

JUSTICE COMMITTEE

Tuesday 4 December 2007

Session 3

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JUSTICE COMMITTEE **12th 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:

Kenny MacAskill (Cabinet Secretary for Justice)

CLERK TO THE COMMITTEE

Douglas Wands

SENIOR ASSISTANT CLERK

Anne Peat

ASSISTANT CLERK

Euan Donald

LOCATION

Committee Room 2

Scottish Parliament

Justice Committee

Tuesday 4 December 2007

[THE CONVENER *opened the meeting at 10:21*]

Budget Process 2008-09

The Convener (Bill Aitken): Good morning. We have a full turnout, so we have no apologies.

The first item of business is a continuation of our draft budget scrutiny. I welcome the Cabinet Secretary for Justice, Kenny MacAskill; Robert Gordon, director general justice and communities; Alastair Merrill, deputy director, police powers, performance and resources; and Ruth Ritchie, from the Scottish Government finance directorate.

Good morning, Mr MacAskill. The committee is genuinely appreciative of the amount of time that you have given us recently. However, we are in a position of some difficulty in that we are behind the 8-ball as we have to provide a report to the Finance Committee for 19 December, which is causing pressure on the committee and the clerks. We feel that the matter could have been dealt with in a happier way. Some of the questions seek information and we would not have had to ask those questions if matters had been dealt with differently.

The committee and the police representatives from whom we have taken evidence have found it impossible to determine how much will be spent in total on police running costs, partly because there is no separate identification in the budget document of police expenditure in local authority grant-aided expenditure. We understand that the Government wishes to give local authorities more flexibility but, given that details of local authorities' expenditure will not be available for some days yet, do you agree that the effect is to limit the committee's ability to properly scrutinise the Government's budget proposals?

The Cabinet Secretary for Justice (Kenny MacAskill): The Government is making police GAE part of the local authority financial settlement, which will be announced by my Cabinet colleague, John Swinney. That is a matter that has been under discussion with local authorities and has been uniformly welcomed by local authorities of whatever political hue, from Pat Watters and others down. There might be difficulties for the committee, but we have to look at matters in the round.

The Convener: I do not think that there is unanimous agreement with parts of your answer, cabinet secretary, but we will proceed regardless.

Nigel Don (North East Scotland) (SNP): I seek clarification. We understand that general police money is no longer ring fenced and will go to local authorities in portions that you have yet to announce. For the record, can you clarify whether, if a local authority were not to provide its local police force with the 49 per cent funding that you expect it to—which you would match with 51 per cent centrally—the percentage that you would provide centrally would be reduced on a pro rata basis?

Kenny MacAskill: Actually, GAE will be ring fenced. No change has been made to the funding mechanism. Basically, there would be consequentials. If local authorities spend less than they are allocated, money will be reduced. The situation is the same as it was before, but there will be punishments—if I may put things in that way—if local authorities do not spend what they are given to spend on our police forces.

Nigel Don: So pressure will be put on local authorities to ensure that they spend what is allocated, as they will lose central funding if they fail to do so.

Kenny MacAskill: Absolutely.

The Convener: We turn to police pensions.

Bill Butler (Glasgow Anniesland) (Lab): Good morning, cabinet secretary. As we all know, pensions constitute a significant burden on the police service. What provision has been made for police pensions in the spending review settlement?

Kenny MacAskill: Mr Swinney will comment and elaborate on that provision during the budget process. We are aware of the significant pressures and problems that exist.

Bill Butler: It would have been handy to have information on that provision. Is pensions provision for the 500 extra officers that the Government has promised among other promises included in the additional £54 million over three years?

Kenny MacAskill: Yes. The pensions, training and salary costs for those 500 officers are fully covered by the global figure of £54 million.

Bill Butler: Okay. That is clear.

You will probably be aware that the issue of the central management of police pensions was raised during scrutiny of last year's draft budget. What consideration is the Government giving to changing the funding of pensions from the current pay-as-you-go approach, which we have heard injects volatility into budgeting and cost control?

Kenny MacAskill: Such matters are being discussed with the Scottish Public Pensions Agency and the Association of Chief Police Officers in Scotland.

Bill Butler: When do you expect those discussions to reach a conclusion?

Kenny MacAskill: We inherited the discussions, which are on-going. No definitive timescale has been set, but we will keep a watchful eye on them.

Bill Butler: I accept that no definitive timescale has been set, but what would the Government like the timescale to be?

Kenny MacAskill: You will appreciate that a pan-United Kingdom approach is taken on pensions arrangements and many police matters. Therefore, we will go at the appropriate pace to deliver what is necessary in dealing with them. However, for various technical reasons, the matter is not likely to be dealt with within the spending review period.

Bill Butler: Okay. So the matter will be dealt with outwith the spending review period.

Kenny MacAskill: Yes. We are looking at the longer term.

Bill Butler: Okay. That is clear.

John Wilson (Central Scotland) (SNP): Will the cabinet secretary clarify that, although many negotiations and discussions on police pensions and pay are UK-wide, the Scottish Government must pick up its end of any negotiations that take place?

Kenny MacAskill: We pick up the tab for pensions; pay is dealt with on a UK basis. I have had discussions on those matters with the Scottish Police Federation. That is the position that the Government inherited and which we will respect until such time as things change.

Margaret Smith (Edinburgh West) (LD): In responding to Bill Butler, the cabinet secretary answered part of the question that I was going to ask about police recruitment. I was going to ask what the £54 million that has been mentioned will buy. According to police witnesses, it is likely that the cost of recruiting 500 additional police officers will be between £35 million and £40 million—indeed, I think that that was the sort of figure that you gave in a reply to a parliamentary question of mine earlier in the year. Obviously, such figures are less than £54 million. Will you provide further clarity about what the balance of the money is intended to pay for?

10:30

Kenny MacAskill: Obviously, police officers are not bought off the shelf at a garage forecourt. We require to put them through Tulliallan and train them. Therefore, training costs require to be factored in. It was correctly said earlier that we require to factor in provision for their pensions, which are an important reason why many people

are attracted to the police. Police officers pay a significant amount for their pensions through their wages, and the Government must ensure that there is provision for that. Therefore, there are generic factors that go into the global sum as we try to ensure that we get the additional numbers that are necessary.

I think that Margaret Smith pointed out when she asked another parliamentary question that we have inherited the lowest number of police recruits since devolution began. We must address that and provide for their capability and usage.

Margaret Smith: I think that the point that was made was that we were going to finish the year with the lowest number of recruits since devolution began, not that the Scottish National Party had inherited the lowest number of recruits since devolution began. We were only four months into the Government year then.

Kenny MacAskill: Things were set in place when we came into government after the election on 3 May. We inherited the previous Government's recruitment policies. The previous Administration decided to have the lowest police recruitment since devolution began, but—thankfully—the current Government decided to recruit 500 additional officers to ensure that we are not in a position at the end of the year that Margaret Smith correctly views as unacceptable.

Margaret Smith: I totally and categorically deny the point that you have made, but I would like to move on.

The Convener: Let us do so. I am more interested in the future than in the historical position.

Margaret Smith: I want to draw the cabinet secretary back to the figure of £54 million. At last week's committee meeting, Professor Midwinter talked about whether £54 million would be adequate to cover the recruitment of the extra police officers and their pensions. I cannot find exactly what he said at the moment, but the gist of it was that he questioned whether £54 million would be adequate if it also had to cover pensions. Have you read what Professor Midwinter said? Do you want to comment on it?

Kenny MacAskill: We are clear that the £54 million will cover the recruitment of the 500 officers, including their salaries and pensions.

Margaret Smith: Okay.

The Government has said that 1,000 additional police officers will be available in our communities by 2011, and that that will be achieved in part by retention and redeployment. We have tried to pursue the thorny issue of the second 500 police officers—those who will not be new recruits. You will be aware of comments that the chief constable

of Lothian and Borders Police, David Strang, and the Scottish Police Federation have made to the committee. They drew our attention to the fact that retaining police officers will not increase the number of police officers, which will remain the same. Obviously, it is important to retain experience, but that is not the issue—the issue is the actual police numbers. Given the spending review figures and the remarks that have been made about retention, which seem to me to push the approach much more towards redeployment, what scope is there for increasing police capacity? What estimate have you made of the number of additional officers who will be made available as a result of improved retention and redeployment?

Kenny MacAskill: Retention is not a substitute for recruitment. We have said that recruitment, retention and redeployment are important—the three Rs go together. Obviously, retention is consequential and complementary to what we are doing about recruitment. The aim is to free up capacity. Our view is that experienced officers are doing a significant number of jobs that can be done in other ways, whether by using new technology or by having civilians do those jobs. Doing those jobs in other ways will allow officers to be redeployed to the front line.

We want to retain officers whose experience cannot be replicated by young recruits, no matter how eager or excellent they may be. I understand that Joe Grant and other representatives of the Scottish Police Federation have said on the record that many officers who leave after a significant number of years of service are highly prized by the private sector and other parts of the public sector. They are highly prized and sought after because they have great skills. We want those skills to be retained in the service, to which the officers have contributed greatly over many years. We want recruitment, retention and redeployment, but we are not setting specific numbers for how many will come from recruitment, or from retention rather than redeployment. However, we remain committed to increasing the visible capacity and visible policing in our communities by 1,000.

Margaret Smith: All along, we have been searching for a baseline figure on what the commitment will mean in our communities. When will we—the people who are meant to scrutinise your budget and promises—be able to judge whether those 1,000 officers have been delivered in communities?

