have other duties.

**Kenny MacAskill:** I disagree with the basis of your question, which is predicated on the suggestion that chief constables are not seeking to provide a visible police presence in their communities. Of our eight chief constables, I have yet to meet one who is not seeking such a presence. They work in a manner that they think best serves their communities. It does not seem to me to be accurate or to bear any resemblance to reality to suggest that chief constables seek to locate officers where they will not provide benefits to their communities. It is for chief constables to decide where to deploy officers, but I am satisfied that they will work with us and the boards in our tripartite relationship to ensure that 1,000 additional officers are delivered into our communities.

**Paul Martin:** I want to move on to another issue. Is the public's expectation of the police too high?

**Kenny MacAskill:** No. The police sometimes have difficulty in addressing people's desire to have policemen in their communities and policemen who can react urgently using fast cars, for example when there is a robbery. A dichotomy is involved. Understandably, our communities respect the police, and it is correct that they should do so. However, difficulties exist, because the police must meet three different requirements: there must be specialist policing—sometimes in back-room offices—rapid-response policing and community policing.

Our communities are well served by the police, and they have a great deal of sympathy and respect for them, but we must recognise that policing must balance two occasionally contradictory desires—how can officers amble along the beat getting to know everybody while ensuring that they can react sufficiently rapidly to incidents? Our police address that difficulty well—they straddle it—but sometimes there are difficulties with expectations.

**Paul Martin:** With respect, cabinet secretary, that answer did not deal with the specific question. All the evidence that we have heard from the Scottish Police Federation and other organisations

has made it clear that the modern police force cannot deal with the public's expectations of it. All I am asking is whether you agree with that. Should some elements of policing have a lower priority, while some are given a higher priority? Do you currently have the resources to deal with that?

**Kenny MacAskill:** This goes back to my earlier answer. Our society is changing and evolving, and the nature of policing has to change to address that. Those changes are on-going, and the advice that comes in—which will doubtless be taken on board by all the relevant stakeholders in the tripartite relationship—will lead us in the right direction.

**Paul Martin:** So you do not think that people ask too much of police officers.

**Kenny MacAskill:** There are strains, and some matters have to be reviewed, which is why I await with interest the outcome of the committee's review.

I should say that ACPOS informed me that it does not see the necessity for uniformed officers to chaperone VOSA officers. We acted with alacrity by writing to the Secretary of State for Transport. I think that we are still awaiting a response. I have no doubt that the matter will be looked on favourably.

Such issues come up, and they clearly have to be reviewed. It is not for me to speculate about the variety of other matters that have been raised, but I assure Mr Martin that when it is brought to my attention that police resources would be better concentrated in a different place, I am happy to address the matter.

Many years ago—not so long ago, in fact—ACPOS argued that VOSA officers should be assisted by two uniformed officers. ACPOS then recognised that there should be a change, and we are seeking to implement it.

**Margaret Smith:** I wish to pick up on some of your opening remarks and on what you have said in response to Paul Martin. You said that you were making additional recruits available. Could you give us a bit more clarity on that? How many additional police officers do you expect to be recruited in 2007-08? I would like to be helpful to you: in answer to a written question from me in September, you said that you expected

"550 recruits to complete their induction training ... during 2007-08."—[*Official Report, Written Answers*, 20 September 2007; S3W-4206.]

Bearing in mind your announcement yesterday, how many new recruits do you now expect to complete their induction training during 2007-08?

**Kenny MacAskill:** The projected figure was 576, and we have committed to an additional 150

over the number going through. So far, 321 have gone through their training and 82 start on Monday. A further 173 are expected to go through.

**Margaret Smith:** I got my arithmetic O-grade, but it was many years ago. I would benefit from having that tallied up.

**Kenny MacAskill:** It is 576.

**Margaret Smith:** Is that 576 by the end of 2007-08?

**Kenny MacAskill:** The projected figure of 576 consists of 321 who are already through their training, 82 who are starting on Monday and 173 who are expected to go through it. We are committing to an additional 150 recruits.

**Margaret Smith:** So you have 150 on top of the 576.

**Kenny MacAskill:** That is our anticipation.

**Margaret Smith:** Please bear with me, convener.

**The Convener:** I understand your difficulty.

**Margaret Smith:** We are at 726. I point out to you, cabinet secretary, that anything less than 731 will be the lowest annual number since devolution. You have just told us that you are making additional recruits available. In actual fact, according to the figures that you have given us today, you are not.

**Kenny MacAskill:** The 576 figure is based on the situation that I inherited. If there is a complaint about that figure—which would be the lowest since devolution by a substantial amount, on the basis of what you have just said to me—I will have to pass it back to my predecessors. You will be glad to know that we have committed to an additional 150, which brings the figure up to make it more satisfactory. You might be despondent about the 576 figure, but you are better placed to comment on it than I am. We inherited the situation following the change of Administration in May.

**Margaret Smith:** You inherited a situation in which there was a record number of police officers and never fewer than 731 officers were recruited in any one year. In some years, anything up to 1,400 officers were recruited. You are now telling us that the number of officers who will be recruited this year, now that you are in Government—not us—will be less than in any year since the 1999-2000 devolution settlement.

How many of the extra police officers whom you announced yesterday will go—in reality—to plug the gap that will be left by the 2,300 officers who are expected to retire in the next four years? What guarantees can you give that the review that ACPOS conducted into retiring officers and how to

get them to stay in the force will be successful in any way?

11:30

**Kenny MacAskill:** I return, yet again, to what I said to clarify matters. The 576 target figure—about which you are so clearly appalled—was established by the Liberal-Labour Executive that was in power prior to my becoming Cabinet Secretary for Justice. This Government inherited that situation, and on that basis I have taken steps to ensure that we get 150 officers through the Scottish Police College at Tulliallan before the end of the financial year. That is the maximum number that we can get through the college in that time. As I said, if you are despondent about the numbers, you have to consider—and perhaps inquire elsewhere—why such a figure was set.

The figures and—

**Margaret Smith:** Can I stop you there, cabinet secretary? The figure was not set by the previous Administration. In response to parliamentary questions, you agreed that recruitment is a matter for chief constables. You also acknowledged that yesterday, when you said that ACPOS would have to review the question of recruitment.

The greatest number that can go through the college in any financial year is 1,080. You have had six months in Government. When you were elected in May, why did you not take the situation on board and say, “Right. Let’s recruit hundreds more people”? Surely that should have been one of the first things that you did. Your manifesto commitment was clear:

“we will set out plans in our first Budget for Scotland for 1000 more police”.

You have been in power for many months, yet the number of recruits going through Tulliallan this year will be the lowest since 1999-2000. You are the Government.

**Kenny MacAskill:** I return to my stated position. We will deliver our manifesto commitment of 1,000 additional officers in our communities. I touched on the matter in response to Mr Martin’s questions. I repeat: the previous Government set the matter in train; the number of recruits is the responsibility of chief constables; and the figure of 576 was the position that we inherited. Thankfully, we have taken steps—I believe wisely—to get 150 more recruits through the college to ensure that we have adequate resources. Obviously, how that ties into the number of retirements is a matter not for me but for chief constables.

**Margaret Smith:** Clearly, we take different points of view on the matter, cabinet secretary. You are taking steps, but they are taking us backwards.

I turn to another issue. People talk loosely about community police officers. How do you define a community police officer?

**Kenny MacAskill:** It varies. It depends on whether we are talking about urban or rural areas or about small-town Scotland or city Scotland. Community officers are visible and they interact with business and the public. They do that differently from officers who are deployed on specialist matters—whether in force headquarters, police stations, or elsewhere—or who address urgent matters.

We have to allow chief constables and police boards some flexibility. What works for a community bobby in Possilpark will be different from what works for one in Peterhead. What is clear is that community police officers are visible and they engage and interact with the public.

**Margaret Smith:** It may be that you perceive community police officers very differently from how members of the public perceive them—you may even use the word “visible” differently. I suggest that when a member of the public talks about a community police officer, they are thinking of someone who is on the beat—perhaps even in a motor vehicle. I agree with you that the latter may be a more productive use of a community police officer’s time. That member of the public is not likely to be thinking of the specialist or other officers who we know are doing police work in the background—work that is of use to the community.

