



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

JUSTICE COMMITTEE

Tuesday 14 June 2011

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Tuesday 14 June 2011

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JUSTICE COMMITTEE
1st Meeting 2011, Session 4

CONVENER

*Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP)

DEPUTY CONVENER

*James Kelly (Rutherglen) (Lab)

COMMITTEE MEMBERS

*Roderick Campbell (North East Fife) (SNP)

*John Finnie (Highlands and Islands) (SNP)

*Colin Keir (Edinburgh Western) (SNP)

*John Lamont (Ettrick, Roxburgh and Berwickshire) (Con)

*Alison McInnes (North East Scotland) (LD)

*Graeme Pearson (South Scotland) (Lab)

*Humza Yousaf (Glasgow) (SNP)

*attended

CLERK TO THE COMMITTEE

Peter McGrath

LOCATION

Committee Room 2

Scottish Parliament

Justice Committee

Tuesday 14 June 2011

[Christine Grahame *opened the meeting at 12:00*]

Interests

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): Good morning. I welcome those present to the first meeting of the Justice Committee in the fourth session of the Scottish Parliament. Unfortunately, under standing orders, as the oldest member of the committee—it took a lot for me to say that—I will chair the meeting until a convener is chosen.

I remind everyone to switch off mobile phones and other electronic devices, as they interfere with the sound system, even—and I emphasise this—when they are switched to silent.

No apologies for absence have been received.

We move straight on to item 1 on the agenda, which is the declaration of interests. In accordance with section 3 of the code of conduct, I invite members to declare any interests that are relevant to the remit of the committee. I remind members that declarations should be brief but sufficiently detailed to make clear to any listener the nature of the interests.

To start off, I declare an interest that I think is pertinent to the work of the committee—I am a member of the Justice for Megrahi campaign. I ask other members to declare their interests.

James Kelly (Rutherglen) (Lab): My brother, Tony Kelly, is a practising solicitor and sole proprietor of the firm Taylor & Kelly, which operates out of 3 Main Street, Coatbridge.

Graeme Pearson (South Scotland) (Lab): I have no pertinent interests to declare to the committee.

Alison McInnes (North East Scotland) (LD): I have no declarable interests relevant to the remit of the committee.

Humza Yousaf (Glasgow) (SNP): I have no declarable interests pertinent to the committee.

Roderick Campbell (North East Fife) (SNP): I am a member of the Faculty of Advocates.

Colin Keir (Edinburgh Western) (SNP): I have no declarable interests.

John Finnie (Highlands and Islands) (SNP): I have two declarable and potentially relevant

interests. I am a member of the Highlands and Islands branch of the Retired Police Officers Association Scotland; and I am a member of the police appeals tribunal, a position that I will relinquish at the conclusion of an on-going case.

John Lamont (Ettrick, Roxburgh and Berwickshire) (Con): I am a member of the Law Society of England and Wales, a former employee of Brodies in Edinburgh and a former employee of Freshfields in London.

Christine Grahame: I thank committee members.

Convener

12:02

Christine Grahame: Item 2 on the agenda is to choose a committee convener. Members have before them a note by the clerk, paper 2, which sets out the procedure for selecting a convener. The Parliament has agreed that only members of the Scottish National Party are eligible for nomination as convener of the committee. That being the case, I seek nominations for the position of convener.

Humza Yousaf: I nominate Christine Grahame.

John Lamont: I second that.

Christine Grahame: There is no requirement for nominations to be seconded, but it was very kind of you to do so, John. I will remember that—you may get additional supplementaries; you have begun well.

As one nomination has been received, I ask the committee to agree that I be chosen as convener of the committee.

Christine Grahame was chosen as convener.

The Convener (Christine Grahame): I thank you all for your support.

Deputy Convener

12:03

The Convener: Item 3 is to choose a deputy convener. Members will note that the procedure is similar to the one that is used to choose a convener. The Parliament has agreed that members of the Scottish Labour Party are eligible to be chosen as deputy convener of the committee. That being the case, I invite nominations for the position of deputy convener.

Graeme Pearson: I nominate James Kelly.

John Finnie: I happily second that.

The Convener: A seconder is not needed but, again, that shows good spirit.

As one nomination has been received, I ask the committee to agree that James Kelly be chosen as deputy convener.

James Kelly was chosen as deputy convener.

The Convener: Congratulations, James.

James Kelly: Congratulations to you, too.

Work Programme

12:04

The Convener: Item 4 on the agenda is to consider our approach to developing a work programme. I refer members to the note from the clerk, which is paper 3. No specific decisions on future areas of work will be made today, as we need to have a discussion about that, but members are welcome to flag up any ideas. That will allow the clerks and the Scottish Parliament information centre to prepare further information on those topics for full discussion at a later date.

I am happy to hear any ideas that members may have and the clerks will take a note of them. Members can also e-mail the clerks, if they wish—they are clerks to the committee, not clerks to James Kelly and Christine Grahame—with any ideas that they may have, bearing in mind that we may decide to have an away day, when we can hold more detailed discussions. Are there any future inquiry topics that members would like to suggest?