Kenny MacAskill: The problem is that, sadly, the information was not collated by the previous Administration. It is probably not appropriate for me to comment on that, but the Government believes that communities should be able to know what they are entitled to expect from their police. In part, that will mean being able to intimate

exactly what should be available in people's areas. The fact that the baseline information does not exist is not a problem that the present Government has caused—it is one that we have inherited. However, I assure the member that we are seeking to ensure that our communities have an understanding of the rights and responsibilities that exist between them and their police. That will give us the opportunity to quantify and provide the information.

Nigel Don: Will you outline your vision of community policing?

Kenny MacAskill: Community policing covers a variety of matters. Our officers must provide a rapid response and attend immediately at incidents but, equally, community policing involves officers being responsible in their communities, pounding the beat and going to community council meetings, as I and, doubtless, other members do. Visibility in the community can mean an officer attending an incident, whether a street robbery or an incident of domestic violence but, equally, it can mean their attending community council meetings and other events to ensure that they are advised. There are other more or less visible matters that are of significant importance to the community. We are looking to work out those matters through our relationship with communities and local government. Community policing must involve protection as well as visibility, and fast response as well as mixing and mingling, so that our police force is viewed as being there both to act when problems arise and to stop them arising in the first place.

Paul Martin (Glasgow Springburn) (Lab): I return to the cabinet secretary's concern about the previous Government's performance, particularly on the retention of police officers. You will have had several meetings with the officials who are with you today to discuss retention and I am sure that they have given you estimates of the retention figures that could be achieved. Can you share those with us?

Kenny MacAskill: No, we cannot. We have inherited the problem of the 30-plus scheme, which is clearly not functioning as it should, north or south of the border. Our view is that the 30-plus scheme can be refined, but it is a pan-UK scheme, so we hope that we can work in collaboration with colleagues south of the border to improve it. However, we can consider other arrangements to allow officers who wish to continue serving their communities to do so, if their communities wish that, and to continue serving their forces, many of which wish to retain their services. That will have to be done by a scheme other than the 30-plus scheme, which has limitations. That scheme can be refined, but it will not be the sole solution. However, other schemes exist and have been

commented on, such as the one that operates in Strathclyde. We must consider those schemes and have discussions with the SPF and ACPOS to work out a way in which officers who can still give considerable service to their communities and who are still sought by their communities and chief constables can continue. That will not involve only the 30-plus scheme, as we are considering new schemes.

Until we have devised a formal new scheme or schemes, it will be impossible for me to say just how many officers will be retained. The issue comes back to our commitment to 1,000 officers.

Paul Martin: With respect, you have evaded the question. You are concerned that the previous Government did not deliver on retention. In the letter that we have received from the Government, you say that you will make available

“an additional 1,000 police officers in our communities”

through

“increased recruitment, improved retention and redeployment”.

I am sure that you would not have made such a statement if you had not received from your officials estimates of what can be expected through retention.

Kenny MacAskill: Can I—

Paul Martin: Just hear me out. You have had an opportunity to answer the question. I am asking you a question.

Can you share with the committee information about those discussions, or do we have to submit a freedom of information request to ask for those papers to be shared with us? Surely you would not have made the commitment to increase retention without having had detailed discussions with the officials who are with you today about the estimates of what can be achieved through retention. You cannot say that you will increase retention without discussing the matter or without a background briefing that states, “Yes, minister, we can deliver on retention.”

Kenny MacAskill: There were several questions in that, but they all seemed to operate on the false premise that the Government can, somehow or other, retain officers; we cannot. However, we can address a clear gap and failing, which is that, at present, officers who wish to continue to serve have no opportunity to do so. We have inherited a situation in which 2,300 officers are due to retire during this parliamentary session. That is a significant problem, but no arrangements other than the 30-plus scheme have been introduced. It is clear that the 30-plus scheme is not delivering—that has been commented on by others as a matter of record.

We are not seeking to set a target, because I cannot set a target. I can make a scheme available and encourage officers to remain in the service—I think that many will seek to do so—but if an officer says that they want to go, they are entitled to go. We believe that, of the 2,300 officers who are due to retire, many wish to continue to serve and will do so if we provide the appropriate scheme. We are aware that the 30-plus scheme is not delivering and we are considering other schemes. Time will tell how many officers that will provide. I cannot give a set number because I cannot instruct any officer to continue working. However, I believe sincerely that we can get a substantial number of the 2,300 officers to continue to serve their communities whereas, under existing legislation and the schemes that we have inherited, they would have to go.

Paul Martin: I have a final short and straightforward question on that. I am asking only whether you have received advice from the officials who are sitting beside you—or other officials—that has contained any estimate on retention. I appreciate that you cannot require officers to serve beyond 30 years but, in respect of the commitment to 1,000 additional police officers, have you received advice on the number that you can expect through retention—yes or no?

Kenny MacAskill: No.

Paul Martin: So you have not.

Kenny MacAskill: No target has been set, because those matters are being—

Paul Martin: I appreciate that, but I am asking whether you have been given advice in respect of the figure of 1,000 additional officers. The letter states that reaching the figure will involve “improved retention”. According to your answer, your officials have given you no estimate of the figure that can be expected from increased retention. I would appreciate an answer on that.

We heard evidence from the Scottish Police Federation about its concerns on whether officers who have served 30 years can continue to serve as police officers. I understand some of the skills to which we are referring, but are there any proposals to carry out assessments of those officers’ medical ability to continue with their role as front-line police officers? Have you considered that?

Kenny MacAskill: If somebody is unfit for service, we will thank them for their service over the years and we will not expect them to be forced to work on. However, we are not aware of that problem. As I say, our discussions with the SPF and ACPOS are intended to sort out the failings of the 30-plus scheme, because we are reaching a juncture at which 2,300 officers are due to go. We

need the skills and talents that many of those officers have and we know that many of them wish to stay, so we need to provide an opportunity for that to be synergised to service our communities.

10:45

The Convener: You will appreciate the committee's concern over this subject. Much of the budget, and indeed your policing policy, is predicated on retention. I find it surprising that you are not able to firm this up to some extent, bearing in mind the evidence that we have received about the terms of the 30-plus scheme. Would you not agree that it is not a terribly attractive deal?

Kenny MacAskill: It is regrettable that the Government has inherited a situation with the lowest level of recruitment—I refer to Ms Smith's question—with 2,300 officers due to retire and with no attempts having been made to address the failings of the 30-plus scheme. However, I assure the committee that we are on the case to provide ancillary schemes to retain the officers to address the problem and to make Scotland safer and stronger.

The Convener: We look forward to hearing about those schemes in due course. We turn now to the subject of redeployment.

John Wilson: I have one further question about retention if you do not mind, convener. We have received a submission from the Association of Scottish Police Superintendents, which gives us a figure of 153 officers being retained to date under the 30-plus scheme. I understand that the scheme was established in 2004-05. Could the cabinet secretary tell us how many officers were due for retirement between 2004-05? That might give the committee a good indication of the number of officers who will be retained. If we have managed to retain 153 officers through the 30-plus scheme during that period, there might be an increase in that number that corresponds to the increase in the number of officers who are due to retire over the next couple of years.

Kenny MacAskill: We do not have that information at the moment, but we can write in with it.

As I think was mentioned before, there is a desire on the part of some officers who have served 30-plus years to continue, but they do not necessarily always seek to continue in full-time or front-line employment. If they have skills and talents that allow for flexibility and allow them to come in and do important jobs, freeing up other officers to go to the front line, that would appear to be something to be welcomed, not disparaged. It would add to, not detract from, making Scotland safer and stronger.

Cathie Craigie (Cumbernauld and Kilsyth)

(Lab): I know that you will have been given your lines to get out for today, cabinet secretary, but I can tell you that the Scottish Police College at Tulliallan can take in recruits at any time. You had a month to work with the old budget; perhaps you should have been thinking more about recruiting earlier.

I will move on to the issue of redeployment. Your head will be full of figures from looking at the budget. You will probably be living, eating and sleeping it and you will know it inside out. Hopefully, therefore, this will be a simple question for you. What estimate have you made of the number of additional officers who will be made available by the route of redeployment?

Kenny MacAskill: Ultimately, these matters will have to be sorted out by chief constables. We have been speaking to Andrew Cameron of Central Scotland Police, for example. I have previously mentioned to the committee the use of police custody and security officers to free up officers' time. There are initiatives here in Lothian and Borders, where new technology, in particular personal digital assistants—PDAs—has freed up time. It is not a matter of precise numbers, but the number of officers who are freed up under all those measures will add up to the figure of 1,000 around our communities.

There are a variety of other approaches that the incoming chief constable of Strathclyde has at his disposal. Some of them involve bringing in civilians to do jobs that can free up valuable police time, as in Central Scotland. Other matters concern how we operate. Those initiatives are on-going and are being carried out through good organisational and managerial practice on the part of our chief constables. They are on the case, and matters are being delivered.

Cathie Craigie: You will know that the committee has heard evidence that anything that could be done in this regard has been done, and that the number of officers who could still be redeployed is marginal. Where are the officers going to come from? I find it astonishing that, at a time when the spending review has been done, we have a spending review document on the table and you have been planning the budget, we do not have the components that make up the number of new police officers on the street that you and your Government want.

Kenny MacAskill: You might want to raise that matter with Pat Watters, whom you doubtless know in some capacity.

Cathie Craigie: No, I want to raise it with you, cabinet secretary, not with anybody else. This is our opportunity to ask about a budget that is very low on information. It is difficult enough for

committees to look at it in great detail; this is our opportunity to question you, the person responsible for the justice budget.