Using the definition that you have just given, how many police officers are in the community today?

**Kenny MacAskill:** It varies on a day-to-day basis.

**Margaret Smith:** What is the general, ballpark figure? I am happy to accept a figure within 100 here or there.

**Kenny MacAskill:** I am not able to specify, because I would need to obtain that information from each chief constable. I have already said to Mr Martin that such matters remain the choice of the chief constable. We are seeking to create a consistent and identifiable framework so that communities can understand what rights they have and what they are entitled to expect, which will vary from area to area. In some rural areas, a community bobby—if we can use that term—who is involved in front-line interaction with the community might use a vehicle because of the nature of the terrain. The situation would probably be vastly different in an urban area, where he would use his feet to walk the beat. In some rural areas, officers do not have that opportunity.

We are seeking to have set standards that communities understand. There has to be



flexibility, given the variety of areas in Scotland. There should be minimum rights and entitlements, taking account of geographical constraints. That is where we are heading.

**Margaret Smith:** I do not disagree that there needs to be local flexibility. I am trying to get a figure so that members of this committee and members of the Parliament can hold the Government accountable for its manifesto pledge that there would be 1,000 more police. That turned into a pledge to put the equivalent of 1,000 extra officers on the street. It has now become a pledge to recruit 500 more officers and to redeploy and retain 500 others.

I believe that you said today that you would put 1,000 additional police officers into our communities. All I am asking is: what is your baseline figure? We want to be able to tell the people whom we represent what the figure is, so that in four years' time, in May 2011, they can hold the SNP Government to account on whether it delivered the 1,000 new officers that it promised in its manifesto—or even the 500 officers that it promised yesterday. What is your baseline figure? If you do not have a baseline figure, how do we get to that number?

**Kenny MacAskill:** We are seeking to work out the framework so that communities have some understanding of what they are entitled to expect. We have inherited a situation in which no baseline figure as such exists. We are seeking to establish what communities have a right to expect, so that MSPs and, more important, individual citizens will have an element of something quantifiable on which to make representations. We are working on that in our tripartite negotiations with the relevant stakeholders, such as ACPOS and police boards, which will be important in holding chief constables to account in delivering visible policing in their communities.

**Paul Martin:** What are the current police numbers in Scotland?

**Kenny MacAskill:** Do you mean the quarterly figures?

**Paul Martin:** Yes. I want to know the exact numbers at the moment.

**Kenny MacAskill:** My understanding is that the most recent head count, which was taken at the end of June, was 16,265—which is the full-time equivalent.

**Paul Martin:** Since the most recent figures were published in the previous quarter, what has been the increase? Is it about 20?

**Kenny MacAskill:** I think that it is roughly 35.

**Paul Martin:** So, over the past six months, there has been an increase of 35 officers.

**Kenny MacAskill:** No. That was from April to June.

**Paul Martin:** So the April to June increase is 35. When will the next figures be available?

**Kenny MacAskill:** The figures are being worked on and doubtless will be available shortly.

**Margaret Smith:** I turn to more general points that have arisen in the evidence that we have been taking. To what extent do you think that police officers must always provide a visible presence? Can community wardens perform a useful role in helping to deliver community policing in conjunction with police officers? Is the funding of community wardens likely to continue?

**Kenny MacAskill:** You have asked a variety of questions. Do community wardens provide a good service? Yes. We are evaluating the scheme and the job that they do, which varies from area to area. In the main, the scheme has been beneficial. The Cabinet Secretary for Finance and Sustainable Growth will comment on the funding in the budget statement tomorrow. I am not in a position to go beyond that at present.

The job that community wardens do is distinct from and complementary to the job that police officers do. They do an excellent job but, at the end of the day, some things must always be done by police officers. It is simply a matter of getting the balance right.

**Margaret Smith:** In England and Wales, it appears that a clearly structured national programme of neighbourhood policing is being developed based on the use of local teams of police officers, police community support officers and other agencies. Why have you decided not to take that approach in Scotland?

**Kenny MacAskill:** Our take is that PCSOs are not necessarily as cost-effective or as effective at delivering as some people in the media and elsewhere portray. We have a system in which policing is dealt with by police officers—community wardens do a different job. There is also civilianisation. Yesterday in Alloa, I met people who are also called PCSOs—police custody and security officers—who do an excellent job in freeing up police time. I strongly support those PCSOs, but I do not favour the police community support officer scheme south of the border. We will evaluate the English scheme, but we are not yet convinced that it would be appropriate to introduce it in Scotland. We do not have the powers to impose a central model. We want a more flexible local scheme that is built around core and common standards.

**The Convener:** We turn to questions on civilianisation and collaboration.

**Cathie Craigie:** Good morning, cabinet secretary. I heard you say on “Newsnight” last night that you wanted to free up officers from needless bureaucracy and background duties so that they could be redeployed out on the streets. That is roughly what you said. How much scope is there for further civilianisation within the police?

**Kenny MacAskill:** There is substantial scope, but we must examine the matter. I will take advice on it from officers who are on the front line, whether they are serving officers or chief officers. We have identified opportunities such as those to do with VOSA and we have considered the Alloa PCSO scheme, which we welcome. However, other matters need to be considered.

It is a matter of continually checking how the balance is configured between tasks that must remain core police duties and tasks that civilians can deal with. That was happening before we came to office and it continues under us. We must get the balance right and do it at an appropriate pace.

**Cathie Craigie:** Given that you are reported in every newspaper today and that you are trying to provide 1,000 additional police officers without them being new police officers, I thought that you would have had a clear idea of the areas of policing that could be further developed using civilian support workers. Do you have any idea of the number of duties that are currently carried out by police officers but which could be carried out by civilians?

**Kenny MacAskill:** You cannot have it both ways: I cannot be expected not to force chief officers into direct deployment and, at the same time, somehow direct what must be civilianised. It is a matter of working with all stakeholders, including chief constables. Indeed, it was the chief constable of Central Scotland Police who introduced the PCSOs and the chief constable of Tayside Police who freed up police from unnecessarily chaperoning VOSA officers. Other matters are under discussion, such as what element of the procedure for licensing firearms can be dealt with by civilians as opposed to police officers.

The chief constables and others are considering a range of matters, and I am happy to accept their sound advice. When civilianisation is clearly shown to work, such as in Alloa or the commonsense application in Tayside, we will proceed in that direction. That is how it should be.

**Cathie Craigie:** You are focusing on the figure of 1,000 additional officers because everybody else is focusing on it. Surely you must have an idea of what percentage of that figure will be police officers who are being redeployed on to front-line duties, otherwise you would not have made your

announcement yesterday or come to the committee to defend it today. We should be able to see some meat on the bones, if you will forgive me for putting it that way.

11:45

**Kenny MacAskill:** Sometimes it is a question of freeing up an officer to do his job better. When I mentioned Alloa, I was referring to a situation whereby officers had to spend two hours taking a prisoner to Stirling. Enabling them to pass prisoners into the care of PCSOs in Alloa allows them to get back out on the street in 20 to 30 minutes, which frees up police time and resources. Such measures do not necessarily free up additional officers, but they allow officers to do much more. Instead of concentrating on inputs, we must work with the chief constables to see how we can get outcomes. The chief constables are considering measures that will increase capacity and when proposals that are self-evidently sensible have been put before me, I have not hesitated to approve them. That will continue to be the case.

The process must be driven by the chief constables, who I am satisfied have a clear desire to free up capacity to allow their officers to do their job better. The best thing that I can do is to allow the chief constables to get on with doing their job. It would be inappropriate for me to seek to micromanage or direct them; I would not wish to take the approach of telling them how they should deploy their officers.

**Cathie Craigie:** Okay. I will leave the numbers issue there, although if I had been in your position, I would have wanted to have a clearer idea about how many officers such initiatives could release before I made such an announcement.

In response to Paul Martin and me, you said that there are areas on which the police and other people on the front line will give you advice, which you will consider when you take decisions. At last week's meeting, we took evidence from the Scottish Police Federation and from representatives of senior police officers. When I asked those people on the front line of policing whether there was scope for further civilianisation of police services, Joe Grant said that a lot of work had been done on the issue already and that such scope existed “at the margins only”. He felt that there were few areas in which further progress could be made. Superintendent McHoull said:

“not an awful lot more can be done on that in police forces.”—[*Official Report, Justice Committee*, 6 November 2007; c 231.]

