



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

EQUAL OPPORTUNITIES COMMITTEE

Tuesday 23 February 2010

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2010

Applications for reproduction should be made in writing to the Information Policy Team, Office of the Queen's Printer for Scotland, Admail ADM4058, Edinburgh, EH1 1NG, or by email to:
licensing@ogps.gov.uk.

OQPS administers the copyright on behalf of the Scottish Parliamentary Corporate Body.

Printed and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by
RR Donnelley.

Tuesday 23 February 2010

CONTENTS

CRIMINAL JUSTICE AND LICENSING (SCOTLAND) BILL	Col. 1467
---	----------------------

EQUAL OPPORTUNITIES COMMITTEE

4th Meeting 2010, Session 3

CONVENER

*Margaret Mitchell (Central Scotland) (Con)

DEPUTY CONVENER

*Marlyn Glen (North East Scotland) (Lab)

COMMITTEE MEMBERS

*Malcolm Chisholm (Edinburgh North and Leith) (Lab)

*Willie Coffey (Kilmarnock and Loudoun) (SNP)

*Bill Kidd (Glasgow) (SNP)

*Christina McKelvie (Central Scotland) (SNP)

*Hugh O'Donnell (Central Scotland) (LD)

*Elaine Smith (Coatbridge and Chryston) (Lab)

COMMITTEE SUBSTITUTES

Rhoda Grant (Highlands and Islands) (Lab)

Mary Scanlon (Highlands and Islands) (Con)

Margaret Smith (Edinburgh West) (LD)

Shirley-Anne Somerville (Lothians) (SNP)

*attended

CLERK TO THE COMMITTEE

James Johnston

LOCATION

Committee Room 2

Scottish Parliament

Equal Opportunities Committee

Tuesday 23 February 2010

[The Convener *opened the meeting at 11:54*]

Criminal Justice and Licensing (Scotland) Bill

The Convener (Margaret Mitchell): Good morning everyone and welcome to the 4th meeting in 2010 of the Equal Opportunities Committee. I remind all those present—including members—that mobile phones and BlackBerrys should be switched off completely, as they interfere with the sound system even when they are switched to silent.

Our first and only agenda item is to consider the proposed committee amendment to the Criminal Justice and Licensing (Scotland) Bill. Members will recall that, at our previous meeting, we considered proposals to lodge a committee amendment to the bill to give effect to the recommendation in paragraphs 162 to 164 of the committee's report, "Female offenders in the criminal justice system". As agreed at that meeting, if we failed to reach agreement by e-mail, a meeting would be convened to consider the amendment. This meeting provides that opportunity. Do members have any comments?

Malcolm Chisholm (Edinburgh North and Leith) (Lab): The issue is complex. If possible, it would be good to get the relevant minister to come to the committee to answer our questions. Given that there is no need to make a decision about an amendment until more than two weeks from now, we have time for that. Once we have a bit more detail on the situation and the Government thinking on it, we could take it from there.

The Convener: For clarification, we understood that we had to lodge our amendment by 25 February, but the number of amendments that have been lodged for the bill means that that is no longer the case.

James Johnston (Clerk): My understanding from the clerks to the Justice Committee is that, if the amendment goes ahead, the earliest that the Justice Committee would consider it would be at its meeting on 16 March, in which case our amendment would have to be lodged by 11 March. That gives the committee the opportunity to discuss the issue further at its meeting of 9 March.

Christina McKelvie (Central Scotland) (SNP): I agree with Malcolm Chisholm that we need to probe the issue further. As I have said, I have

some concerns on the matter, given the two pieces of legislation that are coming into play. We are discussing an amendment to legislation on criminal convictions, but there is also legislation on disclosure and the protection of vulnerable groups. In considering which minister to invite to committee, we should consider the minister with responsibility for the protection of vulnerable groups. The subject is being looked at across the board. My big concern is that we could create a situation whereby, if we were to separate out a small group or specific offence, we could leave vulnerable groups open to exposure to someone who should not be working with them. Our focus should be vulnerable groups.

The Convener: The issue is complex. There is no doubt about that. Malcolm Chisholm's proposal is worth while.

Hugh O'Donnell (Central Scotland) (LD): One challenge that we always have in the Parliament with regard to legislation is that we do not have a revising chamber. Given the nature of complicated bits of legislation that bump into each other, we could—if we do not seek further clarification—be in danger of creating an unforeseen circumstance or consequence that would materialise only further down the line. Malcolm Chisholm's proposal is helpful. It would help us to gain an understanding of where the Government sits on all this.

Marlyn Glen (North East Scotland) (Lab): I welcome the idea of going a bit further in our discussion on the issues involved, which are complex. Christina McKelvie spoke about vulnerable groups. We are considering the matter because of our inquiry into women offenders and our discussion on what happens to ex-offenders. People who are convicted under section 46 of the Civic Government (Scotland) Act 1982 may often be in just such a vulnerable group. It is important for us to work on the issue.

The Convener: As there are no further comments, I will summarise our discussion. The committee will invite an appropriate minister to give evidence at our next meeting, which should be on 9 March, after which we will discuss the evidence before coming to an agreement on whether to proceed with the amendment. Are we agreed?

Members indicated agreement.

Meeting closed at 12:00.

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

Members who wish to suggest corrections for the archive edition should mark them clearly in the report or send it to the Official Report, Scottish Parliament, Edinburgh EH99 1SP.

PRICES AND SUBSCRIPTION RATES

OFFICIAL REPORT daily editions

Single copies: £5.00

Meetings of the Parliament annual subscriptions: £350.00

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

Single copies: £3.75

Annual subscriptions: £150.00

Printed and published in Edinburgh by RR Donnelley and available from:

Scottish Parliament

All documents are available on the Scottish Parliament website at:

www.scottish.parliament.uk

For more information on the Parliament, or if you have an inquiry about information in languages other than English or in alternative formats (for example, Braille, large print or audio), please contact:

Public Information Service

The Scottish Parliament
Edinburgh EH99 1SP

Telephone: 0131 348 5000

Fòn: 0131 348 5395 (Gàidhlig)

Textphone users may contact us on **0800 092 7100**.

We also welcome calls using the Text Relay service.

Fax: 0131 348 5601

E-mail: sp.info@scottish.parliament.uk

We welcome written correspondence in any language.

Blackwell's Scottish Parliament Documentation

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

Telephone orders and inquiries

0131 622 8283 or

0131 622 8258

Fax orders

0131 557 8149

E-mail orders, subscriptions and standing orders
business.edinburgh@blackwell.co.uk

Blackwell's Bookshop

**53 South Bridge
Edinburgh EH1 1YS
0131 622 8222**

Blackwell's Bookshops:

243-244 High Holborn
London WC1 7DZ
Tel 020 7831 9501

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

Accredited Agents

(see Yellow Pages)

and through other good booksellers