Kenny MacAskill: That you are entitled to do, Ms Craigie, and I am entitled to answer.

Cathie Craigie: Well answer, then.

Kenny MacAskill: I gave an answer to a question earlier, which I will repeat: those matters will be commented on by the Cabinet Secretary for Finance and Sustainable Growth in due course. Frankly, it is not for me to intrude on the grief in Lanarkshire Labour if there is a dispute between Pat Watters and his party colleagues.

In terms of what was mentioned about civilianisation—

Bill Butler: On a point of order, convener. I ask for your guidance. Is it in order for the cabinet secretary to respond to a perfectly reasonable factual question and employ party-political language? I have seldom heard a cabinet secretary or any minister respond in that fashion. Could you give a ruling?

The Convener: Actually, under the terms of standing orders, there are no points of order at committees. However, the point is well made. We really should restrict ourselves to the questions. The budget is difficult enough without such a sideshow. When questions are asked, can we have the answers, please?

Cathie Craigie: How many officers can we expect through redeployment and where will they come from?

Kenny MacAskill: We need to work that out, as was said in response to Ms Smith earlier. We require a baseline from which to operate—it is a matter of regret that we do not have one. I also regret it if that is perceived as being a party-political comment. Unfortunately, when Governments change, such things occur in relation to priorities.

Nobody is suggesting that there is a great deal of space for civilianisation. We are talking about ensuring that officers who are currently stuck doing duties that could be dealt with by others are allowed to do front-line duties. If police custody and security officers can do work that was previously dealt with by uniformed officers, we should ensure that they do so. If we can provide facilities in Alloa so that officers do not have to drive to Stirling for them, we should do so. If PDAs can be used so that officers do not have to make a note in their notebook at the time of an incident on Lothian Road, only to return to the west end police station to write it out for a second time, that would be a good thing that could free up time. Is that civilianisation? No—it means allowing officers to use their skills and talents to make our

communities safer and stronger, instead of their being hamstrung by bureaucratic paperwork in a back office. That work can be dealt with using new technology and by people who need not be experienced police officers, who should be out in our communities or doing backroom police intelligence jobs that can be done only by police officers, not by information management officials or more junior staff.

Cathie Craigie: We would all agree with that position and that statement. Those of us who have an interest in the subject have been pursuing that for a number of years: that is happening. The point, however, is that people who work in police services—both at senior levels and at the coalface—are saying that further redeployment can be done only at the margins. Have you thought about a figure of, say, 100 officers who might be available? Might it be 250? I know that you do not have the figures at this time, but what are your thoughts, and when will the figures be available?

Kenny MacAskill: I am surprised at Ms Craigie's question. Central Scotland Police has matters on-going, some of which I have identified, and which Chief Constable Cameron is working on. It might be of interest to the committee to hear that Tayside Police is has an on-going best-value review to identify the most efficient and effective use of resources and skills. The incoming chief constable of Strathclyde Police, which covers Cathie Craigie's area, has indicated that one of his first tasks will be to review police resources in order to maximise opportunities for front-line policing. It seems to me that we are all singing from the same hymn sheet. It might be that Cathie Craigie or the committee will want to discuss the matter with the chief constable; I will certainly take it up with him when we are introduced formally; I have met him only in passing.

The Government welcomes such measures and we will encourage chief police officers to take them because they will free up resources. Our communities and police officers are fed up with bureaucracy, paperwork, and being stuck behind desks when they want to get out and protect, patrol and guard our communities.

Cathie Craigie: You said that you regret that you do not have the figures. When will we get them?

Kenny MacAskill: Those things have to be worked out. As I said, we are starting with no baseline. We are giving a commitment that there will be 1,000 additional officers in our communities, who will be out there making Scotland safer and stronger.

Margaret Smith: I have a point of information that I hope will be helpful to the cabinet secretary.

We do not have a baseline and you have said that the information is held by chief constables. In the past couple of weeks I have written to all the chief constables in Scotland and, so far, I have received baseline figures from one quarter of them. You have been in office for seven months, but I have managed to get one quarter of the forces' baseline figures in two weeks. I am not the cabinet secretary, so seven months in, why do you not have the baseline figures?

Kenny MacAskill: One of the problems is that definitions vary from force to force—

Margaret Smith: Well—

Kenny MacAskill: Perhaps I could answer the first question before a supplementary is asked. I am sure that Ms Smith will come to my rescue in due course.

The definition of community policing varies from force to force. As I said to Mr Martin, a lot will depend on whether you are operating from a false premise: if you are, you will get a false answer. The Government must work out a definition of community policing—Nigel Don raised that point. Once we have the definition, there will be merit in collating figures to set the baseline. The fact that there is no current definition of community policing is not a situation that was created by this Government, but was inherited by it.

Margaret Smith: Can I clarify my point?

The Convener: Briefly.

Margaret Smith: The cabinet secretary will recall that, at a previous committee meeting, I asked him for his definition of community policing in an attempt to get a baseline figure. Without a baseline figure, I used the cabinet secretary's definition—as given to the Justice Committee on that occasion—as the basis of my question to the chief constables. It was the closest I could come to an understanding of the definition that was in the mind of the Scottish Government. On the basis of your definition of community policing, in two weeks, I have received a response from one quarter of the chief constables of Scotland's forces.

Kenny MacAskill: You will appreciate that we have a tripartite arrangement and that such things have to be worked out with the chief constables and the police boards. I do not doubt that how they currently collate figures will dictate how they answer. Until such time as we have a formal definition of community policing, out of courtesy—if nothing else—to say nothing of the clear nature of the tripartite agreement, we must accept that there will be difficulties in the chief constables giving answers.

Ms Smith is entitled to write to whomever she wants to seek answers from, but those answers

might not illuminate the situation or give the information or outcomes that she wants.

Stuart McMillan (West of Scotland) (SNP): In his paper to the Finance Committee, Professor David Bell wrote:

"Delivery of the budget is dependent on public sector bodies achieving some very ambitious efficiency savings targets of 2%."

That being the case, if the required efficiency savings cannot be found, how will you bridge the gap between the public's expectation of the 1,000 extra police officers on the streets that you promised and the 500 that you have funded?

Kenny MacAskill: The 2 per cent efficiency savings appear to us to be perfectly deliverable, although achieving them might not necessarily be easy. The Home Office report on police efficiency savings in 2006-07 set an efficiency target of 3.4 per cent for police south of the border. Some members appear to be quite prepared to stand four-square behind London; so am I. If they can do it, so can we. We are not asking our forces to deliver 3.4 per cent efficiency savings, but we do think that they can deliver 2 per cent. As with other things, sometimes we can learn lessons from London.

Cathie Craigie: We have received evidence—I am sure that the cabinet secretary has read it—that it will be very difficult to meet that 2 per cent efficiency savings target. The budget adviser to the Finance Committee also flagged that up. Must those efficiency savings be found across the budget? Is anything excluded from the efficiency savings target of 2 per cent?

Kenny MacAskill: No. Our efficiency savings will be across the board and it will be up to police forces to deliver on them. As I said, it appears that in some cases, we stand four-square behind London; even as a nationalist cabinet secretary, I am happy to say that if London can deliver 3.4 per cent efficiency savings, I do not see why Scotland cannot deliver 2 per cent.

11:00

Cathie Craigie: So we have to deliver a 2 per cent saving across the board including in staff costs. How, in that case, can we increase the number of police officers if there is to be a 2 per cent saving in staff costs?

Kenny MacAskill: All savings that are generated from the 2 per cent efficiency savings target will be available to reinvest in the improvement of operational policing. Boards and chief constables have the incentive to work together so that the 2 per cent efficiency savings that they make can be reinvested in front-line policing. I am surprised that a Labour member

should be so reluctant to acknowledge that there is merit in following London in this case. We are not asking our police forces to deliver 3.4 per cent efficiency savings; we are asking them to deliver 2 per cent efficiency savings. That can be done.

Cathie Craigie: I have enough to do in trying to scrutinise the Scottish Government's budget for the Scottish Parliament. I had thought that today we might hear some answers that mean something. It would be better if you were to concentrate on bringing forward a clear and transparent budget; this budget is neither.

Kenny MacAskill: Is that a question?

Cathie Craigie: No, it is a comment.

The Convener: You are entitled to reply to that comment.

Kenny MacAskill: No thanks.

The Convener: Right. We go back to Stuart McMillan.

Stuart McMillan: If savings can be found, how will you ensure that chief constables, who have to manage their budgets, will apply the extra resources to visible front-line policing?

Kenny MacAskill: As I have said, any savings that are generated will be made available. Chief constables are held to account through police boards, which have a statutory duty to secure best value. I have met police board conveners and, although in many cases they are new to the job, they are very keen. Chief constables will want to have those 2 per cent efficiency savings reinvested in operational and front-line policing. That is where we have to get our tripartite agreement working.

All of us, of whatever political party, want to make Scotland safer and stronger and we want to make the best use of our police. Chief constables will seek to achieve those efficiency targets, but if for some reason they do not, I have great faith that police board conveners will ensure that the chief constables deliver. Such points can be made by the Government or, indeed, by any individual. We should trust to the good judgment of everyone in Scotland who is involved in policing so that, if we achieve the efficiency savings, as I think we can—despite the facts that some members see problems and that it was managed south of the border—they will be used to deliver safer and stronger communities.

Stuart McMillan: A few moments ago, you said that money that will be saved can be spent on front-line policing. Does that mean that more than 500 additional police could be found?