What do you say to those people on the front line who gave evidence to us last week, who said that there was not a great deal of scope for further

civilianisation? I presume that you have read the *Official Report* of last week's meeting.

**Kenny MacAskill:** Absolutely, but I am satisfied that the chief constables are on the case and are heading in the right direction. We hope that the VOSA proposal is being signed off as we speak, in negotiations with London. The use of PCSOs in Central Scotland and the issues that Chief Constable Andrew Cameron looked at are examples of the gains that can be made, and we will roll out such measures as and when they are put before us.

**Cathie Craigie:** We will see.

Are you considering better collaboration between agencies alongside civilianisation of police services? What is the Government's view on that?

**Kenny MacAskill:** Collaboration is a no-brainer. As a small country, we should be able to move more quickly. The need for collaboration is self-evident, so I heartily encourage the taking of any steps to ensure that we interact and collaborate.

**Cathie Craigie:** Would you like to see more collaboration between police forces?

**Kenny MacAskill:** That is happening. Significant measures, such as the establishment of the SPSA and the SCDEA, have been taken and the centralisation of information and communications technology will help to improve procurement. Although we are a small country, we must ensure that we maintain our individual constabularies; I believe that that is what local communities want. At the same time, we must ensure that we have the flexibility to obtain the economies of scale that come from dealing centrally with matters that are better dealt with in that way, such as ICT, forensics and the acquisition of uniforms.

**Cathie Craigie:** Are you ruling out having one police force for Scotland?

**Kenny MacAskill:** Yes. We are well served by the current constabularies and people want to retain them. We must get the right balance between ensuring that we have accountable local constabularies, serving the areas that they cover, and getting the benefit of centralised services. That started with the establishment of the SPSA, which is addressing issues such as ICT and forensics. The Scottish Criminal Record Office is now part of the SPSA. It is a matter of striking a balance. Front-line policing in communities should be dealt with by local constabularies, because accountability and identifiability are located there. Other areas such as specialised services and procurement are dealt with much better centrally, which allows for economies of scale.

**Cathie Craigie:** Someone said to me this morning that your approach to civilianisation and collaboration had been written on the back of an envelope. How do you respond to that suggestion? Returning to the numbers, how much information did you receive from and how much discussion did you have with senior police officers before deciding to make the announcements that you made yesterday?

**Kenny MacAskill:** I had substantial discussions. I met every chief constable individually and met the chief constables collectively. I chaired various boards that I am required and choose to sit on. These measures are not driven solely by a Government that is keen to free up our police capacity, so that we can deliver additional police officers—police constables are seeking to introduce them. I did not direct Chief Constable Andrew Cameron on PCSOs in Alloa: he chose to go in that direction, and he persuaded me that the route that he was taking was appropriate.

We are discussing matters with staff associations and with police conveners, whom I meet—there is a tripartite relationship. I am genuinely convinced that all those who are involved in policing have a clear desire to ensure that we civilianise what is appropriate, so that we free up the capacity that will allow us to provide a more identifiable, visible police service. No one wants police officers to do work that would be dealt with better by people who are not highly trained, skilled police officers. No one is seeking deliberately to have police officers behind desks, dealing with bureaucracy. However, sometimes we must think anew and make changes. There is a spirit and willingness among police conveners—many of whom are not in my political party, but whose work I respect—and among chief constables to ensure that we make Scotland safer and stronger.

**The Convener:** We turn to the question of resource utilisation.

**Stuart McMillan:** I had intended to ask a question about a potential national police force, but Cathie Craigie got in before me.

During our questioning of ACPOS representatives last week, Chief Constable McKerracher highlighted the fact that

"Strathclyde Police has not been recruiting to anything like its normal level."—[*Official Report, Justice Committee*, 6 November 2007; c 247.]

When pressed on the issue, he explained that that was the result of previous policy decisions, which allowed for overrecruitment of officers. Will the new money that was announced yesterday end the current lack of recruiting by Strathclyde Police and return it to the normal position? Will it allow for

additional police officers to be recruited into the force?

**Kenny MacAskill:** The additional 150 officers who will be recruited before the end of the financial year will be distributed according to the grant-aided expenditure formula. I cannot remember the precise number that will go to Strathclyde Police—it is roughly 70. We are delivering that number of additional officers.

**Stuart McMillan:** Last week I was alarmed when we were told that there was a lack of or freeze on recruiting in the Strathclyde Police force area, given that Strathclyde Police is the largest force. I would like the new money that will be made available to allow Strathclyde Police to get back on an even keel, at least. Hopefully, Strathclyde will also get the additional officers that other forces will get.

**Kenny MacAskill:** I am aware that officers have been seeking to join Strathclyde Police; they are awaiting further news on their applications. I am not able to comment on that issue, but I undertake to raise it with Strathclyde Police. I will doubtless meet the new chief constable in early course, and I will be happy to report back to the committee.

**Cathie Craigie:** In some of today's papers, you talk about centralising recruitment. Can you tell us a bit more about that?

**Kenny MacAskill:** I have asked Andrew Cameron, the chief constable of Central Scotland Police, to investigate whether we can have a centralised recruitment scheme. It appears that efficiency savings that could be made could free up resources that would, in turn, free up capacity and make Scotland safer and stronger. The proposal would not be a step towards a centralised police force.

I look forward with interest to reading Andrew Cameron's report. I believe that there must be some possibility of doing what we propose, but I leave the matter in his capable hands.

**Margaret Smith:** Earlier in the year, most members of the committee had an informal session with the director general of the SCDEA and were impressed with the work that it was doing. I am sure that we are all quite concerned at some of the comments that have been made in the past few days about the fact that its ability to do its work appears to have been compromised because it is getting bogged down in bureaucracy and about the issue of accountability that has arisen in relation to its position as part of the SPSA. Can you give us assurances that you will look closely at the matter, given the importance of the fight against serious crime and drugs?

**Kenny MacAskill:** Absolutely. I chaired a meeting with the chief executive and chair of the

SPSA, together with the director general of the SCDEA, to try to resolve those matters. We will continue to strive to do that, to ensure that the SCDEA can continue to do its job in an unencumbered fashion. However, there remains a requirement for some element of accountability.

**The Convener:** We will move to questions on policing priorities.

**John Wilson:** Before I do that, I would like to follow up the issue that Margaret Smith has just raised. In the informal session that we had earlier this year with the SCDEA, Mr Pearson talked about the failure to deliver the campus at Gartcosh. Can the cabinet secretary confirm that the project to create the campus at Gartcosh will go ahead during the lifetime of this Government?

**Kenny MacAskill:** That would be subject to the spending review and it would be inappropriate for me to comment until my Cabinet colleague does so.

**John Wilson:** The committee has heard evidence about the development of the Scottish policing performance framework. It would appear that the framework is at a very early stage of development. How effective are the current systems of performance management in police forces? How will the Scottish policing performance framework improve that effectiveness? What is the timeframe for the framework to be fully functional?

**Kenny MacAskill:** Obviously, such matters are continually monitored. We believe that the system can be improved, and that is what we seek to do. However, I would need to seek clarification in relation to the timescale. The framework has been live since April and is under constant monitoring.

**The Convener:** Bill Butler has a question on governance and accountability.

**Bill Butler (Glasgow Anniesland) (Lab):** Before turning to that issue, I would like to ask what might be the final numbers question—

**Kenny MacAskill:** The convener has still to ask his questions.

**Bill Butler:** I said that it might be—I cannot read the convener's mind.

Cabinet secretary, reflecting on your past six months in government—and looking forward to the dark nights and, perhaps, darker days ahead—do you regret the fact that your party put in its manifesto the specific pledge of recruiting 1,000 new police officers by May 2011?

**Kenny MacAskill:** Absolutely not. We are delivering upon our manifesto commitment to a visible police presence and an additional 1,000 officers in our communities.

12:00

**Bill Butler:** You almost convinced me there. It might have saved you from the verbal contortions and the semantic acrobatics that we have been almost admiring today and which I am sure we will be admiring in the days, months and years ahead.

I turn to governance and accountability. You have said that you see no need for significant change, but how effective is the current tripartite system in scrutinising police performance and holding chief constables to account?