James Kelly: I note what you said, convener, and I agree that we need a more substantive discussion. The note from the clerk is helpful in that regard. However, rather than suggesting a future inquiry topic, I note that a sectarianism bill is due to come before Parliament to be processed before the end of June. The timetable has not been published yet, but we must be aware of the potential for input from this committee. A number of meetings would normally be required to consider a bill of that nature, and I am concerned that the timetable is somewhat truncated. Leaving those concerns aside, we need to flag up the opportunity for input from the committee once we know what the timetable is.

The Convener: Does anyone else wish to comment on that?

John Lamont: I agree with James Kelly's comments and concerns. A bill is coming forward, but I am not yet sure of the Government's intentions with regard to the committee's role. I acknowledge the Government's concern to get the bill through as quickly as possible, but we should not necessarily negate the committee's role without question.

The Convener: I do not think that it is breaking news to anyone who bothers to listen to the radio that I share members' concerns on the issue. However, I will reserve my position until I see the bill as introduced. We will know shortly what the timetable is, but it is important that we put our thoughts on the record. If any other member has concerns, they are entitled to say so.

Graeme Pearson: I have very practical concerns. Anticipation of a solution has been raised in the public mind, but the timetable does not seem to offer enough time for committee members fully to consider the ramifications. Without rehearsing all the elements, I wish to note my concern.

John Finnie: The committee has an important scrutiny role and must feed into any legislation. While accepting the tight timescale, I hope that that can happen.

Alison McInnes: I reiterate what other members have said. This is a complex area of legislation, and I am very concerned that it looks as if the bill will be pushed ahead without any pre-legislative inquiry. The committee's role ought to be recognised.

The Convener: We have put that issue on the record, and we can return to it.

Members have not come up with any inquiry ideas—that is fine, because we can deal with such ideas when we hold a business planning day, which is the next item for us to discuss. Previous members have found such a day to be very useful. The details will be developed by the clerks, the convener and the deputy convener, with regard paid to committee members' views.

Do members agree in principle that we would like a day on which we sit down and have a real discussion about the types of inquiries that we might want to undertake, and about our *modus operandi* as a committee?

Members indicated agreement.

The Convener: I ask members to let the clerks know of their availability so that we can co-ordinate matters. It would be good to hold the planning day in July, but I suspect that members, having had a long campaign and a busy settling-in period, may wish it to be later. It will be held in the Parliament—we are not allowed to leave the building.

On the same tack, members may, once they have fed in their draft ideas, wish SPICe to produce any additional research briefings that would be useful. That would allow us to know whether Audit Scotland was doing something or whether an inquiry was going on somewhere else, for example; otherwise, we might duplicate work or our timing might be wrong. We might also want to follow up previous Justice Committee inquiries.

Members should e-mail their ideas to the clerk, who will produce a briefing paper about what areas might be useful to follow up. The legacy paper might have given members ideas and members might wish to pick up on issues that the previous committee dealt with. I am always

banging on about the fact that legacy papers should not gather dust.

We have agreement in principle to the away day—which will take place here—and members will advise clerks of some ideas for research, which will form part of a discussion paper.

Do members wish to invite relevant ministers and the Cabinet Secretary for Justice to the next meeting of the committee, so that we can get a broad outline from the Government of what lies ahead? Members should indicate agreement by speaking rather than nodding; nodding heads do not go on the record.

Members: Yes.

James Kelly: When is the next meeting scheduled?

The Convener: It is my understanding—although this is not set in stone—that the cabinet secretary and ministers will be available not next week but the week after. If we can have a meeting next week, we will, but it will most likely be in two weeks' time.

James Kelly: If it is in two weeks' time, we need to be aware that, if Parliament is considering the sectarianism bill in that final week, we might need to amend our thinking.

The Convener: Indeed. You have made your point on that issue, as have other members. That is noted.

I have been asked to inquire whether members want to consider having a mini-inquiry at the committee's first meeting after the recess. Remember, it will be a very focused inquiry, with only one evidence-taking session and perhaps three panels of witnesses, after which we will write a report. If members have any thoughts on a subject that the inquiry could deal with, they should e-mail the clerks over the coming week. We can discuss our choice of issue at our next meeting, by including the matter under item 1 on the agenda.

Graeme Pearson: I have a suggestion. I am not prepared to die in a ditch over it, but I note that the legacy paper refers to the police complaints commissioner for Scotland and the position of that post in the future. That might be an issue that could be dealt with in one day and it might be useful to address it, given that there might well be discussions about the structure and process of policing in the future.

That is simply a suggestion that I offer. If the committee decides not to choose that subject, I will not lose any sleep over it.

The Convener: You should not undersell.

Graeme Pearson: I prefer to undersell and overdeliver.

The Convener: Your suggestion is noted. If anyone else wants to suggest similar issues that we could address, they should tell the clerks.

I hope that we are always as efficient as we have been today. As I have already trailed, I expect the next meeting to take place on 28 June.

Meeting closed at 12:13.

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