Kenny MacAskill: Absolutely. If chief constables and their police boards wish to use those efficiency savings to go out and recruit more

officers, I will welcome that, as will their communities.

Stuart McMillan: How confident are you that the public will see more police officers on the streets or patrolling the housing estates as a result of the spending review settlement?

Kenny MacAskill: We have made a manifesto commitment to deliver 1,000 additional officers into our communities. That has been stated on the record many times by me and by the First Minister and we are more than confident that we will achieve the increased visible police presence that reassures good citizens and deters criminals.

Stuart McMillan: Will the streets be safer as a result of the spending review for the justice portfolio?

Kenny MacAskill: I hope so. We have a problem with serious and organised crime. We must also address the fear of crime. A matter that vexes Government and the police is how we get the balance right, and how we ensure that we deal with the two requirements in community policing. The Government is committed to tackling the issue and—as is necessary in our communities—to cracking down on alcohol abuse and the consequent antisocial behaviour. Equally, we must tackle the growing problem of serious and organised crime, not just in the drug trade, which is a cancer in our society. We are making those issues a top priority.

Nigel Don: I apologise for suggesting that revenue funding was not ring fenced. I recognise that it is, but I still wanted to bring out the point that the cabinet secretary made.

I turn to capital, which I understand is not ring fenced. The capital budget is integrated within the local authority capital budget. Will you clarify your thinking on why that is happening, and tell us when a breakdown will be available?

Kenny MacAskill: The details of local authorities' capital budgets will become available later this month when the Cabinet Secretary for Finance and Sustainable Growth announces the local government settlement.

Nigel Don: If I may say so, I do not think that that has clarified the thinking about why those capital budgets should be integrated.

Kenny MacAskill: That is part of the negotiation that was entered into by the Government and local authorities of all political persuasions and which was signed off by the Convention of Scottish Local Authorities. Mr Watters is not a member of my party, but he has welcomed the new deal and the concordat between central and local government.

John Wilson: In verbal evidence last week, Joe Grant from the Scottish Police Federation

suggested that there is what I loosely described as a Heathrow stacking system in relation to police officers seeking accommodation for prisoners. He gave the example of police officers having to travel from Bellshill to Clydebank to find a cell for the prisoner they had in the back of the car. Does the Government have any plans to improve the custody situation in police stations to ensure that such incidents do not happen? When Joe Grant was questioned further, he said that that was not an isolated incident, but seemed to be a regular occurrence. Does the cabinet secretary agree that the time that is wasted through police officers—and vehicles—circling police stations and travelling almost 20 miles to find a police station that can hold prisoners is not welcome in this day and age?

Kenny MacAskill: Of course I agree. Joe Grant's evidence was anecdotal, but I remember being lobbied by the federation many years ago about similar problems at Lothian and Borders Police, when cells were full at St Leonard's and Dalkeith and officers were looking for space at Wester Hailes and beyond. Those are operational matters: it is the responsibility of chief constables to deploy capital funding resources on a variety of matters relating to cells and other facilities. The boards work in conjunction with the chief constables to ensure that they get the balance right in deploying officers. We have welcomed what has been done by Chief Constable Andrew Cameron in Central Scotland Police, where the previously existing problem of officers from Alloa spending their time driving to Stirling has been addressed.

HM inspectorate of constabulary is conducting a thematic inspection of police custody facilities throughout the service. The outcome of that inspection will be published towards the end of January, and will hopefully allow chief constables and police boards to consider what is needed and perhaps learn from what has been done in Alloa.

John Wilson: If the boards and the chief constables say that there are too few resources to allow them to build the capacity that is required to house prisoners in their areas, will the cabinet secretary look sympathetically at any bids made by boards for solving that problem?

Kenny MacAskill: Our door will always be open to whoever wishes to come and see us, but in the new settlement between central and local government, local authorities have taken on responsibility for addressing many such matters, and provision is up to the police board. That was what Mr Watters and others wanted and that is what we have delivered.

John Wilson: Professor Arthur Midwinter's paper on police funding in Scotland indicates that not only is there is a disparity between police

funding for England and Wales and for Scotland, but that since devolution the Scottish Executive, and subsequently the Scottish Government, have failed to address that disparity. Does the cabinet secretary plan to consider how the Scottish Government could bring expenditure for Scotland into line with England, excluding, of course, the London weighting?

Kenny MacAskill: I have seen Professor Midwinter's report. I do not wish to provoke further points of order, but the report deals with matters that predate this Government. I cannot comment on the priority that the previous Administration gave to policing, but I can give a clear commitment that this Government views policing as being fundamental to making Scotland safer and stronger. It is because of the problems that we inherited that we have declared 1,000 additional officers and have provided for recruitment of 500 new officers. Comparing the situations north and south of the border is further complicated by the local government position but—I add, in order to avoid any points of order, and whatever may or may not have happened in the past—I give the committee an absolute assurance that making Scotland safer and looking after our policing is fundamental to this Government.

John Wilson: The committee requested information from the Association of Chief Police Officers in Scotland on the amount of overtime worked by police officers. I note from its written submission that the overtime budget has increased by more than 10 per cent in two years. Is the cabinet secretary aware of that evidence? Does he intend to examine that budget? There is an issue in relation to the overall budget proposals that will be laid before Parliament.

Kenny MacAskill: We will have to consider any additional information that becomes available. We have seen the information that is on the committee's website. Overtime is a matter for chief constables to manage. Incidents arise—including major cases, such as terrorism at Glasgow airport—but we believe that it is ultimately for chief constables to address how they roster, the efficiency savings that they factor in, and how they tackle the overtime budget. However, we will be happy to discuss specific incidents with them.

Paul Martin: The Glasgow airport incident will have had an impact on the budget of, for example, Strathclyde Police. Has any consideration been given to the unprecedented level of overtime that was required for that incident, which no police authority could have forecast or budgeted for?

Kenny MacAskill: I assure Mr Martin that I am in communication with Councillor Rooney, the convener of Strathclyde police board. It would be inappropriate to comment beyond that at the moment, but discussions are on-going.

11:15

Paul Martin: I appreciate that discussions with Councillor Rooney are taking place. We have been asked to pass and to scrutinise the budget bill, so will those discussions be concluded prior to our passing the bill? They will have an impact on our acceptance of the final conclusions.

Kenny MacAskill: The negotiations are on-going—it would be inappropriate for me to air such discussions between myself and the convener of the police board. We recognise the difficulties that Strathclyde police board is facing, and we are discussing those with representatives.

The Convener: Would such extraordinary expenditure—we hope that that is extraordinary—come out of a contingency fund rather than the main police budget?

Kenny MacAskill: Any settlement that comes about will come out of this year's budget, rather than the future budget—which the committee is currently considering. The question is—if not irrelevant—at best tangential to the committee's budgetary considerations, because the payment, if it is made, will not come from the budget that the committee is scrutinising today.

Paul Martin: So the matter will be concluded before the end of the financial year?

Kenny MacAskill: I am not in a position to comment—you are asking about a matter that is not part of budget scrutiny. I have said to Mr Martin that I appreciate the problems that Strathclyde police board is facing, that I am in correspondence with its convener and that we hope to reach a conclusion shortly. The matter relates to the current year's allocation and not to this budget process. Therefore, it is not relevant to consideration of this budget.

John Wilson: My follow-up question is on the overtime budget. I take on board Paul Martin's comments on the additional costs that may be incurred by Strathclyde police board. The evidence that has been submitted by ACPOS shows that, in seeking information from chief police officers on overtime, it specified the exclusion from overtime considerations of policing the G8 summit by Tayside police in July 2005. The budget increase over two years is just over 10 per cent, which is equivalent to just under £5 million. Would that £5 million be better used on providing police officers? The committee has previously been given a figure for the cost of 100 police officers—it is equivalent to something like £4.5 million a year. Therefore, could savings in the overtime budget increase the number of officers that would be available to chief constables to provide services on the streets?

Kenny MacAskill: Absolutely. That is a broader matter, because not all overtime that is carried out

by police officers is a result of dreadful incidents such as the one that took place at Glasgow airport. Sometimes, it is just the cost—if I can put it that way—of the night-time economy, not simply in Edinburgh and Glasgow, but in every town in which officers are routinely deployed. That has to be tackled in a variety of ways. It is a matter for chief constables to examine their overtime bills and to decide whether efficiency savings can be made. Some matters simply have to be dealt with, such as the Glasgow airport incident, in which some of the heroism came not from officers who were on duty, but from officers who were off duty. That shows the great service and benefit that we get from our officers, and why we seek to retain many.

John Wilson: Our task is to get a grip on the police budget. You mentioned the night-time economy in the city centres, and the overtime that is possibly from policing football matches. Does the Government feel that enough of the costs of night-time policing of city centres or policing of major football games were recovered?

Kenny MacAskill: We are in negotiations with the police on that and we discuss the matter regularly.

On the night-time economy, the Government has stated where we are heading. We are working towards that objective and we have made our approach clear in how we are addressing alcohol problems. The police have the ability, under various pieces of legislation, to levy charges for policing major events, such as rock concerts or football matches, and to receive income from it. We are happy to discuss the issue, because clearly those matters impact on the police.

Cathie Craigie: I have a question about Professor Arthur Midwinter's report on the difference between expenditure on policing in England and Wales from that in Scotland. He told us last week that the situation goes back to the 1970s and that there has, post-devolution, been an 18 per cent increase in police spending. What will be the percentage increase in police spending over the spending review period? I have the figure somewhere, but I am sure that the cabinet secretary will know it off the top of his head.