**Kenny MacAskill:** It is the right approach, because it is akin to the democratic basis of the separation of powers. It is important that chief constables have their roles and rights, and that Government, and local communities through their police boards, have some input. If we did not have that, democracy would be undermined in the same way as it would be if there were no separation between the legislature and executive.

Can the system be improved? Of course it can. To some extent we are in a new era, not simply because of a change of Government but because there has been a change in many of the police boards. I cannot comment on what went on before, but I have been deeply impressed not simply by the chief constables, but by the desire and drive of the police board conveners. Some of those conveners have raised matters with me that have not necessarily been comfortable for me, but that is their right and their entitlement; it is correct that they should do so. I look forward to working with the conveners. They have an important role, especially in relation to our desire to increase the visible police presence and to give our communities some of what they are entitled to expect. In that, the boards will be pivotal. If people have ideas I will always consider them, but structurally this is the best way to go. There are matters that can be improved, but the new police board conveners are very eager and have very much impressed me.

**Bill Butler:** Looking at how matters can be improved, you say that the structure is the right framework. However, Dr Daniel Donnelly of the Scottish centre for police studies, who gave evidence to the committee three weeks ago, said that he was worried that police authorities and police board members were at a disadvantage in holding chief constables to account because they did not have the proper or sufficient expert officer back-up, and because there was a lack of information to hold chief constables properly to account. As you know, Dr Donnelly was a very experienced police officer before he went into academe. What do you make of that view?

**Kenny MacAskill:** It is important that the police board conveners are empowered and provided

with as much information as possible. I have met the conveners collectively. They have a conveners forum. I assure the committee that the Government will seek to ensure that our conveners are as well briefed and advised as they can be, because the basis of their knowledge dictates their ability to interact with the police. These things come down to personalities and to individual relationships. The individual relationship that a police board and, in particular, a convener has with a chief constable is critical. We have to encourage everybody to be all they can be, and to ensure that police boards can feel confident and have the information to challenge a chief constable on occasion, as well as to praise him for the good job that he is doing.

We have to strive continually to work together in that way; that is why I am more than happy to meet the police conveners regularly, usually through the forum and board. As I said, I am very impressed by many of the new conveners, who have come in with the energy and desire to do a positive job. Even if they are on a steep learning curve, they have set to it with a will. I am sure that it will prove to be fruitful for our communities.

**Bill Butler:** I hear what you are saying: by and large, you support the tripartite system, and there may be improvements but they are not fundamental. Would you like to see any changes in the composition, role and power of police authorities to improve governance arrangements? For example, should all members be elected? Are elected members on large joint boards and police authorities able to reflect properly the diverse communities that form their areas?

**Kenny MacAskill:** We issued guidance to boards in June, which clarified what we expect from them. We do not rule anything out. Obviously, there has to be some democratic mandate, but we would consider anything that may assist boards to do their job better.

**Bill Butler:** The suggestion was made in previous evidence sessions that there needs to be a greater drive towards allowing communities to feed into joint boards and police authorities, and that that is not happening at the moment. How do you view that?

**Kenny MacAskill:** I have a general willingness to look at whatever problems are raised and to try to work out solutions. I do not want immediately to foist dictats on conveners. I am happy to take on board their views and those of others, and I am open on how we can make that prong of the tripartite system work better. We are looking to work with boards, and we are happy to consider any recommendations that can make them work better so long as we maintain some element of the democratic basis on which they are constituted.

**Bill Butler:** You do not rule out the suggestion of adding to, or even replacing, a proportion of the board members who are directly elected.

**Kenny MacAskill:** I do not rule anything out and I do not rule anything in. I have met the conveners forum, and I will meet it again. I would like first to see how the conveners feel that they are coping. If they think that there are clear problems, I will be happy to address them. If others feel that there are clear problems that the conveners are not raising with me, I will have to consider that as well.

The tripartite relationship is important because of the checks and balances that go with it, as well as its democratic nature. However, what matters is how we deliver. As I said, I am genuinely open to what will make the system work better, whether that is dealt with, for example, by appointees or additional advice that is offered.

**Margaret Smith:** I start by making a slightly parochial point. I suggest that, in taking on board the views of conveners, you should also take on board the views of the convener of the Lothian and Borders joint police board on the need to review the GAE resources. However, it is probably best to pass on that one, even though we may agree on it.

We were told today by the Auditor General that in England police authorities appear to have a greater role and impact in setting strategic direction and planning services. In particular, we spoke at some length about the police plan and how it works in holding chief constables and forces to account. Can Scotland learn any lessons from those developments south of the border?

**Kenny MacAskill:** We can always learn lessons. There is obviously a significant difference in the size and nature of police authorities between there and here. I am keen to listen to conveners and find out from them how they are getting on. We are happy to take good practice from wherever it comes, whether that is south of the border or elsewhere. I have been impressed by the conveners and I look forward to my next meeting with them. Now that they have their foot in the door, perhaps they will raise other matters.

There is a difference in powers north and south of the border. In Scotland, we also have the statutory best-value duty, on which we are clearly looking for an element of support from conveners. As I said, chief constables are ultimately responsible for deployment. However, a statutory best-value duty is placed on police boards and we are certainly seeking to ask—perhaps that is the word—chief constables to ensure that what they do is in line with that.

A clear role for a convener—whether Mr Whyte, Mr Rooney or anyone else—is not only to fight their force's corner, which it is legitimate for them

to do, but to interact with chief constables to ensure that matters on their patch are delivered.

**Cathie Craigie:** I have a final question that needs to be cleared up. As you are aware, the committee's inquiry is on the effective use of police resources. I understood that police resources would increase by £78 million in the coming financial year. In your announcement yesterday, you lowered the figure to £54 million. Where has the £24 million gone?

**Kenny MacAskill:** Perhaps you had gone for a cup of tea, but on "Newsnight" last night, I think that I said—

**Cathie Craigie:** I saw it, but I was confused by all your GAEs and—

**Kenny MacAskill:** The £54 million relates to the three-year spend under the comprehensive spending review. In addition, the money for this year—the 2007-08 spend—needs to be taken into account, given that it is not part of the CSR. You also need to take into account the additional GAE money that will be made available. If you do that, you will find that the total is in excess of £78 million. We are committing in excess of £1 billion to policing. There is no discrepancy between the two figures of £54 million and £78 million: one is over the specific three-year period of the CSR; and the other is over a four-year period and includes payments that are made in addition through GAE.

**Cathie Craigie:** That is as confusing as it was last night. Perhaps you could put the information in a letter to the committee. No doubt, we will consider such issues over the coming weeks as part of our budget scrutiny.

**Kenny MacAskill:** I am sure that that can be done. Obviously, some of these matters will be commented on tomorrow. We will follow up on your request.

**The Convener:** Let us see if we can help you, Mr MacAskill.

**Kenny MacAskill:** You are very kind.

**The Convener:** As we are all aware, police establishments have increased in recent years, which is a reflection partly of the legislation that has been put through the Parliament, usually unanimously, and partly of the increased duties that have arisen from terrorism and other extraneous circumstances. Is the increase in numbers commensurate with the increased pressures on the police?

**Kenny MacAskill:** Our police are doing an excellent job. The numbers have increased, as has the level of pressures and specialist requirements. That is why we are reviewing matters. We need to focus on capacity and

delivery and not on a strict head count. We could have 100,000 police officers, but—as I have said—if they were not located in and serving their communities, they would not be delivering what we require. We are talking not simply about a head count, but about what we do with officers. That is what matters, which is why how best to use our police is part of the remit of the committee's inquiry.

**The Convener:** You will have heard last week's evidence from Superintendent McHoull, who pointed out the significant increase in the number of women police officers. I think the committee approves unanimously of that—we believe in equality of opportunity. However, the downside is the number of young women police officers who require either to take maternity leave or to be removed from full operational duties at the start of their pregnancy. Given that background and its impact on available establishments, I repeat my question: have police numbers risen in proportion to their increased responsibilities?

12:15

**Kenny MacAskill:** We have inherited a position on which we seek to build by increasing capacity, which is why I am committing to deliver an additional 500 new recruits and why we are seeking to retain and redeploy officers. It is not about a strict head count or a precise number or roll; it is about what we do with the officers. We have sufficient to do the job and we must allow them to do their job as best they can, so that they are not hidebound by bureaucracy or needlessly constrained by requirements that could be dealt with by others.

**The Convener:** Do you think that there is a sufficiency to do the job?

**Kenny MacAskill:** Yes.

**The Convener:** Thank you. One of the stratagems that you are adopting to extricate yourself from a rash election promise is the retention of officers who are past retiral age. How will you encourage officers to stay on?

**Kenny MacAskill:** We are considering creating a new scheme, because the 30-plus scheme is clearly not working. There is a problem, so we must go away and work things out. We are considering the schemes that operate in, for example, Strathclyde Police—there might be more than one approach. We want to establish a scheme that allows flexibility to retain officers. We have an agreement that we can go our own way north of the border and not be constrained by the United Kingdom 30-plus scheme.

**The Convener:** A police sergeant who has served the maximum time and is on around

£35,000 per year will be entitled to a pension of £17,500 and a lump sum of £90,000, which in the current economic climate and with no investment risk could be expected to provide an income of £5,500—I take it that you agree with those figures. If the man left the police force, his income would be £23,000; if he stayed, he would get £35,000, so he would be working for £12,000 a year. Is not that—in your own words—a no-brainer?

**Kenny MacAskill:** Your figures are not accurate—my official is whispering in my ear. There are problems to do with how we take matters forward. However, a police officer came into my surgery in Musselburgh last night to explain that after serving in the military for many years and in the police force for 14 years he would be prepared to continue working beyond his time because he likes the job. We have to change the current system. Everyone accepts that it is a good idea to retain specialist and good-quality officers, who can perform a variety of tasks. Some 2,300 officers are leaving the force. The current system does not work.

It is not impossible to devise a scheme that will enable officers to remain in the force if they want to stay on, we want to retain them and their communities want them to continue to serve. We cannot do that through 30-plus, but we can work with the SPF, ACPOS and others to deliver a working scheme. That is within the capability of all of us in Scotland.

**The Convener:** My figures might not have been totally accurate but I suspect that they were not totally inaccurate. If you are going to persuade people to stay on, you will have to incentivise them to do so, which will cost a lot of money—if people are willing to stay on, given that a police officer who retires at the comparatively young age of 52 is likely to be attractive to the job market and might get a job that paid £25,000 per year, in addition to his pension. Let us be realistic. Not many people will accept any deal that you put on the table.

**Kenny MacAskill:** I disagree. That is not my understanding from discussions with the SPF and others, who are keen to devise a better retention scheme for their members. The SPF is, correctly, considering how we can change a flawed system that is not working.

Some officers want to continue to serve their communities as community police officers and are capable of doing so. We should take up such opportunities. Others want to continue to do more specialist work, for which they have acquired skills and talents, but they might not want to take on aspects of the job, such as the Friday or Saturday night shift in George Square. We need to retain the skills of such people and thereby free up capacity. There is genuine willingness on the part of chief constables, employers and other serving

officers to retain skilled officers. We know where we want to get to, but there is a logjam. It is the Government's responsibility to break out of the impasse. I assure you that we are seeking to do that. Creating a scheme that allows forces to retain officers who wish to continue to serve in communities that want them to serve is not impossible.

**The Convener:** You have read the evidence that the committee has taken. Do you appreciate that the vast preponderance of that evidence indicates that, although savings might be made as a result of considering the roles that police officers currently perform—the back-office functions and so on—we are getting close to the bottom of the barrel, bearing in mind the improvements in civilianisation that have been made in the past 20 years?

**Kenny MacAskill:** No. There is always room for continuous improvement, and there are good reasons to believe that we can free up capacity. As I have said, issues are on-going and are being raised regularly. The PCSOs whom I visited in Alloa were news to me. However, I was delighted to meet them and to find out about their good work and the freeing up of police time that they are delivering.

We must strip out duplication and consider how to deal with such matters. That is where we are going with ICT and where we have gone with forensics. In relation to new technology, I have seen the trial scheme involving personal digital assistants in the city of Edinburgh, which saves officers' time. A fortnight ago, I was in the city of Glasgow—PDAs have not yet been rolled out there—where I saw a nonsensical situation, in which officers took a statement and then had to write it out a second time. New technologies do not necessarily always deliver the savings, including time savings, that we are sometimes led to believe they do, but there are clearly areas in which they can be introduced. If we also cease to duplicate work and ensure that people work efficiently, we can ensure that we work not harder but smarter.

**The Convener:** The bottom line is, however, that you will not get the 500 equivalent police officers as a result of savings that you might make under the efficiency heading and through retaining police officers who would otherwise retire.

**Kenny MacAskill:** A 1 per cent efficiency saving is the equivalent of recruiting 500 officers. If police boards make efficiency savings of 1 per cent, we will have the funds available for the equivalent of 500 officers. The Cabinet Secretary for Finance and Sustainable Growth will comment on such efficiency savings.

**The Convener:** We should bear it in mind that the vast majority of police board expenditure relates to salary and employment costs. That makes efficiency savings of 1 per cent exceptionally difficult to obtain. Will you pay off some police officers rather than take police officers on?

**Kenny MacAskill:** The evidence appears to show that efficiency savings have worked, which is why we are seeking redeployment. The 2005-06 efficiency programme target was £14 million, and savings of £25 million were achieved. The target in 2006-07 was £41 million, and savings of £42 million were achieved. It seems to me that significant savings have been made. The Cabinet Secretary for Finance and Sustainable Growth will make a statement on efficiency savings tomorrow. I mentioned the additional resources that would be available as a result of efficiency savings of 1 per cent. We can ensure that we maximise our police numbers through redeployment and efficiency savings.

**Margaret Smith:** I want to follow up my question about retirements. You will be up against it in trying to replace the 2,300 officers who are due to retire in the next four years. I agree with much of what the convener said about trying to convince people to stay—that will not necessarily be an easy task. However, let us proceed on the basis that you may be able to do that. You have said that the current scheme is not working, that therefore a new scheme is needed, that you are working on that scheme and that you will roll it out. I want to ask about the process by which you will bring forward a new scheme and about the timetable.

Given that, from what you have said, the starting point would be a review by ACPOS, I presume that you would then need input from the staff side and some form of agreement. If you intend to introduce incentives and so on, as the convener suggested, that might have an impact on people's pensions. Such changes take a great deal of time. What are the steps involved in bringing forward a new scheme? What will the timetable be? Realistically, when can you start to deliver officers who have changed their minds about retirement?

**Kenny MacAskill:** That has already started. First, although the 30-plus scheme is not working as we would like it to, it works for some people, and we can seek to refine it. Secondly, some measures are already kicking in. Strathclyde Police is already utilising some schemes under which officers are able to come back in part time and so on. Thirdly, we are working with the SPF, the Association of Scottish Police Superintendents, the police boards and others. There is a genuine desire among all stakeholders—from the SPF to ACPOS and police



board conveners—to ensure that we deliver. We are already doing so through the measures that I have mentioned.

We must consider how we can refine the existing 30-plus scheme, although it is a UK national scheme. We must also consider how we can improve what is already on offer in Strathclyde and introduce new measures. The issue has been taken on board. I am not setting a specific target, because it is something that we will roll out as quickly as we can, but some measures are already being implemented.

**Margaret Smith:** Can I clarify that the status quo is not only the 30-plus scheme? It is 30-plus, which is a UK scheme—so there would have to be discussions about it—and other schemes that have already been brought forward or are in operation in Strathclyde and other areas. The potential impact of a better, beefed-up scheme would not be so great in Strathclyde Police, which is the biggest police force in Scotland, because it already has what, it is suggested, is a better scheme than 30-plus. Therefore, the potential improvement on the status quo is among the range of forces that currently operate the 30-plus scheme.

**Kenny MacAskill:** No, I do not accept that. As I said, 30-plus works for some people. It is a UK national scheme that can be improved and enhanced, and we will co-operate in any way that we can to do that. The Strathclyde scheme is very limited and relates to specific situations. We are seeking to build on that scheme not only by implementing it elsewhere but by improving and enhancing it in Strathclyde. I am quite hopeful that we will be able to ensure that the SPF's desire for its members to continue to work when they are due to retire will be delivered and that the desire of chief constables and police boards to retain those valuable officers will also be met.