Kenny MacAskill: We have committed £54 million for the 500 officers, which is part of a larger sum that we committed to in our manifesto to ensure that we deliver on our commitment of 1,000 additional officers.

Cathie Craigie: So we do not know the percentage. I can work it out.

The Convener: Paper J/S3/07/12/10 deals with the matter.

Kenny MacAskill: The spending review settlement represents a 13.4 per cent overall uplift over the spending review period. I hope that it is appreciated that that has been achieved despite our having received the poorest settlement since devolution.

The Convener: Before we leave the police budget, I refer the cabinet secretary to Professor Arthur Midwinter's evidence at the committee meeting last week. I pointed out that he was either a poacher turned gamekeeper or vice-versa. Nonetheless, he said clearly that in his experience, which we all agree is considerable, to obtain more than 1 per cent efficiency savings in the UK has proved impossible, yet you seek 2 per cent savings. What reassurance can you give the committee that those savings can be achieved in the police budget?

Kenny MacAskill: Scottish forces reported total savings in 2006-07 of £42 million, which is 4 per cent of police grant-aided expenditure, of which £12 million—1.1 per cent of GAE—were cash savings.

I go back to my previous comments. Whatever Professor Midwinter has said, I reiterate that evidence from south of the border—I do not like to labour the point, but many people north of the border sometimes like to stand full-square behind positions that are espoused south of the border—shows that forces in England and Wales have managed savings of 3.4 per cent. We seek to achieve a target of 2 per cent rather than 3.4 per cent.

The Convener: We will now leave the police budget and move on to prisons.

Bill Butler: The cabinet secretary will be aware that last week Mr Mike Ewart of the Scottish Prison Service told the committee that the draft budget provided a "satisfactory level of funding" for the period of the spending review. However, the SPS also indicated that it could spend more on programmes aimed at reducing reoffending if money were made available. We would all agree that reoffending is a serious problem, given that the rate of recidivism is such that about half of all prisoners—I think about 49 per cent—go back to prison within two years of release. Has the Government afforded such programmes sufficient priority in reaching a decision on the SPS budget?

Kenny MacAskill: We have given the SPS a record capital budget to address the problems that we have inherited in an ageing prison estate. Had we not done so, the problems that we currently face, when an increasing number of people are in prison although the number of convictions has reduced, would be exacerbated. In an ideal world, more funds would be given to the SPS to deal with the issue. I add that we have to spend money as a

consequence of the failures not only of the previous Administration but past UK Governments.

The consequences of, for example, slopping out are substantial. That is a problem that we inherited. Everyone in Scotland is rightly aghast that we are having to pay out significant sums of money to prisoners who committed crimes against our communities, while we are unable to reward many of our innocent law-abiding citizens. We would have been able to provide the necessary resources to ensure that the situation in the prison estate was addressed, if we could have used the money that we have had to budget for the consequences of slopping out, which is a result of the failure by a previous Government down south to provide adequate protection in the Scotland Act 1998, and of the previous Executive's failure to take action expeditiously when money became available. As things stand, the Government has done a considerable amount of good by providing a record amount of funding. As I say, we would like to do more, but we are hamstrung by the appalling situation that we have inherited, which we must resolve.

Bill Butler: I was hoping for a slightly more objective response, but we have been fed the line that the cabinet secretary has repeated ad nauseam, as he is perfectly entitled to do, when responding to problematic questions for the Government—although I did not think that the question that I asked was a particularly difficult one. The line that we have heard again and again is, "We're dealing with problems that we inherited."

Let us try again on another issue. I will turn back to prisons. The annual report of HM chief inspector of prisons for Scotland says that in nearly every prison, many prisoners are not working. It goes on to note that, although the quality of learning that is offered in prisons is high, access to education is limited. We all recognise that that is a serious problem that we need to tackle. Tackling it productively will have a good effect on prisoners, on society and perhaps even on the budget, in that savings could be released. Will the budget that is set out in the spending review allow the SPS to increase the quality of education and work to enable prisoners to acquire skills that are needed for employment? Could you refrain from giving us the line that we have already heard and give us an objective and thoughtful answer, please?

Kenny MacAskill: I cannot refrain from giving you the same line because it makes a fundamental point. It is obviously the case that we wish prisoners to be working, learning and undergoing treatment and therapies, but the tragic situation that we, as a Government, have inherited is that we are having to pay prisoners not for working, but simply for having endured what they see as the ignominy of slopping out. We inherited

that position, which has a significant cost for the Government. The money would be better spent elsewhere in the prison estate; indeed, if money had been spent on the prison estate many years ago—as it should have been—the present problem would not have arisen.

Are we on the case? Yes. The estate modernisation programme is providing better accommodation, and not simply as regards the cells in which prisoners are boarded. Last week I was at HM Prison Perth, where there are new facilities for health, work, education and exercise that will improve the situation at the prison.

It is clear that we must break the appalling rates of churn and recidivism, which the Government is doing not simply through record investment in the prison estate, but by examining the root cause of the situation that we have inherited, whereby we face rising prison numbers even though the conviction rate is falling. I do not believe that the genetic programming of Scots makes us more prone to engage in criminality than are the citizens of most other nations in Europe. The Government has set up a prisons commission, which—given the seriousness of the issue—will be chaired by Henry McLeish, a former First Minister. I look forward to receiving the commission's report in due course, which I think will be of great benefit in addressing the fundamental problem that Bill Butler is quite right to raise.

Bill Butler: Let us hope that we get a report that is of great benefit. We will wait for it with bated breath.

Kenny MacAskill: I will pass that on to Mr McLeish.

The Convener: With breath less than bated, we will now hear from Paul Martin, who will ask about the prison estate.

Paul Martin: I have a quick follow-up to Bill Butler's question. Cabinet secretary, you were a member of the main Opposition party during the tenure of the previous Scottish Executive. Just for the record, can you clarify whether your party proposed any amendments to the Budget (Scotland) Bill that would have allowed slopping out to be addressed?

Kenny MacAskill: Not that I recall. However, you will know that the problem in the budget is that, for every proposal that you produce, you have to pull out a Government proposal from elsewhere. If you are criticising what I am doing, you should tell us what you want to cut.

11:30

Paul Martin: I appreciate that. I wanted to clarify for the record the point that, as a member of the main Opposition party, you did not lodge

amendments to end slopping out. The previous Executive introduced commitments under other budget headings, but you did not want to delete any of them in favour of slopping-out process improvements. I am asking only for that confirmation.

Kenny MacAskill: I think that you will recall that, when the expenditure announcement was made, not simply Opposition spokesmen from the Scottish National Party but doubtless the convener of this committee or his colleagues said that there was a problem. The previous Executive knew, or ought to have known, that there was a problem, which we have inherited.

The blame for the appalling situation that we have inherited as a Government—in which prisoners are receiving thousands of pounds—falls on a UK Government that was negligent when establishing the Parliament in not giving it the protection that exists down south and on a previous Administration that did not spend on the prison estate the money that was available to it. The result is that taxpayers are now funding prisoners substantially, from which lawyers are benefiting, while other aspects of our community go without.

Paul Martin: Overcrowding is another concern that you have inherited and which you will want to amplify. Many commentators have suggested that the only way in which to deal with overcrowding is through the proposed new build at Bishopbriggs. Will you elaborate on the public procurement process that is now being followed, and will you advise us whether the timescale will be longer as a result of moving from a public-private partnership to a public procurement process?

Kenny MacAskill: Let me give the context. Had we allowed Bishopbriggs prison to proceed as a private prison, 24 per cent of Scottish prisoners would have been located in private prisons. That would have been the highest percentage anywhere in the world, including the United States of America, Australia and South Africa, which are noted for their use of such institutions.

The Government's clear manifesto commitment was that we did not want to enhance and increase private sector prison provision, so we took the view that it was best to bring the new prison at Bishopbriggs within the public sector. We have asked the SPS to deliver the prison at the earliest opportunity, and it is working on that. There will be a modest delay, because new contracts have to be entered into.

In this instance, we have received support not just from SNP members but from the leader of the Opposition, Wendy Alexander, who recognised the issue and supported the Government in its decision to cancel the contract. There may be a

limited delay, but the SPS is doing everything that it can to ensure that that is kept to a short period. I am grateful for the support of Wendy Alexander and the constituency member, David Whitton, for what I believe is the correct decision not to allow HMP Bishopbriggs to make Scotland the world leader in private prison provision.

Paul Martin: You said that there will be a modest delay. Does that mean months, years or decades?

Kenny MacAskill: Contract matters will be dealt with by the end of 2008, and we hope to have the prison opening in 2011. That is within a matter of months of where we were heading before. The delay will be months, not years.

Paul Martin: So you can say on the record that the delay will be a few months.

Kenny MacAskill: These matters are obviously on-going. We are not yet at the end of 2008, and we are assuming that the contract will be dealt with. The current expectation is that the construction contract and so on will be resolved around the end of 2008, with the prison opening in 2011. We have no reason to anticipate any problems beyond that.

Paul Martin: I want to move on to the differences in cost per prisoner place between prisons built using the public-private partnership process and prisons built using the public procurement process. What is the average cost per prisoner place per annum at Addiewell prison?

Kenny MacAskill: There is a clear difference between the cost of keeping a prisoner in a private prison and the cost of keeping a prisoner in the SPS prison estate. You cannot make a straight comparison, because you are not comparing like with like. New-build, private sector prisons do not carry the historical legacy of an ageing estate, for which the SPS has to pick up the cost. However, there is a clear difference in the cost per prisoner, the fundamental basis for which is that in the SPS we employ prison officers. We believe that prison officers provide an excellent service in Scotland—indeed, I think that I am quoted in a journal today as arguing that they have great services to offer beyond the prison estate.

However, private sector prisons employ custody officers, who are paid a vastly different rate. The private sector extracts a reduced cost by taking on and crushing organised labour and reducing the cost of paying the workforce. We as a Government prefer to have a workforce that is professional and well resourced and which will work with us. There is a clear difference between staff employed by the SPS and staff employed by private prisons. Custody officers in the private sector are paid significantly less than prison officers in the SPS.

Paul Martin: You must appreciate that you are asking us to scrutinise the budget bill. I do not know whether your officials know the answer, but I asked what the cost is per prisoner at Addiewell prison. I have information that the cost is £21,000 per year. I also have information that the SPS business plan says that the cost per prisoner for a publicly procured prison could be £36,000 per annum. I appreciate that there might be differences of opinion about how we deliver prisons, but I am asking whether it is clear that a place in a prison provided through the public procurement process is much more expensive than a place in a prison delivered through the public-private partnership process. All I am asking is what you are doing to close that cost gap. I am sure that, although the public might have some sympathy with the ethical argument on private prisons, they do not want the cost to hit their pocket, do they?

Kenny MacAskill: Absolutely not. That is why Government efficiency targets apply to the SPS in the same way that they apply to police forces. We will hold the SPS to those targets.

The figures that you quoted in relation to private prisons are based on net present value. Such figures show significant savings. However, in all likelihood, the private prison at Addiewell will cost—off the top of my head—£24 million or £25 million per annum over 25 years. Let us compare construction costs, taking into account net present value—as Treasury regulations say we must. I might not be the handiest with figures, but it seems to me that the real cost of a 25-year contract of approximately £25 million per year does not tally with the figures that suggest that the cost of paying for a new-build private sector prison is significantly lower than the cost of just building a prison. I have to say that £25 million times 25 is significantly more than the £120 million to £140 million cost of prison construction. All the Treasury rules say that we must look at net present value. The fact of the matter is that we can build a prison for significantly less than we would end up paying in annual payments.

The situation in the prison estate is the same as the situation that we faced in relation to hospitals. As the constituency representative for Edinburgh royal infirmary, I have to say that the taxpayer faces a significant problem: we will pay for years to come for that hospital, which does not provide all the facilities that our people need and which could have been built for significantly less.

The same applies to the private prisons that we have inherited. They are costing us a huge amount of money, which could be used to tackle the heroin problem. If we have to put £1 billion or more into Addiewell prison—which could have been constructed for £120 million to £140 million—

Scotland's taxpayers are entitled to ask why we signed it off in the first place.

Paul Martin: The taxpayers are also entitled to know what the gap is, but it is clear from your response that you are unable to give us that information. Do you have some sympathy with the Opposition parties' position? If we do not have the information about the gap, why should we support the budget bill? All that I am asking for today—

Kenny MacAskill: Far from—

Paul Martin: Let me finish, cabinet secretary. You gave a long-winded answer. When will you provide the information about closing that gap, and when will we get the final figures for the procurement process at Bishopbriggs? Those are straightforward questions.

Kenny MacAskill: Long-winded answers are usually predicated on long-winded questions, but I will attempt to be as succinct as possible.

On closing the gap, it is important that I put on record the fact that £2 million was spent by the previous Administration on investigating whether the SPS should tender for the new prison at Bishopbriggs—tender, not build. We wasted £2 million of taxpayers' money, which we could have used to start laying the foundations or building the walls, simply to decide that the SPS was not going to put in a bid in the first place. What a waste of taxpayers' money.

I undertake to write to you with full details of how much the new prisons at Addiewell and Bishopbriggs could have cost if they were built in a variety of ways. However, you have to bear it in mind—and we will point out—that the issue of net present value arises because of the rules on PPPs. The matter is not simply ideological. It is also a matter of the public purse. The Government and I believe that our people have received poor value from many flagship projects, if not been ripped off in many instances. PPPs are as inappropriate for prisons as they are for health and schools.

The Convener: When will we get the correspondence? The information is material to the budget.

Kenny MacAskill: I will arrange for the SPS to write to you as soon as possible.

Paul Martin: Convener, may I clarify the information that we are looking for? Information on the different costs of construction under the two models will be helpful, but we are also looking for information on the price per prisoner per annum under the different models. Given that the cabinet secretary has been helpful on the construction issue, perhaps he could also be helpful on that point.

Kenny MacAskill: We can provide what you desire.

Paul Martin: And whether that information is conclusive rather than being considered.

Kenny MacAskill: Sorry?

Paul Martin: Your officials have probably advised you that they are considering how to close the gap in respect of the differences between the public and private procurement processes. I appreciate that those discussions are taking place. I am asking when those discussions will be completed and when we will be provided with the information.

Kenny MacAskill: I made it clear that you are not comparing like with like. The SPS employs prison officers, who can be members of the Prison Officers Association Scotland if they wish. In the private sector, people are employed not as prison officers but as custody officers, and they are paid differently. You might think that that is a good thing, but I support the SPS and the service that prison officers provide. The two cannot be compared because they are not on all fours, as a lawyer would say.

The Convener: The point is that we have information that there is a significant difference between the annual cost of incarcerating a prisoner in the new complex at Addiewell and in an older part of the prison estate. Accepting your argument about the terms of employment of those who look after prisoners and your argument that the nature of the old estate lends itself to additional expense, there still seems to be a significant difference. We need rather tighter information, which demonstrates why that is. Our information is that the difference is £15,000 per annum, which is a major consideration. Are you quite clear—

11:45

Kenny MacAskill: I am quite clear about where you are coming from—do not worry about that. We will speak to the SPS on your behalf.

John Wilson: Further to Paul Martin's questions, if we are trying to tease out the figures, we must do so properly. I understand that we are at the beginning of the construction phase at Addiewell. We heard evidence at last week's meeting on the difference between the expected annual cost per prisoner at Addiewell and the cost across the whole of the SPS estate. The difference was up to £15,000, but we were comparing apples with oranges, because there are clear differences between what can be provided at Addiewell and what is currently provided in the rest of the prison estate.

Our witness last week also said that we could consider potential cost savings at the proposed new prison at Bishopbriggs. If the SPS can make

assumptions about the annual cost per prisoner at Addiewell compared with the cost in the current prison estate, it might be useful if we asked the cabinet secretary to compare the cost at Addiewell with the cost at the proposed new prison in Bishopbriggs. That might be a better comparison to undertake.

I also want to tease out what additional services the SPS provides in the prison estate that are not delivered in the private prison at Kilmarnock or will not be delivered at Addiewell. If we are comparing figures we need to be clear that the services that are delivered by the SPS at Peterhead and elsewhere are a major cost factor. It might be useful if the cabinet secretary could compare services at Peterhead or Barlinnie prisons, for example, with services at Kilmarnock.

Kenny MacAskill: I am sure that the SPS can provide that information. No contract has been signed for Bishopbriggs, so it is impossible to make a comparison in that regard. However, Professor Andrew Coyle, whom no doubt you know, Professor Allyson Pollock and Professor Christine Cooper have done significant work on the costs of private prisons and the mirage of NPV. The committee could communicate directly with those highly-respected leading academics to obtain the information that it wants, or I could approach them on your behalf.

The Convener: John Wilson is right to ask for a like-for-like comparison, although Peterhead is perhaps not the best comparator, given its specialist nature.

John Wilson: I was trying to make the point that we need to be aware of specialisms in the prison service that are delivered throughout the estate but might not be delivered or asked for at Addiewell or Kilmarnock.

Kenny MacAskill: There are clear reasons why costs are significantly higher in some of the older estate. The difficulty that we have inherited is that the two new prisons that have been signed up to at Kilmarnock and Addiewell are private prisons. We will not be able to compare Bishopbriggs with those prisons until the contract is concluded, so we cannot do that at this juncture. However, as I said, I do not doubt that there are matters on which the SPS can advise, and I recommend the evidence that three leading academics provided on the merits or otherwise of the contract that was entered into for HMP Addiewell.

Nigel Don: The committee understands that there is a need for a bigger local prison in the north-east to replace Aberdeen prison and accommodate short-term and remand prisoners. However, we heard that sex offender programmes such as STOP could, in principle, run in other prisons. Given the relative inaccessibility of

Peterhead from the central belt and therefore most of Scotland's population, would it be better to build a replacement for Peterhead in the central belt?

Kenny MacAskill: Peterhead's expertise in relation to the STOP programme is world renowned and is utilised not just in our jurisdiction but elsewhere. The targeted services that have been provided at Peterhead are used in other prisons that the SPS manages, whether we are talking about Saughton prison or Barlinnie.

You asked whether the specialist unit should remain at Peterhead. In our view, there is good reason for it to do so. The prison that we are looking to construct there will provide more than a specialist unit. We must ensure that we get a balance that allows the specialist techniques and programmes that have been developed at Peterhead to be rolled out elsewhere. However, there is merit in maintaining the specialist centre at Peterhead.

The Convener: Margaret Smith will ask about community penalties.

Margaret Smith: You have announced the outcome of the review of community penalties. There will be a budget increase of £1.2 million in 2008-09, rising to £3.3 million in 2010-11. How large is that increase, compared with expenditure on community penalties in the current year? What do you expect the additional money to buy? How will it reform and revitalise community penalties?