**Paul Martin:** I ask the cabinet secretary to reiterate his comments that he does not want the retired officers to be involved in front-line duties in the city centre.

**Kenny MacAskill:** I did not say that.

**Paul Martin:** You did. You said that you did not expect to see those officers out on a Friday and Saturday night, and you also suggested that they could work part time. Is the suggestion that we will ask those officers to stay on but that their role will perhaps be in a desk job?

**Kenny MacAskill:** The *Official Report* will doubtless show what I did or did not say. I said that some officers do not wish to go out at those times. I have met several such officers. There are also officers who probably want to fulfil such duties. The *Official Report* will show what I said in relation to what you seek to imply.

We are making it clear that we seek to work with officers and with all the other stakeholders to ensure that we get the appropriate scheme for the individual. Some officers want to continue in their role. For example, the officer that came to my surgery last night is a community officer in a housing scheme that has its problems, in this city, in which I reside. He wants to continue to serve his community in that job, which he likes—good luck to him. I have received representations from community councils that have lost their community bobby when they wanted him to stay on. I can understand their feelings, but it is not for me to deploy officers.

That goes back to my response to your first question. As I said, deployment remains a matter for the chief constable. If an officer told their chief constable that they were due to retire but that they really liked their job and that the community wanted them to stay in it, it would be surprising if the chief constable said that they could not stay on.

We have to work with the appropriate bodies to ensure that we change the schemes so that officers who want to continue to serve their communities—and whose communities and constabulary want them to stay on—are able to do so.

12:30

**Paul Martin:** Historically, we have had arrangements for police officers to retire after 30 years with a lump sum and what some would consider to be a generous pension because we recognise that they do a very difficult job and that their working beyond 30 years might not always be best for the community, although it might be best for the officer financially.

Just because an officer comes to your surgery and says that they want to work on, that does not necessarily mean that that officer is going to deliver a service after 30 years of pounding the beat. Are you saying that we do not want them to pound the beat?

**Kenny MacAskill:** I assure you that I do not predicate Government policy on one particular constituent in one of my local areas. We have to recognise that the nature of those who are joining the police is changing. People are joining the police at a later age than they did many years ago. As the convener said, people are taking periods of absence for maternity leave. An array of things are changing in our society.

I have chatted with and heard anecdotes from the SPF and chief constables. As someone who was a divorce lawyer for many years, I can tell you that many of the major divorce cases in the law of Scotland involve serving police officers. Such

things have an impact on the period of time for which people seek to work—they might have cash commitments. There are changes in our society, in how the police are recruiting and in who is joining the police.

We are not seeking to force people to stay on—we cannot and will never do that. However, there is clear evidence from the SPF and others—including anecdotal evidence—that some individuals wish to stay on in the police and it is incumbent on us to work with everybody to ensure that those who we wish to retain and who want to stay on are able to do so.

**Margaret Smith:** I asked what the different stages would be in reaching agreement on a new scheme. When I asked you about the timetable you said that you did not have one. Will you write to us to set out what you see as the different stages in putting in place a new scheme, including the various negotiations that would have to take place to make that happen?

**Kenny MacAskill:** We will write to you to explain where we are and what we are doing. Some matters might be dependent on further meetings, but we are happy to keep you informed. We are more than happy to let you know regularly where we are and what we are striving for.

**The Convener:** The committee would expect nothing less.

I suspend the meeting briefly to allow the officials to change seats before we deal with two Scottish statutory instruments. I ask the minister to stay where he is.

12:33

*Meeting suspended.*

12:37

*On resuming—*

## Subordinate Legislation

### Licensing (Mandatory Conditions No 2) (Scotland) Regulations 2007 (draft)

**The Convener:** The committee is invited to consider the draft regulations. The cabinet secretary is joined by Gary Cox, Tony Rednall and Ian Fairweather from the criminal law and licensing division of the Scottish Government.

I refer members to the cover note from the clerk as well as correspondence from the Confederation of British Industry, Asda and Scottish Health Action on Alcohol Problems. I invite the cabinet secretary to speak to the regulations but not to move the motion at this stage in case officials are required to contribute.

**Kenny MacAskill:** The draft regulations cover two areas: training records for staff serving alcohol and alcohol display areas in off-sales premises. They are part of on-going work to implement the Licensing (Scotland) Act 2005. The regulations build on the measures for staff training that are already in place. Regulations that were made by the previous Administration required that all staff who serve or sell alcohol must be trained and they set out the areas that training must cover. The draft regulations require that a training record must be kept on the premises for each member of staff serving or selling alcohol.

The draft regulations also set out the format of the training record. That requirement is to provide a simple mechanism for the licensing standards officer to check that there is evidence that each member of staff has been appropriately trained. If the licensing standards officer discovers that a member of staff is serving alcohol and there is no training record for that person, it will be a breach of licensing conditions and will be brought to the attention of the licensing board. We consider the requirement to be a proportionate measure that complements the training requirements that have already been put in place. It reduces the scope for abuse and provides an opportunity for the licensing board to take tough action against any premises that do not train their staff appropriately.

The second part of the regulations provides for the separate display of alcohol on off-sales premises. The issue was first raised by Tom McCabe and George Lyon, who consulted on draft regulations in 2006. We need to change our bevvvy culture in Scotland. Alcohol is not just an ordinary commodity to be picked up unthinkingly and thrown into a supermarket trolley along with a pint of milk and a packet of tattie scones. It should not be promoted or sold as such, but that is what is

happening in many stores where there are numerous alcohol displays in addition to the beer, wines and spirits section. The approach varies from retailer to retailer, but examples include beer displayed in the aisle with the barbecues, fine wines in the ladies' lingerie department as well as in the food hall, cans of gin and tonic in the fridge beside lunchtime sandwiches, bottles of wine at every check-out and the ubiquitous pallets of beer inside store doorways. The positioning of alcohol is not about making it easier for the shopper; it is about tempting the shopper to buy and to buy more.

The regulations will require that alcohol is displayed in a particular area of the store, which will help to start to shift attitudes. To make it clear that alcohol is not an ordinary commodity, the regulations do not require separate walled-off areas, turnstiles or check-outs; they just require that all alcohol is kept in a dedicated part of the store. Premises will have almost two years to reorganise their displays in a way that complies with those conditions.

In response to concerns that were raised in last year's consultation, we have made provision in the regulations for a second inaccessible alcohol display area to cater for the typical layout of smaller convenience stores. Such premises generally have an area behind the till where high-value alcohol products are kept, along with other high-value or age-restricted products. The regulations will allow that to continue.

With the convener's permission, I will mention a few specific points. As you would expect, retailers' representatives are opposed to the creation of separate display areas. They want to continue to have a free-for-all and to be able to pile booze to the rafters all round the store. I understand that one retailer has made representations to committee members, although it has not shared that correspondence with me. I am not convinced by any of the views opposing the regulations. The Scottish Retail Consortium, representing the big supermarket operators, has said that there will be a significant cost to all businesses in Scotland. That is just wrong. The measures will affect only those retailers that have numerous displays at present. Many retailers, including some supermarkets, already keep their alcohol in one part of the store. The regulations would mean that it would be business as usual for them and no changes would be needed.

The SRC has argued that the proposals restrict the amount of stock that can be displayed. Again, that is wrong. The regulations do not restrict the size of the alcohol display area. A store could continue to have the same amount of alcohol on display; it would just have to keep it all in one place.

The regulations are about trying to change our culture and getting over the message that alcohol is not just another commodity. The Parliament had a constructive and consensual debate two weeks ago and overwhelmingly passed a motion in my name, as amended by an amendment in the name of Pauline McNeill, welcoming the approach towards alcohol displays. Our alcohol culture means that we need to be innovative and creative and to try new measures to help to change that culture. Creating a separate alcohol display area will not cure all our ills, but it is a step in the right direction.

**Margaret Smith:** Thank you for that, cabinet secretary. I agree with your final point that there is cross-party agreement that our alcohol culture is a major public health issue that we must tackle in every way that we can.