Kenny MacAskill: We are seeking to build on the current position. We want to focus and be more flexible. That is why we have abandoned some of the trial schemes that were not working and are seeking to enhance the schemes that are in operation and are delivering. For example, we are expanding supervised bail and rolling out drug treatment and testing orders. Expenditure on community penalties has increased by 50 per cent in the past five years. We are increasing that expenditure further, building on the current position.

Margaret Smith: Can we have the figures in writing?

Kenny MacAskill: No problem. That would certainly make life easier, as I would not have to scramble for statistics.

Margaret Smith: How will the extra funding be used to support some of the measures that you have announced?

Kenny MacAskill: Some community programmes are working remarkably well, and we must build on those, but there are significant problems in some areas. Sometimes those problems have arisen not because of the nature of the scheme concerned but because of difficulties such as retention in social work. We want to focus

in, to work out what is working—DTTOs and community service orders are working—how we can enhance those measures and how we can ensure that, at the same time, we provide flexibility. We recognise that sometimes treatment as well as punishment needs to be provided. We believe that there will be opportunities to address some of the root causes of offending, such as alcohol, drugs and debt. We want to provide flexibility to those who deal with offenders, to focus on the schemes that work and to ensure that we deal with people efficiently and speedily.

One of the major problems that is flagged up to me—the convener often does so anecdotally—is that there are too many cases of people being stacked up while they wait to do their community service. We need to reduce that throughput, so that there is a clear link between offences and penalties. We also want community service to be visible in our communities. I am not suggesting that offenders wear fluorescent jackets—this is 21st century Scotland, not 1960s Alabama—but communities should be able to see the work that has been done and the improvements and repair that have been delivered. They should be able to see that those who have caused problems have paid something back.

Margaret Smith: My next question is about breaches of community penalties, an issue that the convener raises from time to time. The Scottish National Party and the Liberal Democrats are committed to the expansion of community penalties, but all of us agree that people are concerned about how we deal with breaches. Will some of the increased funds be targeted at dealing with that issue?

Kenny MacAskill: Breaches are obviously a significant concern, and we clearly have to address them, but we must allow flexibility at the front line. Breaches can vary from the significant breach of committing another offence—robbing somebody or doing something that is unacceptable—to minor matters that are perhaps not unacceptable of themselves. That can include failing to attend at the due time—coming in late or leaving it until the following day. Breaches are a significant concern that we have to address, especially as they seem to be increasing, but the best way of doing that is by ensuring that we have the flexibility both to deal with those who need to be detained immediately and to work with those who perhaps need some assistance.

The Convener: Unpaid fines are something that you have heard me go on about long and weary. Figures suggest that each year about 26 per cent of fines are not collected. If you could collect a higher percentage, the money could obviously be used for other purposes. Are you content that the proposals for collection under the new legislation

will work, or should you do what I have been suggesting: deduct it directly from the offender's benefit or salary?

Kenny MacAskill: On the question of deducting money from people's benefit, some of those matters are dealt with elsewhere.

We welcome the new fine enforcement arrangements. We want to bed them in and see how they operate, but we do not rule out seeking to build on them if there are clear problems. However, as with community justice authorities, we have inherited the situation. We were happy to support the arrangements, although we argued about the position of sheriff officers. The best thing that we can do is seek to bed the arrangements in and get them operating rather than try to reinvent the wheel. We do not rule anything out, should problems still arise, and we will be happy to keep your suggestions on the table and discuss them with those who are meant to deliver as the system rolls out.

The Convener: Stuart McMillan had a question about reoffending. Do you think that it has been adequately dealt with? Do you want to pursue it?

Stuart McMillan: No, I am fine, thanks.

The Convener: Cathie Craigie will bring us to the question of cash-releasing efficiency savings under the SPS budget heading.

Cathie Craigie: Even with all the new sentencing measures that we support, the number of people in prison is projected to grow. How will the SPS be able to cope with that growth when its budget effectively has been cut by £8.6 million?

Kenny MacAskill: We have invested record amounts to address the problems in the prison estate that we inherited. We also inherited record prisoner numbers when, with reduced reoffending, logic dictates that they should have gone down. That is why we have established the Scottish Prisons Commission under Henry McLeish.

We have given the SPS efficiency targets in the same way as we have given the police targets. The SPS deals with difficult people in difficult circumstances, but it does a remarkably good job. I am confident that it will be able to continue to provide its services until such time as we, as a Government, can alleviate the problems that it faces and that we inherited.

John Wilson: I want to ask about the recent justice portfolio announcements on the detention of prisoners and the cabinet secretary's desire to ensure that we lock up fewer prisoners who are sentenced to less than six months. How does the cabinet secretary feel that that will help the prison estate and the SPS? The committee previously heard that, because of overcrowding in our prison estate, less work is being done with prisoners on or prior to their release back into the community.

The SPS and several other agencies clearly desire to ensure that training and development work is undertaken before people are released, to allow them to return to and contribute to society. How does the cabinet secretary square budget constraints and other policies with the SPS's delivery of adequate training and other development services to prisoners while they are in custody?

12:00

Kenny MacAskill: I will set the record straight. Whatever Mrs Craigie suggests, the budget document makes it clear that investment in the SPS will increase substantially. We have established the Scottish Prisons Commission to create a coherent prison policy. We must have prisons in our society; we are not in a utopia. People commit serious and dreadful offences and we need to protect our communities. The problem is that far too many of the people whom I have described as the flotsam and jetsam or as feckless, and the many people who have addiction problems, would be better dealt with elsewhere than in prison.

The SPS's problem is that it is simply keeping the lid on the situation and containing people rather than working with them. As the excellent STOP programme shows, when the SPS is given the time and space, it can do remarkable jobs with difficult people. If somebody goes into prison for a short sentence, the SPS cannot tackle their fundamental problems, whether they are mental health problems or addiction to alcohol or drugs—it simply contains that person in the prison estate. We need to provide the opportunity to tackle minor offenders' underlying problems, many of which can be dealt with elsewhere, to allow the SPS to tackle the core problem of rehabilitating people who have committed serious offences and to protect our communities by detaining those who are a danger and whom we cannot allow to be released.

Margaret Smith: The Scottish Legal Aid Board has sent us a submission on the budget. Legal aid is demand led, so the board must try to forecast to the best of its ability the demand for the service. After taking into account a range of matters—including summary criminal justice issues, to which I will return—the board says in its submission:

"there is a considerable risk that the Government's budget provision will be inadequate in 2008/09; however, the position in the second and third years is likely to be more positive if efficiency savings can be implemented successfully."

The board also says that the situation will be difficult because the admin budget is flatlining, but its main concern is about the first year.

Will you confirm that if demand results in SLAB having insufficient resources, the additional moneys that it requires will be provided? If additional moneys are not provided, could that result in people being denied access to justice?

Kenny MacAskill: No. We have a statutory requirement to meet the legal aid budget. If people qualify for legal aid, the Government must meet the bill. This is a difficult time for the Scottish Legal Aid Board. Yesterday, I met the board's chief executive and representatives of the Law Society of Scotland and of bar associations. We believe that the funds for legal aid over the spending review period are sufficient, and we are working not only with the board but with users' representatives—the bar associations and the Law Society of Scotland—to get the balance right.

Margaret Smith: So you are well aware that the Scottish Legal Aid Board's forecast is at variance with the figures in the budget by a few million pounds.

You said that you met bar associations and others, which is welcome. People have concerns, some of which members have been made aware of. The drive for efficiency in speeding up justice and in the legal aid budget is understandable, but I seek your assurance about the concern that we will lack the solicitors to make summary criminal justice legal aid available and that we might find ourselves in exactly the same situation as civil legal aid is in, which would raise an issue of access to justice. Assurances that you are alive to that challenge would be helpful.

Kenny MacAskill: Obviously, factors other than legal aid impact on why people do or do not go into the legal aid side of the profession, where I spent 20 years. Those factors include the salaries that are on offer elsewhere, which cannot be matched, kudos and, simply, preference. Frankly, student debt is also an issue, given that, in qualifying with both a degree and a diploma in law, people gather substantial debt that they need to service, so they tend to go to firms in Charlotte Square or London rather than provide services in Selkirk or Peterhead. We are looking to address those matters.

In some ways, civil matters and criminal matters need to be dealt with differently. For civil matters, we are looking at rolling out the part V lawyers scheme—under part V of the Legal Aid (Scotland) Act 1986—which has been used before. We are also considering a similar scheme that was introduced to cover the Highlands and Islands, where a significant problem exists. That scheme will be based in Inverness, because that is the easiest place from which to service geographically disparate communities where the private sector no longer has the economies of scale that are necessary to maintain a legal aid lawyer. In

addition, we have the public defender system for criminal cases.

This is a difficult time for the legal profession. The issue is not just legal aid but structures. Lord Gill is undertaking a review of court structures. I am already on record as saying—and I reiterate—that, ultimately, we need a fundamental review of our legal aid system, but the legal aid system is, to some extent, dependent on our court structures. We need to await Lord Gill's report on court structures before we predicate a court system upon it. In the interim, we regularly meet all the stakeholders and we do our best to ensure that all parties can be satisfied. However, you have my absolute assurance that we will meet claims that qualify for legal aid.

The Convener: Let me follow that up. The cabinet secretary will appreciate that legislation has been passed under which, following conviction on a summary complaint, people can be given 12 months' imprisonment and corresponding monetary penalties. The consequences of a conviction, even at the lower end of the scale—for example, a minor motoring offence can, with totting up, result in disqualification—can have very profound effects on the individual. There is concern that the proposed legal aid budget will not allow proper representation for offences at that lower end of the scale. I hear the undertaking that has been given, but can we assume that there is no question of introducing any change that will prevent people having appropriate representation for such cases?

Kenny MacAskill: Absolutely. The department, the Scottish Legal Aid Board and the bar associations had a very worthwhile meeting, at which we made it clear that legal aid will be met. The discussions are proving fruitful. As I understand it, the issue for the bar associations is more how rather than whether payment will be made. Obviously, we have statutory obligations.

The Convener: Margaret Smith will now pursue her question about victims.

Margaret Smith: I have a final set of questions for the cabinet secretary.

When you first appeared before the committee in June, we all got a chance to raise particular issues. As you may remember, I asked about the lot of victims, who are central in the justice system. I am sure that you will agree—as you did at the time—that you inherited a better deal for victims, who have been given more recognition and increased support over the past eight years.

I am a little concerned about the budget line for victim/witness support that appears under the heading "Community Justice Services". It looks like such support is to be given a flatline budget of £5.687 million each year from 2008-09 to 2010-11.

In real terms, that is a cash freeze and equates to a cut. Perhaps other movements in the budget mean that other moneys for those services are provided elsewhere, but it would be helpful to have—either today or in writing—an explanation that pulls together all the bits of the budget that will assist victims. I would be very concerned if we were taking a step backwards on a development that we all agree has been positive. Having spoken to the Lord Advocate, I know that the Crown Office and others are still very positive about moving forward on that agenda.

Can you assure us that there is no real-terms cut? Will the money be provided for necessary work, such as that on victim statements, victim notification, vulnerable witnesses and adaptations? On the basis purely of the figures, the provision for victim support seems to have been given a real-terms cut of 2.7 per cent each year.

Kenny MacAskill: I am grateful for the question. We can write if my answer is not satisfactory, but I say clearly that we wish to build on the significant progress that has been made. Elish Angiolini has played a fundamental role, both as Solicitor General and as Lord Advocate, in driving forward an attitudinal and cultural change.

You are quite correct that the draft budget document includes a flatline cash budget for victim/witness support, but you are also correct that the matter is dealt with elsewhere, too. For example, significant funding is provided in the promoting equality budget in the health and well-being chapter and, more importantly, in the victim information and advice line that appears in the chapter on the Crown Office and Procurator Fiscal Service. That scheme, which was initiated by the Lord Advocate, has been given increased provision and we have indicated our desire to roll out the scheme further, following recommendations after trials. I assure you that the change that the Lord Advocate rightly triggered, whereby victims are not simply endured but treated as individuals who have suffered, will continue. As I have said, the budget for that lies not just with justice but with health and the Crown Office.

Margaret Smith: Would it be acceptable for the cabinet secretary to pull that information together into a written response? It is easier if we have a budget line that we can look at. Clearly, the budget for criminal injuries compensation flatlines in exactly the same way as the budget for victim/witness support. Those budget lines are quite clear, whereas some of the other matters are not. It would be helpful and reassuring if that information was pulled together for us.

Kenny MacAskill: We will happily do that.

The Convener: As there are no further questions on the matters that have been raised, I thank Ms Ritchie, Mr Gordon and Mr Merrill for their attendance this morning—they also serve who only sit and wait—but I ask the cabinet secretary to remain with us for the next item. I will suspend the meeting briefly.

12:13

Meeting suspended.

12:14

On resuming—

Subordinate Legislation

Scottish Police Services Authority (Police Support Services) (Modification) Order 2007 (Draft)

The Convener: We will now consider two pieces of subordinate legislation, neither of which need take us terribly long. Agenda item 2 is consideration of the draft Scottish Police Services Authority (Police Support Services) (Modification) Order 2007, which is subject to the affirmative procedure.

The cabinet secretary has been joined by Christie Smith, who is a deputy director in the Scottish Government—in the police: organised crime and support services division—and Fiona McClean, who is a senior principal legal officer in the Scottish Government's legal directorate.

I refer members to the draft order, the cover note—paper J/S3/07/12/11—and the letter from the cabinet secretary of 22 November. I invite the cabinet secretary to speak to and move motion S3M-904.

Kenny MacAskill: I recommend that the committee agrees to motion S3M-904, on the draft Scottish Police Services Authority (Police Support Services) (Modification) Order 2007.

The Scottish Police Services Authority was established with wide cross-party support by the Police, Public Order and Criminal Justice (Scotland) Act 2006. The SPSA is already responsible for providing training, criminal records, forensic science and some information and communications technology services to Scottish police forces on a national basis, as well as for maintaining the Scottish Crime and Drug Enforcement Agency.

The previous Administration proposed the establishment of the SPSA following a joint review by the Scottish Government, ACPOS and the Scottish police authorities conveners forum. I gave the enabling legislation my full support when it went through Parliament, as did the main parties. The rationale for establishing the SPSA was to bring police support services together and to deliver them to Scottish police forces through a single national organisation, instead of splitting responsibility for service delivery among eight different police forces and police boards.

The SPSA came fully into being on 1 April this year, and it is already clear that there is enormous scope for realising efficiencies and taking advantage of economies of scale, without compromising either the quality of service or the

operational independence of chief constables. The new forensic service for which the SPSA is responsible is a case in point. For the first time, we have a national service that deals with the full range of forensic services, from collecting evidence at crime scenes, through expert and targeted analysis, to presenting evidence to court. That allows for a consistently high level of expertise at all stages of the process, a more efficient service through the specialisation of tasks, and closer co-operation with the Crown Office on, for example, national standards and turnaround times.

In a nutshell, the purpose of the draft order is to amend the 2006 act by creating a new ICT police support service. If approved by Parliament, the order will come into force on 1 April 2008. From that date, the SPSA will be responsible for providing ICT services to all eight police forces. Other orders and schemes will be brought forward to transfer ICT staff and property from police boards to the SPSA on the same date. We will make a financial transfer from police GAE to the SPSA that represents the cost of delivering the service. The transfer will be cost neutral as far as police boards and police forces are concerned.

The proposal that the SPSA should assume responsibility for providing all police force ICT services was set out in a memorandum of understanding that was drawn up between the previous Administration and ACPOS in June 2006. I have sent the committee a copy of that agreement, which helpfully sets out some of the thinking behind the proposal. Put briefly, it does not make sense in this day and age for each police force to develop, provide and maintain its own in-house ICT service. We need national ICT systems to ensure that every part of the Scottish police service has equal access to the same information and immediate links to information that is held by forces throughout the UK and, increasingly, the rest of the world. It does not make sense for different parts of the Scottish police service to spend money on developing alternative ICT systems to meet the same need.

The purpose of the order is to complete the process of implementing the agreement that was reached between the Government and ACPOS in June 2006. Preparations on the ground are already well advanced, and last year ACPOS brought all eight police force ICT departments into a single body to facilitate the transfer. A joint ACPOS-SPSA project team has been working hard to ensure that the transfer will be smooth and seamless and that there is continuity of service to police forces throughout the period of transition.

Service level agreements that will be put in place between the SPSA and each of the eight police boards will set out in detail what ICT service

they will receive. There will be flexibility in negotiating the agreements, to take account of local circumstances and requirements. The process of drawing up SLAs and monitoring performance against them will greatly improve the management information that is available to police forces and police boards. It will, therefore, enhance the ability of customers to hold the SPSA to account as the provider of the service.

The SPSA is already responsible for the information technology systems and services that previously were provided by the Scottish Criminal Record Office and for the Scottish police information strategy, which since 2000 has developed a limited number of national IT systems for police forces. The draft order will complete the process of bringing Scottish police ICT staff and functions together into a single national body that will be responsible for providing high-quality ICT services to Scottish police forces and for accelerating the delivery of the national ICT convergence strategy that ACPOS has developed.

In giving evidence to the committee a few weeks ago, the president of ACPOS, Chief Constable McKerracher, said:

"We strongly support the SPSA as it develops and finds its feet. We had huge success in drawing the forensic science services into a single service for Scotland, which happened in April this year. We look forward to the information technology directorate passing over to the SPSA next April. We fully support having such centrally provided services and support the potential for more such services."—[*Official Report, Justice Committee, 6 November 2007; c 245.*]

I, too, have strongly supported the establishment of the SPSA and the long-standing proposal that it should assume responsibility for providing all ICT services to Scottish police forces from April 2008. That is the right way forward for the Scottish police service, and it has the potential to transform the delivery of a support service that has long been problematic.

I move,

That the Justice Committee recommends that the draft Scottish Police Services Authority (Police Support Services) (Modification) Order 2007 be approved.

Motion agreed to.

Remote Monitoring Requirements (Prescribed Courts) (Scotland) Revocation Regulations 2007 (SSI 2007/508)

The Convener: Item 3 is consideration of an instrument under the negative procedure. I do not think that we need you for this item, Mr MacAskill. Thank you for your attendance.

Kenny MacAskill: Thank you.

The Convener: Are members content with the regulations?

Members *indicated agreement.*

Decision on Taking Business in Private

12:21

The Convener: I invite members to consider whether to consider our draft report on the budget in private at future meetings. The committee is also invited to agree to consider an options paper on the inquiry into the effective use of police resources and the subsequent draft report in private at future meetings. I advise members who have not been through the procedure before that that is standard procedure.

Are we agreed?

Members *indicated agreement.*

Meeting closed at 12:22.

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