You said that Asda, the CBI and others have lobbied us hard on the impact that the regulations will have on businesses. I will pick up on two or three of the points that businesses have made to us. The first is that the regulations are proposed without the benefit of any research to prove that they will have the beneficial impact that you suggest and hope that they will. You have covered the second point to some extent, but I would like you to nail it down. Asda says in its letter:

"Ordinary shop workers will face very considerable burdens at already stressful seasonal times of the year to make these regulations work by concentrating the sale of beer, wines and spirits in two aisles a huge burden is created for those filling the shelves and taking goods to and from the warehouse."

I want your absolute assurance that you do not propose to limit the display of alcohol to two aisles, that any discussions and decisions about the floor space and layout for alcohol in supermarkets or anywhere else is a matter for the retailer and licensing board and that, in fact, retailers could ask for that to be changed at different times of the year.

The third point is the suggestion from some that there should be a derogation from the regulations at peak hogmanay time and possibly, in the two weeks through Christmas and hogmanay. Will you give us your views on that?

12:45

**Kenny MacAskill:** We did not carry out research on the impact on business. It seems to us that some matters are self-evident. The clear correlation between the availability and the consumption of alcohol has been demonstrated by organisations such as Scottish Health Action on Alcohol Problems and Alcohol Focus Scotland. There are also links between consumption and price and between consumption and advertising. It would have been a waste of public funds to

commission further research. We all know that those links exist.

On the assurance that you seek with regard to Asda, you are correct to say that licensing boards will be able to deal with the matter. Alcohol will not be restricted to two aisles. There will be an opportunity for licensing boards to decide how matters are best dealt with.

On your point about a derogation and the strain on workers, the industry did not approach us to ask for a two-week derogation. When we asked what it meant by a seasonal derogation, we were told that it would start in November, if not October, and run right through. At what other times of the year would we have a derogation? That is the difficulty. If Scotland is successful on Saturday, would we have a derogation for the European championships in 2008? Would we have a derogation for the Commonwealth games in 2014? Would we have a derogation because we wished people to be able to buy bottles of champagne for their sweethearts on St Valentine's day?

The Scottish Retail Consortium is being disingenuous in some of the matters that it raises. Is Christmas a busy period? Yes. Will the regulations cause significant difficulties for the trade? No. Like many people, I will doubtless be inundated with socks, pants, carpet slippers or whatever as Christmas presents. Those items are sold over the counter in far greater volumes at Christmas than during the rest of the year. Retailers say that they need a derogation for alcohol because they sell so much more of it at Christmas, but much more of almost everything is sold at Christmas. It is up to retailers to stock up. They will be able to hold unlimited supplies in their storerooms, but they will not be able to continue to maintain the problem that we have. I do not support a derogation.

**Bill Butler:** You pre-empted my question. I was going to ask whether you support the specific derogation that the Scottish Retail Consortium mentions in its letter to the committee—that is, a 14-day derogation during the Christmas period. That is different from the expansive derogation that you rightly criticised. What about the specific proposal, which the SRC describes as a compromise, of a 14-day derogation?

**Kenny MacAskill:** First, the matter applies to all items that are sold. It applies to the children's toy counter. Most toys are sold at Christmas—perhaps even 95 per cent. It applies to the book trade, but I do not see a representation from the SRC saying that it needs to increase the space that is used to promote the sales of Harry Potter books because more of them are sold at Christmas than at any other time of the year.

Secondly, I return to my answer to Margaret Smith's question. I did not commission any

research because some matters are self-evident. When I was a lawyer in practice, until 1999, I used to operate during the Christmas and new year period, unlike some conveyancing firms. There has been a change in our drink culture since then, but even then I was inundated because of the alcohol-related problems that occur at Christmas and new year. People were literally banging on the door when we opened on the day after boxing day, seeking exclusion orders and so on because of alcohol-related domestic violence. The duty solicitor at the sheriff court in Edinburgh was almost guaranteed to get a murder case, and that was in the days when the murder rate was perhaps lower. They lost the opportunity to engage with their family on those days, but what they lost on the roundabout they gained on the swings, because the volume of alcohol-related crime was significant.

I accept that there is a problem for the Scottish Retail Consortium, but it applies to all goods and not just alcohol. It is clear that alcohol is not simply another commodity and that alcohol-related problems are far greater at Christmas and new year than at any other time.

**Stuart McMillan:** I do not have a question; I just have some points that I would like to raise, if that is okay, convener.

**The Convener:** Well, put them in question form and the cabinet secretary can respond.

**Stuart McMillan:** I have no question at all, only some points about the draft regulations.

**The Convener:** Well, ask him whether he agrees with you.

**Stuart McMillan:** The first point regards the derogation. Some 19 years or so ago, I had a wee job working in a supermarket. I remember working through the Christmas period, when the back store was always chock-a-block with alcohol. The letter from Asda says that the warehouses will always be stowed full of alcohol whether there are six, two or 10 aisles.

The first time that I read the draft regulations, I had two points of concern: when they would come into force and whether they would impose a trade restriction because of the regulation on the display of alcohol within shops. However, when I read through them again, I realised that Scotland has to change the situation because of its alcohol problems.

The letter from Asda says:

"There is likely to be a limiting of customer choice"

because of

"a reduction in the range of products stocked."

That is a rather spurious argument, because it is up to each company what products it wants to sell.

Does Asda want to sell to a particular market or does it want to give people more choice? Trying to put the responsibility for that on to the Government is rather unfortunate, to say the least. If Asda wants to have an argument about reducing the range of products that can be sold, it only has to consider the state-run Systembolaget shops in Sweden. Liquor, wine and strong beers can be bought only in those shops; some beers can be bought in the supermarkets, but they are extremely weak. If Asda wants to argue about restricting trade, we will have to consider what happens in Sweden.

**The Convener:** For ease of handling the debate, we will go round the committee for questions and comments. At the end, Mr MacAskill will have the opportunity to respond.

**Margaret Smith:** It occurs to me that an unforeseen consequence of passing the regulations might be that supermarkets increase both the amount of floor space in the aisles that they normally use for alcohol, and the other space that they would normally take up by cross-merchandising, to cover the peak at Christmas and new year. Has that been considered?

**Paul Martin:** There has been a change of tone this morning, and I could not agree with the cabinet secretary more. He made a robust case in favour of what we agreed during the passage of the Licensing (Scotland) Act 2005. We debated display then. It was a robust debate because there were differences of opinion, but we have had that debate and should take it forward.

The logistical arguments have been made by some of the largest companies in the world. I am sorry, but I do not buy the argument that Tesco and Wal-Mart will face logistical challenges. I have a lot of respect for those companies, which are significant employers in the constituency that I represent, but they have never faced empty shelves. They have stocked their shelves effectively and I have no doubt that they will continue to do so.

I support what the minister said about the connection with domestic abuse during the festive period. I represent a constituency that has its fair share of the domestic abuse statistics and I have heard from families that dread Christmas and new year because of the consumption of alcohol.

It is time for the supermarkets and the industries that are involved to take some social responsibility for their actions. They must recognise that, as well as continuing to provide a market in which there is competition and that provides the consumer with choice, they must take some responsibility. We did that with the on-trade through the Licensing (Scotland) Act 2005, on which a lot of work was done. We are now asking one thing of the off-trade: to reconsider how it displays alcohol.

I am delighted to support the cabinet secretary today. We should ensure that the regulations are introduced and that the industry is given time to implement the policy. We should also work with it to support it in that process.

**Cathie Craigie:** I agree with Paul Martin's analysis of the cabinet secretary's submission to the committee. I have been in politics for a long time and have dealt with people who have suffered marriage break-ups, violence and, unfortunately, deaths as a result of the overconsumption of alcohol, which increases at that time of year.

Having said that, what about the mad mother, housewife and politician who is running around one of the large supermarkets, trying to get the Christmas shopping done without a list? She has got the tattie scones for breakfast and then something catches her eye and she thinks, "Oh, I need that for after dinner," or whatever. Is it fair that someone who can drink alcohol responsibly will perhaps be put out a little at that time of year?

**The Convener:** Please deal with that question in your conclusion, cabinet secretary.

**John Wilson:** I support the comments that other committee members have made about the regulations and what we are trying to achieve. The cabinet secretary is to be congratulated on the SSI. Unlike Cathie Craigie, who talked about a person running about at the last minute—I will not repeat the other phrases that she used about herself—I believe that it is about changing the culture around alcohol in Scotland.

At the weekend, I visited one or two large supermarkets. It is not a matter of people buying drink at the last minute; it is a matter of their buying it in the first minute. As soon as they walk into the large supermarkets, they see cases and cases of different types of alcohol on sale. We must change the culture and mood around alcohol in Scotland. At the moment, in one of the large supermarkets, people can buy two cases for £16, which encourages and exacerbates the alcohol problem in Scotland. The more that we can do to abate that, the better.

**Nigel Don:** I endorse everything that has been said so far. To Cathie Craigie, I say that I do not see a problem at all in people being put out a little. Maybe we need to put them out quite a bit, as we simply have to change the culture.

Given that we are making general comments on the issue, it is worth noting that the trade in general is going to have to recognise that the Parliament is determined to reduce alcohol consumption. We have taken on tobacco and the culture around that is changing. The Parliament is now determined to take on alcohol and, if we are successful, less alcohol will be sold and

distributed. The trade in general must recognise that. That does not have to be to the trade's disadvantage, as the margin—therefore, the total profit—will be up to the trade to decide. However, it needs to recognise the direction in which the wind is blowing.

**Bill Butler:** I place on record the fact that, despite the questions that I asked, which were designed simply to allow the cabinet secretary to respond, I agree entirely with what the cabinet secretary has said today and with what has been said by other members. There is a real need to change the culture in Scotland, to create a responsible, safer Scotland. I am pleased that the work that was done by the two previous Executives and Parliaments, which the cabinet secretary will acknowledge, is being carried on by the present Government and Parliament. I support the regulations unreservedly.

**The Convener:** In conclusion, let me say that I totally support the measures such as those on staff training—that is a vital component—but I am less persuaded by the measures regarding how supermarkets and so on should be run. As I said earlier, I frankly do not think that those will make a whit of a difference. I am slightly disappointed that the cabinet secretary felt unable to grant a two-week derogation. I accept that a three-month derogation is out of the question, but I think that the committee might be in favour of a two-week derogation.

The cabinet secretary may now briefly sum up the debate and thereafter move the motion.

13:00

**Kenny MacAskill:** On Stuart McMillan's point, the regulations will kick in on 1 September 2009.

On Margaret Smith's point, yes, the licensing board can vary the layout plan if the supermarket or other off-sales premises makes representations.

I am grateful to Paul Martin, Cathie Craigie and Bill Butler for what they said. I concur that the process was started by our predecessors. We need a culture change and all Scotland must sign up to it. This is not a party-political or ideological problem but a cultural problem. We cannot go on as we are.

I accept Cathie Craigie's point that legitimate shoppers will be put out; those who do not abuse alcohol will pay the price for those who do. However, my colleagues in the health portfolio would point out—as Nigel Don did to an extent—that the public damage arising from alcohol abuse goes beyond the antisocial behaviour and violence on which we tend to concentrate. The issue straddles health as well, because people are

encouraged to drink alcohol regularly. As Paul Martin commented, some of the best brains in the advertising world are employed on subliminally encouraging people to indulge at home. That may not cause antisocial behaviour, but it causes huge difficulties for our health and welfare. Therefore, sadly, those who are not involved in such breaches must face the same consequences. We also need to tackle the hidden long-term health consequences that arise from people imbibing at home on a daily basis given that, even if they do not commit an offence, their livers will not cope.

On John Wilson's point, in due course—subject to the consent of the committee and of Parliament—we will introduce further regulations to address promotions. Those will be introduced early in the new year. We are seeking to deal with the issue of access because—to reiterate what, I think, the Scottish Grocers Federation said—the display of alcohol is about optimising sales. Such displays are not simply to assist the reasonable consumer but to encourage both the unreasonable and the reasonable consumer to buy more alcohol.

I move,

That the Justice Committee recommends that the draft Licensing (Mandatory Conditions No 2) (Scotland) Regulations 2007 be approved.

*Motion agreed to.*

### **Premises Licence (Scotland) Regulations 2007 (SSI 2007/452)**

**The Convener:** Agenda item 3 is also on subordinate legislation. The cabinet secretary will make a brief opening statement on the regulations. It will expedite proceedings if, in the course of his statement, he can deal with the issues that have been raised by Glasgow City Council licensing board.

**Kenny MacAskill:** The Premises Licence (Scotland) Regulations 2007 set out the templates for an application for a premises licence, a summary of a premises licence, an operating plan and a specification for the layout plan that are required under the Licensing (Scotland) Act 2005.

I am happy to address the two points that have been raised by Glasgow City Council licensing board. First, it should be noted that the templates are not new, given that the format of the documents was developed by a sub-group of the national licensing forum back in May 2006. The sub-group included representatives from the licensed trade, the police, licensing boards and other stakeholders. The forms were not simply dreamed up by us, but were developed by those who will use them. They were revised and refined over a long period.

Glasgow City Council licensing board asks that a new section be added to the form to require all applicants to write a paragraph stating how they will comply with the licensing objectives. The proposal was considered carefully by the sub-group, but it was rejected. The sub-group took the view that such a section was unnecessary and raised concerns that it would be bewildering for applicants, who would either end up writing meaningless nonsense just to keep the licensing board happy or feel under pressure to go to the otherwise unnecessary expense of employing the services of a legal expert to complete the forms. Such a requirement would be an unnecessary burden on the licensed trade for no apparent advantage. In addition, Scotland's licensing lawyers might simply develop a standard paragraph that could be stamped into every form to comply with the requirements.

Nothing has changed since that decision was taken by the sub-group that developed the forms. I am satisfied that the forms as presented provide enough information to enable the licensing board to determine whether an application would compromise its licensing objectives. The new act also makes sufficient provision for monitoring and inspection to ensure that the licensing objectives are upheld. If the objectives are not upheld, a review of a licence can be initiated.

Glasgow's licensing board also raises an issue about the level of detail that is to be provided in the operating plan, in particular the information on the types of activities that might take place on the premises. The board suggests that it might be unable to distinguish between a pub and a nightclub on the basis of the information in the operating plan. I do not agree with that view. As members who have served on licensing boards will recall, board members receive a lot of information to allow them to take decisions. The new system will be no different.

Licensing boards will actually have more information than ever before. Board members will have an application form, on which the first piece of information will be the name of the premises. If it is called "Aitken's Bar", chances are that it will be a pub. Secondly, they will have the information from the applicant under the heading "Description of premises". It will be up to the applicant what to put in that box, but I would expect that the applicant will state that the premises will operate as a pub, nightclub, supermarket, convenience store, hotel or whatever. We will reinforce that point in guidance notes to applicants. Thirdly, board members will have the operating plan, which will set out details of what activities will be carried out on the premises and what the opening hours will be. Fourthly, board members will have the layout plan for the premises, which will give information on what the premises will look like.

Board members also have local knowledge, which we should not underestimate. If, after all that, the board cannot work out whether a premises is a nightclub or a pub, the board's staff can ask for further information or its licensing standards officers can visit the premises.

This may seem like a small issue, but the change that Glasgow's licensing board seeks would affect licensed premises in an unreasonable way. The act requires that a change to the operating plan must be treated as a variation. That means that an application must be made to the board, for which a fee would be payable. For example, if the operating plan were to require more detailed information on activities, an applicant who said that the premises will have live folk music in the evening might need to apply to the board if that was changed to live country and western music. We do not consider that that level of detail is required. The forms need to strike a balance between giving boards enough information to take a decision and not being overly bureaucratic and restrictive to business. In particular, smaller businesses might not be able to instruct lawyers to go through the processes for them.

Therefore, I am content with the forms that have been presented and do not agree with the points that Glasgow's licensing board has raised.

On a more general issue, some of the administrative points that have been raised as we approach the transition period for the new act show a certain reluctance to move away from the comfort zone of the seven licence types that applied under the Licensing (Scotland) Act 1976. We need a willingness to accept the new act that Parliament passed and to make it work in the interests of our communities. The regulations are about creating a system that is fair to the trade as well as to boards. I am confident that the forms fit the bill.

**The Convener:** The issues have largely been dealt with. As members have no comments, are they content with the regulations?

**Members indicated agreement.**

**The Convener:** We will now move into private session.

13:08

*Meeting continued in private until 13:31.*





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